

NO. 20
HOTEL PROPRIETORS ACT, 1957

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NO. 20
HOTEL PROPRIETORS ACT, 1957¹⁽¹⁾

1. Liabilities and rights of hotel proprietors

(1) The duties, liabilities and rights which immediately before the commencement of this Act by law attached to an innkeeper as an innkeeper shall, subject to this Act, attach to the proprietor of a hotel and shall not attach to any other person.

(2) The proprietor is, as an innkeeper, under the liability to make good to a guest for damage to property brought to the hotel as the liability the proprietor would be under to make good the loss of that property.

2. Modification of liabilities and rights of hotel proprietors

(1) Without prejudice to any other liability incurred with respect to property brought to the hotel, the proprietor is not liable as an innkeeper to make good to a guest a loss of or damage to the property except where

- (a) at the time of the loss or damage sleeping accommodation at the hotel had been engaged for the guest; and
- (b) the loss or damage occurred during the period commencing with the midnight immediately preceding, and ending with the midnight immediately following, a period for which the guest was at the hotel and entitled to use the accommodation offered.

(2) Without prejudice to any other liability or right of the proprietor, the proprietor as an innkeeper is not liable to make good to a guest a loss of or damage to or have lien on, a vehicle or any other property left in the hotel or a horse or any other live animal or its harness or other equipment.

(3) Where the proprietor is liable as an innkeeper to make good the loss of or a damage to property brought to the hotel, that liability to one guest shall not exceed five hundred thousand cedis in respect of any one article, or one million cedis in the aggregate, except where

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the proprietor or of a servant of the proprietor; or
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with the proprietor or a servant of the proprietor authorised, or appearing to be authorised, for the purpose, and, if so required by the proprietor or that servant, in a container fastened or sealed by the depositor; or
- (c) at a time after the guest had arrived at the hotel,
 - (i) the property was offered for deposit and the proprietor or the servant refused to receive it, or
 - (ii) the guest or any other guest acting on behalf of the guest wished so to offer the property in question but through the default of the proprietor or a servant, the guest or that other guest was unable to do so.

(4) A proprietor is not entitled to the protection of subsection (3) unless at the time when the property was brought to the hotel, a copy of the notice set out in the Schedule printed in plain type was conspicuously displayed in a place where it could conveniently be read by a guest at or near the reception office or desk or, in the absence of a reception office or desk, at or near the main entrance to the hotel.

3. Interpretation

In this Act, unless the context otherwise requires,

“**guest**” means a person admitted to a hotel as a guest;

“**hotel**” means an establishment held out by the proprietor as offering food, drink or sleeping accommodation with an operational contract, to a person who is in a fit state to be received into the hotel;

“**proprietor**” means the proprietor of a hotel.

4. Repeal

Spent.2(2)

Schedule NOTICE

LOSS OF OR DAMAGE TO GUEST’S PROPERTY

[Section 2]

Under the Hotel Proprietors Act, 1957, a hotel proprietor is liable, in certain circumstances, to make good a loss of or damage to a guest’s property even though it was not due to a fault of the proprietor or staff of the hotel.

This liability, however,

- (a) extends only to the property of guests who have engaged sleeping accommodation at the hotel;

- (b) is limited to five hundred thousand cedis for any one article and a total of one million cedis in the case of any one guest, except in the case of property which has been deposited, or offered for deposit, for safe custody;
- (c) does not cover motor-cars or any other vehicles of any kind or any property left in them, or horses or other live animals.

This notice does not constitute an admission that the Act applies to this hotel or that liability there under attaches to the proprietor of this hotel in any particular case.

Endnotes

1 (Popup - Footnote)

1. The Act was assented to on 28th September, 1957 and was numbered 1957 No. 20. It came into force on 5th October, 1957.

2 (Popup - Footnote)

2. The section, section 5, provided for the repeal of the Innkeepers Liability Act, 1863 (26 & 27 Vict. C. 41) as it applied to Ghana.