

HOTEL PROPRIETORS ACT, 1963

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AN ACT TO AMEND THE LAW RELATING TO INNS AND INNKEEPERS AND FOR PURPOSES CONNECTED WITH THAT MATTER.

[14th March, 1963.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act—

"hotel" means an establishment which provides or holds itself out as providing sleeping accommodation, food and drink for reward for all comers without special contract and includes every establishment registered in the register of hotels kept under Part III of the [Tourist Traffic Act, 1939](#);

"proprietor", in relation to a hotel, means the person carrying on the business of the hotel and, in the case of a hotel registered in the said register, includes the person entered in the register as the proprietor thereof.

(2) This Act shall be construed subject to the provisions of the [Civil Liability Act, 1961](#).

Scope of Act.

2.—(1) The duties, liabilities and rights provided for by this Act shall have effect in place of the duties, liabilities and rights which heretofore attached by the common law to innkeepers as such.

(2) This Act does not apply to a cause of action which accrued before the commencement of this Act.

Duty to receive all comers.

3.—(1) The proprietor of a hotel is under a duty to receive at the hotel as guests all persons who, whether or not under special contract, present themselves and require sleeping accommodation, food or drink and to provide them therewith, unless he has reasonable grounds of refusal.

(2) Subject to the terms of any special contract, the proprietor is under a duty to provide such accommodation, food or drink at the

charges for the time being current at the hotel.

Duty as to safety of guests.

4.—(1) Where a person is received as a guest at a hotel, whether or not under special contract, the proprietor of the hotel is under a duty to take reasonable care of the person of the guest and to ensure that, for the purpose of personal use by the guest, the premises are as safe as reasonable care and skill can make them.

(2) This duty is independent of any liability of the proprietor as occupier of the premises.

Duty to receive property.

5.—(1) Where sleeping accommodation is engaged for a person as a guest at a hotel, whether or not under special contract, the proprietor is under a duty to receive any property brought to the hotel by or on behalf of that person for which the proprietor has suitable accommodation.

(2) The liability imposed by this section applies to property brought to the hotel during the time for which the person is entitled to use the accommodation so engaged or during a reasonable period before or after that time.

Liability for property.

6.—(1) Where sleeping accommodation is engaged for a person as a guest at a hotel, whether or not under special contract, the proprietor is liable for any damage to, or loss or destruction of, property received by him from that person or from some other person on his behalf.

(2) A motor vehicle shall be deemed to have been received by the proprietor where it has been placed within the premises of the hotel or in any garage, car park or other premises provided by the proprietor of the hotel for this purpose.

(3) The liability imposed by this section does not apply to a motor vehicle or to any property left therein unless the proprietor of the hotel or some servant of his authorised, or appearing to be authorised, for the purpose has been previously notified that the motor vehicle has been brought to the hotel.

(4) The liability imposed by this section—

(a) applies only where the damage, loss or destruction occurs during the time for which the sleeping accommodation is engaged or during a reasonable period before or after that time;

(b) extends to property of which the proprietor of the hotel takes charge, whether at the hotel or outside it, during that time or period.

(5) The proprietor is exempt from liability under this section to the extent that the damage, loss or destruction is due to an unforeseeable and irresistible act of nature or an act of war or is due to the guest himself or to any person accompanying him or in his employment or visiting him.

Limitation of liability.

7.—(1) Subject to subsections (2) and (3), where the proprietor of a hotel is liable under section 6 for damage to, or loss or destruction of, property, his liability to any one person shall not exceed £100, except where—

(a) the property was damaged, lost, stolen or destroyed through the wrongful act, default or omission of the proprietor or some servant of his, or

(b) the property was deposited by or on behalf of the guest expressly for safe custody with the proprietor or some servant of his 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) either the property was offered for deposit as aforesaid and the proprietor or his servant refused to accept it, or the guest or some person acting on his behalf wished so to offer the property but, through the default of the proprietor or a servant of his, was unable to do so.

(2) The limitation of liability under subsection (1) does not apply to a motor vehicle.

(3) The proprietor is not entitled to the protection of subsection (1) unless, at the time when the property was brought to the hotel, a copy of the notice set out in the First Schedule printed in plain type was conspicuously displayed in a place where it could conveniently be read by his guests at or near the reception office or desk or, where there is not a reception office or desk, at or near the main entrance to the hotel.

Lien on and right to sell property. **8.**—(1) The proprietor of a hotel has a lien upon property, to whomsoever belonging, brought to the hotel by or on behalf of any guest for any debt due by the guest for sleeping accommodation, food or drink supplied by the proprietor at the hotel.

(2) The lien extends to property which does not belong to the guest only if the proprietor was unaware of that fact when he received the property at the hotel.

(3) The proprietor may sell by public auction any property to which his lien extends if, after six weeks, the debt remains unsatisfied.

(4) The proprietor shall pay to the person by or on behalf of whom the property was brought to the hotel the surplus of the proceeds of sale remaining after deducting the amount of the debt together with the costs and expenses of sale.

Prohibition on contracting out. **9.**—Any notice or agreement which purports to exclude or limit any liability under this Act shall to that extent be void.

Jurisdiction of Circuit Court and District Court. **10.**—(1) The Circuit Court shall, concurrently with the High Court, have jurisdiction to hear and determine all civil actions arising under this Act subject, in the case of a claim for an amount exceeding £1,000, to the like consents as are required for the purposes of [section 22](#) of the [Courts \(Supplemental Provisions\) Act, 1961](#).

(2) The District Court shall have jurisdiction to hear and determine claims for damages under this Act where the amount claimed does not exceed £100.

Restriction of Accidental Fires Act, 1943. **11.**—For the avoidance of doubt it is hereby declared that the [Accidental Fires Act, 1943](#), does not apply in relation to any claim for damages under this Act.

Offences. **12.**—Where there is a breach of a duty imposed by section 3 or 5 the proprietor of the hotel shall, without prejudice to his civil liability, be guilty of an offence and shall be liable on summary

conviction to a fine not exceeding £100.

Repeals.

13.—The enactments mentioned in the Second Schedule are hereby repealed to the extent mentioned in column (3) of that Schedule.

Commencement.

14.—This Act shall come into operation on the 1st day of May, 1963.

Short title.

15.—This Act may be cited as the [Hotel Proprietors Act, 1963](#).
Section 7.

FÓGRA NOTICE

Damáiste do Mhaoin Aoi, nó Cailleadh nó Díothú Maoine Aoi

Faoin Acht um Dhílseánaigh Óstán, 1963, féadfaidh dílseánach óstáin, mar a mhínítear sin leis an Acht sin, bheith faoi dhliteanas, in imthosca áirithe, damáiste do mhaoin aoi, nó cailleadh nó díothú maoine aoi, a shlánú, cé nach locht ar bith ar thaobh dhílseánach nó fhoireann an óstáin ba chúis leis.

Ní ghabhann an dliteanas sin, áfach—

(a) thar mhaoin daoine a bhfuil cóiríocht chodlata curtha in áirithe acu san óstán;

(b) thar £100 i gcás aon duine áirithe, ach amháin i gcás mótarfheithiclí agus i gcás maoine a taisceadh, nó a tairgeadh chun a taiscthe, lena slánchoimeád.

Is é is óstán ann, mar a mhínítear sin leis an Acht um Dhílseánaigh Óstán, 1963, bunachas a sholáthraíonn, nó a thugann le tuiscint go soláthraíonn sé, cóiríocht chodlata, bia agus deoch ar luaíocht do gach duine dá dtagana gan chonradh speisialta agus folaíonn sé gach bunachas atá cláraithe mar óstán le Bord Fáilte Éireann.

Damage to, or Loss or Destruction of, Guests' Property

Under the [Hotel Proprietors Act, 1963](#), the proprietor of a hotel, as defined by that Act, may in certain circumstances be liable to make good damage to, or loss or destruction of, a guest's property even though it was not due to any fault of the proprietor or staff of the hotel.

This liability, however—

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

(b) is limited to £100 in the case of any one person, except in the case of motor vehicles and of property which has been deposited, or offered for deposit, for safe custody.

A hotel, as defined by the [Hotel Proprietors Act, 1963](#), is an establishment which provides or holds itself out as providing sleeping accommodation, food and drink for reward for all comers without special contract and includes every establishment registered as a hotel with Bord Fáilte Éireann.

Section 13.

REPEALS

Session and Chapter

(1)

Short Title or Title

(2)

Extent of Repeal

(3)

14 & 15 Chas. 2 (Ir.) c. 3.

An Act for making all hostlers, inholders and others, answerable for such horses, geldings or mares as they shall take upon them the charge and keeping of, in stables or out-grounds. (1662).

The whole Act.

26 & 27 Vic. c. 41.

Innkeepers' Liability Act, 1863.

The whole Act.

41 & 42 Vic. c. 38.

Innkeepers Act, 1878.

The whole Act.

Source: Irish Statute Book Database 1922-1998

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