

ORDER IN COUNCIL

VI
1964

ratifying a Projet de Loi

ENTITLED

**The Hotel and Guest House
Proprietors Liability
(Bailiwick of Guernsey) Law, 1964**

(Registered on the Records of the Island of Guernsey
on the 9th day of June, 1964.)



ORDER IN COUNCIL



IN THE ROYAL COURT OF THE ISLAND OF GUERNSEY

The 9th day of June, 1964, before Sir William Arnold, Kt., C.B.E., C. St. J., Bailiff; present :—Wilfred John Corbet, Esquire, O.B.E., Théophile Le Messurier Allez, Bertram Guy Blampied, Stanley Walter Gavey, Esquires, Gilbert Carey de Jersey, Esquire, C.B., Carl Edward Blad, Albert Victor Dorey, Esquires, Laurence Francis de Vic Carey, Esquire, C.B., C.B.E., D'Arcy George Le Tissier, and William Burton Fox, Esquires, Jurats.

The Bailiff having this day placed before the Court an Order of Her Majesty in Council dated the 12th day of May, 1964, ratifying a *Projet de Loi* entitled "The Hotel and Guest House Proprietors Liability (Bailiwick of Guernsey) Law, 1964", the Court, after the reading of the said Order in Council and after having heard Her Majesty's Procureur thereon, ordered that the said Order in Council be registered on the records of this Island and that an extract of this present Act, together with a copy of the said Order in Council, be sent by Her Majesty's Greffier to the Clerk of the Court of Alderney and to the Seneschal of Sark for registration on the records of those Islands respectively, of which Order in Council the tenor followeth:—

At the Court at Buckingham Palace

The 12th day of May, 1964.

PRESENT,

The Queen's Most Excellent Majesty.

LORD PRESIDENT

MR. BOYD-CARPENTER

MR. FRASER

MR. CARR

WHEREAS there was this day read at the Board a Report from the Right Honourable the Lords of the Committee of Council for the Affairs of Guernsey and Jersey, dated the 28th day of April, 1964, in the words following, viz.:—

“YOUR MAJESTY having been pleased, by Your General Order of Reference of the 22nd day of February, 1952, to refer unto this Committee the humble Petition of the States of the Island of Guernsey, setting forth:—

‘1. That, in pursuance of their Resolution of the 20th day of April, 1960, the States of Deliberation at a meeting held on the 30th day of October, 1963, approved a Bill or “Projet de Loi” entitled “The Hotel and Guest House Proprietors Liability (Bailiwick of Guernsey) Law, 1964”, which Bill is designed to apply to the Bailiwick of Guernsey, and requested the Bailiff to present a most humble Petition to Your Majesty in Council praying for Your Royal Sanction thereto. 2. That the States of the Island of Alderney at a meeting held on the 14th day of January, 1964, considered the said Bill or “Projet de Loi” when a Resolution was passed

agreeing to the application of the same to Alderney. 3. That the Chief Pleas of the Island of Sark at a meeting held on the 22nd day of January, 1964, considered the said Bill or "Projet de Loi" when a Resolution was passed agreeing to the application of the same to Sark. 4. That the said Bill or "Projet de Loi" is in the words and figures set forth in the Schedule hereunto annexed. And most humbly praying that Your Majesty might be graciously pleased to grant Your Royal Sanction to the Bill or "Projet de Loi" of the States of Guernsey entitled "The Hotel and Guest House Proprietors Liability (Bailiwick of Guernsey) Law, 1964" and to order that the same shall have force of law in the Bailiwick of Guernsey.'

"THE LORDS OF THE COMMITTEE, in obedience to Your Majesty's said Order of Reference, have taken the said Petition and the said Projet de Loi into consideration, and do this day agree humbly to report, as their opinion, to Your Majesty, that it may be advisable for Your Majesty to comply with the prayer of the said Petition and to approve of and ratify the said Projet de Loi."

HER MAJESTY, having taken the said Report into consideration is pleased, by and with the advice of Her Privy Council, to approve of and ratify the said Projet de Loi, and to order, as it is hereby ordered, that the same shall have the force of Law within the Bailiwick of Guernsey.

AND HER MAJESTY doth hereby further direct that this Order, and the said Projet de Loi (a copy whereof is hereunto annexed) be entered upon the Register of the Island of Guernsey and observed accordingly.

AND the Lieutenant-Governor and Commander-in-Chief of the Island of Guernsey, the Bailiff and Jurats, and all other Her Majesty's Officers, for the time being, in the said Island, and all other persons whom it may concern, are to take notice and govern themselves accordingly.

W. G. ACNEW.

**Projet de Loi referred to in the foregoing
Order in Council.**

PROJET DE LOI

ENTITLED

**The Hotel and Guest House Proprietors
Liability (Bailiwick of Guernsey) Law, 1964**

THE STATES, in pursuance of their Resolution of the twentieth day of April, nineteen hundred and sixty, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey:—

1. The proprietor of every hotel, guest house or other establishment to the premises of which this Law applies shall, subject to the provisions of this Law, be liable to make good to a guest any loss of or damage to property brought to the premises by the guest:

Proprietors
liable for
loss or
damage.

Provided that—

- (a) at the time of the loss or damage sleeping accommodation at the premises 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 the period for which the guest was entitled to use the accommodation so engaged.

2. The liability of the proprietor to any one guest shall not exceed fifty pounds in respect of any one

Conditions
of liability.

article or one hundred pounds in the aggregate except where—

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act 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 his servant, in a container fastened or sealed by the depositor; or
- (c) at a time after the guest had arrived at the establishment either the property in question was offered for deposit as aforesaid and the proprietor or his servant refused to receive it or the guest or some other person acting on his behalf wished so to offer the property in question but through the default of the proprietor or a servant of his was unable to do so;

Provided the proprietor or his servant shall not be bound to receive for safe custody as aforesaid any property which is dangerous or likely to be a source of danger or, having regard to the premises and facilities for looking after the property, is of excessive value or cumbersome; and,

Provided further that the proprietor shall not be entitled to the protection of this section unless at the time that the property in question was brought to the premises a copy of the notice set out in the Schedule to this Law 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 no reception

office or desk, at or near the main entrance to the establishment.

3. The liability imposed by this Law shall not extend to any case where the loss or damage is due or attributable to any action of the guest or any person accompanying, visiting or employed by him, or to the nature of the article or of any other article brought to the premises by the guest or, save in the circumstances mentioned in paragraph (a) of section two, to any case where the guest does not, on discovering the loss or damage, forthwith inform the proprietor thereof.

Restrictions on liability.

4. Without prejudice to any other liability or right with respect thereto the liability imposed by this Law shall not extend to any vehicle or any property left therewith or to any live animal or its harness or other equipment.

Exclusion of vehicles and animals.

5. (1) The premises to which this Law applies are those of every hotel, guest house or other establishment in which there is provided sleeping accommodation for more than three persons at a time, for reward, and any annex, chalet, room or other place where sleeping accommodation is provided for or in connection with any such establishment.

Application.

(2) For the purposes of this section no account shall be taken of children under the age of ten years.

6. This Law may be cited as the Hotel and Guest House Proprietors Liability (Bailiwick of Guernsey) Law, 1964 and shall come into force on such day as shall be appointed in that behalf by Ordinance of the States of Guernsey.

Citation and commencement.

SCHEDULE

Section 2

NOTICE

LOSS OF OR DAMAGE TO GUESTS' PROPERTY

Under the Hotel and Guest House Proprietors Liability (Bailiwick of Guernsey) Law, 1964, the proprietor of this establishment may in certain circumstances be liable to make good any loss of or damage to a guests' property even though it was not due to any fault of the proprietor or his staff.

This liability however—

- (a) extends only to the property of guests for whom sleeping accommodation has been engaged;
- (b) is limited to £50 for any one article and a total of £100 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 other vehicles of any kind or any property left in them, or any live animal, its harness or other equipment.

This notice does not constitute an admission either that the Law applies to this establishment or that liability thereunder attaches to the proprietor of this establishment in any particular case.

R. H. VIDELO,

Her Majesty's Greffier.