

CHAPTER I4 - INNKEEPERS AND HOTEL PROPRIETORS LAW

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SCHEDULE

Notice to be given by the Hotel Proprietor

INNKEEPERS AND HOTEL PROPRIETORS LAW

A Law to regulate the duties and liabilities of innkeepers and hotel proprietors in the State.

[KWS 24 of 1991, No. 4 of 2006.]

[Date of commencement: 1st October, 1987]

1. Short title

This Law may be cited as the Innkeepers and Hotel Proprietors Law.

2. Commencement

This Law shall be deemed to have come into operation on the 1st day of October, 1987.

3. Interpretation

In this Law unless the context otherwise requires—

"guest" means any person for whom sleeping accommodation has been reserved in the hotel;

"hotel" means an inn offering, if so required, sleeping accommodation; **"hotel proprietor"** means the owner of a hotel;

"inn" means an establishment held out by the keeper or proprietor as offering food or drink without special contract, to any person presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and who is in a fit state to be received, and in the case of a hotel, which offers sleeping accommodation if so required;

"innkeeper" means the owner of an inn;

"motor vehicle" means any mechanically propelled vehicle intended or adapted for use on road or water;

"State" means the Kwara State of Nigeria.

"trailer" means any vehicle drawn by a motor vehicle on land.

4. Innkeeper's liability to receive guests

An innkeeper shall receive in his inn any person presenting himself as requiring any of the services and facilities offered by the inn and who appears able and willing to pay a reasonable sum for such services and facilities, and who is in a fit state to be received, unless the innkeeper has reasonable ground for refusal.

5. Innkeepers liability for safety of guest's person

It is the duty of an innkeeper to take reasonable care for the safety of the person of his guest so that the guest is not injured by anything happening to him through the misconduct or negligence of the innkeeper or his servant while he is the innkeeper's guest.

6. Liability of innkeepers other than hotel proprietors for safety of guest's goods

An innkeeper, other than a hotel proprietor, is not liable for the property of his guests which is lost, stolen or damaged within the premises of the inn unless the loss or damage is caused by the misconduct or negligence of the innkeeper or his servant.

7. Liability of hotel proprietor for safety of guest's goods

Subject as hereinafter provided, a hotel proprietor is liable for the property of his guests which is lost, stolen or damaged within the premises of the hotel unless—

- (a) the loss or damage is caused by the misconduct or negligence of the guest who suffers the loss or damage; or
- (b) the loss or damage arises from an act of God or of alien enemies.

[No. 4 of 2006.]

8. Modification of liability of hotel proprietor

(1) Without prejudice to any other liability incurred by a hotel proprietor with respect to property brought to the hotel by a guest, the hotel proprietor shall not be liable to make good to any guest any loss of or damage to such 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 of engagement for which the person was a guest at the hotel and entitled to use the accommodation so engaged.

(2) Without prejudice to any other liability or right of his with respect to it, a hotel proprietor shall not be liable to make good to any guest of his any loss of or damage to any motor vehicle or trailer brought to the hotel or any property left therein; but nothing in this Law shall be construed as precluding the hotel proprietor and the guest from entering into a contract for the safety of the motor vehicle or property therein.

9. Limit of hotel proprietor's liability

Where a hotel proprietor is liable to make good the loss or any damage to property brought to the hotel, his liability to any one guest shall not exceed fifty thousand naira in respect of any one article, or one hundred thousand naira in the aggregate, except where—

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

[No. 4 of 2006.]

10. Right of hotel proprietor as to deposit of goods

In the case of such deposit as is mentioned in section 9, it shall be lawful for the hotel proprietor, or his servant, if he think fit—

- (a) to require, as a condition of his liability—
 - (i) that he be given a reasonable opportunity to inspect the goods or chattels to determine whether or not they are harmful, dangerous or otherwise unlawful to keep;
 - (ii) that such goods or chattels be deposited in a box or other receptacle, fastened and sealed by the person depositing the same; and
- (b) to reject the goods or chattels on the ground—
 - (i) that they are reasonably believed to be harmful, dangerous or otherwise unlawful to keep; and
 - (ii) that because of the size, shape or form of the goods or chattels, he has no suitable deposit facilities for them.

11. Effect of unjustified refusal to accept, or prevention of deposit of property of guests for safe custody

If any hotel proprietor or his servant without just cause, refuses to receive for safe custody, as mentioned in section 9 and 10, any goods or chattels of his guest, or if any such guest is through any default of such hotel proprietor or his servant, unable to deposit such goods or chattels as aforesaid, such hotel proprietor shall not be entitled to the benefit of section 10 in respect of such goods or chattels.

12. Notice to be conspicuously exhibited

(1) Every hotel proprietor shall cause the Notice in the Schedule to this Law, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his hotel, and also in the sleeping room.

[Schedule.]

(2) The Notice referred to in subsection (1) shall be both in the English language and in another Nigerian language widely spoken in the area where the hotel is situated.

(3) A hotel proprietor shall be entitled to the benefit of section 10 in respect of such goods and chattels only as are brought into his hotel while such Notice as is mentioned in this section is exhibited in the manner prescribed.

13. Hotel proprietor's lien on guest's goods or chattels

A hotel proprietor has a lien upon, and may detain, any property brought into the hotel by the guest as a guest, whether or not deposited with the hotel proprietor, for the price of the

guest's unpaid bill for board or lodging; provided that such a right of lien shall not extend to the apparels worn by the guest at the time of the exercise of the right of *lien*.

14. Hotel proprietor may dispose of goods left with him after twelve weeks

(1) A hotel proprietor shall in addition to his lien, have the right, subject to the provision of this section, absolutely to sell and dispose by public auction of any goods or chattels which may have been deposited with him or left in the hotel, or in the premises appurtenant or belonging thereto, where the person depositing or leaving such goods or chattels is or becomes indebted to the said hotel proprietor either for board or lodging;

Provided that the debt for the payment of which a sale is made shall not be any other or greater debt than the debt for which the goods or chattels could have been retained by the innkeeper under his *lien*.

(2) No such sale shall be made until after the said goods or chattels have been for the space of twelve weeks in such charge or custody or in or upon such premises without such debt having been paid or satisfied.

(3) Such hotel proprietor, after having, out of the proceeds of such sale, paid himself the amount of any such debt, together with the costs and expenses of such sale, shall on demand pay to the person depositing or leaving any such goods or chattels the surplus (if any) remaining after such sale.

(4) At least one month before any such sale the hotel proprietor shall cause to be inserted in one newspaper circulating in the district where such goods or chattels or some of them have been deposited or left, an advertisement containing notice of such intended sale and giving a brief description of the goods and chattels intended to be sold, together with the name of the owner or person who deposited or left the same, where known.

(5) For the purposes of this section the expression "goods or chattels" includes motor vehicle, trailers, wares or merchandise.

SCHEDULE

[Section 12.]

[No. 4 of 2006.]

Notice to be given by the Hotel Proprietor

NOTICE

Loss of or damage to guest property

Under the Innkeepers and Hotel Proprietors Law, 1991, a hotel proprietor may in certain circumstances be liable to make good any loss of or damage to 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 guests who have engaged sleeping accommodation at the hotel; and

(b) is limited to fifty thousand naira for any one article and a total of one hundred thousand naira in the case of any one guest except in the case of property which has been deposited, or offered for deposit, for safe custody.

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

[No. 4 of 2006.]

CHAPTER 14

INNKEEPERS AND HOTEL PROPRIETORS LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation