

## ACT NO. 9 OF 2006



I assent.

[L.S.]

J. I. ULUIVUDA  
President**AN ACT**

[22nd March 2006]

TO AMEND THE HOTELS AND GUEST HOUSES ACT (CAP. 195) TO MAKE  
PROVISION FOR THE RESPONSIBILITIES OF LICENSEES TO HOTEL GUESTS,  
AND FOR RELATED MATTERS

[1st June 2006]

ENACTED by the Parliament of the Fiji Islands—

*Short title and commencement*

1.—(1) This Act may be cited as the Hotels and Guest Houses (Amendment) Act 2006.

(2) This Act commences on a date appointed by the Minister by notice in the Gazette.

(3) In this Act, “principal Act” means the Hotels and Guest Houses Act (Cap.195).

*Heading inserted after section 2*

2. The principal Act is amended after section 2 by inserting the heading—

“PART 1—HOTEL LICENCES”.

*Part inserted*

3. The principal Act is amended after section 13 by inserting the following Part—

**“PART 2 –RESPONSIBILITIES TO HOTEL GUESTS***Property of guests and other persons not to be distrained*

**14.—(1)** No property of any guest, traveller or visitor which is in any hotel or any of its appurtenances or in any place used or occupied therewith, shall be distrained or seized for or in respect of any claim for the rent of the hotel or any other claim whatsoever against the hotel or its appurtenances or against the manager.

(2) If any property is distrained or seized contrary to subsection (1), the distraint or seizure shall be void, any court may summarily inquire into the matter upon the complaint of any person aggrieved by the distraint or seizure, and order the property to be restored to its owner and award such costs as it thinks fit.

*Limit of liability for loss of or injury to guests' property*

**15.** A manager is not liable to make good to any guest of his, any loss of or injury to any property brought to the hotel to a greater amount than \$120 unless the guest proves that—

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the manager or his employee; or
- (b) the property was deposited by or on behalf of the guest expressly for safe keeping with the manager or with an employee of his authorised or appearing to be authorised for the purpose, and was, if so required by the manager or that employee, in a container fastened or sealed by the depositor; or
- (c) at a time after the guest arrived at the hotel, either the property was offered for deposit as aforesaid and the manager or his employee refused to receive it, or the guest wished to offer the property for deposit but, through the default of the manager or his employee, was unable to do so.

*Copies of section 15 to be displayed*

**16.** The manager shall cause at least one copy of section 15 to be exhibited conspicuously on the hotel entrance and in every bedroom, and section 15 shall limit his liability only in respect of property brought to the hotel while the copies are exhibited.

*Manager may sell absconding guest's property*

**17.—(1)** If a guest leaves a hotel without paying for his accommodation, the manager may, after 3 months from the date when the guest left, apply to any court for any order to sell any property of the guest that may have been left in the manager's custody and the court, on being satisfied of the amount of the debt may order a sale.

(2) The manager must give at least 14 days' notice of a sale under subsection (1) by publication in a newspaper circulating in the Fiji Islands.

(3) The proceeds of a sale under subsection (1) are to be applied first to the satisfaction of the debt and expenses and any excess shall be paid over to the court in trust for any person proved to the satisfaction of the court to be entitled to it, and if unclaimed after 12 months, the unclaimed amount shall be paid to the Consolidated Fund.”

*Hotels and Guest Houses (Amendment)—9 of 2005*

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Passed by House of Representatives on 20th February 2006.

Passed by Senate on 15th March 2006.