

**Reprint  
as at 18 December 2013**



**Innkeepers Act 1962**

Public Act    1962 No 140  
Date of assent    14 December 1962  
Commencement    see section 1(2)

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**Note**

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This Act is administered by the Ministry of Justice.**

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**An Act to amend the law relating to inns and innkeepers**

**1 Short Title and commencement**

- (1) This Act may be cited as the Innkeepers Act 1962.
- (2) This Act shall come into force on 1 June 1963.

**2 Interpretation**

- (1) In this Act, unless the context otherwise requires,—
  - guest** means any traveller to whom an innkeeper is liable as an innkeeper in accordance with section 5
  - inn** means any house or place whose proprietor or licensee holds out that, to the extent of his available accommodation, he will provide, without special contract, sleeping accommodation for any traveller presenting himself who appears able and willing to pay a reasonable sum for the services and facilities provided and is in a fit state to be received; and includes any licensed hotel
  - innkeeper**, in relation to a licensed hotel, means the holder of the on-licence for the time being in force under the Sale and Supply of Alcohol Act 2012 in respect of the hotel; and, in relation to any other inn, means the proprietor of the inn
  - licensed hotel** means any hotel in respect of which an on-licence is for the time being in force under the Sale and Supply of Alcohol Act 2012.
- (2) While any on-licence continues in force under the Sale and Supply of Alcohol Act 2012 in respect of any hotel, that hotel shall be deemed to be an inn, and the holder of the licence shall be deemed to be an innkeeper.
  - Compare: 1908 No 104 ss 4, 172; 1948 No 74 s 67(6); 1961 No 135 s 74(6)(a); Hotel Proprietors Act 1956 s 1(3) (UK)
  - Section 2(1) **inn**: amended, on 1 April 1990, by section 230(1) of the Sale of Liquor Act 1989 (1989 No 63).

Section 2(1) **innkeeper**: substituted, on 1 April 1990, by section 230(1) of the Sale of Liquor Act 1989 (1989 No 63).

Section 2(1) **innkeeper**: amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 2(1) **licensed hotel**: substituted, on 1 April 1990, by section 230(1) of the Sale of Liquor Act 1989 (1989 No 63).

Section 2(1) **licensed hotel**: amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

Section 2(2): substituted, on 1 April 1990, by section 230(1) of the Sale of Liquor Act 1989 (1989 No 63).

Section 2(2): amended, on 18 December 2013, by section 417(1) of the Sale and Supply of Alcohol Act 2012 (2012 No 120).

### *Innkeepers' liability*

#### **3 Replacement of existing law**

- (1) The provisions of sections 2 and 4 to 9 shall have effect, in place of the rules of the common law and of the provisions of any previous enactment, to define an innkeeper and to regulate his liability as an innkeeper for the loss of or damage to property brought to the inn by guests, and to define the persons to whom he is so liable.

- (2) *[Repealed]*

Section 3(2): repealed, on 1 January 2008, by section 365(4)(a) of the Property Law Act 2007 (2007 No 91).

#### **4 Liability of innkeeper**

- (1) Subject to the provisions of this Act, every innkeeper shall be liable as an innkeeper for the loss of or damage to property brought to the inn by any guest, whether or not the loss or damage was caused by the default or negligence of another guest or of the innkeeper or his servant or agent.
- (2) The provisions of this Act shall not limit or affect any other liability incurred by an innkeeper in respect of any property brought to the inn.

Compare: Hotel Proprietors Act 1956 s 1(1), (2) (UK)

#### **5 Travellers to whom innkeeper liable**

An innkeeper shall not, as an innkeeper, be liable to any traveller for the loss of or damage to property brought to the inn except where—

- (a) at the time of the loss or damage, sleeping accommodation at the inn had been engaged for that traveller; 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 that traveller was a guest at the inn and entitled to use the accommodation so engaged, and the property had been received by the innkeeper or his servant.

Compare: Hotel Proprietors Act 1956 s 2(1) (UK)

## **6 General defences**

An innkeeper shall not be liable as an innkeeper for the loss of or damage to the property of a guest if the innkeeper proves that—

- (a) the loss or damage was caused by the default, neglect, or wilful act of the guest or a servant of or person accompanying the guest, or by an act of God or of the Queen's enemies; or
- (b) the guest had assumed exclusive charge and custody of the property or the room in which the property was at the time of the loss or damage, so as to show an intention to relieve the innkeeper from all responsibility.

## **7 No liability in respect of vehicles or animals**

An innkeeper shall not be liable as an innkeeper for the loss of or damage to—

- (a) any vehicle, or any property left therein; or
- (b) any horse or other live animal, or its harness or equipment.

Compare: Hotel Proprietors Act 1956 s 2(2) (UK)

## **8 Monetary limit of liability**

Where an innkeeper is liable as an innkeeper for the loss of or damage to any property brought to the inn, his liability to any one guest shall not exceed \$300 in respect of any one article, or \$1,200 in the aggregate, unless the guest proves that—

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

Compare: 1908 No 104 s 174; Hotel Proprietors Act 1956 s 2(3) (UK)

Section 8: amended, on 23 December 1980, by section 2 of the Innkeepers Amendment Act 1980 (1980 No 117).

## **9 Liability not affected by agreement**

No agreement between an innkeeper and a guest shall have any force or effect to exempt the innkeeper in whole or in part from his liability as an innkeeper.

### *Distraint and seizure*

## **10 Property of guests and other persons not to be distrained**

- (1) No property of any guest, traveller, or visitor which is in any inn or any of its appurtenances, or in any place used or occupied therewith in the ordinary course of resort, shall be distrained or seized for or in respect of any claim whatsoever against the inn or its appurtenances or against the innkeeper.
- (2) If any property is distrained or seized contrary to the provisions of subsection (1), the distraint or seizure shall be void, and any District Court Judge may, on application, order the property to be restored to its owner and award such costs as he thinks fit.

Compare: 1908 No 104 ss 172, 173

Section 10(1): amended, on 1 January 2008, by section 364(1) of the Property Law Act 2007 (2007 No 91).

Section 10(2): amended, on 1 April 1980, pursuant to section 18(2) of the District Courts Amendment Act 1979 (1979 No 125).

*Innkeepers' powers of sale*

**11 Power of sale to recover debt**

- (1) Where any person deposits with any innkeeper any property, other than a vehicle or property left in a vehicle or a horse or other live animal or its harness or equipment, or leaves any such property in the inn or any of its appurtenances, and the person is or becomes indebted to the innkeeper for the supply of any food, accommodation, or services, the innkeeper may, in satisfaction of the debt, sell and dispose of the property by public auction in accordance with this section.
- (2) The property shall not be sold until it has been in the charge or custody of the innkeeper, or in or upon the premises, for 2 months without the debt having been paid or satisfied.
- (3) Notice of the sale shall be given by advertisement published 3 times in a newspaper circulating in the locality in which the inn is situated, with an interval of not less than 3 nor more than 7 days between each publication. The advertisement shall state that the sale will be held on or after a specified date, not being sooner than 28 days after the date of the first publication of the advertisement, and shall give a brief description of the property intended to be sold, together with the name of the owner or person who deposited or left it, where the name is known.
- (4) The innkeeper may apply the proceeds of the sale in or towards payment of the debt and of the costs and expenses of the advertising and sale, and shall, on demand by the person who so deposited or left the property, pay to that person the surplus proceeds (if any).

Compare: 1908 No 104 s 175

**12 Power to sell unclaimed goods**

- (1) Any innkeeper may sell and dispose of, by public auction, any property left in his charge, if the person who left it does not reclaim it within 6 months.

- (2) The provisions of subsection (3) of section 11 shall apply to every such sale.
- (3) The innkeeper shall, on demand made by the person who left the property, pay to that person any surplus proceeds of the sale remaining after payment of the costs and expenses of the advertising and sale.

Compare: 1908 No 104 s 176

### **13 Disposal of unclaimed surplus proceeds of sale**

- (1) Where within 3 months after any sale under section 11 or section 12 the surplus proceeds of the sale are not claimed by the owner of the property, the innkeeper shall pay the amount of those proceeds to the Commissioner of Inland Revenue, and shall thereafter be relieved from all liability in respect of the money so paid.
- (2) All money payable to the Commissioner of Inland Revenue under subsection (1) shall be recoverable as a debt due to the Crown.
- (3) Any money paid to the Commissioner of Inland Revenue under this section shall be deemed to have been so paid as unclaimed money, and the provisions of section 11 of the Unclaimed Money Act 1971 shall apply thereto.

Section 13(1): amended, on 1 June 1971, by section 14(2)(a) of the Unclaimed Money Act 1971 (1971 No 28).

Section 13(2): amended, on 1 June 1971, by section 14(2)(a) of the Unclaimed Money Act 1971 (1971 No 28).

Section 13(3): amended, on 1 June 1971, by section 14(2)(a) of the Unclaimed Money Act 1971 (1971 No 28).

Section 13(3): amended, on 1 June 1971, by section 14(2)(b) of the Unclaimed Money Act 1971 (1971 No 28).

### *Repeals*

#### **14 Repeals**

Sections 172 to 176 of the Licensing Act 1908 are hereby repealed.

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**Notes****1 General**

This is a reprint of the Innkeepers Act 1962 that incorporates all the amendments to that Act as at the date of the last amendment to it.

**2 Legal status**

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

**3 Editorial and format changes**

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

**4 Amendments incorporated in this reprint**

Sale and Supply of Alcohol Act 2012 (2012 No 120): section 417(1)  
Property Law Act 2007 (2007 No 91): sections 364(1), 365(4)(a)  
Sale of Liquor Act 1989 (1989 No 63): section 230(1)  
Innkeepers Amendment Act 1980 (1980 No 117) : section 2  
District Courts Amendment Act 1979 (1979 No 125): section 18(2)  
Unclaimed Money Act 1971 (1971 No 28): section 14(2)

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