



Australian Capital Territory

# **Innkeepers Liability Act 1902      No 64 (repealed)**

**Republication No 3**

**Effective: noon 1 July 2003**

Republication date: 1 July 2003

As repealed by A2002-40

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Innkeepers Liability Act 1902* (repealed) (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)). It also includes any commencement, amendment, repeal or expiry affecting the republished law to 1 July 2003.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Innkeepers Liability Act 1902 (repealed)

## Contents

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	Page
1 Name of Act	2
2 Definitions for Act	2
4 No innkeeper liable for loss exceeding \$40	2
5 Receipt of property for safe custody	3
6 Notice to be exhibited	3

## Endnotes

1 About the endnotes	4
2 Abbreviation key	4
3 Legislation history	5
4 Amendment history	6
5 Earlier republications	6

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01/07/03

Innkeepers Liability Act 1902 (repealed)  
Effective: 01/07/03 noon

contents 1





Australian Capital Territory

# **Innkeepers Liability Act 1902 (repealed)**

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An Act to consolidate enactments about the liability of innkeepers

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**1 Name of Act**

This Act is the *Innkeepers Liability Act 1902*.

**2 Definitions for Act**

In this Act:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

***inn*** means any hotel, inn, tavern, public house, or other place of refreshment the keeper of which was, before the enactment of this Act, responsible by law for the goods and property of his or her guests and lodgers.

***innkeeper*** means the keeper of an inn.

**4 No innkeeper liable for loss exceeding \$40**

No innkeeper shall be liable to make good to any guest or lodger of such innkeeper any loss of or injury to goods or property brought to his inn, not being a horse or other live animal or any gear appertaining thereto or any carriage, to a greater amount than the sum of \$40, except in the following cases:

- (a) where such goods or property have been stolen, lost, or injured through the act, default or neglect of such innkeeper or any servant in his employ; or
- (b) when such goods or property have been deposited expressly for safe custody with such innkeeper;

Provided always that in the case of such deposit such innkeeper if he thinks fit may require as a condition to his liability that such goods or property shall be deposited in a box or other receptacle, fastened and sealed by the person depositing the same.

**5 Receipt of property for safe custody**

If any innkeeper refuses to receive for safe custody, as mentioned in section 4, any goods or property of his or her guests or lodger, or if any guest or lodger, through any default of the innkeeper, is unable to deposit the goods or property as mentioned in that section, the innkeeper shall not be entitled to the benefit of this Act in relation to the goods or property.

**6 Notice to be exhibited**

Every innkeeper shall cause at least 1 copy of section 4, printed in plain type, to be exhibited in a conspicuous part of the hall or entrance to his or her inn, and also in each bedroom of it, and he or she shall be entitled to the benefit of this Act in relation to the goods or property only as shall be brought to his or her inn while the copy is so exhibited.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
ins = inserted/added	renum = renumbered
LA = Legislation Act 2001	reloc = relocated
LR = legislation register	R[X] = Republication No
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired



### 3 Legislation history

This Act was originally a NSW Act—the *Innkeepers' Liability Act 1902* No 64 (NSW).

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former NSW laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

The Act was renamed as the *Innkeepers Liability Act 1902* by the *Statute Law Amendment Act 2001 (No 2)* (see amdt 3.421).

Under the *Interpretation Act 1967* (repealed), s 65 all former NSW Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former NSW Acts fully into ACT laws.

#### NSW legislation

##### **Innkeepers Liability Act 1902 No 64**

assented to 4 September 1902

commenced 4 September 1902

as amended by

#### Commonwealth legislation

##### **New South Wales Acts Application Ordinance 1984 No 41 sch 2 pt 19**

notified 10 August 1984

commenced 10 August 1984

#### Legislation after becoming Territory enactment

##### **Statute Law Amendment Act 2001 (No 2) 2001 No 56 pt 3.26**

notified 5 September 2001 (Gaz 2001 No S65)

commenced 5 September 2001 (s 2 (1))

## Endnotes

### 4 Amendment history

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as repealed by

#### **Civil Law (Wrongs) Act 2002 A2002-40 s 87**

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

s 87 commenced 12 noon 1 July 2003 (s 2 (1))

## 4 Amendment history

The *New South Wales Acts Application Act 1984* (previously the *New South Wales Acts Application Ordinance 1984*), sch 2, pt 19 sets out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT. This endnote, therefore, only details amendments made after the enactment of the 1984 Act.

#### **Name of Act**

s 1 sub 2001 No 56 amdt 3.421

#### **Definitions for Act**

s 2 ins 2001 No 56 amdt 3.421

#### **Interpretation**

s 3 om 2001 No 56 amdt 3.421

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	ord 1984 No 41	31 July 1992
2	A2001-56	11 June 2002

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