

SIGNED this 26th day of February, 1980.

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SIAKA STEVENS,
President.

LS

No. 2



1980

Sierra Leone

The Hotel and Restaurant Act, 1980

Short title.

Being an Act to make provision for licensing of Hotels, Night Clubs and Restaurants and such Hotel, Night Club and Restaurant Managers; To establish Hotels, Restaurants and Tourist Board; and for matters connected therewith or incidental thereto

[

1980.]

Date of
Commence-
ment.

BE IT ENACTED BY the President and Members of Parliament in ~~his~~ present Parliament assembled, as follows:—

PART I—PRELIMINARY

1. This Act shall come into operation on such date as the ~~Minister~~ **Minister** may by notice in the *Gazette* appoint.

Commence-
ment.

Interpreta-
tion.

2. In this Act, unless a contrary intention appears—

“charge” means any charge made for accommodation, food or drink, or for service in connection with their supply;

“Hotel” means any premises used for the reception of guests and travellers and held out by the proprietor as offering food, drink, and if so required, sleeping accommodation, without special contract to any traveller 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 includes a Motel, Guest House, Rest House an Inn and a Lodging House;

“Board” means the Board established under section 3;

“Hotel Licence” means a licence to keep or use any premises as a hotel;

“Hotel Manager’s Licence” means a licence to exercise overall control over the day to day operation of a hotel;

“Licence” means a licence granted under the provisions of section 5;

“Licensee” includes a holder of a hotel Proprietor’s licence, restaurant Proprietor’s licence, night club Proprietor’s licence or hotel, night club or restaurant Manager’s licence;

“Minister” means the Minister for the time being charged with the responsibility for matters relating to Tourism and Cultural Affairs;

“Ministry” means the Ministry of Tourism and Cultural Affairs;

“Medical Officer” means a Government Medical Practitioner recognised by Government and the Sierra Leone Medical and Dental Association;

“Night Club” means any premises in which is carried on the business of night entertainment and of supplying for reward of any food or drink;

“Night Club Licence” means a licence to keep or use any premises as a Night Club;

“Night Club Proprietor’s Licence” means a licence issued to the Proprietor of a Night Club to exercise control over the day to day operation of the Night Club;

“Restaurant” means any premises in which is carried on the business of supplying for reward of any food or drink, but does not include—

- (a) a *bona fide* works or staff canteen maintained, for the use of persons employed in any particular undertaking, by that undertaking; or
- (b) any premises where food or drink is supplied only to persons who reside or board in or work at such premises; or
- (c) any portion of a licensed hotel;

“Restaurant Proprietor’s Licence” means a licence issued to the owner of a Restaurant to exercise overall control over the day to day operation of a Restaurant.

PART II—THE HOTELS, RESTAURANTS AND TOURIST BOARD

3. (1) There is hereby established a Board to be known as ^{Establishment of the} the Hotels, Restaurants and Tourist Board, which shall consist of ^{Board.} the following members—

- (a) a chairman appointed by the Minister,
- (b) not less than seven and not more than nine persons appointed by the Minister of whom—
 - (i) at least one shall be appointed by reason of his knowledge of Hotel Industry and International Tourism;
 - (ii) at least one shall be appointed to represent the interests of Hotel Managers;
 - (iii) at least one shall be appointed to represent the interests of Hotel, Night Club and Restaurant Employers;
 - (iv) at least one shall be appointed to represent the interests of Hotel, Night Club and Restaurant Employees;
- (c) a Law Officer;
- (d) the Permanent Secretary, Ministry of Tourism and Cultural Affairs or his representative;
- (e) the Director of Tourism who shall act as Secretary to the Board.

(2) Before the Minister makes an appointment under this section he shall require the person to be appointed to declare whether he has any and if so what financial interest in any hotel, night club or restaurant.

Duties of the Board.

4. It shall be the duty of the Board—

- (a) to advise on the promotion and development of the Tourist Industry in Sierra Leone;
- (b) to keep under review the standards of Hotels, Night Clubs and Restaurants and to advise the Minister on the improvement and development of Hotels, Night Clubs and Restaurants and on any other matters which may be referred to it by the Minister;
- (c) to look into complaints of, or against Hotel, Night Club and Restaurant proprietors and any other complaints concerning this Act directed to it and to make recommendations thereon to the Minister of Tourism and Cultural Affairs.

PART III--LICENSING

Licences required.

Form A1

5. (1) After the commencement of this Act—

(a) no premises shall be used or kept as a hotel unless a valid hotel licence has been issued to its Manager in the Form A1 prescribed in the Schedule;

Form A2

(b) no premises shall be used or kept as a night club unless a valid night club licence has been issued to its Manager in the Form A2 prescribed in the Schedule;

Form A3

(c) no premises shall be used or kept as a restaurant unless a valid restaurant licence has been issued to its Manager in the Form A3 prescribed in the Schedule;

Forms A1, A2, A3 in Schedule.

(d) no person shall act as Manager of a Hotel, Night Club or Restaurant, unless he is the holder of a valid licence as a hotel, night club or restaurant manager in the Forms A1, A2 and A3 prescribed in the Schedule;

Forms B1, B2 and B3.

(e) no person shall carry on business as proprietor of a hotel, night club or restaurant unless he is the holder of a valid licence as a hotel proprietor, night club proprietor or restaurant proprietor in the relevant Forms B1, B2 and B3 prescribed in the Schedule.

Penalty.

(2) Any person who contravenes any of the provisions of sub-section (1) is guilty of an offence and liable on conviction to a fine not exceeding two thousand leones or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

6. (1) Any person desirous of obtaining a licence or a variation of a licence held by him, shall apply to the Board in such form as may be prescribed. Application for grant or variation of Licences

(2) An application for the grant of a licence which is in continuation of an existing licence, shall be made at least two months before the expiry date of the existing licence.

(3) On receipt of an application under this section, the Board may make such investigation or require additional information as may be necessary in order to consider such application.

(4) The application for hotel, night club or restaurant licence shall be accompanied by a certificate issued by a Government Medical Officer not longer than three months before the receipt of the application by the Board to the effect that— Application to be accompanied by Medical Certificate.

(a) proper provision has been made for the sanitation of the premises for which application is made, for the storage, preparation, cooking or serving of food and drinks on the premises and for the health and comfort of persons using the premises; and

(b) that the premises conform in all respects with the provision of any law relating to sanitation and public health which apply thereto.

(5) After due consideration of the application, the Board may grant to the applicant the licence or vary the licence applied for, with such conditions as he may deem expedient, or the Board may refuse to the grant or variation of such licence. Grant or refusal of Licence.

(6) The Board shall not grant a hotel, night club or restaurant licence, unless the Board is satisfied that the premises are suitable for the proposed use.

(7) The Board shall not grant a Hotel Manager's Licence, Night Club Manager's Licence or Restaurant Manager's Licence unless the Board is satisfied that the applicant is a fit and proper person to manage a hotel, night club or restaurant as the case may be. Applicant to be a fit and proper person.

(8) The Board shall not grant a Hotel Proprietor's Licence, Night Club Proprietor's Licence or Restaurant Proprietor's Licence, unless the Board is satisfied that the applicant is a fit and proper person to carry on business as a hotel proprietor, night club proprietor or restaurant proprietor as the case may be. Applicant to be fit and proper person.

(9) A renewal of licence, however, if accompanied by a certificate under sub-section (4) shall not be refused except in one or more of the cases mentioned in sub-section (1) of section 8, in which case the applicant shall be given prior opportunity to be heard. Renewal of Licence not to be refused except.

Penalty.

(10) Any person who makes either orally or in writing any declaration or representation which he knows or has reason to believe to be false for the purpose of obtaining a licence or a variation thereof, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Further provisions concerning licences.

Licence to be prominently displayed.

Manager to state class of Hotel.

Licensee to surrender cancelled Licence.

Complaints.

Investigating Officer to summon any person to give evidence.

7. (1) A licence shall be valid for a period of one year, and shall be renewable annually upon payment of the prescribed fee.

(2) A hotel licence, night club licence or restaurant licence shall state the name, location and description of the premises to which it relates, and shall be endorsed with every condition imposed by the Board and shall be displayed prominently on such premises in a place where the public shall have access.

(3) Where a hotel, night club or restaurant has been classified by regulations under section 14, a Hotel Manager's licence shall state the class of hotel which he is entitled to manage.

(4) On the cancellation of a licence, the Board shall forthwith notify the licensee thereof and the licensee shall within fourteen days after receipt by him of such notification, surrender his licence to the Board and if without reasonable cause, he fails to do so, he shall be guilty of an offence and liable on conviction to a fine not exceeding three hundred leones or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

8. (1) Any person who is dissatisfied with the manner in which a hotel, night club or restaurant is conducted, may make a written complaint to the Board.

(2) The Board may reject the complaint if it finds that the complaint is frivolous, vexatious or trivial. Otherwise, it shall investigate and determine the same and for this purpose may appoint an investigating officer.

(3) In any investigation under this section the Board shall afford the licensee the opportunity to state his point of view in writing or to be heard in person or through his legal representative.

(4) The Officer investigating the complaint may by notice under his hand summon any person to attend and give evidence or to produce any relevant document. If such a person without reasonable excuse fails to attend and give evidence or to produce any document required, he shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred leones.

(5) After investigation, the Board shall notify the licensee in writing and the notification shall specify the remedies or action to be taken within a specified date.

Board to notify licensee of matters to be remedied.

9. (1) Where on the basis of the complaints investigated according to section 8 or as a result of an inspection by an officer authorised by the Board or on the basis of any other reliable information it appears to the Board that—

Board may require Licensee to remedy matters and may suspend or cancel licence for default.

(a) the holder of a Hotel, Night Club or Restaurant Manager's Licence has ceased to be a fit and proper person to manage a hotel, night club or restaurant; or

(b) a hotel, night club or restaurant is being conducted in an unclean or unsanitary manner; or

(c) a hotel, night club or restaurant is being conducted as to constitute a nuisance or annoyance to persons in the neighbourhood or in an improper manner; or

(d) the food served in a hotel, night club or restaurant is not properly prepared, cooked or served; or

(e) any conditions specified in sub-section (5) of section 8 is not being, or has ceased to be complied with, the Board, after giving the licensee the opportunity of being heard, may give notice in writing to the licensee concerned specifying the matters which the Board considers require to be remedied and requiring him to remedy them to its satisfaction before a specified date.

(2) If a licensee fails to comply with the requirements of a notice given to him under subsection (1), the Board may, without prejudice to any liability on the part of the licensee to be prosecuted for an offence under this Act, call upon the licensee to show cause why his licence shall not be suspended, varied or cancelled and thereafter, if the licensee fails to show good cause, the Board may suspend, vary or cancel such licence.

Minister may require Licensee to show good cause.

10. Any person who is aggrieved by—

Appeals.

(a) the refusal of the Board to grant or vary a licence; or

(b) the attaching of any condition to a licence; or

(c) the variation, suspension or cancellation of a licence, may within fourteen days of the notification of the act complained of being received by him, appeal in writing to the Minister.

Form of Appeals.

11. (1) Every Appeal under section 10 shall be in a written memorandum stating the grounds of appeal and shall be accompanied by such other written matter as the appellant may wish to make in support of the Appeal.

(2) The Minister shall after being satisfied as to the form and relevance of the appeal take the final decision in such a case which shall be communicated in writing to the appellant.

PART IV—DUTIES, LIABILITIES AND PRIVILEGES OF HOTEL MANAGERS

Registers and books to be kept by licensee.

12. (1) Every holder of a hotel licence shall keep a register in his hotel and shall enter or cause to be entered in such register the name and address of every guest who stays at the hotel and such other particulars as may be prescribed.

(2) Every holder of a hotel licence shall in addition enter or cause to be entered regularly in records kept for purpose of all such particulars as may be prescribed.

(3) Any person who fails to comply with this section or who makes or causes or permits to be made in any register or record required by this section to be kept any entry which he knows or has reason to believe to be false, shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones or to imprisonment for a term not exceeding two months.

Liability of guests.

13. (1) The liability of a Hotel Manager shall be subject to the conditions hereinafter contained in this section.

(2) Without prejudice to any other liability incurred by him with respect thereto, the holder of a hotel licence shall not be liable to make good to a guest for any loss of or damage to property brought to the hotel except where—

(a) at the time the loss or damage occurred, sleeping accommodation at the hotel had been engaged for the guest; and

(b) the loss or damage occurred between the midnight immediately preceding and the midnight immediately following a period during which the guest was entitled to use the accommodation so engaged

(3) Without prejudice to any other liability or right of his with respect thereto, the holder of a hotel licence shall not be liable to make good to a guest for any loss of or damage to any vehicle, or any property left in a vehicle, or any live animal or its harness or other equipment.

(4) Where the holder of a hotel licence is liable in the circumstances described in paragraphs (a) and (b) of sub-section (2) to make good any loss or damage to property brought to the hotel, then his liability to any one guest shall not exceed one hundred leones in respect of any one article or three hundred leones in the aggregate, except where—

- (a) the property was stolen, lost or damaged through the default, neglect or wilful act of the licensee or a person in his employ; or
- (b) the property was deposited by or on behalf of the guest expressly for safe custody with the licensee or a person in his employ authorised or appearing to be authorised for the purpose and, if so required by the licensee of the person in his employ, in a container fastened or sealed by the depositor; or
- (c) at the time after the guest had arrived at the hotel, after the property in question was offered for deposit as aforesaid and the licensee or a person in his employ, 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 licensee or a person in his employ, was unable to do so.

(5) Every holder of a hotel licence shall cause a notice on the limits of liability under this Act to be displayed prominently at a place where it can conveniently be read by the guests and he shall be entitled to the benefit of this section in respect of limitation of his liability under this Act only while such notice is so displayed.

PART V—REGULATIONS AND OTHER POWERS OF THE MINISTER IN THE EXECUTION OF THIS ACT

14. (1) The Minister may make Regulations for the proper carrying out of the provisions and purposes of this Act. Power to make regulations.

(2) Without prejudice to the generality of the powers conferred by sub-section (1) such Regulations may—

- (a) make provision for the classification of hotels, night clubs and restaurants and the standards appropriate to each class;
- (b) prescribe the minimum size of rooms in hotels or in particular classes of hotels either absolutely or in relation to the number of persons permitted to be accommodated in such rooms;
- (c) fix maximum charges which may be made by any hotel and restaurant in the country;
- (d) prescribe the duties and obligations of a licensee in relation to the carrying on or management of a hotel, night club or restaurant business, whether generally or in respect of any class of hotel, night club or restaurant;
- (e) provide for the display of tariffs in hotels, night clubs or restaurants showing particulars of the maximum charges to be made therein;
- (f) provide for returns to be submitted to the Minister by hotels, night clubs and restaurants, including returns relating to business accepted by hotels from or in respect of persons resident and firms located outside Sierra Leone;
- (g) prescribe the procedure to be followed by the Minister in the performance of his functions under this Act;
- (h) prescribe the forms to be used and fees to be paid for things to be done under this Act.

Penalty.

(3) Any person who fails to comply with the obligations imposed by sub-section (2) shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones for the first such offence in a calendar year and a fine not exceeding one thousand leones for the second and succeeding offences.

A levy on Tourists.

15. (1) For the purposes of revenue, there shall be imposed a levy on tourists for bed and breakfast, for full board and half board, for land tour arrangements and for purposes of training hotel personnel, in such a manner and of such amount as may from time to time be determined by Order published in the *Gazette* by the Minister after consultation with the Minister for the time being charged with the responsibility for Finance.

(2) By a Resolution passed by Parliament an Order made under subsection (1) may be rescinded or annulled.

(3) The proceeds of the levy imposed under subsection (1) shall be credited to the Consolidated Fund.

(4) Regulations may be made by the Minister in respect of all matters necessary for effective imposition and collection of the levy made under subsection (1).

16. Any person authorised in writing by the Minister for the purpose may at all reasonable times—

Power to enter and inspect premises.

(a) (i) enter without warrant any premises on which he has reasonable grounds for believing that a hotel business is being carried on, in contravention of the provisions of this Act and to see whether any other Law is being complied with; and

(ii) examine and take copies of any register, book, account or document found on the premises relating to or appearing to relate to any hotel, night club or restaurant;

(iii) take possession of any register, book, account or document found on these premises which he has reasonable grounds for suspecting to be or to contain evidence of an offence under this Act or any other Law:

(b) require any person who appears to be carrying on or employed in any hotel, night club or restaurant business to render such explanation and give such information relating to that business as he may reasonably require in the performance of his duties;

(c) require any person who appears to be carrying on any hotel, night club or restaurant business by notice in writing to that person to produce to him, at a particular time and place, all or any of the registers, books accounts and documents relating or appearing to relate to that business.

PART VI—LIABILITY OF A LICENSEE, MODE OF APPLICATION AND TRANSITORY PROVISIONS

17. (1) Any person who, acting in pursuance of section 16—

Penalty for obstruction or omission.

(a) resists, hinders or obstructs any person, under paragraph (a) of section 10.

(b) fails to comply fully and truthfully with any requirement made to him, under paragraphs (b) and (c) of section 16,

shall be guilty of an offence and liable on conviction to a fine not exceeding five hundred leones or imprisonment for a term of six months or to both such fine and imprisonment.

(2) Any licensee who employs any agent, clerk, servant or other person shall be answerable for the acts and omissions of such agent, clerk, servant or other person in so far as such acts or omissions concern the business of the licensee, and if such agent, clerk, servant or other person commits any act or makes any omission which is an offence under this Act, or which would be an offence if committed or made by such licensee, such licensee, and his agent, clerk, servant or other person shall be jointly and severally guilty of the offence and liable to the penalties provided by this Act:

Provided that it shall be a defence for such licensee to prove that he did not know and could not reasonably be expected to know that the act or omission was taking or was to take place and that he took all reasonable steps to ensure that the relevant provisions of this Act were being complied with.

Application.

18. (1) The application for a hotel, night club and restaurant licence, or for the variation of such licence shall include the following data—

- (a) what licence is requested;
- (b) applicant's name, nationality and address;
- (c) name under which business is carried on, and
- (d) accurate description of the location and size of the premises.

(2) If a licence is requested for a partnership, the application shall include the names, nationalities and addresses of each partner; if it is requested for a limited liability company, the names, nationalities and addresses of the directors and of the ten largest shareholders.

(3) The application shall state which applicant is the owner or lessee of the hotel, night club or restaurant, the name and address of his bankers, the total amount of sales of the last year, and whether the applicant has been refused a licence under this Act before.

(4) The applicant for a hotel licence shall in addition indicate the number of guest rooms and beds, and whether he expects to attract tourists from outside Sierra Leone.

(5) The applicant for a hotel manager's licence shall indicate—

FORM A2

NIGHT CLUB MANAGER'S LICENCE

Licences required. Section 5(1)(b) 5(1)(d)

.....is hereby licensed under the provisions of Section 5 of the Hotel and Restaurant Act, 1979 to manage a Night Club known as the

..... subject to the provisions of the above-mentioned Act.

Given under my hand this day of , 19

..... Chairman.

TO:

Unless suspended or cancelled under the provisions of Section 5 of the above Act, this Licence shall remain in force until 31st December, 19.....

Details checked by:

Approved by:

Director of Tourism.

..... Chairman.

FORM A3

RESTAURANT MANAGER'S LICENCE

Licences required. Section 5(1)(c) 5(1)(d)

.....is hereby licensed under the provisions of Section 5 of the Hotel and Restaurant Act ,1979 to manage a Restaurant known as the

..... subject to the provisions of the above-mentioned Act.

Given under my hand this day of , 19

..... Chairman.

TO:

.....
.....
.....
Unless suspended or cancelled under the provisions of Section 5 of the above Act, this Licence shall remain in force until 31st December, 19.....

Details checked by:

Approved by:

.....
Director of Tourism.

.....
Chairman.

FORM B1

HOTEL PROPRIETOR'S LICENCE

.....is hereby licensed under the provisions of Section 5 of the Hotel and Restaurant Act, 1979 to carry on the business of a Hotel Proprietor at the..... subject to the provisions of the above-mentioned Act.

Licences required. Section 5(1)(e).

Given under my hand this day of 19.....

.....
Chairman.

TO:

.....
.....
.....
This Licence shall remain in force until 31st December, 19.....

Details checked by:

Approved by:

.....
Director of Tourism,

.....
Chairman.

FORM B2

RESTAURANT PROPRIETOR'S LICENCE

Licences required, Section 5(1)(e).

.....is hereby licensed under the provisions of Section 5 of the Hotel and Restaurant Act, 1979 to carry on the business of a Proprietor at the..... subject to the provisions of the above-mentioned Act.

Given under my hand this day of , 19

.....
Chairman.

TO:

.....
.....
.....

This Licence shall remain in force until 31st December, 19.....

Details checked by:

Approved by:

Director of Tourism.

.....
Chairman.

FORM B3

NIGHT CLUB PROPRIETOR'S LICENCE

Licences required, Section 5(1)(e).

.....is hereby licensed under the provisions of Section 5 of the Hotel and Restaurant Act, 1979 to carry on the business of a Night Club Proprietor at the..... subject to the provisions of the above-mentioned Act.

Given under my hand this day of , 19

.....
Chairman.

TO:

.....
.....
.....

This Licence shall remain in force until 31st December, 19.....

Details checked by:

Approved by:

Director of Tourism,

.....
Chairman.

Passed in Parliament this *18th* day of *January*, in the year of our Lord one thousand nine hundred and eighty.

J. W. E. DAVIES,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES,
Clerk of Parliament.