

A CRITICAL ANALYSIS ON THE INNKEEPERS ACT 1952

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ABSTRACT

There are several laws that govern the rights and liabilities of innkeeper. In Malaysia, the law that governs innkeepers is known as the Innkeepers Act 1952. There are similar laws that exist in United Kingdom which is known as the Hotel Proprietor Act 1956. In Australia, the law that governs the innkeepers is the Carriers and Innkeepers Act 1958. Although the provisions in the Innkeepers Act 1952 are quite similar with the innkeepers' law in other countries, but there are also some distinctions that can be drawn in which a reformation to the Act is necessary in order to improve the law of innkeepers. This aim of this study is to analyze the adequacy of the law and the extent of the legal rights of the guests and the liabilities of the innkeepers are being protected in Malaysia. In addition, this research is to suggest certain changes to the provisions of the Innkeepers Act 1952 regarding the liabilities of the innkeepers on the safety of the guests.

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CHAPTER ONE

1.0 Introduction

Malaysia is one of the countries that are popular among the tourists. Due to that fact, many tourists had come to Malaysia for holiday and therefore, makes tourism as one of the revenue sources for Malaysia. This can be inferred from a research that had been conducted by the Ministry of Tourism where the findings shows that in the year 2010, the number of tourists had visited Malaysia was 24.6million and Malaysia had obtained profit amounted to RM 56.5billion. The number of tourists visited Malaysia had increased to 24.7million in the year 2011 and the total profit gained from it was RM 58.3million.¹ In addition, Malaysia has been ranked ninth in the United Nations World Tourism Organization's (UNWTO) list of 10 most visited countries. Furthermore, the number of Malaysia hotel guests had also increased as the result of this. Hence, to provide for a better tourism, the accommodation such as hotel, motel and inn is important for the first impression. The innkeepers are left with big responsibilities and they have to adhere with a specific standard of care. There were also some debatable issues regarding to the extent of the innkeepers' liability and the legal rights of the guests. Thus, this research proposes to critically analyse the Innkeepers Act 1952 that governs the innkeepers in Malaysia, as well as to make comparative studies with another countries with regards to the liability of the innkeepers.

1.1 Research Background

Innkeeper can be defined as an individual who, as a regular business, provides accommodations for guests in exchange for reasonable compensation.² Basically, an innkeeper has a duty to reasonably protect guests and their property from foreseeable risks. Any negligence on their part would be their liability. There are few debates related to the liability of the innkeepers as they (innkeepers) tend to exclude their liability on certain circumstances. Thus, laws are being implemented in relation to the liability of the innkeepers.

¹ <http://www.tourism.gov.my/>, accessed on 5th March 2012.

² Thomas A Dickerson, "Hotels, Resorts and Casinos: The Consumer's Rights & Remedies: Selected Liability Issues," *International Travel Law Journal* (2002) 30.