



BERMUDA

RESTAURANT ACT 1961

1961 : 20

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[preamble and words of enactment omitted]

Interpretation

1 In this Act, where not inconsistent with the context—

“restaurant” means any tavern, public house or place trading for profit by provision to the public of food or refreshment with or without entertainment but shall not be deemed to include any such accommodation when provided by a members’ club or by an hotel if the same is used by the hotel primarily for persons resident thereat;

“restaurateur” means the Manager or Assistant Manager or operator for the time being of a restaurant;

“members club” means any club where the right of entry is limited to bona fide members thereof or their guests.

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Non-application of Hotel Keepers Act 1930

2 The Hotel Keepers' Protection Act 1930 [*title 17 item 36*], shall not apply to a restaurant as defined by this Act.

No person to be refused admission or service on grounds of race, colour, religion or national origin

3 During the hours that any restaurant is open in respect of any business carried on therein it shall be unlawful for a restaurateur to refuse to admit or to serve in his restaurant any person by reason of that person's race, colour, religion or national origin and any restaurateur who so refuses commits an offence:

Provided that a restaurateur may refuse to admit or to serve in his restaurant premises any person—

- (a) who is improperly dressed having regard to the time, place and occasion of such refusal and the class of clientele normally served on the said premises; or
- (b) whose conduct he believes on reasonable grounds is likely to lead to a breach of the peace; or
- (c) who is an employee in the restaurant in which he seeks admission or service; or
- (d) who is known to be of bad character; or
- (e) who has been properly refused admission or service or properly ejected from the said restaurant on a previous occasion.

Conduct in restaurants

4 Any person having been admitted to a restaurant and whose conduct thereafter is such as to be to the substantial prejudice to the proper operation of the restaurant or to the comfort or wellbeing of the patrons or staff therein and who on being required by the restaurateur to desist from such conduct does not thereupon do so may be required by the restaurateur forthwith to leave such restaurant.

Expulsion from premises

5 Any person—

- (a) who having been refused admission to a restaurant on any of the grounds as set out in section 3 refuses to leave the restaurant premises when requested to do so by the restaurateur; or
- (b) who having been so as aforesaid refused admission to the restaurant premises attempts to enter such premises the conditions of refusal being then still obtaining; or
- (c) who being upon such premises and on being justifiably required by the restaurateur, on any of the grounds set out in section 4, to leave such premises refuses or fails thereupon so to do,

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commits an offence, and may be forthwith expelled from such premises by the restaurateur or his servant who may use such force as may be reasonably required for that purpose.

Offences

6 Where a person commits an offence under section 3 or 5:

Punishment on summary conviction: imprisonment for 3 months or a fine of \$720 or both such imprisonment and fine.

7 (1) Without prejudice to any other right any person who alleges that an offence has been committed under this Act may make a complaint in respect of such offence to a Magistrate.

(2) A complaint shall be made in writing within seven days after the act or omission in respect of which such complaint is made, and shall be made and dealt with in the manner provided for in the Criminal Jurisdiction and Procedure Act 2015, as if it were an information laid under that Act.

[Section 7 subsection (2) amended by 2015 : 38 s. 91 effective 6 November 2015]

[Assent Date: 7 March 1961]

[Amended by:

2015 : 38]