

BERMUDA STATUTORY INSTRUMENT

SRO 27/1976

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

[made under section 14 of the Hotels (Licensing and Control) Act 1969 [title 17 item 2] and brought into operation on 6 March 1976]

ARRANGEMENT OF REGULATIONS

- 1 Interpretation
- 2 [repealed]
- 3 Maintenance etc. of hotels
- 4 Hotels to be constructed, etc. so as to avoid undue danger to guests from fire, etc.
- 5 Exits
- 6 Fire alarms
- 7 Enclosure of vertical openings
- 8 Supply of water for fire fighting
- 9 Storage of flammable liquids and explosives
- 10 Fire extinguishing equipment
- 11 Fire Procedure Rules
- 12 Duty to take precautions to prevent fires, etc.
- 13 Instruction of employees in fire safety measures
- 14 Bermuda Fire and Rescue Service telephone number to be displayed at switchboard
- 15 Testing of fire alarms
- 16 Person to be in charge
- 17 Log book
- 18 Duty of employees to report fire

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

- 19 Alteration of layout and equipment
- 19A Swimming pools and whirlpools
- 19B Life saving and first aid at swimming pools and private beaches
- 19C Warning signs at swimming pools and private beaches
- 19D Water supply
- 19E Restrictions on use of grey water and reclaimed water
- 20 Provision of equipment utensils used in storage, preparation and service of food
- 21 Installation etc., of equipment
- 22 Sinks, etc.
- 23 Ventilation over stoves, etc.
- 24 Equipment, utensils and the cleaning thereof
- 25 Towels
- 26 Cleansing of equipment and utensils, etc.
- 27 Garbage
- 28 Ventilation
- 29 Exclusive use of bedroom by guest
- 30 Exclusive use of bedroom by guest who is a member of a group
- 31 Person in charge
- 32 Hotel record
- 33 Duty to enter name of guest in register, to provide him with a bedroom key and to inform him of making of service charge
- 34 Provisions relating to bedrooms
- 35 Articles, etc., to be provided in guest bedrooms
- 36 Bathrooms
- 37 Common lounges
- 38 Maximum number of guests
- 39 Prescribed forms
- 40 Reports made to the Minister
- 41 Display of licence
- 42 Licences requested under other laws
- 43 Offences
- 44 Evidential provisions
- 45 [omitted]

Interpretation

1 In these Regulations "the Act" means the Hotels (Licensing and Control) Act 1969 [*title 17 item 2*].

[Regulation 2 revoked by BR73/2007 effective 17 August 2007]

Maintenance etc. of hotels

3 (1) Every interior part of the structure of every hotel and all the fittings, fixtures, furniture and equipment thereof and all articles and utensils used therein shall be kept clean and in good condition and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) all internal walls and ceilings shall be adequately washed with colour wash or cleaned in some other appropriate way when they require so treating;
- (b) all stairs and flights of stairs shall be equipped with properly constructed and adequate handrails and all stairs and flights of stairs, corridors and lobbies shall be properly lit and illuminated.

(2) Every exterior part of the structure of every hotel shall be kept clean and in good condition and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) all woodwork thereof shall be adequately treated with paint, varnish or some other appropriate preservative when it requires such treatment;
- (b) all plaster surfaces thereof shall be adequately treated with colour wash or paint when they require so treating, such colour wash or paint being of a colour suitable therefor;
- (c) all roofs thereof shall be adequately treated with cement wash or colour wash when they require so treating;
- (d) all exposed metalwork shall be adequately treated with paint when it requires so treating, unless the metal thereof is non-corrosive;
- (e) all exterior stairs and flights of stairs shall be provided with properly constructed and adequate handrails and shall be properly lit and illuminated.

(3) The grounds of every hotel shall be kept in neat and trim condition and the roads and pathways thereof and any outdoor furnishings shall be kept in good order and repair and, in particular, but without prejudice to the generality of the foregoing—

- (a) footpaths and steps shall be provided in any part of such grounds where the same are reasonably necessary for the safety and convenience of guests and handrails shall be provided on steep paths and steps;
- (b) all roads, footpaths and steps shall be kept in good order and condition and free from obstruction, including

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

obstruction caused by overhanging trees and excessive growth of nearby bushes and vegetation;

- (c) an area adequate for the reasonable needs of guests and other persons resorting to the hotel shall be surfaced and reserved for the parking of cars, cycles and other vehicles and shall be kept in good order and repair;
- (d) all roads, footpaths and parking areas used in the night time by guests shall be adequately lit and illuminated;
- (e) all lawns, trees and vegetation shall be kept properly trimmed;
- (f) all flower beds shall be kept properly weeded.

Hotels to be constructed, etc. so as to avoid undue danger to guests from fire, etc.

4 Every hotel shall be so constructed, arranged, equipped, maintained and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes or resulting panic during the period of time reasonably necessary for escape from the hotel in case of fire or other emergency.

Exits

5 (1) Every hotel shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergency will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

(2) Every hotel shall be provided with exits of kinds, numbers, location and capacity appropriate to the individual buildings or structure thereof having regard to the number of persons likely at any one time to be present therein and the height and type of such buildings and structures so that all such persons shall be afforded convenient facilities for escape.

(3) In every hotel exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts thereof at all times when it is occupied and no lock or fastening shall be installed which prevents free escape from the inside of any hotel.

(4) Every exit from a hotel shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant will readily know the direction of escape from any point and each path of escape, in its entirety, shall be so arranged or marked that the way to a place of safety outside is unmistakable. Any doorway or passage not constituting an exit or way to reach an exit, but of such a

character as to be subject to being mistaken for an exit, shall be so arranged or marked as to minimize its possible confusion with an exit and the resultant danger of persons endeavouring to escape from fire finding themselves trapped in a place from which there is no other way out.

(5) In every hotel adequate and reliable illumination shall be provided and maintained for all exit facilities.

(6) Every part of a hotel in which the reasonable safety of occupants may be endangered by the blocking of any single means of egress due to fire, smoke or fumes shall have at least two means of egress remote from each other, so arranged as to minimize any possibility that both may be so blocked.

Fire alarms

6 In every hotel adequate fire alarm facilities, including a hard-wire smoke detection system or any other system approved by the Chief Fire Officer, shall be provided and maintained to warn occupants of the existence of fire so that they may escape therefrom and the fire alarm facilities shall be in accordance with the life safety code of the Bermuda Fire and Rescue Service.

[Regulation 6 amended by BR73/2007 effective 17 August 2007]

Enclosure of vertical openings

7 In every hotel every vertical way of exit and other vertical opening between the floors thereof shall be so enclosed and protected as to afford reasonable safety to occupants while using such exits and to prevent spread of fire, smoke or fumes through vertical openings from floor to floor before occupants have entered exits.

Supply of water for fire fighting

8 In every hotel an adequate supply of water for the use of the Bermuda Fire and Rescue Service pumps used in fighting a fire therein shall be maintained and adequate access thereto for the use of the Bermuda Fire and Rescue Service appliances and pumps shall be provided and maintained.

[Regulation 8 amended by 2007:23 s.17 effective 2 July 2007]

Storage of flammable liquids and explosives

9 No flammable liquids or explosive substances shall be used, stored or kept in any hotel except under and in accordance with terms and conditions of a written permit issued by the Chief Fire Officer.

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

Fire extinguishing equipment

10 (1) In every hotel there shall be provided and maintained such fire extinguishing equipment (including portable fire extinguishers, hose reels, interior and exterior stand pipes and hydrants) of such types and in such quantities and places marked or indicated in such manner as may be specified by the Chief Fire Officer, having regard to the degree of hazard from fire therein.

(2) No person shall wantonly tamper with, damage, discharge or remove any fire extinguishing equipment installed in a hotel.

(3) No vapourising liquid extinguisher shall be installed in any hotel.

Fire Procedure Rules

11 (1) Every operator shall publish rules approved by the Chief Fire Officer (called Fire Procedure Rules) prescribing the action to be taken in case of fire in the hotel of which he is operator and shall ensure that hotel employees are aware of the action to be taken by them in accordance with such rules in case of fire.

(2) Extracts from the Fire Procedure Rules, so far as they apply to action to be taken by guests, shall be displayed in every guest bedroom of each hotel together with a floor plan of the hotel showing the location of exits and the direction of travel from the bedroom to such exits.

Duty to take precautions to prevent fires, etc.

12 It shall be the duty of every hotel operator and every hotel employee to take all reasonable precautions to prevent fire, explosion or spread of fire or smoke in a hotel and to ensure that exits and equipment for the protection of the premises and its occupants from fire are maintained in efficient condition and readily available for use in case of fire.

Instruction of employees in fire safety measures

13 Every operator shall ensure that hotel employees are adequately instructed in precautions to be taken by them to prevent fire, explosion or spread of fire and smoke in a hotel and of action to be taken by them in accordance with Fire Procedure Rules.

Bermuda Fire and Rescue Service telephone number to be displayed at switchboard

14 In every hotel the emergency telephone number of the Bermuda Fire and Rescue Service shall be constantly displayed at the telephone switchboard or principal telephone switchboard or principal telephone connected with the public exchange.

[Regulation 14 amended by 2007:23 s.17 effective 2 July 2007]

Testing of fire alarms

15 Every hotel fire alarm system shall be tested at least once each month and after such test shall be restored promptly to normal condition for operation.

Person to be in charge

16 In every hotel there shall be at all times a person in charge of and in attendance at, the premises thereof whose name and the period during which he is on duty shall be entered into the log book to be kept in accordance with regulation 17 by the operator or manager of the hotel who shall sign such entry.

Log book

17 At every hotel there shall be kept a log book, in which shall be entered a record of every fire drill, fire training session, test of alarm system and outbreak of fire and each such entry shall be signed by the person conducting such drill, session or test or in the case of an outbreak of fire, by the person in charge of the premises at the time and such a log book shall be produced for inspection, upon request, by the Chief Fire Officer or any person authorized by him to make such request.

Duty of employees to report fire

18 It shall be the duty of every person employed in a hotel to report immediately any outbreak or suspected outbreak of fire to the person in charge of the premises or the person designated for that purpose in the Fire Procedure Rules of that hotel and it shall be the duty of the person in charge as aforesaid forthwith to notify, or cause to be notified, the Bermuda Fire and Rescue Service.

[Regulation 18 amended by 2007:23 s.17 effective 2 July 2007]

Alteration of layout and equipment

19 No alteration to the structure, layout or equipment of any hotel or of any precautions required to be taken or of any Fire Procedure Rules shall be made unless the Chief Fire Officer has been given adequate notice thereof.

Swimming pools and whirlpools

19A Every swimming pool and whirlpool of a hotel shall be operated and maintained in a safe and sanitary manner and shall have a water disinfection system that is approved by the Chief Medical Officer.

[Regulation 19A inserted by BR73/2007 effective 17 August 2007]

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

Life saving and first aid at swimming pools and private beaches

19B (1) Every operator shall provide and maintain at every swimming pool and private beach belonging to the hotel such life saving apparatus or equipment and first aid supplies as the Director may specify in writing.

(2) No person shall wilfully or negligently remove or interfere with any life saving apparatus or equipment or first aid supplies provided under paragraph (1).

[Regulation 19B inserted by BR73/2007 effective 17 August 2007]

Warning signs at swimming pools and private beaches

19C Every operator shall cause one or more notices or signs to be displayed in a conspicuous place near any private beach belonging to the hotel, warning bathers of the potential risk of unseen currents and undertow and of the dangers of swimming in poor weather conditions.

[Regulation 19C inserted by BR73/2007 effective 17 August 2007]

Water Supply

19D (1) Every water supply used for drinking, food preparation and hygiene shall—

- (a) be obtained from a source approved by the Chief Medical Officer and comply with the Department of Health potable water quality guidelines;
- (b) undergo continuous disinfection by a method approved by the Chief Medical Officer; and
- (c) be monitored and analyzed at a frequency to be determined by the Chief Medical Officer.

(2) There shall be no cross connection between the water supply mentioned in paragraph (1) and non-potable water sources.

[Regulation 19D inserted by BR73/2007 effective 17 August 2007]

Restrictions on use of grey water and reclaimed water

19E (1) Treated grey water or reclaimed water shall only be used for flushing and irrigation if—

- (a) the water undergoes continuous disinfection by a method approved the Chief Medical Officer;
- (b) the water complies with the Department of Health bacteriological guidelines for grey and reclaimed waters;
- (c) the flushing water is coloured using a non-toxic dye to distinguish it from other sources of water; and

(d) the water is monitored and analyzed at a frequency to be determined by the Chief Medical Officer.

(2) In this section—

“grey water” means waste discharged from lavatories, bathtubs, showers, clothes washers or laundry trays; and

“reclaimed water” means domestic wastewater that has received secondary treatment by a wastewater treatment works.

[Regulation 19E inserted by BR73/2007 effective 17 August 2007]

Provision of equipment utensils used in storage, preparation and service of food

20 Every hotel in which food or drink is provided for guests or members of the public resorting thereto or both shall be provided with adequate equipment and utensils for the storage, preparation and service thereof and all such equipment and utensils shall, as the case may be, be designed, constructed, located, installed, maintained, handled, used, cleaned and washed in accordance regulations 21, 22, 23 and 24.

Installation etc., of equipment

21 All equipment used in a hotel for the storage, preparation or service of food or drink—

- (a) shall be so installed as to facilitate the cleaning thereof in an efficient and sanitary manner;
- (b) shall be installed so that all floor areas around such equipment are accessible for the purpose of cleaning them, unless such equipment is readily moveable, and, when moved, renders all such floor areas accessible for cleaning;
- (c) which is designed to stand upon or be fixed to any floor and which is so constructed or installed that it is not readily moveable for the purpose of ordinary cleaning of a day-to-day character shall—
 - (i) be installed upon a raised platform of concrete or other smooth masonry in such a manner that liquids or debris cannot seep or settle thereunder or in any spaces not accessible for cleaning or inspection, or shall be mounted on legs, so that it is no lower than six inches from the floor; and
 - (ii) be installed flush to the wall at the rear thereof with the space between it and such wall closed

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

and sealed, or shall be installed at such a distance from such wall that there is a space between the rear thereof and such wall sufficiently wide as to be accessible for cleaning and inspection;

- (d) where it is equipment such as is specified in paragraph (c) and is installed next to other such equipment or a side thereof is next to a wall, shall have the space between it and such other equipment or such wall closed and sealed unless it is sufficiently wide to be accessible for cleaning and inspection and, where such equipment or such other equipment is not sealed to a wall at the rear thereof, to enable any space at the rear thereof to be cleaned and inspected;
- (e) which is placed on tables or counters and is not sealed thereto, shall be mounted on legs so that it is no lower than four inches from such table or counter;
- (f) shall be so arranged as to provide adequate aisles and working spaces so that employees may perform their duties without causing any unnecessary risk of food contamination by the contact of their clothing or person with food, or surfaces used for the preparation of food or the placing of food, prior to its use.

Sinks, etc.

22 (1) In every hotel in which food and drink is stored, prepared or served—

- (a) adequate and conveniently located sinks, equipped with running water, and waste disposal units or containers or similar equipment shall be provided for the washing, trimming and similar preparation of food and for the disposal, or deposit prior to disposal, of waste food;
- (b) an adequate and conveniently located two-compartment sink or sinks, equipped with running hot and cold water and adequate impervious draining boards, shall be provided for the washing of kitchenware and equipment which do not require sterilisation:

Provided that cooks' and bakers' sinks need not be provided with draining boards if they are used only for utensils in use and an adequate sink or sinks complying with the requirements of this paragraph are provided for the washing of such utensils after use; and

- (c) adequate and conveniently located facilities shall be provided for the manual or mechanical dishwashing of

eating and drinking vessels which are used on more than one occasion and such facilities shall include facilities for the removal of scraps and food residues from such vessels before they are placed in wash water or a wash compartment.

(2) Separate sinks and other facilities shall be provided for the purposes specified in sub-paragraphs (a), (b) and (c) of paragraph (1) and a sink or other facility provided for one of the purposes specified in any of such sub-paragraphs shall not be used for a purpose specified in another such sub-paragraph:

Provided that if the Chief Medical Officer, in all the circumstances of a particular case is satisfied that, in any particular hotel, provision has been made for the performance of the operations specified in paragraph (1) which is, having regard to the amount of food or drink usually prepared in such hotel, adequate for the proper and sanitary performance of such operations he may advise the Minister to grant to the operator of such hotel an exemption from compliance with all or any of the provisions of paragraphs (1) and (2) and in any such case may give such directions and instructions in relation to the carrying out of such operations as he thinks fit:

And further provided that if the Chief Medical Officer is satisfied that provision is made in any hotel for the carrying out of any of the operations specified in sub-paragraphs (a), (b) and (c) of paragraph (1) which does not comply with the provisions of that paragraph but which is, in his opinion, sanitarily superior or equal to the provisions thereof he may, if he thinks fit, sanction the use thereof in lieu of compliance with such provisions or any of them and in any such case may give such directions in relation to such alternative provisions as he thinks fit.

Ventilation over stoves, etc.

23 (1) Adequate local exhaust ventilation shall be installed and maintained at or above all stoves, ranges, griddles, deep-fat frying units and other equipment in or on which food is cooked in a hotel from which, in the opinion of the Chief Medical Officer, appreciable quantities of steam, odours, grease or smoke are likely to be released when in use, and, in the case of stoves and ranges, vented hoods shall also be installed and maintained.

(2) All exhaust ventilation and vented hoods and all parts thereof provided in accordance with paragraph (1) shall be kept clean and in efficient working order and all exhaust fan openings shall be screened when not in use.

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

Equipment, utensils and the cleaning thereof

24 (1) All equipment and utensils used in the preparation of food in a hotel, other than utensils used only on one occasion, shall be of such material, workmanship and design as to be smooth, easily cleaned, resistant to wear, denting, buckling, pitting, chipping and scoring and shall be capable of withstanding scrubbing, scouring and the repeated corrosive action of cleaning compounds and other usual conditions under which they are used or cleaned and all the surfaces thereof which are likely to come into contact with food or food debris, shall be readily accessible for cleaning and inspection and shall be of non-toxic material.

(2) [revoked]

(3) No cracked or chipped dish, glass or enamelware shall be used for the storage, preparation or service of any food or drink in a hotel and every cracked or chipped dish, glass or enamelware shall be removed from a hotel or destroyed so that it is not capable of use.

[Regulation 24 para (2) revoked by BR73/2007 effective 17 August 2007]

Towels

25 An adequate supply of clean towels shall be provided in every hotel for the drying of equipment and utensils used for the storage, preparation or service of food or drink after such equipment and utensils have been washed and require drying with a towel and no person shall use any towel for such drying which is in an unsanitary condition.

Cleansing of equipment and utensils, etc.

26 (1) All vessels designed to be used for eating and drinking purposes in a hotel on more than one occasion shall after each use be thoroughly cleaned and sterilised.

(2) All surfaces upon which food is prepared or placed before service and all utensils and implements used on more than one occasion for the storage or preparation of food shall, after each use, be thoroughly cleaned.

(3) The surface of any equipment upon which food is cooked shall be cleaned at least once each day.

(4) The surfaces of all equipment and all utensils upon or in which food is highly susceptible to contamination is prepared continuously or frequently throughout a day shall, each day in which they are so used, be cleaned and sterilised at such intervals as may be specified by the Chief Medical Officer.

(5) All surfaces of equipment used for the preparation of food which do not come into contact with food prepared thereon or therein shall be cleaned at such intervals as are necessary to keep them free of dust, dirt, and food particles and in clean and sanitary condition.

(6) All surfaces of equipment and utensils upon or in which food is prepared shall, after they have been cleaned, be stored, covered or handled in such a manner as to be protected from manual contact, splash, dust, dirt, insects and all other forms of contamination.

(7) All work table tops used in the preparation of food shall be of metal or hardwood with no cracks or of such other impervious material as may be approved by the Chief Medical Officer.

(8) All coverings used on tables and shelves in any kitchen shall be of such materials and quality as are approved by the Chief Medical Officer.

(9) All stoves, ranges, ovens, dishracks, meat-blocks, meat slicers, choppers, grinders, tenderisers, saws, can openers, knife racks, coffee making equipment, tables, shelves, floors, walls, ceilings, doors and windows and all other equipment in, and all parts of, every kitchen and other places in which food is prepared shall be properly constructed and maintained in good repair, in a clean and sanitary condition and free from any accumulation of grease or dirt.

(10) All equipment and utensils used in the storage, preparation or service of food shall, before they are washed, be pre-flushed, pre-scraped and when necessary, pre-soaked so that gross food particles and other soiling are removed therefrom.

(11) Effective concentration of a suitable detergent shall be used in both manual and mechanical dishwashing.

(12) After washing and before they are used by guests, all spoons, knives and forks shall be picked up and touched only by their handles and all cups, glasses and bowls shall be so handled that there is no contact by fingers with any internal surface or external surface adjacent to the rim thereof.

Garbage

27 (1) All garbage shall be removed from a hotel with sufficient frequency to prevent the occurrence of a nuisance from odour therefrom and flies and vermin attracted thereto or breeding therein.

(2) All garbage containing food waste shall, before it is removed from a hotel, be stored in a room (hereinafter in this Regulation called a "garbage storage room") which is used solely for the storage of garbage and which complies with the following provisions—

- (i) that the sole access thereto is through a tightly fitting door or doors which give access either to the exterior of the hotel or to a passage leading directly to the exterior of the hotel;

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

- (ii) the walls of which are constructed and finished with hard, durable, impervious material and which are suitably covered to the floor surface thereof;
- (iii) the floor of which is constructed and finished with hard, durable, impervious material so laid as to slope to a trapped drain connected with a drainage system approved by the Chief Medical Officer;
- (iv) which is, unless refrigerated, provided with adequate means of natural ventilation adequately screened against flies;
- (v) which is equipped with adequate electrical illumination;
- (vi) which is equipped with adequate leak proof nonabsorbent containers with tight fitting lids for the storage of such garbage;
- (vii) which is, in the case of a hotel licensed to provide sleeping accommodation for one hundred guests or more, equipped with a means of refrigeration capable of reducing to and maintaining the temperature thereof at a temperature of not higher than 50 degrees Fahrenheit.

(3) The doors of every garbage storage room shall be kept closed at every time other than when garbage is deposited therein or removed therefrom.

(4) In the case of every garbage storage room which is equipped with refrigeration, the temperature thereof shall be maintained at a temperature not higher than 50 degrees Fahrenheit.

(5) Every garbage storage room and every bin and container used for the storage of garbage shall be thoroughly cleaned after each occasion when garbage is removed therefrom and water which has been used for such cleaning shall be disposed of in a manner approved by the Chief Medical Officer.

Ventilation

28 All public, private and service rooms of every hotel shall be adequately ventilated in every respect.

Exclusive use of bedroom by guest

29 Where the operator of a hotel has made a contract with a person to provide sleeping accommodation for that person and his party, if any, then, unless such contract contains a specific term to the contrary, the

operator shall provide, on the days and nights specified in such contract, a bedroom at the hotel of which he is the operator for the exclusive use of that person and his party, if any.

Exclusive use of bedroom by guest who is a member of a group

30 Where an operator has made a contract to provide sleeping accommodation for a group of persons all of whom are not related to each other, then, unless such contract contains a specific term to the contrary, the operator shall provide, on the days and nights specified in such contract, a separate bedroom at the hotel of which he is the operator for the exclusive use of each member of the group.

Person in charge

31 The operator of a hotel shall ensure that there is a person in charge of and in attendance at, the premises at all times appointed by him to whom guests therein may be referred for the purpose of obtaining information and making complaints and who is authorized to give instructions to employees of the hotel.

Hotel record

32 (1) There shall be maintained and kept at every hotel a register or some other form of record which is, in any particular case, approved by the Minister in which shall be entered the name and home address of each guest provided with sleeping accommodation therein, the bedroom allotted to him and the dates upon which he commenced and ceased to occupy such bedroom.

(2) Such register or record shall be produced upon request, for inspection by any duly authorized officer of the Department, the Department of Health and the Bermuda Police Service, the Chief Fire Officer and any person authorized by him to make such request.

(3) In any prosecution for an offence against the Act or the Regulations in which a fact is in issue a statement contained in any such register tending to establish that fact shall be admissible as evidence of that fact and it shall not be necessary to call as a witness the maker of the statement.

(4) No person shall make any entry in any such register which is to his knowledge false.

[regulation 32 amended by 1997:37 effective 6 May 1999]

Duty to enter name of guest in register, to provide him with a bedroom key and to inform him of making of service charge

33 (1) Upon the day which a guest arrives at a hotel and is provided with sleeping accommodation therein, the operator shall ensure—

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

- (a) that the name and home address of such guest is entered in the register or record required to be kept under regulation 32;
- (b) that such guest is provided with a key to the bedroom in which sleeping accommodation is provided for him;
- (c) that such guest is, where a service charge is made upon a guest's account, informed of that fact; and
- (d) that such guest is informed of any charge which may be made to his account by virtue of the Hotel Occupancy Tax Act 1973 [*title 17 item 38*].

(2) A printed notice giving details of any charges under paragraph (1)(c) and (d) shall be displayed at the registration desk and in each guest room.

Provisions relating to bedrooms

34 No operator shall provide, in any hotel, sleeping accommodation for any guest in any room the size, arrangement, furnishing and equipment of which do not comply with the following provisions, that is to say, that it is a room—

- (a) the sole or principal means of access to which is not through another room in which sleeping accommodation is provided unless such guest is related to the person provided with sleeping accommodation in such other room or both the guest and that other person consent to the arrangement;
- (b) which can be so secured that entry thereto can only be obtained by a guest accommodated therein and by authorized employees of that hotel;
- (c) the floor area (which expression does not include the floor area of any closet) of which is—
 - (i) in the case of a room in which sleeping accommodation is provided for not more than one guest (which expression in this paragraph means a guest over twelve years of age), not less than seventy-two square feet; or
 - (ii) in the case of a room in which sleeping accommodation is provided for two guests, not less than one hundred and eight square feet; or
 - (iii) in the case of a room in which sleeping accommodation is provided for three guests, not less than one hundred and seventy-one square feet; or

- (iv) in the case of a room in which sleeping accommodation is provided for four guests, not less than two hundred and twenty-five square feet;
- (d) which has at least one window or external glass door capable of being opened by a guest;
- (e) which is, at every window and external glass door thereof equipped with opaque curtains or any other window treatment capable of being drawn to or closed by a guest;
- (f) on the floor of which is placed a carpet, bedside rug or mat;
- (g) equipped with one separate bed for each guest accommodated therein or, where such guests acquiesce, one double size bed for each two such guests, each bed being provided with one mattress (not being an air mattress) and at least one blanket, one bed pillow, one pillow case, two sheets and one bedspread and, in the case of a double size bed with one additional bed pillow and pillow case;
- (h) equipped with a dressing table or dressing table fixture with a clothes closet;
- (i) equipped with at least one chair;
- (j) equipped with one drinking vessel for each guest accommodated therein;
- (k) equipped with a minimum of one watt per square foot of electrical illumination;
- (l) in addition to the illumination to be provided in accordance with paragraph (k) equipped with an electric light over or near to each bed capable of being operated from such bed by a switch;
- (m) equipped with an electric razor socket.

[Regulation 34(e) amended by BR73/2007 effective 17 August 2007]

Articles, etc., to be provided in guest bedrooms

35 In every bedroom in a hotel there shall be provided—

- (a) one clean bath towel and one clean hand towel each day for each guest accommodated therein;

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

- (b) upon each bed provided for the use of the guest or guests at least one clean bed sheet each day;
- (c) at least one tablet of soap, which shall be replaced as and when required;
- (d) an adequate supply of fresh drinking water;
- (e) such heating and cooling equipment as is appropriate to prevailing climatic conditions.

Bathrooms

36 (1) A bathroom shall be allocated for the use of every guest in a hotel and shall be equipped and provided with—

- (a) one water closet;
- (b) one hand basin;
- (c) one shower or bath;
- (d) an adequate supply of hot and cold water;
- (e) a medicine cabinet or similar fixture, having a mirror thereon and placed over or adjacent to the hand basin;
- (f) a disposal bin;
- (g) a bathmat.

(2) No bathroom shall be allocated for the use of more than four guests over the age of twelve years.

(3) No bathroom allocated for the use of a guest or guests under paragraph (1) shall be used by any person other than the guest or guests to whom it is allocated or any friends of such guest or guests.

(4) In any case where a bathroom is provided for the exclusive use of a guest or guests occupying one bedroom, then, notwithstanding regulations 34 and 35, the items specified in regulation 34(m) and regulation 35(a), (c) and (d) may be provided in such bathrooms instead of in such bedroom.

(5) No bathroom shall be allocated for the use of a guest in a hotel if access to it is obtained through a room in which some other person is provided with sleeping accommodation unless both the guest and that other person consent to the arrangement.

Common lounges

37 There shall be provided for the use of guests in a hotel a common public room or rooms appropriate to the size of that hotel.

Maximum number of guests

38 The maximum number of guests who may be provided with sleeping accommodation in a hotel at any one time shall not exceed—

- (a) the maximum number of guests for the use of whom a bathroom can be allocated under regulation 36; or
- (b) the maximum number of guests for whom rooms can be provided under regulation 34.

Prescribed forms

39 (1) An application for the grant, transfer or variation of a licence shall be made in such form as the Minister may from time to time determine and copies of application forms shall be made available to any person on request to the Director.

(2) An applicant for the grant, transfer or variation of a licence shall furnish the Minister with a plan of the premises in respect of which application is made to such scale and in such detail as the Minister may specify together with such number of copies thereof as the Minister may specify.

Reports made to the Minister

40 (1) Where a report is made to the Minister by the Chief Medical Officer or the Director of Planning or the Chief Fire Officer which contains a recommendation that a licence be not granted or varied or that an exemption from compliance with any Regulation be not granted the applicant shall be given a copy thereof and an opportunity to make representations thereon.

(2) Where notwithstanding any such recommendation the Minister determines to grant or vary any licence or grant any exemption, the Minister shall give reasons in writing for not following such recommendation.

(3) Where the Minister refuses to grant, vary or transfer a licence the Minister shall give reasons in writing for such refusal.

Display of licence

41 The licence granted in respect of a hotel shall be displayed in a prominent place in that hotel near the registration desk.

Licences requested under other laws

42 Save as is herein otherwise provided, nothing in these Regulations shall exempt the operator of a hotel from obtaining and having in force any licence or permit required under any other Act or Regulations for the carrying out of any kind of business or operation in the hotel of which he is the operator.

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

Offences

43 (1) Any person who operates a hotel in contravention of any of the provisions of these Regulations or who contravenes, or fails to comply with any of the provisions of these Regulations, or any order, instruction or requirement lawfully made, given or imposed by any person under the authority thereof, or who fails to perform any duty imposed upon him thereby, commits an offence against these Regulations:

Punishment on summary conviction: a fine of \$500 for each offence.

(2) Where it is proved that a hotel has been operated in contravention of any of the provisions of these Regulations, and where, in respect of the operation of a hotel, there is proved to be a contravention of any of the provisions of these Regulations, or any order, instruction or requirement lawfully made, given or imposed by any person under the authority thereof or any failure to perform any duty imposed upon any person thereby, then in any such case—

- (a) the person to whom a licence has been granted to operate the hotel;
- (b) the person for the time being acting as manager or person in charge of the hotel; and
- (c) the person whose act or omission constitutes such contravention or failure,

shall, without prejudice to any proceedings which may be taken against any other person, and subject as herein provided, be deemed to be guilty of an offence against these Regulations:

Provided that where an operator, manager or person in charge of a hotel is charged with an offence against these Regulations in pursuance of paragraph (2) it shall be a defence for him to prove—

- (i) that the offence occurred without his consent; and
- (ii) that the offence was not due to any act or omission on his part; and
- (iii) that he had taken reasonable steps to prevent the commission of the offence.

(3) Where the operator of a hotel is a body corporate and it is proved that such contravention or failure was committed with the consent of, connivance of, or was attributable to any wilful neglect on the part of any director, secretary or similar officer of the body corporate then such director, secretary or similar officer shall, without prejudice to any proceedings which may be taken against any other person, be deemed to be guilty of an offence against these Regulations.

Evidential provisions

44 In any proceedings relating to the operation of any premises as a hotel without a licence—

- (a) if it is proved that the premises were so operated with the knowledge and consent of the owner thereof or, where the premises are occupied under a tenancy agreement, the tenant thereof, such owner or tenant, as the case may be, shall be deemed to be the operator; and
- (b) a written statement made by any person on oath before a justice of the peace which tends to establish that the premises were operated as a hotel at any particular time shall be admissible as evidence of the truth of the matters stated therein if the person making the statement is not within the jurisdiction of the court at the date of such proceedings.

Revocation

45 [omitted]

HOTELS (LICENSING AND CONTROL) REGULATIONS 1976

[Amended by:

1997 : 37

2007 : 23

BR 73/2007]