

Requirement for new disclaimer notices

1. The existence of the disclaimer notice, as well as its meaning and effect, is drawn to the attention of the guest before the earlier of the time at which the guest:-
 - makes the booking
 - enters the premises
 - is expected to make payment
2. For those of you who make use of a website for purposes of informing potential guests of your services and for making and confirming bookings, we would suggest that you include a disclaimer notice on the website itself.
3. Whether or not you make use of a website, it would be best to include information relating to the disclaimer notice when you transmit a confirmation of the booking to the guest. Make sure that when doing so, the disclaimer notice is prominent enough to easily come to the attention of the guest.
4. We would also suggest that a disclaimer notice be physically placed at your premises, where the guest checks in. Again, the notice must be prominent enough to easily come to the guest's attention. In this instance, A4 size notice is probably sufficient. If there is no reception area at your establishment, then we would suggest that the notice be placed at the main pedestrian entrance to the premises.
5. If you include the disclaimer notice along with your written terms and conditions which you send to your guest upon confirmation of the booking, the notice should have its own, separate heading (e.g. Disclaimer Notice) and you will have to see to it that your guest signs and/or initials that particular provision indicating acceptance of it.
6. We realize that there are those amongst you who would prefer not to make use of disclaimer notices because you feel that it may spoil the relaxed atmosphere in which you would prefer to do business with your guests. Although this is a perfectly valid concern, you will need to strike a happy medium between the requirements of your guests and those of your insurers and of the law. We feel that most guests would be happy to sign such a disclaimer notice, since they already apply to many other forms of commercial transactions. Such a notice should accordingly come as no real surprise to a prudent guest.
7. The notice should be in plain language. You should make sure that your disclaimer notice is detailed enough to provide you the maximum possible protection but simple enough for a guest to read and understand fairly quickly. You may wish to consider using a disclaimer notice containing the following words:- "Guests and their visitors enter and use these premises at their own risk. Neither the owners nor their representatives or agents are liable for loss or damage to a guests or visitors property, nor for injury or death of any guests or visitors. When such loss or damage to property

- or injury or death is as a result of the negligence of the owners and/or their representatives.”
8. If you have reason to believe that your guest is unable to read the notice because of poor vision, limited ability to read and/or to understand the notice, you are required to bring the notice to that persons attention in a manner that overcomes your guest’s impediment and you are furthermore required to make sure such guest indicates his/her acceptance of the notice. (An example might be where your guests are foreigners who do not speak much English. If for instance you have many German guests, it would be appropriate to have your disclaimer notice translated into German and handed to the guest when they check-in. Should your guest perhaps look as though he/she cannot read the notice, you would be required to ask whether they are able to read the notice and if not, you would be required to read it out to them before they sign in or tender payment.)
 9. If there is something about your establishment that might expose your guests to any unusual hazard of which your guests could not reasonably be expected to know of and that could result in serious injury or death. You will need to specifically draw this fact to your guest’s attention in the same manner as we have outlined above.
 10. It is of utmost importance that you acquaint yourself with the above requirements and take steps to make sure that you are compliant. It will save you a great deal of difficulty in your future relations with your guests.