

Summary of UK regulations applying to overnight guest accommodation

Winter 2015



27 January 2014

You are welcome to use this chart as a very top-line overview of regulations which apply to overnight accommodations providers in England and Wales. It does not include every regulation nor does it address the regulations which apply to mobile accommodations (trains, caravans, tents, etc.).

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This information in this summary table is provided by the British Hospitality Association. It is intended to assist in summarising and interpreting many, but not all, health and safety regulations which apply to UK overnight accommodation providers. The content is provided for general information only and must not be used for giving legal or other professional advice. Whilst every care has been taken to ensure the accuracy of content, the authors accept no responsibility for loss or consequential loss occasioned to any person acting or refraining from action as a result of any statement in it.



WHAT IT IS	WHO DOES IT APPLY TO	WHAT IS IT	WHO DOES IT PROTECT/ WHAT PURPOSE DOES IT SERVE	EXEMPTIONS
ALCOHOL LICENSING	<p><u>Licensing Act, 2003</u> Anyone providing accommodations for a charge and include free alcohol, you are considered to be selling alcohol.</p> <p>Anyone selling alcohol (covered in food business information below)</p>	<p>It is an offence to sell alcohol without a license.</p> <p>Community Safety measure to prevent sale of alcohol to those who are not legally permitted to purchase the same.</p>	Public safety, prevention of public nuisance, protection of children from harm, prevention of crime & disorder.	None – applies to all regardless of size.
LIVE MUSIC	<p><u>Live Music Act, 2012</u> Relates to the public playing of recorded music.</p>	Operators will still have gain an alcohol license and comply with any restrictions on the performances.	Prevention of public nuisance.	Small licenced venues with audiences of up to 200 (8-11pm)
GUEST REGISTRY	<p><u>Immigration (Hotel Records) Order, 1972</u> All serviced and self-catering accommodation.</p>	The Immigration Order means that a record of all guests over the age of 16 (name and nationality; for foreign guests: details of their next destination) must be kept.	Community and national security and safety;	None
DATA PROTECTION	<p><u>Data Protection Act, 1998</u> Anyone who holds any personal information on guests or other individuals.</p>	Register with ICO on an annual basis, acquire necessary guest consents to hold this information and use data securely, provide consumer with data held about them upon request, destroy data after specified length of time.	Consumer protection	None

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BOOKING	All accommodation providers should abide by good practice with regard to booking procedures.	Once you accept a guest booking you must honour it.	Customer protection	None
GUESTS WITH DISABILITIES	<u>Equality Act, 2010</u> Provision of any sort of accommodation, even self-catering. You must give people rights of access to goods, facilities and services.	Make reasonable adjustments to the way you deliver your service to make it easier for a disabled guest to use. You must accept service dogs.	Consumer protection	None
DISCRIMINATION	<u>Equality Act, 2010</u> Discrimination laws apply to all service providers.	Under the Act, it is unlawful to discriminate against any employee or customer (that is to treat them less favourably) on the grounds of <ul style="list-style-type: none"> • disability • gender reassignment • pregnancy and maternity • race – this includes ethnic or national origins, colour and nationality • religion or belief • sex • sexual orientation • age – this applies to those aged 18 or above. <p>Discrimination laws also extend to ‘invidious discrimination’ - for example, if an all male groups has</p>	Customer protection	None

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		to pay a higher booking fee than other groups.		
MARKETING	<u>Privacy and Electronic Communications (EC Directive) Regulations, 2003.</u> If you make direct 'cold call' marketing calls.	Numbers must be checked against the TPS or FPS registers. These need to be checked every 28 days.	Consumer protection	
DIRECT MARKETING VIA ELECTRONIC MAIL	<u>Privacy and Electronic Communications (EC Directive) Regulations, 2003.</u> If you send e-mail and text/picture/video marketing messages to advertise your business.	You are not allowed to send unsolicited marketing material by e-mail to an individual subscriber without previous consent. You must reveal your full identify or a valid address to which the recipient can send an opt-out request to subscribed emails.	Consumer protection	
DISTANCE SELLING	<u>Consumer Contracts (Information, Cancellation and Additional Charges) Regulations, 2013</u> Apply to goods and services that are not sold in 'face-to-face' transactions where the customer is not able to inspect the goods and services that they are purchasing.	The information that must be provided includes the business, the goods or services being sold, payment and delivery arrangements, and the consumers' right to cancel their orders. The Regulations also require the business to provide those goods or services within 30 days.	Consumer protection	Do not apply to contracts to provide accommodation, transport, catering, or leisure services.
OCCUPIERS' LIABILITY ACT	<u>Occupier's Liability Acts, 1957 and 1984</u> The person who controls the premises is liable for the physical safety of everyone who comes onto the premises.	Duty of care and liability for the physical safety of everyone who comes onto the premises. You must make sure that the premises are 'reasonably safe'.	Consumer protection	None
TRANSPORTATION OF GUESTS – LICENSED FOR TRANSPORT	Anyone providing transport, which is chargeable or frequent.	A licence is required for regular transport.	Consumer protection, general liability for harm	Very occasionally to transport a guest, free of charge

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TRANSPORTATION OF GUESTS – BUSINESS INSURANCE	Anyone transporting guests, even occasionally and without charge.	Must carry valid insurance.	Consumer and community protection	None
EMPLOYERS' LIABILITY INSURANCE	<u>Employers' Liability (Compulsory Insurance) Act, 1969</u> Employers must have insurance to cover their liability for any harm suffered by an employee at work.	Maintain employers' liability coverage with a minimum of £5m. Must display a copy of the certificate at their place of business.	Consumer and community protection	Anyone who employs (even part-time or casual employees) one or more persons—applies to self-catering.
MAINTAIN ADEQUATE INSURANCE COVERAGE	Anyone receiving paying guests should have adequate cover against theft or damage to guest property and for damage occurring as a result of business use of property in the accommodation.	Household policies will not cover use of premises for business purposes.	Business owner protection	Best practice
PUBLIC LIABILITY INSURANCE	<u>Occupiers Liability Act, 1984</u> For owners of serviced or self-catering accommodation with control over your premises.	Covers your liability to guests and others for injury, loss and damage. There is no legal requirement to do this. Not to be confused with employers liability. It does not cover loss or damage to proprietor's property.	Business owner liability protection	
SAFETY MANAGEMENT	<u>Management of Health and Safety at Work Regulations, 1999</u> All employers.	Duties and responsibilities for work premises.	Consumer protection	
PRODUCT SAFETY – GAS APPLIANCES	<u>Gas Safety (Installation and Use) Regulations 1998.</u> Applies to self-catering accommodation.	Ensure gas appliances and flues are safely maintained and checked.	Consumer protection	

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PRODUCT SAFETY – GENERAL	<u>General product safety regulations, 2005</u> Apply for self-catering accommodations.	Ensure you supply only safe products for guests and ensure product remains safe throughout period of use.	Consumer protection	
GAS SAFE	<u>The Gas Safety (Installation and Use) Regulations, 1998</u> Self-catering, hotels, hostels, guest house, B&B, etc.	Ensure gas fittings and flues are in safe condition, ensure annual safety check is carried out for each gas appliance by a Gas Safe registered engineer, keep written record of the inspection for two years.	Consumer protection	
SECOND-HAND COOKING APPLIANCES	<u>The Gas Safety (Installation and Use) Regulations, 1998</u> Anyone providing self-catering accommodations with a second-hand gas cooker.	Requires these cookers are safe. They should be checked annually by a Gas Safety registered installer.	Consumer protection	
ELECTRICAL EQUIPMENT SAFETY	<u>Electrical Equipment (Safety) Regulations, 1994</u> Especially important for self-catering.	Electrical equipment must be safe, with no risk that the equipment will cause death or injury and should carry a CE marking when purchased.	Consumer protection	
ELECTRICAL EQUIPMENT	<u>Electrical Equipment (Safety) Regulations, 1994</u> All accommodations provider, with respect to all electrical products made available to consumers (e.g. hairdryer, iron).	Ensure all goods supplied to consumers for their use in the course of a delivery of service is safe. Undertake relevant activities to ensure product remains safe throughout its period of use.	Consumer protection	None.
BUNK BEDS	Accommodation that provides bunk beds.	Bunk beds should be constructed as to prevent the possibility of any part of the body of a child under six years of age becoming wedged or trapped in any part of the bed's structure.	Customer protection	
FIRE SAFETY	<u>England and Wales: Regulatory Reform (Fire Safety) Order, 2005 (and equivalent legislation in Scotland and Northern Ireland)</u> Requires the 'responsible person' to adopt a	A 'suitable and sufficient' fire risk assessment must be carried out, and where there are five or more employees, the assessment should be recorded.	Consumer protection, general	No – this applies to all accommodation premises including self-catering ac-

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	self-assessment approach to fire safety in the workplace.	<p>There should be one person responsible for the fire risk assessment and ensuring that fire protection and prevention measures are observed and maintained.</p> <p>An emergency plan should be drawn up. It should be displayed in the form of a fire action notice in guest rooms and adjacent to the fire alarm call points in the staff and common areas. Assess how staff and guests would escape from the building quickly if a fire started - 2.5 minutes is the target time.</p>	liability for harm.	commodation.
WORKPLACE SAFETY	<u>The Workplace (Health, Safety and Welfare) Regulations, 1992</u>	Covers your employees' working environment, for example temperature, light, space, water, toilet facilities, and equipment.	Employee protection	
ELECTRICITY AT WORK	<u>Electricity at Work Regulations, 1989</u> Applies to self-catering accommodation.	All electrical systems in a places of work must be maintained 'so far as is reasonably practicable' to avoid danger to all who use the premises (including guests). Keep a record of all the testing and maintenance that has been carried out.	Consumer protection, general liability for harm.	
FIRE SAFETY HOUSES IN MULTIPLE OCCUPATION (HMOs)	<u>Regulatory Reform (Fire Safety) Order, 2005</u> Houses in multiple occupation.	Common areas that may be visited by the landlord or others are subject to a suitable and sufficient fire risk.	Consumer protection, general liability for harm.	
FIRE SAFETY OF FURNITURE AND	<u>Furniture and Furnishing (Fire) (Safety) Regulations, 1988</u>	Requires upholstered furniture to meet fire resistance standards.	Consumer protection,	None, applies to all including self-

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FURNISHINGS	Applies to all accommodation types.		general liability for harm.	catering.
SMOKING IN PUBLIC PLACES	<u>Health Act, 2006</u> Smoking is banned in enclosed spaces and places of work.	<u>Smoke-free (Signs) Regulations 2012 (England only)</u> require the display of at least one legible no-smoking sign. There is no requirement on the location or size of the sign, provided that is able to be seen by customers and staff.	Public health	Exemptions: designated bedrooms, self-contained short-term rental accommodations and private areas of b&bs and guest houses.
SIGNS FOR YOUR PREMISES	<u>The Town and Country Planning (Control of Advertisements) Regulations, 2007 and Consumer Protection Regulations, 2008</u> Applies if you display any outdoor signs and/or advertisements.	Consent depends on whether signs are fully, partially or non-illuminated and where they are situated. Signs must not be misleading, as this could constitute a breach of unfair trading and misleading marketing legislation.	Community protection	
GYMS AT AND SWIMMING SAFETY AND OUTDOOR SAFETY	<u>Health and Safety at Work Act, 1974 and Management of Health and Safety at Work Regulations, 1999.</u> Applies where a gym, pool or particular outdoor activity is offered.	Safety in swimming pools requires a thorough risk assessment and an assessment of the need for constant supervision.	Guest protection	
OUTDOOR ACTIVITIES	<u>Adventure Activities Licensing Regulations, 2004.</u> Anyone who sells adventure activities intended for young people under 18.	Providers must have a safety management system in place that involves a systematic approach to recognising risks and making sure something is done to control them. Covers 26 activities.	Child health and safety protection	

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ENERGY PERFORMANCE CERTIFICATES	Any new builds are required to have an Energy Performance certificate.	The certificate provides information on a building's energy use and carbon dioxide emissions. Certificate valid for 10 years.	Community Protection	
PLANNING PERMISSION	<u>Town and Country Planning Act, 1990,</u> <u>Building Regulations, 2000.</u> Change of use requirement, even if no structural alterations are undertaken.	You must make an application using the 'Full Plans' application process.	Community amenities planning and provision	Varies by location. However, opening a B&B is often considered a change in use, even if you live on site.
REGULATORY REFORM (FIRE SAFETY) ORDER 2005	<u>Regulatory Reform (Fire Safety) Order, 2005</u> Any building not exclusively used as a private dwelling.	A 'suitable and sufficient' fire risk assessment must be carried out. Requires a 'responsible person' in all workplaces.	Dweller protection	
CONTROL OF ASBESTOS REGULATIONS 2006	<u>Control of Asbestos Regulations, 2012</u> All non-domestic properties, including guest houses and common parts of house if rooms let for guest accommodations.	The legal duty relates to its management, not necessarily its removal. The regulations require identification, recording, and assessment of the risk of asbestos. If you think that your property contains asbestos, seek advice from an expert. Asbestos is only dangerous when disturbed.	Health and safety	
FOOD HYGIENE	<u>Hygiene of Foodstuffs, 2004</u> Applies to anyone who serves food and drink.	Sets out the day-to-day requirements for food business operators. Follow procedures based on HACCP, which stands for: hazard, analysis, critical, control, point. Records must be kept.	Customer	
TEMPERATURE	<u>Food Hygiene (England) Regulations, 2006</u> <u>(and equivalent legislation in Scotland, Wales</u>	Must not keep food at a temperature that may make it unsafe to eat. Foods which need temperature control	Customer	Exempt from the 8°C limit: bakery

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	and Northern Ireland) Any accommodation provider that offers food to guests.	for safety must be held either: hot (at or above a minimum temperature of 63°C) or chilled (at or below a maximum temperature of 8°C). The regulations have a degree of flexibility in the serving and display of food.		products to be used quickly, dried foods, or food which is ripening or maturing.
FOOD SAFETY	<u>Food Safety Act, 1990</u> If you supply food to guests.	Must comply with the provisions of food safety and hygiene legislation. The word 'food' is defined as including drink. Implement food safety management systems to ensure the food you provide is safe to eat.	Guest protection	Applies to anyone supplying food to guest.
REGISTERING AS A FOOD SUPPLIER – ACCOMMODATION PROVIDER	<u>Food Safety Act, 1990</u> If you are an accommodation provider that supplies food to guests.	You must register 28 days prior to trading and comply with regulations.	Guest protection	None.
FOOD WASTE	<u>Food Safety Act, 1990</u> If you supply food to guests.	Must not accumulate and, as a general rule, must be kept in closed, clean containers. Waste elimination must be carried out in a hygienic and environmentally conscious manner.	Guest protection	
WATER SUPPLY	<u>Food Safety Act, 1990</u> If you supply food to guests.	Must be an adequate supply of drinking water.	Guest protection	
CLEANING AGENTS	<u>Food Safety Act, 1990</u> If you supply food to guests.	Chemicals must not be stored in areas where food is handled.	Guest protection	
PERSONAL HYGIENE	<u>Food Safety Act, 1990</u> If you supply food to guests.	Everyone working with food must maintain a high level of personal cleanliness, maintain good hand washing routines, must not suffer from an illness that could	Guest protection	

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		contaminate food.		
RAW MATERIALS	<u>Food Safety Act, 1990</u> If you supply food to guests.	You should not buy or supply any raw materials that are not fit for human consumption.	Guest protection	
CROSS-CONTAMINATION	<u>Food Safety Act, 1990</u> If you supply food to guests.	Protect against all forms of contamination.	Guest protection	
ALLERGENS	<u>Food Information for Consumers Regulation ("Allergens Regulations"), 2014</u> If you supply food to guests.	Requiring food businesses to accurately communicate to customers, before they order, which dishes contain any of fourteen specified allergens. Includes drinks.	Guest protection	
GENETICALLY MODIFIED FOOD	<u>GM Food (England) Regulations, 2004 and Genetically Modified Organisms (Traceability and Labelling) Regulations, 2004</u> (and equivalent Regulations in Scotland, Wales and Northern Ireland). Anyone providing food to guests that contain ingredients produced from genetically modified ingredients.	The words 'genetically modified' or 'produced from genetically modified [name of organism]' must be displayed on a notice, menu, ticket or label which can be easily read by customers. For example products on the menu marked * contain ingredients produced from genetically modified soya.	Customer choice	
HEALTH AND SAFETY AT WORK	<u>Health and Safety at Work Act, 1974</u> Places general duties and responsibilities on all people at work, including employers, employees and the self-employed.	Employers are responsible for ensuring, so far as is reasonably practicable, the health, safety and welfare of all your employees at work plus anyone else who could be affected by your work activities, e.g., guests, casual workers, contractors.	Employees	
WORK EQUIPMENT	<u>Provision and Use of Work Equipment Regulations, 1998</u> Covers the safety of work equipment	The equipment must be suitable for the job, and properly installed and safe to operate. Training must also be given and instructions. The equipment should	Staff	

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	(including an employee's own equipment and equipment used by a self-employed person, e.g. a cleaner who cleans your self-catering accommodation from time to time).	also be maintained and in good repair through regular maintenance, inspection.		
DISPLAY SCREENS	<u>Health and Safety (Display Screen Equipment) Regulations, 1992</u> Applies to staff that use computers or other kinds of display screen equipment as part of their normal work.	Employers have the responsibility to: <ul style="list-style-type: none"> analyse workstations, and assess and reduce risks ensure workstations meet minimum requirements plan VDU work so that staff have breaks or changes of activity provide eye and eyesight tests for users who request them, and provide spectacles if special ones are needed provide health and safety training. 	Employee health and safety	
SAFE MANUAL HANDLING	<u>Management of Health and Safety at Work Regulations, 1999 and the Manual Handling Operations Regulations, 1992</u> For employers who require employees to carry out manual handling.	The risks must be properly assessed and minimised as far as reasonably practicable. Requires an employer to assess the risks and take the appropriate precautions. Requires employers to ensure that employees are not required to undertake any manual handling operations at work if there is a risk of them being injured.	Employee health and safety	
WORK AT HEIGHT	<u>Work at Height Regulations, 2005</u> Requires employers to avoid work at height where possible, or, where it cannot be avoided, to take measures to ensure that the person working at height does not fall.	There must be a risk assessment carried out before a person works at a height. People involved in working at a height must be competent and adequately trained and supervised.	Employee health and safety	
LUGGAGE	<u>Hotel Proprietors Act, 1956</u> If you run serviced accommodation, you are	For overnight guests, you will be liable if loss or damage is due to your negligence, goods have been en-	Property protection	

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	required to take responsibility for the safekeeping of all reasonable items of luggage brought in by guests.	trusted to you, or if they have been offered for safekeeping but refused. For guests (non-overnight) you will be liable if you have been negligent when the guest handed the property for safekeeping.		
HOLIDAY PACKAGES	<u>Package Travel, Package Holidays and Package Tours Regulations, 1992</u> Applies if you offer a package of services that lasts at least 24 hours and includes at least two out of three of transport, accommodation and other significant visitor services.	Provisions relating to the marketing, booking and delivery of the package. There are criminal penalties for non-compliance.	Guest protection	
RIGHT TO RETAIN A GUEST'S LUGGAGE	Hotel owners have the legal right to detain guests' property until their bill is settled.	If the bill has not been paid in full after six weeks, you may then sell the guest's property. The sale must be by public auction and advertised (more details available). Private hoteliers and self-catering accommodation have no legal right to detain and sell a guest's property; a claim should be perused through the small claims court.	Accommodation owner	
VAT	You do not have to register for VAT if your turnover for the previous 12 months is less than £81,000 (2014/15).	There are different tax and legal implications depending on whether you operate your business as a sole trader, a limited company or a partnership.	UK Government rules	
HAZARDOUS SUBSTANCES	<u>Control of Substances Hazardous to Health Regulations, 2002 (COSHH)</u> If you are an employer you must assess all hazardous substances.	The employer has a duty to remove employees' exposure to hazardous substances, or to adequately control it.	Employee health and safety	
FURNISHED	<u>Furnished Holiday Letting Rules</u>	Rental properties are deemed to be rental businesses.	UK	

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HOLIDAY LETTING RULES	A property must be available for at least 210 days a year, let for at least 105 days, and operated in a commercial manner.	Hotels, guesthouses and B&Bs are treated as trade businesses. Self-catering accommodation can be treated as a trade business .	Government rules	
SELF-CATERING LETTING OPTIONS	<u>Housing Act, 1988</u> Owners with holiday lettings.	Occupiers do not gain any rights to stay on in your property as long as it is actually let for a holiday. For out-of-season lettings, you may wish to consider an assured tenancy or an assured short hold tenancy.	UK Government rules	
BUSINESS RATES	Bed and breakfast establishments.	Business rates apply to a self-catering establishment unless you offer short-term lets for fewer than 140 days a year. Only the part of the property used for business purposes is subject to business rates. The local authority will calculate the business rates for your property based on its 'rateable value'. Small business rate relief available.	UK Government rules	Exempt when less than 6 people staying or as part of a main home.
CHILDCARE FACILITIES	<u>Childcare Facilities and the Children Act, 1989</u> Tourist accommodation who provide child care for children under the age of eight for more than 2 hours	Required to register with Ofsted if you are offering certain types of care facilities. This applies regardless of whether the child belongs to a member of staff (e.g., a creche for employees) or a guest (e.g., a child-care service or kids' activity group).	Children	
EMPLOYING CHILDREN	<u>Childcare Facilities and the Children Act, 1989</u> There are special requirements that you must comply with if you are employing children under the age of 18.	It is illegal to employ anyone under the age of 13 and children can only undertake full-time employment once they reach school-leaving age. Unless the Child is a family member, you must undertake a separate Health and Safety Assessment of their position that takes into consideration their age and lack of experience. Children aged 16 and 17 are able to service al-	Children	

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		cohol in a dining room or restaurant without supervision or behind a bar if each individual sale is approved by a responsible person.		
WORKING HOURS	<u>The Working Time Regulations, 1998 (as amended)</u> Applies to all accommodation providers that have employees.	Must take steps to ensure that employees do not work more than an average of 48 hours a week (excluding lunch breaks). Employees are entitled to 5.6 weeks' paid leave a year and rest periods of a specified length in each working day and in each seven day period. You need to keep sufficient records to show that you are complying with the regulations.	Employees	
MIGRANT WORKERS	<u>UK Borders Act, 2007</u> If you employ, or plan to employ, people from outside the UK, you need to make sure that they have permission to work before they start working for you.	To be entitled to work in the UK, a foreign national must provide you with the necessary documentation. You should check any documentation provided to ensure, to the best of your ability, that those documents are genuine and that the potential employee is entitled to work in the UK.	Employees	
TV LICENCES	<u>Hotel and Mobile Units Television License</u> Serviced or self-catering accommodation offering short-stay accommodation where you provide a device on which your guests can view TV programmes.	Your license fee will be based on the number of units of overnight accommodation you have to let. A license only covers one or more units of guest accommodation 'on the same site' or 'within the same premises'.	Intellectual property	
COPYRIGHT LICENCES FOR MUSIC	<u>Copyright, Designs and Patents Act, 1988</u> You will need to obtain copyright licenses if you are playing copyright music 'in public' on your premises, whether it is through a radio, TV, CD or DVD player or any other device, or it	Further information on obtaining a license, along with a list of license tariffs is available from PRS for Music.	Intellectual property	Exemption for small accommodation businesses that has less than four guest bedrooms.

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	is performed live.			
LICENSES TO SHOW DVDs	<u>Copyright, Designs and Patents Act, 1988</u> Providing films to paying guests.	Licenses vary depending on the type of accommodation. A license is not required if guests bring their own DVDs to watch.	Intellectual property	
UNFAIR TRADING	<u>Consumer Protection from Unfair Trading Regulations, 2008</u> If you are advertising your accommodation using any other form of media or making statements about your facilities to the public.	Duty not to undertake unfair trading. The CPRs aid in determining whether certain advertising and marketing practices are misleading, aggressive or lack due diligence.	Prevents unfair business	
UNFAIR TRADING	<u>Business Protection from Misleading Marketing Regulations, 2008 (Business Protection Regulations)</u> Comparison marketing.	These regulations tighten restrictions relating to how companies compare their products to rival products from other companies.	Prevents unfair business	
HOUSING ACT	<u>Housing Act, 2004</u> HMOs needs to be licensed if it is a building consisting of three or more storeys and is occupied by five or more tenants in two or more households.	A set of criteria will need to be met in order to obtain a licence.	Tenants	