

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

**THIRD YEAR EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF
TOURISM AND HOSPITALITY MANAGEMENT**

BTHM 333: HOSPITALITY LAW

STREAMS: BTHM Y3S2

TIME: 2 HOURS

DAY/DATE: WEDNESDAY 18/04/2018

2.30 P.M. – 4.30 P.M.

INSTRUCTIONS:

- Answer all questions in SECTION A and any other two in SECTION B.
- Do not write anything on the question paper.

SECTION A: (30 MARKS)

1. State the key sources of environment law in Kenya. (3 marks)
2. Examine two legal implications of running a business as a sole proprietorship. (4 marks)
3. Explain two ways in which members of private companies may have limited liability for the company's debts. (4 marks)
4. State three consequences of breaching a contract that is enforceable. (3 marks)
5. State five instances when a partnership may be terminated without the court's intervention. (5 marks)
6. It is contrary to the law for a hotel to treat a guest less favorably because of their disability. Briefly describe three specific requirements that any hospitality service provider must have for people with disabilities. (3 marks)
7. Outline four conditions that need to be fulfilled in order for negligence to exist legally. (4 marks)
8. Explain four situations in which a guest may be removed from a hospitality premises. (4 marks)

SECTION B: (40 MARKS)

9. (a) Explain five duties of care that a hospitality operator owes to people who enter their premises. (10 marks)
- (b) Using examples, discuss five situations in which a hospitality operator can legally deny services to a guest. (10 marks)
10. (a) Mr. Garth booked a week's holiday for his family at the Bee Hotel. As they were being checked-in at the reception, Mrs. Garth saw a notice which stated that 'All valuables must be left at the reception.' While the family was enjoying their drinks by the pool side, Mr. Garth saw a notice which stated 'All guests swim at their own risks.' Mr. Garth took little interest in the notice. While the family went out for an excursion, a burglar broke into the couple's room and stole Mrs. Garth's diamond wedding ring which she had forgot to wear. On the last day of their stay, Mr. Garth's daughter nearly drowned in the pool while the pool attendant was having his lunch at the staff canteen. She recovered with a permanent brain damage. On what grounds can Garth's family sue the Bee Hotel for both incidences? What would be the defense of the hotel in both cases? (12 marks)
- (b) Regardless of the means used to make a reservation, a booking contract is subject to the same legal principles as any contract. Compare the legal position of a reservation made over the telephone with one completed by electronic mail. (8 marks)
11. Discuss five contemporary/current issues that are affecting the legal environment of the Kenyan hospitality industry. (20 marks)
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