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CHUKA



UNIVERSITY

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**UNIVERSITY EXAMINATIONS**

**EXAMINATION FOR THE AWARD DEGREE OF  
BACHELOR OF SCIENCE IN ECOTOURISM**

**BECO 482: LEGAL ASPECTS IN HOSPITALITY AND TOURISM INDUSTRY**

**STREAMS: BECO Y4 S2**

**TIME: 2 HOURS**

**DAY/DATE: MONDAY 20/04/2020**

**11.30 A.M - 1.30 P.M.**

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**INSTRUCTIONS:**

- Answer question ONE and any other TWO questions
- Do not write on the question paper

**QUESTION ONE**

- a) Mr. AB is intending to open a restaurant. Mr. AB has hired the services of an interior decorator so as to render his future restaurant attractive. Mr. AB has paid in full the interior decorator but the latter has not yet completed his job and has failed to turn up since 30 days.
- i. Advice Mr. AB on whether a contract has been formed between Him and the decorator. [4 Marks]
  - ii. Explain to Mr. AB the steps to a law suit. [5 Marks]
- b) Explain four types of establishments (those that affect interstate commerce) covered by Kenya Tourism Act. of 2011. [8 Marks]
- c) Explain the rights of a guest house proprietor [5 Marks]

- d) Mr. Edwards, a prominent hotel establishment owner is concerned about liability losses to his establishment. Explain his legal status towards the following plaintiffs.
- i. Invitees [2 Marks]
  - ii. Trespassers and Children [3 Marks]
  - iii. Licensee [3 Marks]

## QUESTION TWO

- a) Describe and analyze legal and ethical relationships with guests, other patrons and suppliers. [8 Marks]
- b) Explain the instances when hotel establishments are relieved liability for loss of guests property. [6 Marks]
- c) Explain the limitations of African customary law as a source of Kenyan law. [6 Marks]

## QUESTION THREE

- a) In each of the following scenarios, identify the legal issue involved supporting your answer with a relevant law governing the issue.
  - i. Mr. Edwards saved some confidential information from his employers computer network into his flash drive, so that he would work on a project from a different location. Without realizing it, Mr. Edwards drops it and the information later leaks on the media. [3 Marks]
  - ii. Lawson. A lorry driver employed by the Polyview hotel, reversed his lorry negligently and knocked down his father, who was employed by the same hotel.

[3 Marks]

b) Explain how the guest-innkeeper relationship can be terminated. [8 Marks]

c) Explain the items that must be kept in a safe while a person is in a guest status.

[6 Marks]

#### **QUESTION FOUR**

a) Discuss five implied duties of an employee to an employer in a contract of employment.

[5

Marks]

b) Kenya has for many years enjoyed a reputation for political stability and democratic institutions. This is attributed to the respect for the rule of law. Explain the rule of law and factors that limit the rule of law. [6 Marks]

c) When seeking to determine whether an intention to create legal relations exists in relation to an agreement, the court is not concerned with what the parties had in their minds but rather how reasonable persons would view their actions. Discuss. [6 Marks]

d) Explain the legal doctrine of attractive nuisance in relation to hotel establishments. [3 Marks]