

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

**THIRD YEAR EXAMINATION FOR THE AWARD OF DEGREE OF
BACHELOR OF HOTEL MANAGEMENT**

BCHM 391: HOTEL AND CATERING LAW

STREAMS: BCHM 391 (Y3S2)

TIME: 2 HOURS

DAY/DATE: MONDAY 17/4/2023

2.30 P.M. – 4.30 P.M.

INSTRUCTIONS:

**Answer ALL questions in SECTION A and any TWO questions in SECTION B
Do not write anything on the question paper**

SECTION A: (30 MARKS)

1. Explain any **THREE** advantages of subsidiary legislation. (6 marks)
2. Describe **THREE** preconditions of a common law system based upon judicial precedent. (6 marks)
3. Highlight **THREE** tests that can be used to establish whether a person is an employee of a hotel. (6 marks)
4. List any **SIX** grounds that the justices may refuse a restaurant license. (6 marks)
5. Describe **THREE** situations where an innkeeper will not be liable for the loss of a guest's property. (6 marks)

SECTION B: (40 MARKS)

6. On 1st June 2022 Ms. Victor, the receptionist at the Protea Hotel, which is owned by Rocky Mountains Ltd, received a phone call from Mr. Erick Sidney seeking to book a single room for 5th June 2022 for two nights. Ms. Victor agreed to reserve

accommodation for the night of 5th June for Mr. Sidney, although she knew at the time that the hotel was fully booked for 5th June, the majority of the rooms being occupied by USAid members attending a conference in town. Ms. Victor informed Mr. Sidney in the course of the telephone conversation that the room would be held until 6 p.m. on the 5th June, after which it might be re-let and she asked him to fax a confirmation.

By 6.15 p.m on 5th June Mr. Sidney had not arrived, and a further two guests who had booked with the hotel had not turned up. A couple, one of whom was in a wheel chair, came in to see if the hotel had room but Ms. Victor turned them down because the hotel did not have suitable facilities for customers in wheelchairs. Shortly afterward Mr. and Mrs. Johnson and their child, Cameron, from Guinea, arrived at the Protea Hotel at 6.20 p.m. and enquired whether there were any rooms available that night. Ms. Victor turns the Johnsons away, thinking it tactful to do so. She tells Mr. Johnson that they may find vacant accommodation at the Woodlands Hotel, also owned by Rocky Mountains Ltd, and within a ten-minute walk of the Protea Hotel. At 6.30 p.m Mr. Williams, a man of rather unkempt appearance and wearing a Rastafarian cap, is turned away by Ms. Victor, having enquired about accommodation at the hotel. At 7.00 p.m. Ms. Victor books in Mr. and Mrs. Immanuel and their two sons to the empty three rooms. Whilst Mrs. Immanuel is at dinner later that evening her fur coat is stolen from her room, which she had left unlocked. At 8.15 p.m. Mr. Erick Sidney finally arrives and demands a room for the night.

Critically analyze this case and advise Mr. and Mrs. Johnson, Mr. Williams, Mr. Erick Sidney and Mr. and Mrs. Immanuel as to their respective rights of action against the Protea Hotel's owners, Rocky Mountains Ltd. (20 marks)

7. a) Explain how contracts for the sale of food and drink are formed in the following food service facilities:
 - i. Formal restaurants
 - ii. Self-service outlets
 - iii. Fast food outlets
- b) Aside from issues of the private and public nuisance, the right conferred by ownership of a freehold estate may be decided by the existence of third party rights of another kind as well as statement of restrictions. Discuss. (12 marks)

8. a) With the aid of the legal pyramid, summarize the sources of Kenyan law. (10 marks)
- b) Prior to the point in time when the offeror makes an offer to contract there may be a number of pre-contractual stages, which, while they may be steps on the way towards the making of an offer, aren't in themselves an offer to contract. Discuss. (10 marks)
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