



University Examinations for 2021/2022 Academic year
THE SCHOOL OF HOSPITALITY & TOURISM
DEPARTMENT OF HOSPITALITY MANAGEMENT
SECOND YEAR SECOND SEMESTER EXAMINATION FOR
BACHERLOR OF SCIENCE IN HOSPITALITY AND TOURISM
MANAGEMENT

HTM 219 -2: LEGAL ASPETS IN HOSPITALITY AND TOURISM

DATE.....TIME

Instructions. Answer question one and any other two Questions

Section A(Compulsory)

Q1 Q1.

a) Giving examples define the following legal terms

- 1) Contractual Capacity (2 marks)
- 2) Consideration (2 marks)
- 3) legal personality (2 marks)

b) Describe any two sources of law in Kenya (4 Marks)

c) What is the purpose of law to any society (2 marks)

d) Differentiate between criminal and civil law (8marks)

e) The Occupational Safety and Health Act, No. 15 of 2010, provides for the safety, health and welfare of workers and all persons lawfully present at workplaces. Explain five safety and health responsibilities of the employer to the employee (10 marks)

f) Describe the 5 guiding principles of fair employment practices as stated in the Tripartite Guidelines on Fair Employment Practices 10 marks

SECTION B ANSWER ANY TWO

Q2. Read the case below and answer the questions that follow.

A traveller, Mr. Wekesa was driving home to Western Kenya when his vehicle broke down. He called on the nearby ' Highway Inn' and asked for refreshment and accommodation. He was provided with refreshment but refused accommodation because all the rooms were occupied. The

traveler asked if he could sleep in a lounge/ lobby but the Night manager refused. Mr Wekesa has threatened to sue for having been refused accommodation.

A) Explain if it was lawful to refuse accommodation to Mr Wekesa in such circumstances? (5 marks)

b) Using your acquired knowledge on legal aspects in hospitality and tourism advice the hotel management. [15 marks].

Q3. Law of contract

Read the case below and answer the questions that follow

Hotel Bila Mashaka in Njoro entered into a contract with Mr. Bitok of “ALWAYS FRESH” vegetable farm in Naivasha for the supply of fresh tomatoes. The details of the contract included the following clause. **“Supplies shall only be done on request”**

Mr. Bitok supplied the tomatoes for three years and considered this a very good business. At the end of the third year Mr. Bitok had extra large harvest of his tomatoes and fearing that the tomatoes would spoil decided to supply to the hotel without an official order. Hotel Bila Mashaka has refused to pay citing breach of contract.

Required:

Using your understanding on the application of the law of Contract:

1. Explain to Mr. Bitok the legal issues surrounding his actions(5 marks)
2. Explain if Hotel Bila Mashaka should pay for the said supply (5 marks)
3. Give legal advice to Mr. Bitok (10 Marks)

Q4. Duty of care

Read the case below and answer the questions that follow

Mrs. Smith was on a package holiday in Kenya. She was invited by her friends in Mtwapa Apartments for a wedding anniversary. On her way back to the hotel she was attacked by thugs and lost her gold chain and sustained some injury. She reported the incident to Kijipwa police station and to her travel agent. The agent did not take any action. Later in the evening she slipped in her hotel bathroom due to a defective showerhead fixture, which leaked water on the bathroom floor, making it wet and slippery. She appeared to have broken her left arm as a result of the fall. Despite Mrs. Smith complaining to the hotel about the defective showerhead three days earlier, nothing had been done to fix it. No member of staff visited the hotel room to inspect the showerhead, even after the incident. Mrs. Smith had to visit a local hospital where she incurred expenses due to the nature of her injury. On her return home, Mrs. Smith spend several weeks off work in order for her injuries to heal. She has threatened to sue both the hotel and the tour operator for damages.

Required: Using your knowledge of Liability in tort:

Answer the following questions

1. Does the hotel bear a legal liability on Mrs Smith? Explain 10marks
2. In your view will the suit against the tour operator sustain? Why (10 marks)

Q5. The restaurateur and the guest.

Dr. Joan a Professor of Economics with her friends visited a nearby 3 star restaurant during the 10oclock tea break for a snack. They ordered for meat samosas, ginger tea and a bowl of fresh salads. . The service was elegant and went on well. As Professor Joan was enjoying the carrot, lettuce tomato and onion salad, she discovered a freshly cut green caterpillar in the bowl of salad. She vomited, suffered shock and stomach upset and later hospitalised for nervous breakdown.

Required

1. Analyse the scenario above in light of “businesses owe a duty of care towards their customers” 8 marks.
2. In your opinion if Prof. Joan decides to sue the restaurant, what will she be suing for? (6 marks
3. For Prof. Joan’s case to sustain in a court of law what should the court establish? (6 marks