



MACHAKOS UNIVERSITY

University Examinations for 2018/2019 Academic Year

SCHOOL OF HOSPITALITY AND TOURISM MANAGEMENT

DEPARTMENT OF HOSPITALITY MANAGEMENT

SECOND YEAR SPECIAL/SUPPLEMENTARY EXAMINATION FOR

BACHELOR OF SCIENCE (HOSPITALITY MANAGEMENT)

HTM 219: LEGAL ASPECTS IN TOURISM AND HOSPITALITY
MANAGEMENT

DATE: 26/9/2019

TIME: 11:00 – 1:00 PM

INSTRUCTIONS TO CANDIDATES

Answer Question One and Any Other Two Questions

Section A: Answer All Questions in this Section

1. Distinguish between civil law and criminal law. (4 marks)
2. Explain the extent to which African customary law is applicable in the Kenyan legal system. (6 marks)
3. Distinguish between the jurisdiction of appellate court and the high court. (4 marks)
4. Highlight the circumstances under which a hotelkeeper may refuse accommodation service to a guest. (4 marks)
5. Discuss any three obligations of an agent as provided for in the law of agency. (6 marks)
6. According to the European Union directive on package travel, package holidays and package tours, highlight elements a package should consist of. (5 marks)

SECTION B: ANSWER ANY TWO QUESTIONS IN THIS SECTION.

7. a) With reference to the provisions in the Occupier's liability act, explain the duty owed to lawful visitors and trespassers. (10 marks)
- b) Staying overnight at the Grand Hotel, a guest is awoken by a noise outside her room, whereupon she apprehends a burglar and, during the ensuing struggle, her arm is broken. In his anxiety to escape, the burglar trips over a hole in the carpet and breaks his leg. Both parties are in hospital and are seeking to sue the hotel. Advise both parties on their legal rights. (10 marks)

8. Section 1(1) of the Hotel Proprietors Act 1956 draws a distinction between ‘inns’ and other establishments.
- a) What is an inn? (5 marks)
 - b) Examine the innkeeper’s right of lien. (10 marks)
 - c) Explain the innkeeper’s position when a traveler departs from the premises having failed to pay for refreshment consumed. (5 marks)
9. a) The booking of accommodation creates a legally binding agreement between the hotelier and the guest. Discuss seven essential elements of a valid contract (14 marks)
- b) Explain three ways in which a contract may be terminated (6 marks)
10. The Licensing Act regulates the sale and supply of alcohol.
- a) Examine the procedure for applying for a license that will authorize a person to sell alcohol. (10 marks)
 - b) Discuss how a person authorized to sell alcohol may contravene the requirement to prevent disorderly conduct on licensed premises. (10 marks)