



GRETSA UNIVERSITY - THIKA

**UNIVERSITY EXAMINATIONS
MAY - AUGUST 2018 SEMESTER**

**BACHELOR OF SCIENCE IN HOSPITALITY
MANAGEMENT**

COURSE CODE: BSHM 302

**COURSE TITLE: LEGAL ASPECTS IN HOSPITALITY &
TOURISM**

DATE: 9 AUGUST 2018

TIME: 8.00 AM – 11.00 AM

INSTRUCTIONS TO CANDIDATES

1. SECTION A IS **COMPULSORY**.
2. SECTION B: ANSWER ANY OTHER **THREE** QUESTIONS.
3. **DO NOT** WRITE ANYTHING ON THIS QUESTION PAPER AS IT WILL BE AN EXAM IRREGULARITY.
4. ALL ROUGH WORK SHOULD BE AT THE BACK OF YOUR ANSWER BOOKLET AND CROSSED OUT.

CAUTION: All exam rooms are under CCTV surveillance during the examination period.

SECTION A: COMPULSORY

Question One

- a) The plaintiff was a guest at the defendant's hotel in Nairobi. He previously stayed at the hotel on eight occasions, but had never before occupied a room on the ground floor. At about 11:00pm on the night in question, he arrived back in his room and wanted to use the lavatory. He had ascertained during the daylight that the lavatory was diagonally across the passage from his room door and as the passage was now unlit and he was unable to reach the light switch, he crossed the passage in the dark and, by feeling his way, came to a door which he believed to be that of the lavatory, but which was in fact a door leading to a basement. On opening the door and passing through the doorway, the plaintiff immediately fell down a flight of steps and sustained injury. As a lawyer advice the plaintiff. **[10 marks]**
- b) In relation to criminal law, describe **FIVE** acts, omission, or commission by an employee that could be classified under this type of law in the hospitality industry. **[10 marks]**
- c) Discuss **FIVE** reasons why all stakeholders in the Kenyan hospitality industry need to uphold the stipulation of the constitution. **[10 marks]**
- d) By explaining the meaning of judicial precedents, write short notes on the following:
- (i) Declaratory precedent.
 - (ii) Original precedent.
 - (iii) Distinguishing precedent.
 - (iv) Overruling precedent.
- [10 marks]**

SECTION B: ANSWER ANY THREE QUESTIONS

Question Two

- a) A hotel has found itself in a mess after the front office reservation agent realized that she had sold Johnstone's room to another client due to a reservation system error. Johnstone arrives at the hotel and intends to sue the hotel over the issue. As a manager, why would you seek arbitration with Johnstone as a way of solving this issue before he sues the hotel. **[10 marks]**
- b) Using examples in the hospitality industry, distinguish between an offer from an invitation to treat. **[10 marks]**

Question Three

- a) Analyze **FIVE** rules that govern acceptance of a lawful offer between a hotel and a guest. **[10 marks]**
- b) Provide examples in the hospitality industry that would distinguish executed consideration from executory consideration. **[10 marks]**

Question Four

- a) Discuss **THREE** ingredients that a plaintiff must discharge in order to win a case against a hotel's negligence. **[10 marks]**
- b) Discuss how a contract is formed in a formal restaurant, self-service restaurant, and fast food outlets. **[10 marks]**

Question Five

- a) Analyze **FIVE** provisions in the production and sale of food as stipulated in the Public Health Act Cap 242. **[10 marks]**
- b) Discuss **FIVE** factors that could influence your decision on the form of business enterprise you would invest in the hospitality industry. **[10 marks]**