



# TECHNICAL UNIVERSITY OF MOMBASA

*Faculty of Business & Social Studies*

DEPARTMENT OF HOSPITALITY & TOURISM

DIPLOMA IN TOURISM MANAGEMENT

(DTM M12)

**BHT 2303: LEGAL ASPECTS FOR TOURISM**

END OF SEMESTER EXAMINATIONS

**SERIES:** APRIL 2014

**TIME:** 2 HOURS

**INSTRUCTIONS:**

- This paper consists of Sections **A** and **B**.
- Section **A** is **Compulsory**. Answer any **TWO** questions in Section **B**.
- Mobile phones are not allowed into the examination room.
- Cheating leads to disqualification.
- ***This paper consists of Three printed pages.***

## SECTION A (Compulsory) 30 Marks

### QUESTION 1

- a) Define the following terms:
- i) Defendant (2 marks)
  - ii) Plaintiff (2 marks)
  - iii) Litigation (2 marks)
  - iv) Arbitration (2 marks)
- b) Distinguish between civil law and criminal law stating the objects of each and the expected outcome of civil and criminal actions. (12 marks)
- c) The Tourism Act 2011 provides for the establishment of a number of institutions in the tourism sector. State any **FIVE** of these institutions briefly explaining their roles. (10 marks)

## SECTION B (Answer any TWO questions) 40 Marks

### QUESTION 2

Mr Masumbuko has been a loyal and hardworking employee of the Hamilton Hotel for the past 35 years. He has developed a good command of the English language and has stood by the main door of the hotel for the last twenty years. However, a recent stroke has left him with a limp in his right leg. The service manager of Hamilton hotel Mr. Randolph, felt that Mr. Masumbuko will incur additional medical expense to the company as he is ageing and working slower day by day. Hence Mr. Randolph wanted to fire him. One fine day, Mr. Masumbuko fell and broke his leg while opening the door of a limousine. Mr. Randolph refused to pay his medical fees and fired Mr. Masumbuko after this. In a parting shot to the hotel, Mr. Masumbuko obtained a detailed listing and private information of all high value customers of Hamilton Hotel, and passed them to his new employer, Broadway Inn Hotel.

- a) Using the relevant Acts applicable to the tourism industry advise Mr. Masumbuko. (10 marks)
- b) Advise the management of Hamilton Hotel. (5 marks)
- c) What are the legal responsibilities of Hamilton Hotel to Mr. Masumbuko. (5 marks)

### QUESTION 3

Francis Connie, a celebrated celebrity singer was raped at gun point by a man who entered her hotel room using a spare key. The man had posed as a guest of the hotel at the front office and Mrs. Shauri Yako, a front office staff issued the spare key to Connie's room without requesting for identification.

- a) What level of legal responsibility should the hotel management be assigned for Mrs. Shauri Yako's negligence. (5 marks)
- b) What options does Connie Francis have in this scenario? (5 marks)
- c) List and explain **FIVE** specific actions the hotel management could take or institute to implement good key control practices. (10 marks)

### QUESTION 4

Mr. Mali wants to open a tour operations business in Mombasa County. He has come to your office to seek assistance on how he can register his tour firm “Kuona Mbele Tours and Safaris”. As a tourism officer in charge of the County advise Mr Mali on the necessary requirements for registration under the Tourist Industry Licencing Act (Cap 381). **(20 marks)**

### **QUESTION 5**

Discuss the rights of consumers in the tourism and hospitality industry. **(20 marks)**