



TECHNICAL UNIVERSITY OF MOMBASA

School of Humanities and Social Sciences

Department of HOSPITALITY & Tourism MANAGEMENT

**UNIVERSITY EXAMINATION FOR THE DEGREE OF:
BACHELOR OF TECHNOLOGY IN HOTEL AND HOSPITALITY
MANAGEMENT (BTHM A21 Y4/S1)**

UNIT CODE: UNIT HHH 4401 HOSPITALITY LAW

END OF SEMESTER EXAMINATION

SERIES: DECEMBER 2024

TIME: 2 HOURS

DATE: Pick Date Dec. 2024

Instructions to Candidates

You should have the following for this examination

-Answer Booklet, examination pass and student ID

This paper consists of **FIVE** questions. Attempt Choose instruction.

Do not write on the question paper.

SECTION A (Answer all the questions)

30 POINTS

Mr. Mcharo was recently awarded by the High Court damages amounting to 2,190,740 US dollars for injury he suffered while working as a crew of a cruise ship named, *MV. Margarita*, which is registered at the Spanish port of Sao Paulo. He used part of the money to establish service flats which cater to a diverse clientele, especially foreign visitors. The service flats consist of two buildings, medium sized swimming pool and a sports facility. Apart from these facilities, there is a large parking area which was acquired recently from an adjacent neighbor, a Mr. Randu, to ease the congestion at the parking lot. It was acquired on a written ten-year lease, renewable periodically. The accommodation business is run under the name, Raha Tele Service Homes Ltd, of which Mr. Mcharo is the chairman of the board of directors. A few days ago, a couple from Italy, Mr. Dinno and his fiancée Maryann booked a suite in the premises for a fortnight. While talking to the front office manager, they were assured of their safety and the safety of their property while staying at the premises. They both experienced itching while sleeping at night. Three days later, they woke up with rushes and swellings on their bodies and on inspection, they found bed bugs on the beddings. The couple are now angry and want to take legal action for the injuries and discomfort.

- (a) (i) Explain to the couple two breaches of the law for which they can claim. (2 marks)
- (ii) Identify the person liable for their injuries and discomfort. (2 marks)
- (iii) Explain three sources of law you will consider when advising the couple. (6 marks)
- (b) (i) Briefly explain the steps that a person who is dissatisfied by the manner in which a hotel is being conducted may complain to the Hotels and Restaurants Authority. (2 marks)
- (ii) Outline four steps that the Authority may take upon receiving a complaint about how the business of a hotel is conducted. (8 marks)
- (c) (i) Identify the type of land lease between the hotel and Mr. Randu. (2 marks)
- (ii) Outline four duties of a tenant. (8 marks)

QUESTION ONE

ON B (Answer only TWO questions)

QUESTION TWO

- (a) (i) Explain two statements which must be included in the application for a license to sell alcoholic drinks. (2 marks)
- (ii) Outline four types of persons the District Alcoholic Drinks Committee may not grant a license to sell alcoholic drinks. (8 marks)
- (b) (i) Briefly explain the meaning of the following terms applied in contracts of employment:
- a) Termination (2 marks)
 - b) Dismissal (2 marks)
- (ii) Outline six contents of a certificate of service. (6 marks)

QUESTION THREE

- (a) The manager of Mlo Poa Restaurant employed Mr. Barack as a watchman to man the gate. Mr. Barack noticed that the hinges of the iron gate were cracked and needed repair. One morning as he was opening the gate, it collapsed on him and left him with serious head and shoulder injuries. Mr. Barack has sued the restaurant for negligence demanding payment of damages for the injuries he sustained. Advise the restaurant manager about the common law defenses available against the claims lodged by Mr. Barack. (10 marks)

- (b) Explain five basic requirements for the formation of a valid contract. (10 marks)

QUESTION FOUR

- (a) The authoritative sources of our law are generally classified as formal and informal sources. Explain five differences between the formal sources and informal sources of law. (10 marks)
- (b) Explain five grounds on which the Hotels and Restaurants Authority may withdraw the license of a hotel. (10 marks)

QUESTION FIVE

- (a) Mombasa Seafoods Ltd has a contract of supplying fish and other seafoods to Maridadi Restaurants Ltd which runs a chain of restaurants in Kenya. Recently, Mombasa Sea Foods Ltd bought two tons of lobsters from Lamu Fishermen Cooperative society at a cost of 748,000/= Ksh, on credit and supplied Maridadi Restaurants Ltd. Three months later, Lamu Fishermen Cooperative have decided to take a legal action to recover the money owed to it from Maridadi Restaurants Ltd.
- (i) Explain the legal relationship between Mombasa Seafoods Ltd and Maridadi Restaurants Ltd. (2 marks)
- (ii) Explain four ways in which the relationship can be terminated. (8 marks)
- (b) Explain five features of a company. (10 marks)