



TECHNICAL UNIVERSITY OF MOMBASA

Faculty of Business & Social Studies

DEPARTMENT OF HOSPITALITY & TOURISM

DIPLOMA IN HOTEL MANAGEMENT

(DHM J12)

BHC 2303 : CATERING LAW

END OF SEMESTER EXAMINATIONS

SERIES: DECEMBER 2013

TIME: 2 HOURS

INSTRUCTIONS:

- This paper consists of Sections **A** and **B**.
- Answer all questions in Section **A** . 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) 'Legal personality' is a term used to describe a particular type of Business enterprise. Explain the term in relation to liability and involvement in the management. (5marks)
- b) You've been appointed the General Manager of Merica Hotel whose owners are in partnership. The Director have requested you to draft them a partnership deed. Explain what would make the content of the deed. (10 marks)
- c) Every partner in a partnership have duties to perform. Briefly explain four duties that regulate the conduct of partners. (10marks)

QUESTION 2

- a) Define the law of tort. (3marks)
- b) Briefly explain 4 ways of ending a contract (8marks)
- c) What is fiducious relationship (4marks)

QUESTION 3

- a) What is a lawful visitor to a hotel (4 marks)
- b) Study the case below and answer the question that follows.

Brown V. Porandt (1902)

A traveler called at an Inn during the Night (2am) after his vehicle had broken down. He asked for refreshment and accommodation. He was provided with refreshment but was refused accommodation because all the rooms were occupied. The traveler asked the innkeeper if he could sleep in a public room but the innkeeper refused.

Give your verdict in the above case. (10marks)

- d) Explain the duty of an innkeeper to provide refreshment to a guest. (6marks)

QUESTION 4

- a) Define the contract of booking. (5 marks)
- b) Briefly explain the essential elements of a contract. (10 marks)
- c) Briefly explain two examples of tort. (5marks)

QUESTION 5

- a) What is the right of how in relation to the rights of a hotel keeper. (4marks)

- b) Describe the circumstances under which a hotel keeper can refuse a visitor accommodation.(11marks)
- c) Where as the employer has rights to protect his business enterprise , an employee also enjoys some rights. Briefly explain five rights that an employee enjoys at work place. (5marks)