



**MASENO UNIVERSITY**  
**UNIVERSITY EXAMINATIONS 2015/2016**

FIRST YEAR SECOND SEMESTER EXAMINATIONS FOR THE  
DEGREE OF MASTER OF SCIENCE IN HOSPITALITY  
MANAGEMENT

**MAIN CAMPUS**

SEH 810: LEGAL ASPECTS OF HOSPITALITY

Date: 13<sup>th</sup> January, 2015

Time: 2.00 - 5.00 pm

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INSTRUCTIONS:

- Answer ANY THREE questions.

## SEH 810: LEGAL ASPECTS OF HOSPITALITY

### INSTRUCTIONS:

Answer **any three** questions in the answer booklet provided **(60MKS)**

#### Q1.

Discuss the following in the context of the contract of booking: offer, acceptance, consideration, and capacity. **(20mks)**

#### Q2.

The Nyanza Club has a restaurant, and has made an arrangement with Elegant Caterers to operate the restaurant. Elegant instructs Rocky Mountains Decorators to re-decorate the restaurant. Elegant's own employee, Ms Switch, is to rewire the restaurant and kitchen at the same time.

The Nyanza Club's maintenance man, Mr. Black, hovers around while the wiring and decorating is being carried out; Mr. Black is the only person who knows exactly how the circuit in the restaurant works. On the first day, the foreman of Rocky Mountains Decorators turns all the switches off in the restaurant and kitchen. At lunch time Ms Switch puts some switches on in order to test her work. She is observed doing this by Mr. Black. Ms Switch leaves the light switches on, and when Jimmy, an employee of Rocky Mountains Decorators working on the restaurant ceiling, resumes work, he receives a shock from a wire protruding from the ceiling and falls off his ladder, severely injuring himself.

Rocky Mountains Decorators are a very small business; they have not taken out an employer's liability insurance and have no real assets.

**Consider the legal liability of the parties involved**

**(20mks)**

#### Q3.

In most cases, unless directly disclaimed (for example, with some insurance waivers), hospitality law does not protect a business owner against charges of negligence. Discuss **(20mks)**

#### Q4.

Just as there are essential and important components of a contract that state when the hospitality manager is responsible for providing products and services, it is equally critical to ensure that essential clauses are in place when hospitality managers contract to purchase or receive products and services. Describe some of the important contractual elements to be considered before executing a purchasing contract.

**(20mks)**

**Q5.**

Using relevant examples to hospitality discuss limits on common law liability of innkeeper for the possessions of their guests.

**(20mks)**