



MASEÑO UNIVERSITY

UNIVERSITY EXAMINATIONS 2012/2013

THIRD YEAR FIRST SEMESTER EXAMINATIONS FOR
THE DEGREE OF BACHELOR OF SCIENCE IN
ECOTOURISM, HOTEL & INSTITUTION MANAGEMENT
WITH INFORMATION TECHNOLOGY
(CITY CAMPUS - EVENING)

SEH 304: LEGAL ASPECTS OF HOSPITALITY

Date: 22nd July, 2013

Time: 5.30 – 7.30 p.m.

SEH 304: LEGAL ASPECTS OF HOSPITALITY

(KISUMU CITY CAMPUS)

INSTRUCTIONS:

Answer **ALL** the questions in the answer booklet provided

Q1.

Describe preconditions of a common law system based upon judicial precedence. **(12mks)**

Q2.

"Ownership doesn't give the owner absolute rights over the property in question, since in some cases others may also have rights over the property." **Discuss**
(12mks)

Q3. Read the following case study and then answer the questions that follow.

In September 1998 Mr. Onyango sent details of his hotel in Kisumu to travel agents. He included the following, "The hotel serves splendid meal at special prices to suit children (fish fingers, ice cream, e.t.c)

In March 1999 Joyce Mwangi went to a travel agent, Mr Wekesa read out the details and the statements above about Onyango's hotel. Ms Mwangi asked Mr. Wekesa about room with a balcony facing the lake. Mr. Wekesa phoned Onyango's hotel and booked, at Ms Mwangi's request, a holiday for £3,000 for Ms Mwangi and her 2 children in two rooms with balconies facing the lake. A week later Ms Mwangi received confirmation of booking, and paid half the price in advance as required.

In July 1999, on holiday at Onyango's hotel, two things particularly disappointed Ms Mwangi:

- (i) The special meals for children were set items from the adult menu, none of which Ms Mwangi's children would eat.
- (ii) On the first night she was told she had to sleep in a back room with the children because Mr. Onyango said there had been a misunderstanding with other guests about when their holiday should end. The Mwangi's had to spend all week in the back room because, in fact, Mr. Onyango had overbooked.

(a) Examine the criminal liability of Mr. Onyango and Mr. Wekesa, if any, for their statements and actions.

(b) (i) Examine any civil remedy Ms Mwangi may have against Mr. Onyango or Mr. Wekesa. (ii) Discuss whether she is entitled to damages for the disappointment that she and her children have suffered with respect to the holiday. **(20mks)**

Q4. Describe when a contract for the sale of food and drink is formed in the following establishments:

(a) Formal restaurant

(b) Self-service outlets

(c) Fast food outlets **(15mks)**

Q5. When may a restaurateur lawfully refuse service to a customer? **(11mks)**