



MAASAI MARA UNIVERSITY

**REGULAR UNIVERSITY EXAMINATIONS
2018/2019 ACADEMIC YEAR
FOURTH YEAR FIRST SEMESTER**

**SCHOOL OF TOURISM AND NATURAL
RESOURCE MANAGEMENT
BACHELOR OF HOTELS AND HOSPITALITY
MANAGEMENT**

COURSE CODE: BHM 403

COURSE TITLE: HOSPITALITY LAW

DATE: 3RD DECEMBER, 2018

TIME: 1100 - 1300 HRS

INSTRUCTIONS TO CANDIDATES

Answer **ALL** questions in section **A** and any other **THREE** in section **B**.

This paper consists of 4 printed pages. Please turn over

SECTION A: COMPULSORY (25 MARKS)

Q1.

- (a) Briefly explain three advantages and three disadvantages of delegated legislation. **(6 marks)**
- (b) Contrast Civil Law from Criminal Law **(3 marks)**
- (c) Distinguish between: (i) “Written law” and “unwritten law”, (ii) Common law and Statute law **(8 marks)**
- (d) “Case law is based on the maxim *stare decisis*.” Explain. **(4 marks)**
- (e) Describe the grounds upon which an innkeeper will be strictly liable for the loss or damage to guests’ property. **(4 marks)**

SECTION B: ANSWER ANY THREE QUESTIONS (45 MARKS)

Q2.

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, etc.)”

In March 1999 Joyce Mwangi went to a travel agent, Mr Wekesa who 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. **(7marks)**

(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. **(8marks)**

Q3.

(a) Distinguish between freehold and leasehold. **(3marks)**

(b) Use examples or decided cases to describe (i) an occupier, and (ii) lawful visitor as per the requirement of the Occupier Liability Act (1957). **(12marks)**

Q4.

(a) Differentiate between executed and executory consideration **(2 marks)**

(b) At 10.00 a.m. on 10th Jan, Wayne posted a letter to Christian offering to sell a house to Christian for Kshs. 18,000, provided he received Christian's reply in course of post. Christian received the letter at 3.00p.m. On 11th Jan, and immediately accepted by posting his letter at 4.00 p.m. At 3.15 p.m. the same day, Wayne sent a telegram to Christian cancelling the offer. The telegram reached Christian at 4.15 p.m. Christian's letter of acceptance reached Wayne at 9.00 a.m. on the 12th Jan. Was there a binding contract? Explain **(4marks)**

(c) "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** (9 marks)

Q5.

(a) "Equity is a mere gloss on the common law." **Discuss.** (7marks)

(b) Summarize sources of Kenya Law with the aid of a diagram (8marks)

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