



(University of Choice)

**MASINDE MULIRO UNIVERSITY OF
SCIENCE AND TECHNOLOGY
(MMUST)**

MAIN CAMPUS

**UNIVERSITY EXAMINATIONS
2023/2024 ACADEMIC YEAR**

FOURTH YEAR, FIRST SEMESTER

MAIN EXAMINATION

FOR THE DEGREE

OF

B.Sc. HOSPITALITY AND INSTITUTIONAL MANAGEMENT

COURSE CODE: BHM 403

COURSE TITLE: HOSPITALITY LAW

DATE: WEDNESDAY 06TH DECEMBER 2023

TIME: 8 - 10 A.M

INSTRUCTIONS TO CANDIDATES

Answer **ALL** questions in **SECTION A** and **B**

Answer **TWO** questions from section **C**.

TIME: 2Hours

MMUST observes **ZERO** tolerance to examination Cheating
This paper consists THREE printed Pages. Please Turn Over

SECTION A: Answer ALL questions (10 MARKS).

1. Which of the following statement **BEST** describes the term *law*?
 - A. A set of rules enforceable in court requiring people to meet certain standards of conduct.
 - B. A body of rules to which people must conform their conduct.
 - C. A form of social control.
 - D. A set of rules used by the courts in deciding disputes.

2. _____ is a remedy in civil law.
 - A. Community service
 - B. Compensatory to damages
 - C. Fines
 - D. Probation

3. '*Is law promulgated via the legislative process and generally agreed to by the executive (president or governor)*'?
 - A. Common law.
 - B. Constitution.
 - C. Statute.
 - D. Administrative law.

4. The information typically required to be disclosed in a franchise include;
 - A. Statement whether the franchiser will receive exclusive territory.
 - B. Name and address of franchisee.
 - C. Proposed application fees by the franchisee.
 - D. Name and address of franchisor.

5. Example of civil law include;
 - A. contract
 - B. theft
 - C. assault
 - D. rape

6. The following trial procedures are generally followed **EXCEPT**;
 - A. Selection of the jury.
 - B. Defendant's case in rebuttal.
 - C. Plaintiff's case-in-chief.
 - D. Defendant's case-in-chief.

7. _____ is among the places covered by the civil rights law of 1964.
 - A. Game parks
 - B. National reserves
 - C. Petrol stations
 - D. None of the above

8. The non-breaching party may be entitled to a remedy including damages or specific performance which include the following **EXCEPT**;
 - A. Compensatory damages.
 - B. Requirement of foreseeability.
 - C. Duty to mitigate.
 - D. Requirement of unreasonable certainty.
9. The greatest degree of care is owed to;
 - A. Invitee.
 - B. Licensee.
 - C. Trespasser.
 - D. All the above.
10. When does an innkeeper-guest relationship come to an end?
 - A. When the contacted time has elapsed.
 - B. When the bill is not paid when due.
 - C. When due notice is not given to vacate the hotel.
 - D. When the bill has not been paid.

SECTION B: Answer ALL questions in this section (30 MARKS).

11. Explain the tests applied by courts to determine whether a club is private. (6 Marks)
12. Describe the Alternative Dispute resolution (ADR) approaches applicable in hospitality law. (6 Marks)
13. Elucidate any **THREE** forms of agreement for a room between a guest and hotel. (6 Marks)
14. Highlight **SIX** duties owed to guests in rooms and public area within a hotel. (6 Marks)
15. Whether a hotel patron is a tenant or a guest is determined from a number of factors. List any **SIX** of these factors. (6 Marks)

SECTION C: Answer any TWO questions. (30 MARKS).

16. You have been contacted by the Sarova group of hotels to help draft a contract between Sarova and Imperial Hotel Kisumu for a possible partnership (Sarova Imperial). Describe the elements that must stand out in the ensuing contract. (15 Marks)
17. Explore the innkeepers and guests' rights in accordance to the Kenyan hospitality law. (15 Marks)
18. Explain the litigation process that is applied in the Kenyan Judicial systems. (15 Marks)

