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**KIRIRI WOMENS' UNIVERSITY OF SCIENCE AND TECHNOLOGY**  
**UNIVERSITY EXAMINATION, 2023/2024 ACADEMIC YEAR**  
**FOR THE CERTIFICATE IN HOSPITALITY MANAGEMENT**  
**CHM 303- INTRODUCTION TO HOSPITALITY LAW**

Date: 5<sup>TH</sup> DECEMBER 2023

Time: 11:30AM-1:30PM

**INSTRUCTIONS TO CANDIDATES**

**ANSWER QUESTION ONE (COMPULSORY) AND ANY OTHER TWO QUESTIONS**

**QUESTION ONE (30 MARKS)**

- a) Differentiate between Litigation and Arbitration with reference to hospitality law **(4 Marks)**
- b) Identify four classifications of law. **(4 Marks)**
- c) Highlight two courts classified as superior courts in Kenya. **(2 Marks)**
- d) Define the following terms as used in Law;
  - i) Jurisprudence **(2 Marks)**
  - ii) Jurisdiction **(2 Marks)**
  - iii) Judicial Precedent **(2 Marks)**
  - iv) Plaintiff **(2 Marks)**
  - v) Bill **(2 Marks)**
- e) Explain the mandate of the court martial as stipulated in the Kenyan Constitution. **(2 Marks)**
- f) "Case law is based on the maxim *stare decisis*." Explain. **(4 Marks)**
- g) Outline four ways a restaurant denied a license by the Hotel and Restaurant Authority, can seek redress. **(4 Marks)**

**QUESTION TWO (20 MARKS)**

- a) Outline four requirements needed to operate a hotel business in Kenya. **(4 Marks)**
- b) Discuss three bottlenecks experienced when registering a hotel business in Kenya. **(6 Marks)**
- c) Describe three circumstances under which a person can be denied admission in to the hotel. **(6 Marks)**
- d) Highlight four ways in which the hotel license can be revoked. **(4 Marks)**

**QUESTION THREE (20 MARKS)**

- a) Outline the legal basis for the following requirements for the hotelier:
  - i) Every holder of a hotel license shall keep a register in his hotel and shall enter or cause to be entered in the register the name and address of every guest who stays at the hotel. **(4 Marks)**
  - ii) Every holder of a hotel license shall cause a notice in the form, printed in plain type in Kiswahili, English, French, German, Italian and any other language which may be prescribed by the guest. **(4 Marks)**
  - iii) Every holder of a hotel license shall have the right absolutely to sell by public auction any property deposited or left with him or in his hotel. **(4 Marks)**
- b) Explain **three ways** in which Hotels and restaurants are required by law to maintain food hygiene in their premises. **(6 Marks)**
- c) Hotels are supposed to display the license the at the point where it is seen by everyone. Discuss. **(2 Marks)**

**QUESTION FOUR (20 MARKS)**

- a) Describe **three** types of contracts. **(6 Marks)**
- b) Outline **four** essential elements of a valid contract. **(4 Marks)**
- c) According to the Occupiers Liability Act of 1963, distinguish between a ‘traveler’ and a ‘visitor’. **(4 Marks)**
- d) According to the Occupiers Liability Act of 1963, Explain the duties owed to lawful visitors. **(6 Marks)**

**QUESTION FIVE 20 (MARKS)**

- a) Hotels are regulated by the Public Health Act under the laws of Kenya. Outline **five** provisions of this Act. **(5 Marks)**
- b) Proprietors and managers in the hospitality industry are regulated by a range of health and safety laws that apply to their workplaces. Highlight five regulations that cover this aspect of the business. **(5 Marks)**
- c) Distinguish between duress and undue influence in the law of contract. **(4 Marks)**
- d) Discuss three ways in which contracts can be terminated. **(6 Marks)**

