



UNIVERSITY EXAMINATIONS
FOURTH YEAR EXAMINATION FOR THE AWARD OF DEGREE OF
THE BACHELLOR OF TOURISM AND HOSPITALITY MANAGEMENT
FIRST SEMESTER 2023/2024
[AUGUST-DECEMBER, 2023]

BHHM 443: BUSINESS AND HOSPITALITY LAW

STREAM: Y4 S1

TIME: 2 HOURS

DAY: TUESDAY, 12.00 – 2.00 P.M.

DATE: 21/11/2023

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Questions ONE and any other THREE Questions***

QUESTION ONE

- (a) Provide an in-depth analysis of various aspects involved in contract within the hospitality industry, covering essentials relating to formation of contract. **(10 Marks)**
- (b) On 25th day of October 2022, Jefferson wrote to Stellah offering to buy her land known as Central Kitutu/Mwamosioma/933 that she had advertised on the Standard newspaper on 24th day of October 2022 “offer valid for 7 days.” Stellah indicated on the Advertisement that all prospective buyers to communicate via the postal address 1892-40200 KISII. Stellah had indicated her asking price for the sell of that land at ksh. 1.5Million. Jefferson in his letter expressed his desire to buy Stellah’s Property at ksh 1Million and he expressly stated in his letter that if I hear no more from you, I shall consider the property mine.

On 26th day October 2022, Wycliff another prospective buyer expressed his desire to buy Stellah’s property at Ksh. 1.5Million. Nevertheless, wycliff’s letter was received by Stellah on 5th of November 2022. When

Stellah had charged his property to KCB Bank and had obtained a Loan of 1 million Kenyan shillings.

Both Jefferson and Wycliff have approached you as their contract Lawyer to file a suit for breach of Contract against Stellah.

- (i) Advise Jefferson **(10 Marks)**
- (ii) Advise Wycliff **(10 Marks)**

QUESTION TWO

- (a) Discuss the key hospitality laws and regulations in Kenya, highlighting their purpose scope and implications for businesses operating in the hospitality industry. **(10 Marks)**
- (b) State and explain the essential elements of a valid contract. **(10 Marks)**

QUESTION THREE

- (a) Dr. Brian Adwar, the dean of Pesa Otas School of Law, has asked you to present a paper on formal sources of law in Kenya. With the relevant knowledge you have acquired, use the relevant provision of law and further discuss the formal sources of law in Kenya. **(10 Marks)**
- (b) Since Siaya Mombasa Lady got admitted to study law in Gwasia International University, her status in the village has changed and she is perceived as a legal guru. Mr Hightonne Nyuka Akuota has approached the village legal guru, the one Siaya Mombasa Lady to help him understand the court system in Kenya. With the averments as above in mind, discuss the structure, hierarchy and jurisdiction of each court in Kenya. **(10 Marks)**

QUESTION FOUR

- (a) Define discharge of contract and explain the various ways upon which a contract may be discharged under the Kenyan law. **(10 Marks)**
- (b) Examine the role of licensing and permits in the Kenyan hospitality sector, outlining the legal requirements for establishments and the process involved in obtaining them. **(10 Marks)**

QUESTION FIVE

Discuss the legal responsibilities of hospitality establishments regarding guest property, (loss or damage) outlining the duty of care and liability standards set by hospitality and business laws. **(20 Marks)**