



DECEMBER 2016

HOTEL & CATERING LAW

**Instructions to candidates:**

- a) Time allowed: Three hours (plus an extra ten minutes' reading time at the start – do not write anything during this time)
  - b) Answer any FIVE questions
  - c) All questions carry equal marks. Marks for each question are shown in [ ]
  - d) Cite principles of law, common law, statute law and cases with a synopsis of their facts and ratios. Extra marks will be awarded for relevant cases cited
- 
1. Classification of law is essential to a basic understanding of the legal system within which it operates.
    - a) Distinguish between a regulation and a directive. [10]
    - b) Explain how a decision will differ from a recommendation. [5]
    - c) Identify aspects of law with which European Community law is concerned. [5]
  2. A company is a legal entity responsible for its own actions. Write notes on the following:
    - a) Annual General Meeting
    - b) Memorandum of Association
    - c) Articles of Association
    - d) Limited Liability Partnerships [20]
  3. The occupier of a hospitality premises has a statutory duty of care towards every lawful visitor.
    - a) Explain who is an **occupier**. [5]
    - b) Discuss how the duty of care owed to lawful visitors differs from the liability to trespassers. [10]
    - c) Explain the legal position regarding warning notices. [5]
  4. The law in England draws a distinction between inns and other establishments. Compare and contrast the rights and duties of an innkeeper with those of a private hotelier. [20]
  5. The hospitality industry is regulated by legislation that embraces the health, safety and welfare of employers, employees and customers. Critically examine regulations that cover this aspect of the hospitality industry. [20]
  6. Licensing legislation has been introduced to regulate the sale and supply of alcohol.
    - a) Discuss reasons why an application for a licence to permit the sale of alcohol may be refused. [5]
    - b) Explain the legal position in respect of a 17-year-old young man in a bar accompanied by his parents and older brother. [10]
    - c) Describe the action you would take if a person who appeared to be drunk entered your bar and attempted to purchase an alcoholic drink. [5]
  7. It is a legal requirement that details of personal information stored on a computer is secure in order to maintain confidentiality and privacy. Critically examine legislation that covers the security of data on customers and employees. [20]
  8. There is a requirement for the employer to provide a safe place of work for the employee.
    - a) Identify employees who may be at special risk, and discuss steps an employer should take to provide them with additional protection. [10]
    - b) Explain how the Control of Substances Hazardous to Health Regulations offers protection to all employees. [5]
    - c) Describe the duties of an employer under the Health and Safety (Display Screen Equipment) Regulations. [5]