



ICM

MARCH 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
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1. The respective roles of the courts are based on the foundations of the legal system. Compare and contrast the jurisdictions of the civil court system with those of the criminal court system. [20]
 2. A person who carries on his or her own business is said to be a 'sole trader'. Examine the legal implications of running a business as a sole trader. [20]
 3. It shall be the duty of every innkeeper to care for the property of his or her guests.
 - a) Explain the legal position where a hotel guest finds an item of jewellery and asks for it to be returned if the true owner is not traced. Despite efforts, the jewellery is not reclaimed and the hotel sells it and keeps the proceeds. The finder then demands compensation for loss of the jewellery. [10]
 - b) Discuss how a hotelier may exercise car park management (e.g. clamp cars) without fear of claims of trespass from car owners. [10]
 4. It is contrary to the Disability Discrimination Act for a hospitality manager to treat an employee less favourably because of that employee's disability.
 - a) Explain who is classed as a disabled person. [5]
 - b) Define **discrimination**. [5]
 - c) Discuss the various ways in which it is unlawful to discriminate against a person on the grounds of their disability. [10]
 5. The law requires a hospitality manager to display the prices of accommodation, food and drink at the point of sale.
 - a) Identify THREE establishments that are exempt from the requirement to display prices of food and drink for sale by retail for consumption on the premises. [5]
 - b) Compare the timing when a contract is formed for the sale of food in a formal restaurant with that in a self-service outlet. [10]
 - c) Discuss the situation where a fast food outlet displays on the menu a 'quarter pounder burger'. [5]
 6. Specific rights are afforded to every employee under existing employment protection legislation. Examine, with relevant examples, the ways in which an employee may be treated unfairly at work. [20]
 7. It shall be the duty of every employer to ensure the safety of all employees under the Health and Safety at Work Act.
 - a) Describe the general duties imposed upon employers under the Act. [5]
 - b) Examine how an employer may have vicarious liability for an injury to an employee. [10]
 - c) Explain how an employer has a duty to employees under the Health and Safety (Display Screen Equipment) Regulations. [5]

continued overleaf

8. Write brief notes on the following:

- a) Force majeure
- b) Obiter dictum
- c) Per incuriam
- d) Ratio decidendi
- e) Res ipsa loquitur
- f) Sui generis
- g) Ultra vires
- h) Volenti non fit injuria

[20]