



ICM

MARCH 2017

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. Managers in the hotel and catering industry need an understanding of the principles of the law which affect their day-to-day work.
 - a) Examine the 'neighbour principle' as applied in common law. [10]
 - b) Explain the process of 'going to law'. [10]
 2. For a partnership to exist there must be a business that carries out a trading activity.
 - a) Examine the circumstances by which the partnership will be collectively bound by the actions of a single partner. [10]
 - b) List examples of where a partner's actions do not bind the partnership. [5]
 - c) Explain how a partnership may come to an end. [5]
 3. The premises on which a hospitality business takes place must adhere to strict standards of health, safety and hygiene. Examine ways in which public health legislation exercises control over new and existing hotels. [20]
 4. A person who organises and coordinates two or more travel services provided by others is subject to regulation. Examine how a hotelier may promote a package deal within the terms of the Package Travel, Package Holidays and Package Tours Regulations 1992. [20]
 5. The display of prices in hospitality premises is regulated by law.
 - a) Critically examine the requirements to display prices of food and drink for sale for consumption on the premises. [10]
 - b) A husband takes his wife out for a meal, and the meal which is provided breaches the terms of the contract under which it was supplied. Explain the legal position in respect of the wife. [5]
 - c) A student makes a block booking for ten guests to celebrate her 21st birthday. She selects a set menu from which guests may choose. She intends that she alone will pay for the food and wine served. The student's father suffers disappointment with his meal. What is the legal position regarding the student's father? [5]
 6. Some alcoholic drinks may be sold in specified quantities only. Examine the role the Weights and Measures Act has in the hospitality industry. [20]
 7. An employer has a duty in law to take reasonable care to ensure the health and safety of employees.
 - a) Identify persons at work in the workplace who may not be classed as employees. [5]
 - b) Examine how an employer may have vicarious liability for an injury to an employee. [10]
 - c) Describe the duties of an employer under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations. [5]

continued overleaf

8. Employees who are members of a trade union will expect that organisation to look after their interests at work.
- a) Explain the relevance of trade union recognition.
 - b) Outline the conditions under which an employee who is a member of a trade union may take time off from work.
 - c) Explain how a 'closed shop' agreement would operate.
 - d) Describe an employer's obligation towards trade union ballots.

[20]