

SIR ARTHUR LEWIS COMMUNITY COLLEGE
Division of Technical Education and Management Studies

EXAMINATION SESSION : Semester One December 2012/2013 Examination
TUTOR (S) : Mrs. S. Herelle
PROGRAMME TITLE : Business Administration
PROGRAMME CODE : 3BS-ABA-AD
COURSE TITLE : Business Law
COURSE CODE : BUS204
DATE : 11th December, 2012
COMMENCEMENT TIME : 9:00am
DURATION : 2 ½ Hours
INVIGILATOR (S) : **P. Beausoleil**, J. Finisterre, F. Joseph, L. Lambert
L. Ollivierre, P. E-Ford
L. Joseph, S. Auguste
ROOM (S) : CEHI-1R-02, CEHI-1R-03, OTW-R3



#L15



INSTRUCTIONS:

Please read the instructions carefully. All answers must be clearly marked and labeled.

This paper consists of **SIX** Sections. Please answer **ALL** the six sections

Borrowing or lending is prohibited.

- Students are advised to use a pen to write this examination
- Write your ID number on *each* answer sheet
- All cell phones must be turned off during the examination
- **Note:** Bags, books as well as writing paper not given by the invigilator should be deposited at the front of the examination room or as otherwise indicated.
- Students **must** sign **IN** and **OUT** on the examination class list
- All examination papers **must** be turned in to the invigilator together with the answer sheets

Section 1

Please state whether statement are True or False

1. Statutory law is enacted by Parliament.
2. A “hotel” and “inn” means the same under the Hotel Proprietor’s Act 1956.
3. Remoteness is a characteristic of a contract.
4. A crime is an offence against the public pursued by the government.
5. Express terms are those terms that are implied by the law.
6. The case of Alcock v Chief Constable discusses the elements under which a person can sue for psychiatric injury.
7. The law considers infants and the mentally ill fit to make a contract.
8. Trespassers’ are covered under the Occupier’s Liability Act of 1957.
9. An innkeeper has a right of lien over any property brought by guest into hospitium in respect of unpaid bills.
10. Under the Trade Description Act of 1968, overbooking is a criminal offence.
11. Ratio Decidendi is legally binding
12. Unfair dismissal is where the way in which the employer was dismissed is wrong
13. Under the Equal Pay act 1970, an employer does not have to pay employees equally even if they are doing the same job
14. Contributory negligence is where injured party contributed to their injury
15. Failure to pay your bill is not considered theft under the Theft Act 1973
16. The burden of proof for criminal law is “beyond any reasonable doubt
17. The purpose of civil law is to compensate the injured party
18. In Carlill v Carbolic Smoke Ball the courts held that the ad in the newspaper was an invitation to treat
19. Duty of care was defined under Donoghue v Stevenson by using the Bolam Test
20. Under s15. of the Food Safety Act 1990, falsely describing or labeling food is a civil offence

(20 marks)

Section 2

Answer **ALL** questions from this section

1. Explain the doctrine of Privity of Contract and the exception to the rule
2. For what purpose does a hotel retain the right of access to a guest's room?
3. When can a hotel refuse accommodation to a guest?
4. Can a hotel refuse, a visitor refreshments if stock is low?

(20 marks)

Section 3

Answer **ONLY ONE** question from this section

Mindy and Joe are dining at Chez Claude restaurant. Mindy is treating Joe to lunch and orders a beef roti for Joe and a fish meal for herself.

Joe cuts a piece of the roti and eats it; when he cuts the second piece Joe notices a decomposed snail inside the roti. Joe becomes sick.

At the entrance to the restaurant and alongside the menu is a notice which contains the following clause: "The restaurant will in no way be liable for any breach of a contractual term, be it express or implied by statute or common law. Furthermore Chez Claude accepts no liability for any personal injury sustained by diners, whatever the cause."

John, another diner at the restaurant, orders a cake described as 'made with fresh cream'. The cream was in fact artificial and the cake stale. John became ill after eating the cake.

1. (a) Advise Cindy, Joe and Johnny as to their rights of actions against the proprietor, Mary, of Chez Claude

(b) What, if any criminal offences, may have been committed by Mary, the proprietor of Chez Claude.

OR

2. Define and discuss Consumer Protection and its importance in the hospitality industry.

(25 marks)

Section 4

Answer ALL questions from this section

Case Study

On 1st July 2012, Ms Henry, a receptionist at Sunshine Inn, which is owed by Herelle Ltd, takes a telephone call from Mr Baptiste enquiring about a single room for one night (2nd August 2012). Ms Henry agrees to reserve the room for Mr Baptiste, although she is aware at the time that the hotel, due to a conference, is fully booked for the 2nd of August 2012. Ms Henry informs Mr Baptiste that the room will be held until 6 pm. After that it might be re-let to another guest.

On 2nd August 2012, by 7 pm Mr Baptiste, and several other guests, had still not arrived. Mr and Mrs Grandison from Jamaica arrive at the hotel at 7:30 enquiring about a room for the night. Ms Henry turns them away from Sunshine Inn but books them into a room at Parkside hotel, also owed by Herelle Ltd.

Mr James, who has an unkempt appearance, is turned away by Ms Henry.

At 8 pm Ms Henry books Mrs Smith into the available room at Sunshine Inn. Mrs Smith leaves her Ipad on her bed in the room, which she locks. When she returns from dinner she notices that her Ipad has been stolen.

At 9 pm Mr Baptiste arrives demanding a room for the night.

1. Please advise all parties as to their rights.

(25 marks)

END OF EXAMINATION