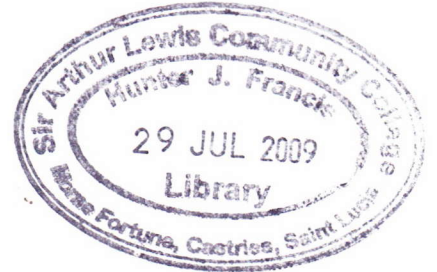


SIR ARTHUR LEWIS COMMUNITY COLLEGE
DIVISION OF TECHNICAL EDUCATION AND MANAGEMENT STUDIES

EXAMINATION SESSION : May 2009 Examination
TUTOR (S) : Ms. B. Dwarkasingh
PROGRAMME TITLE : Travel and Tourism
Hospitality Studies
PROGRAMME CODE : 3HS-TAT-AD
3HS-HOS-AD
COURSE TITLE : Hospitality Law
COURSE CODE : BUS105
CLASS (ES) : Year Two's
DATE : 4th May, 2009
COMMENCEMENT TIME : 1:00 p.m.
DURATION : 2 hours
ROOM (S) : CEHI-1H-02
INVIGILATOR (S) : A. Spurway N. Mathurin, P. Wilson



#L11

INSTRUCTIONS:

This Examination Paper consists of four (4) sections. Answer **all** questions.

Section A – Short answer questions. (50 marks)

Section B – Case Study (20 marks)

Section C – Twenty (20) Multiple Choice questions. (20 marks)

Section D – True or False (10 marks)

- ◆ Please number your responses accurately.
- ◆ 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 exam class list.

SECTION A –SHORT ANSWERS

Please answer all questions.

1. State any four (4) grounds for evicting a guest. (8 marks)
2. Define the term “public nuisance”. (7 marks)
3. For what three (3) purposes does a hotel retain the right of access to a guest’s room. (9 marks)
4. Who is a licensee? (7 marks)
5. Explain the doctrine of Res Ipsa Loquitur? (6 marks)
6. Differentiate between a guest and a tenant. (5 marks)
7. In contract law, state the four (4) ways that a party’s liability can be discharged? (8 marks)

SECTION B-CASE STUDY

Jerry had been drinking all evening at the Bonger Bar and became visibly intoxicated. The bartender continued to serve him. Thereafter, Jerry left the Bonger Bar and, still visibly intoxicated, went to Gordon’s Restaurant, where he had another drink. While driving home from Gordon’s, Jerry drove his car in the wrong lane and crashed head-on with another car. Both Jerry and the driver of the other car suffered serious injuries. Both sued Gordon’s and Bonger Bar.

- Is Gordon’s Restaurant and Bonger Bar liable to Jerry? Why or why not?
- Is Gordon’s Restaurant and the Bonger Bar liable to the driver of the other car? Why or why not?

(20 marks)

SECTION C – MULTIPLE CHOICE

Each correct answer is worth one (1) mark.

1. A diner who is served food that causes illness can sue on the following grounds EXCEPT:
 - a. Negligence
 - b. Nuisance
 - c. Strict Products Liability
 - d. Breach of Warranty of Merchantability

2. Penalties for illegal sale of alcohol include:
 - a. Suspension of liquor licence
 - b. Civil liability for injuries
 - c. Criminal liability
 - d. All of the above

3. The name of a liquor licence required for an activity which will last 3 days or less:
 - a. Occasional licence
 - b. Temporary licence
 - c. One-off licence
 - d. Permanent licence

4. When applying for a liquor licence in St Lucia, the following is not required.
 - a. Police record
 - b. Confirmation letter
 - c. Site plan
 - d. Letter from Fire Department

5. Before a restaurant can operate, it must first obtain a licence from:
 - a. Health Department
 - b. District Court
 - c. Development Control Authority (DCA)
 - d. Ministry of Justice

6. The following does not represent an illegal sale of alcohol:
 - a. Sales to underage patrons
 - b. Sales to people who are visibly intoxicated
 - c. Sales to patrons 18 and older
 - d. Sales to habitual drunkards

7. The consequences of operating without a licence include all of the following EXCEPT:
 - a. Being barred from opening
 - b. Having to pay a fine
 - c. Unable to enforce contracts
 - d. Civil liability

8. This type of insurance insures you get paid if you lose income as a result of damage that limits the business:
 - a. Business owner coverage
 - b. Property insurance
 - c. Business income insurance
 - d. Property insurance

9. Grounds for Breach of Warranty of Merchantability include all of the following EXCEPT:
- Rancid food
 - Adulterated food
 - Burned food
 - Wholesome food
10. Laws seeking to eliminate misleading food advertisements and labels are called:
- Truth-in-Menu Laws
 - Statutory Laws
 - Common Law
 - Food and Beverage Legislation
11. The following are all elements of a contract EXCEPT:
- Genuine Assent
 - Legality
 - Void
 - Proper Form
12. Quantum Meruit means:
- “As much as he deserves”
 - “The thing speaks for itself”
 - “To each his own”
 - “Intoxicated and disorderly”
13. An example of civil law is:
- Contracts
 - Tort
 - Negligence
 - All of the above
14. The remedy sought by an injured party in a civil case is:
- Punishment
 - Damages
 - Facts
 - Breach
15. A contract is discharged in the following circumstances EXCEPT:
- Performance
 - Agreement
 - Breach
 - Mutuality
16. Trespass to the person is a type of:
- Tort
 - Nuisance
 - Negligence
 - Contract

17. Someone who has been given permission by the owner or occupier of a facility to enter on the property is called a(an):
- Invitee
 - Licensee
 - Trespasser
 - Tenant
18. The guest-innkeeper relationship is terminated when the following occurs EXCEPT:
- The bill has been settled and paid
 - A reasonable amount of time has passed since check-out
 - The contracted time for the room has elapsed and has not been extended
 - Proper notice is not given to vacate the hotel.
19. A person who keeps anything likely to do mischief, if it escapes is answerable for all the damage which is the natural consequence of its escape. This is called:
- The rule of Rylands vs. Fletcher
 - Quantum Meruit
 - Trespassing
 - Nuisance
20. Any word, name, symbol or device adopted and used by a merchant to identify his goods and distinguish them from products sold by others is called:
- Copyright
 - Trademark
 - Infringement
 - Injunction

SECTION D –TRUE OR FALSE (T/F)

One (1) mark for each correct answer.

- A tax is a levy imposed on an individual or legal entity by the state. (T/F)
- Tax relief on export earnings is not a government incentive. (T/F)
- Income tax on contracts is 10%. (T/F)
- Income tax on individuals is on income over \$10,000. (T/F)
- The all-inclusive method is a method of calculating Hotel Accommodation Tax. (T/F)
- The Passenger Facility Fee is E.C.\$13.50. (T/F)
- Indirect taxes are taxes collected from people on whom they are imposed. (T/F)
- Corporate income tax in St. Lucia is 33.3% on income accruing in St. Lucia. (T/F)
- An example of stamp duty is on mortgages and deeds. (T/F)
- The employer should remit P.A.Y.E. by the 30th of the following month. (T/F)

END OF EXAMINATION

MARK SCHEME/ANSWERS

SECTION A

1. Four grounds for evicting a guest are:
 - i) Failure to pay hotel bill
 - ii) Overstaying
 - iii) Persons of ill-repute
 - iv) Intoxication and disorderly conduct
 - v) Contagiously ill guests

2. A public nuisance is some unlawful act or omission which endangers or interferes with the lives, safety or comfort of the public generally or of some section of the public, or by which the public or some section of it is obstructed in the exercise of a common right.

3. A hotel retains the right of access to a guestroom in the following circumstances:
 - a. Routine housekeeping
 - b. Normal maintenance
 - c. Imminent danger
 - d. Non-payment

4. A licensee is someone who has been given permission by the owner or occupier of a facility to enter and remain on the property, but his presence does not further the defendant's business.

5. The doctrine of Res Ipsa Loquitur aids the plaintiff in negligence cases, where the plaintiff has difficulty proving the 4 elements of a negligence case. It applies to cases in which the circumstances suggest the defendant was negligent but no proof of specific acts of negligence exists. It literally means "the thing speaks for itself". It frees the plaintiff from the burden of proving the specific breach of duty committed by the defendant.

6. A guest usually stays for a shorter amount of time than the tenant.

7. The 4 ways a party's liability is discharged in contract law are:
 - a. Performance
 - b. Breach
 - c. Agreement
 - d. Death
 - e. Impossibility
 - f. Bankruptcy

SECTION C (2 marks each)

1. B
2. D
3. A
4. B
5. A
6. C
7. D
8. C
9. D
10. A
11. C
12. A

13. D
14. B
15. D
16. A
17. A
18. D
19. A
20. B

SECTION D

1. T
2. F
3. T
4. F
5. T
6. T
7. F
8. T
9. T
10. F