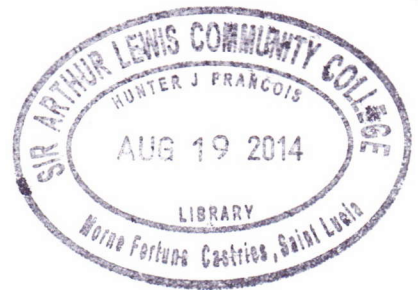


SIR ARTHUR LEWIS COMMUNITY COLLEGE  
Division of Technical Education and Management Studies

EXAMINATION SESSION : Semester One December 2012/2013 Examination  
TUTOR (S) : Mrs. S. Herrelle  
PROGRAMME TITLE : Food and Beverage Operations  
PROGRAMME CODE : 3HS-FAB-AD  
COURSE TITLE : Hospitality Law  
COURSE CODE : BUS105  
DATE : 10<sup>th</sup> December, 2012  
COMMENCEMENT TIME : 9:00am  
DURATION : 2 ½ hours  
INVIGILATOR (S) : M. Charles, L. Philbert  
ROOM (S) : TBA-LAB



#L1b



**INSTRUCTIONS:**

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

This paper consists of **FOUR** Sections. Please answer **ALL** the 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

### Multiple Choice Questions

#### Circle the correct Answer

- 1) If performance of contract is impossible, what is the reason for contract ending?
  - a) Breach
  - b) Frustration
  - c) Agreement
  - d) Performance
  
- 2) What is a discharged contract?
  - a) One that will be breached due to the lack of agreement
  - b) One that was always impossible to perform
  - c) One that never came into being at all
  - d) One that was valid and has now ended
  
- 3) When one party announces they will not be able to fulfill their contractual obligation, this is called:
  - a) Anticipatory breach
  - b) Breach of warranty
  - c) Breach of a condition
  - d) Anticipatory agreement
  
- 4) What happens in the event of a breach of warranty?
  - a) The contract is discharged due to breach
  - b) The injured party can sue for breach of contract
  - c) The injured party can sue for specific performance
  - d) The contract is negotiated
  
- 5) What are express terms in an employment contract?
  - a) Those that are assumed to be present
  - b) Those that the employee wanted included
  - c) Terms such as “turn up on time at work”
  - d) Those that are written down in a contract

- 6) What is a quantum meruit claim?
- a) Specific performance means that claimant does not have to suffer a loss
  - b) Payment can be recovered to cover part work done when completion is impossible
  - c) Damages are awarded which punish the defendant
  - d) The claimant cannot claim damages when no loss has been incurred
- 7) What is an injunction?
- a) A remedy awarded which compels an action by a guilty party
  - b) When a court orders someone not to break their contract
  - c) When two parties find they cannot complete a contract
  - d) When a claimant is allowed a claim for partial performance
- 8) What is unfair dismissal?
- a) Someone is sacked for being unable to continue to do their work
  - b) An employee is sacked for misconduct
  - c) An employee's post has clearly become redundant
  - d) When an employee is dismissed because of their links with Trade Union
- 9) What is wrongful dismissal?
- a) Dismissal was because the employee did something wrong
  - b) Dismissal occurs when the employee had less than 1 year service
  - c) An employer is in breach of contract when they attempted to terminate the contract
  - d) Dismissal was because the employee was a member of a union
- 10) What is Constructive Dismissal?
- a) Employee resigns due to employer breaching their contract
  - b) Employer sacks employee because of they caused trouble
  - c) Employee resigns due to dislike of their line manager
  - d) Employer sacks employee after a number of disciplinary offences

**(10 marks)**

## **SECTION 2**

**Answer all the questions from this section**

- a) Explain the difference between Civil Law and Criminal Law
- b) Discuss the origins of Common Law
- c) Explain Privity of Contract

**(15 marks)**

## **SECTION 3**

**Discuss any THREE (3) of the following concepts:**

- a) Postal Rule
- b) Ordinary share
- c) Company's Legal Entity
- d) Counter Offer
- e) Vicarious Liability
- f) Strict Liability
- g) Special resolution
- h) Data Protection Act 1988

**(15 marks)**

## **SECTION 4**

**Answer all the questions from this section**

In *Carlill v The Carbolic Smoke Ball Co.* the defendants argued that their advertisement was not intended to create legal relations. The Court of Appeal disagreed.

Explain the difference between an offer and invitation to treat?

**AND**

Why do you think that the court decided that there was an intention to create legal relations?

**(10 marks)**



## **SECTION 5**

**Answer ONLY ONE question from this section**

1. Alex and his wife, Jada, decide to take dance classes at a local Salsa dance club. Because Salsa dancing has become so popular, they book the classes in advance. On the back of the receipt a printed clause says "For terms and conditions please see the notices in the club". On the inside of the club door a large notice is pinned up. The notice reads, "The club will not accept responsibility for any loss or negligence (personal injury) suffered by customers". At their first dance class, the dance instructor, Paul, who also owns the club, demonstrates an energetic step and falls over, knocking Alex to the ground. Alex's arm is broken and his Rolex watch is damaged beyond repair. When Jada goes to the cloakroom to get her cloak she finds that it has been stolen.

Discuss the legal position of Jada and Alex in relation to implied terms and exclusion clauses under the law of contract

2. Discuss implied terms and exclusion clauses in contracts

**(25 marks)**

## **SECTION 6**

**Answer all the questions from this section**

Rainbow Diners employs about 20 waiters and waitresses. Some of the waiting staff has been promoted to managers. Managers earn 30% more on an hourly basis.

- a) Trisha left her position as a manager two months ago, after enduring constant sexual harassment from her supervisor.
- b) Belinda, has applied for Trisha's position, but was told by the supervisor that managerial positions are no longer open to female staff as they are too sensitive.
- c) Michael, who works on a part-time basis, is paid less on an hourly basis. According to the supervisor he earns enough at his other job as a butcher.

Please discuss the legal position of all parties in relation to Employment law and discrimination in the work place.

**(25 marks)**

**END OF EXAMINATION**