



ICM

SEPTEMBER 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. An understanding of the principles of law will facilitate a hotel manager in the execution of their duties.
 - a) Distinguish between common law and statute law.
 - b) Compare the appeal structure in criminal cases between an appeal on law only and an appeal against conviction or sentence.
 - c) Outline the civil court structure for dealing with liability in tort for the sale of food and drink.
 - d) Explain the '**ratio decidendi**' of a case. [20]
 - 2. Before commencing trading, the owners of a business will decide what type of business enterprise to operate.
 - a) Discuss the advantages of a limited partnership with the disadvantages of a limited company. [10]
 - b) Examine the various types of companies that may be created. [10]
 - 3. Recent events in the world have heightened the need for ensuring security in a hotel is maintained at a high level.
 - a) Discuss contractual licence conditions that may apply when an employee 'lives in'. [10]
 - b) Discuss issues that need to be considered when developing a security policy. [10]
 - 4. The contract that exists with a hotelier whenever a guest makes a booking for accommodation is just as legally binding as any other type of contract.
 - a) Write brief notes on FIVE of the essential elements of a contract. [10]
 - b) Discuss the differences between 'implied terms of fact' and 'implied terms of law'. [5]
 - c) Explain how the Unfair Contract Terms Act 1977 affects the hotelier. [5]
 - 5. The Disability Discrimination Act prevents an employee from being treated 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]
 - 6. A registered club is an organisation that exists for the benefit of its members, each of whom owns an equal share in the club.
 - a) Examine the requirements to which a registered club must adhere for a registration certificate to be granted. [10]
 - b) Discuss reasons why a club may not succeed in the application for a registration certificate. [10]
 - 7. Every employee is entitled to receive from their employer a written statement outlining the terms and conditions of employment.
 - a) Compile a list of contents you would expect to include in a contract of employment. [10]
 - b) Explain the legal position in respect of a waitress who has been dismissed for refusing to carry out duties which reasonably fell within the scope of her capabilities, and who is now claiming redundancy. [10]

continued overleaf

8. Each employer has a legal duty to provide a safe place of work for every person in their employment.
- a) Identify employees who may be at special risk, and discuss steps an employer should take to provide them with additional protection. [10]
 - b) Explain how the Control of Substances Hazardous to Health Regulations offers protection to all employees. [5]
 - c) Describe the duties of an employer under the Health and Safety (Display Screen Equipment) Regulations. [5]