



ICM

JUNE 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 Act of Parliament creates a new law or changes an existing law.
 - a) Explain how a Bill becomes an Act of Parliament. [10]
 - b) Compare and contrast primary legislation with secondary legislation. [10]
 - 2. A sole trader is a person who owns a business and who has full control of how the business is run.
 - a) Discuss formalities that will need to be observed by a sole trader when selecting a name for a new hotel. [10]
 - b) Compare and contrast the disadvantages of a sole trader with the advantages of a limited company. [10]
 - 3. The occupier of premises owes a statutory duty of care to every lawful visitor.
 - a) Explain the duty owed to lawful visitors and contrast the duty, if any, owed to trespassers. [10]
 - b) Staying overnight at the Grand Hotel, a guest is awoken by a noise outside her room, whereupon she apprehends a burglar and, during the ensuing struggle, her arm is broken. In his anxiety to escape, the burglar trips over a hole in the carpet and breaks his leg. Both parties are in hospital and are seeking to sue the hotel. You are to advise both parties on their legal rights. [10]
 - 4. Every hotelier has a legal duty to provide intending guests with details of charges.
 - a) Outline the requirements of the Tourism (Sleeping Accommodation Price Display) Order 1977. [10]
 - b) Explain how a hotelier will meet the needs of the Immigration (Hotel Records) Order 1972. [5]
 - c) Identify data that is exempted under the Data Protection Act 1984. [5]
 - 5. A hotel manager needs a good understanding of the principles of law that affect the day-to-day working of a hotel.
 - a) Examine how the Theft Act 1978 deals with the specific situation of a customer who walks out of a restaurant without paying for food or drink consumed. [10]
 - b) Specify the rights of an Environmental Health Officer to seize food. [10]
 - 6. Every sale of alcohol must be approved by a suitably authorised person.
 - a) Examine the procedure for applying for a licence that will authorise a person to sell alcohol. [10]
 - b) Discuss how a person authorised to sell alcohol may contravene the requirement to prevent disorderly conduct on licensed premises. [10]
 - 7. Write brief notes on the following:
 - a) Redundancy
 - b) Disability at work
 - c) Constructive dismissal
 - d) Notice to terminate an employment contract [20]

continued overleaf

8. Under the Health and Safety at Work etc Act 1974, a legal responsibility is placed on every employer to take care of the health, safety and welfare of their employees.
- a) Explain how enforcement notices may be issued under the Act. [5]
 - b) Describe an employer's duty in respect of a safety policy, and explain the purpose of such a policy. [10]
 - c) Outline an employer's duties under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR). [5]