UNIVERSITI UTARA MALAYSIA

FINAL EXAMINATION
SECOND SEMESTER 2008/2009 SESSION

CODE/COURSE : HOU 3063 / HOSPITALITY AND TOURISM LAW
DATE : MONDAY, 04 MAY 2009
TIME : 4:00 PM – 6:30 PM (2 ½ Hrs)
VENUE : DSB DPP T/WD

INSTRUCTIONS:
1. This exam paper contains THREE (3) sections i.e., Section A, Section B and Section C, in FOUR (4) printed pages, excluding the cover page.
2. Section A contains SIX (6) structured questions. Section B contains FOUR (4) essay questions. Section C is a case study and contains FIVE (5) questions. You are required to answer ALL the questions.
3. Answer Section A, Section B and Section C on the answer sheets provided.
4. Answers to Section A, Section B and Section C should be tied together.
5. You are ALLOWED to remove the exam paper from the examination hall.

MATRIC NO.: [Blank] (in words) [Blank] (in figures)
IDENTITY CARD NO.: [Blank] [Blank] [Blank] [Blank] [Blank] [Blank]
LECTURER: Assoc Prof Dr. Ibrahim Abdul-Hamid
GROUP: [Blank]
TABLE NO.: [Blank]

DO NOT OPEN THE PAGE UNTIL YOU ARE TOLD TO DO SO

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Section A: This section consists of SIX (6) questions. Answer ALL questions.

Question 1

Does a person have the right to sleep in a hotel lobby or other public area, if no rooms are available? Give your comment.

(5 marks)

Question 2

If a hotel keeper offers accommodation to a prospective guest, how long does the offer last? Please explain.

(5 marks)

Question 3

What is meant by an innkeeper's "supervisory liability"?

(5 marks)

Question 4

How travel agency operator should decide how much fire insurance to carry?

(5 marks)

Question 5

When is an innkeeper's liability for the property of his guest is unlimited?

(5 marks)

Question 6

Does an innkeeper have the right to demand payment in advance? Why or why not?

(5 marks)

(Total: 30 marks)
Section B: This section consists of FOUR (4) questions. Answer ALL questions.

Question 1

A 16-years old pop star invited her parents to meet her at a hotel. When she arrived at the hotel to book her room, she was told that, because of her age, she would have to wait until her parents arrived. What is the general contract law applies in this situation? Would it have made any difference if she had written to the hotel requesting confirmation of her accommodation?

(10 marks)

Question 2

A, B, and C decide to set up a restaurant. However, C is busy with another business and wants to contribute money only. It is agreed that all three should share equally in the profits and losses of the business.

a. Is it possible to let one of the partners to have a regular monthly salary? If so, how would profits be allocated?

b. Two of the partners, A and B, do not want to let C to participate in any of the partnership decisions. What can be done to remedy this situation?

(10 marks)

Question 3

Salleh is a guest at Shah Hotel. On entering to a parking lot to park his new Perdana Executive car, he heard a loud bang on the car roof. On stopping to examine the damage, he discovers a large bag of water has been dropped from one of the hotel windows and has caused several thousand of ringgit worth of damage to his car. On reporting to the front desk, he learned that the hotel is hosting a party and there is no way to discovering which person or persons may have caused the damage. Discuss two ways in which Salleh claim could be settled.

(10 marks)
Question 4

Siti, an owner of a motel, insured the motel against loss of fire. Siti then sold the motel to Ahmad, but no transfer of ownership was given to the insurance company. The motel was destroyed by fire before the expiration date on the policy. Is the insurance company liable to anyone on the policy?

(10 marks)

(Total: 40 marks)

Section C: This section is a case study based. Answer ALL questions.

Read the following case and answer the questions:

One of your guests has been having a merry time in the lounge and on this way out, accidentally falls against the fire alarm bell and triggered the alarm. When the confusion disappears and it is realized that there was no fire, one of the lady guests is found injured on the pavement outside. Apparently she was sleeping, and then panicked when she heard the fire alarm bell, jumped off the balcony, and broke her leg. She sued the hotel.

a. If you were helping to prepare legal grounds for the hotel’s defence, what would you suggest? (6 marks)

b. Give some arguments for the injured guest’s claim. (6 marks)

c. Would the situation be different if the lady’s injuries had occurred while she was rushing down the hotel staircase? (6 marks)

d. Suppose that the injured is a child who was travelling with her parents, falls from the staircase during the commotion, what is the hotel’s liability, if any? (6 marks)
e. What defenses does the innkeeper have against injuries on the staircase?

(6 marks)

(Total 30 marks)

- END OF QUESTIONS -