



**THE COUNCIL OF COMMUNITY COLLEGES OF JAMAICA**

**ASSOCIATE OF SCIENCE EXAMINATION**

**SEMESTER II – 2019 MAY**

**PROGRAMME:** HOSPITALITY AND TOURISM MANAGEMENT  
**COURSE NAME:** HOSPITALITY LAW I  
**CODE:** HOSP1201  
**YEAR GROUP:** ONE  
**DATE:** MONDAY, 2019 MAY 13  
**TIME:** 3:00 P.M. – 5:00 P.M.  
**DURATION:** 2 HOURS  
**EXAMINATION TYPE:** FINAL

*This Examination Paper has 8 Pages*

**INSTRUCTIONS:**

1. ANSWER ALL QUESTIONS FROM SECTION A
2. ANSWER ANY TWO (2) QUESTIONS FROM SECTION B

**DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO**

**SECTION B**

**Instruction:** In the booklet provided, answer any **TWO (2)** questions in this section.

**Question 1**

- A. Discuss **SIX (6)** essential elements of a valid contract. (12 marks)
- B. Explain **FOUR (4)** remedies for a breach of contract. (10 marks)
- C. Your client, Orraine Harrison, owner of Seascape Hotel, signed a 3-month contract with Abigail Johnson, for her to provide him with 60 pounds of sweet potato each week. Orraine, however, is considering using someone else to supply the potatoes, at a cheaper cost. Advise him of the best option to terminate the contract by explaining **TWO (2)** methods of termination. (8 marks)

(Total 30 marks)

**Question 2**

Portshire Hotel is undergoing a massive renovation and has posted signs around the hotel apologising for the inconvenience to guests. Due to these renovations, security cameras have been removed in order to repair the roofs and walls. The key access door to guests' quarters, from the lobby, has also been deactivated to allow the construction team uninterrupted access to hotel floors. By day three of the repair work, guests were robbed in the hallway by men posing as guests. The courts ruled that Portshire Hotel had been negligent and must compensate guests for their losses.

- A. Apply the elements of Negligence in the court's ruling to the scenario above. (10 marks)
- B. What are the major distinctions between OLA 1957 and OLA 1984? (5 marks)
- C. With the support of cases, explain a hotel's vicarious liability in relation to:
- i. subcontractors/independent contractors
  - ii. employees

(15 marks)

(Total 30 marks)

**Question 3**

- A. Expound on **THREE (3)** tests that can be used to determine if an individual is an employee of another individual. (15 marks)
- B. The contractual relationship between an employer and an employee is different from that of an employer and an independent contractor. Highlight the distinct differences between these contractual relationships. (10 marks)
- C. Recommend, with reasons, which contractual relationship would be ideal for individuals:
- i. working as check-in clerks at the front desk of a hotel.
  - ii. hired to paint a newly-built hotel. (5 marks)

**(Total 30 marks)****Question 4**

- A. With the aid of a diagram, fully explain the structure of the Jamaican Court System. (20 marks)
- B. Outline **TWO (2)** advantages and **TWO (2)** disadvantages of Judicial Precedent. (10 marks)

**(Total 30 marks)****END OF EXAMINATION**