



PAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION

DEPARTMENT OF SOCIAL SCIENCES

QUALIFICATION : HOSPITALITY AND TOURISM	
QUALIFICATION CODE: 07BTID, 07BCNA, 07BOTM, 07BHOM	LEVEL: 5
COURSE CODE: HTL510S	COURSE NAME: HOSPITALITY AND TOURISM LAW
SESSION: NOVEMBER 2023	PAPER: THEORY AND CASE STUDIES
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION	
EXAMINER(S)	Kirby Claasen
MODERATOR	Mariette Hanekom

INSTRUCTIONS
<ol style="list-style-type: none">1. The paper has 9 questions.2. ALL the questions are compulsory.3. Read carefully before answering.4. Number the answers clearly and according to the structure in the examination question paper.5. Use full sentences and proper paragraphs when answering questions. The inappropriate use of bullet-points will be penalised, as will poor spelling and grammar and illegible handwriting.

THIS EXAMINATION PAPER CONSISTS OF 4 PAGES

Question 1

1.1. Define the following terms.

- 1.1.1. Law (3 marks)
- 1.1.2. Legal capacity (3 marks)
- 1.1.3. Precedent (3 marks)

1.2 Distinguish between the following terms.

- 1.2.1 Civil and criminal law (3 marks)
- 1.2.2 Crime and delict (3 marks)

(15 marks)

Question 2.

Name five (5) sources of law.

(5 marks)

Question 3

For a contract to be binding and the obligations to be enforceable by a Court of Law the contract must be valid. Discuss the requirements for a valid contract.

(10 marks)

Question 4

Indicate how the contract was terminated in the following instances:

- 4.1 Zenna owes John N\$400. They subsequently get married before the debt is settled. (1 mark)
- 4.2 Sean owes Greg N\$50, Greg however misplaced Seans N\$40 cellphone cover, they decide Sean will only give Greg N\$10 and they will be even. (1 mark)
- 4.3 Mary and Peter has a dispute about the price agreed for a study guide. Mary said it was N\$40 while Peter says it was N\$30. They agree on a new price of N\$ 35. (1 mark)
- 4.4 Suzy and Noel entered into a contract of leasing a computer. Suzy had to pay Noel N\$2000 at the end of the month. They now want Suzy to teach Noel's computer students instead of Suzy paying N\$2000. They entered into a new agreement to accommodate the change. (1 mark)
- 4.5 John tells Mary she does not have to repay her debt to him. The remainder of Mary's debt is written off. (1 mark)

(5 marks)

Question 5

5.1 John was walking his dog, Max, in a public park known for its picturesque beauty. As he was strolling along the park's walking path, he allowed Max to run off-leash for a moment. Unbeknownst to John, Max had a habit of chasing birds. While off-leash, Max spotted a group of ducks near a pond and bolted towards them, causing a commotion. In the process, Max knocked over Sarah, a park visitor's expensive camera tripod and camera equipment, resulting in significant damage.

Sarah is now considering taking legal action against John for the damage to her camera equipment. Discuss the five (5) requirements that Sarah must prove to establish that a delict has been committed. (10 marks)

5.2 What is the difference between factual causation and legal causation? (10 marks)

(20 marks)

Question 6

Name any ten (10) functions of the Namibian Tourism Board in terms of the Namibia Tourism Board Act 21 of 2000.

(10 marks)

Question 7

Explain briefly the significance of the following legislation to the hospitality and tourism industry.

7.1. Liquor Act 6 of 1998. (5 marks)

7.2. Casino and Gambling Act 32 of 1994 (5 marks)

7.3. Tobacco Products Control Act 1 of 2010 (10 marks)

(20 marks)

Question 8

Indicate whether an offer was made in each of the following cases. Briefly motivate your answer.

8.1 A statement of willingness to sell a house but then the buyer is referred to the seller's agent for further details. (2 marks)

8.2 Mary writes to John asking whether John would sell his car to her for N\$50 000. John replies by saying that he would only accept the price of N\$80 000. (2 marks)

8.3 Susan announces in a hospitality and tourism law class that he is willing to sell his textbooks at half price. The next day John gives her the required amount but unfortunately the books are sold out. John insists an offer was made and that Susan must give him the books. (2 marks)

8.4 In a moment of happiness Tamy tells Selma that she will buy her watch. (2 marks)

8.5 Peter and Mary are in a club. John is intoxicated and asks Mary to marry him. (2 marks)

(10 marks)

Question 9

Discuss the various ways in which a contract of lease can terminate.

(5 marks)

TOTAL: 100 marks

(GOOD LUCK)