



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

**FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION
DEPARTMENT OF SOCIAL SCIENCES**

QUALIFICATION : Hospitality / Tourism	
QUALIFICATION CODE: 07BTID; 07BCNA; 07BOTM; 07BHOM	LEVEL: 5
COURSE CODE: HTL510S	COURSE NAME: HOSPITALITY AND TOURISM LAW
SESSION: JANUARY 2025	PAPER: THEORY AND CASE STUDIES
DURATION: 3 HOURS	MARKS: 100

SECOND OPPORTUNITY EXAMINATION	
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INSTRUCTIONS
<ol style="list-style-type: none">1. The paper has 6 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 PAPER CONSISTS OF 7 PAGES

Question 1

Choose the correct answer from the given options in each of the following questions. Write only the correct letter on your answer sheet next to the corresponding question number.

1. What is a common remedy for breach of contract in tourism-related service agreements?

- a) Imprisonment
- b) Specific performance
- c) Eviction
- d) Detainment

2. In the case of defective performance by a hotel, the guest may:

- a) Demand a refund and retain the defective service.
- b) Cancel the contract only if a cancellation clause exists.
- c) Sue for defamation.
- d) Cancel the contract without notice.

3. Which Act governs the sale of alcohol in hotels in Namibia?

- a) Liquor Act 6 of 1998
- b) Hotel and Accommodation Act
- c) Tourism and Hospitality Act
- d) Food and Beverages Regulation Act

4. What does "mora debitoris" refer to in contract law?

- a) Delay in creditor's performance.
- b) Defective performance by the guest.
- c) Delay in debtor's performance.
- d) Repudiation of a contract.

5. If a hotel guest refuses to pay for services that have been duly provided, this constitutes:

- a) Prevention of performance.
- b) Repudiation.
- c) Mora creditoris.
- d) Defective performance.

6. A situation where the creditor delays acceptance of performance is termed:

- a) Mora creditoris
- b) Mora debitoris
- c) Specific performance
- d) Breach of duty

7. When can a creditor claim damages in a hotel services contract?

- a) Only when breach of contract occurs.
- b) Whenever the creditor wishes.
- c) Only after termination of the contract.
- d) If no remedies are provided in the contract.

8. In which of the following situations can a contract in hospitality be cancelled immediately?

- a) Upon entering the hotel.
- b) When time is of the essence and performance is delayed.
- c) After a service complaint.
- d) None of the above.

9. Which legal term describes the agreement that goods are purchased as is?

- a) Caveat emptor
- b) Voetstoets
- c) Contract of good faith
- d) Juristic act

10. Which of the following is not a requirement for establishing a delict in disputes?

- a) Wrongfulness
- b) Intention or negligence
- c) Causation
- d) A written contract

11. Under the Namibian Labour Act, which one of the following constitutes unfair dismissal?

- a) Dismissal after repeated warnings.
- b) Dismissal without following fair procedures.
- c) Dismissal with written notice.
- d) Dismissal for poor performance.

12. What is the minimum notice period required for an employee who has been employed for more than 6 months under the Namibian Labour Act?

- a) 1 day
- b) 7 days
- c) 30 days
- d) 14 days

13. According to the Namibian Labour Act, which of the following is true regarding overtime pay?

- a) Overtime is not mandatory.
- b) Overtime is calculated at 1.5 times the hourly rate on normal working days and double the hourly rate on Sundays and public holidays.
- c) Employers may decide not to pay for overtime.
- d) Overtime pay only applies on weekends.

14. In terms of the Namibian Labour Act, an employer can dismiss an employee without notice in cases of:

- a) Redundancy
- b) Serious misconduct
- c) Poor performance
- d) Retirement

15. The Namibian Labour Act requires that an employment contract include:

- a) The employee's job description and hours of work.
- b) The employee's social media accounts.
- c) A clause for free accommodation.
- d) None of the above.

16. Which of the following disputes can be taken to the Labour Commissioner under the Namibian Labour Act?

- a) Contract disputes
- b) Salary and wage disputes
- c) Worker's compensation claims
- d) All of the above

17. Which of the following is essential for a contract of lease?

- a) A written agreement only
- b) An agreement on the rental amount and the object of lease
- c) Registration with a local authority
- d) The property must be leased for a commercial purpose

18. In a lease agreement, a lessee is:

- a) The party who owns the property.
- b) The party leasing the property.
- c) The property manager.
- d) A neutral third party.

19. If a party is in mora, it means they are:

- a) In breach of contract due to delay
- b) Prepared to perform their obligations
- c) Suffering losses due to another party's breach
- d) Seeking legal remedies

20. Which of the following can lead to the termination of a contract?

- a) Breach of contract
- b) Fraud
- c) Impossibility of performance
- d) All of the above

(20x2= 40 marks)

Question 2

List the requirements for a valid contract of purchase and sale.

(10 marks)

Question 3

Emily is staying at a popular beach resort for a weekend getaway. On her first evening, she decides to relax by the pool. While there, she notices that the resort has a sign stating that guests are responsible for their personal belongings. However, there is no lifeguard present, and the pool area is slippery due to recent rainfall.

As Emily walks to the edge of the pool to take a picture, she slips on the wet tiles, falls into the pool, and injures her ankle. In her fall, she drops her phone, which gets damaged. Emily is considering taking legal action against the resort for her injuries and the damage to her phone.

Discuss whether the resort may be held liable for delict in this scenario. Identify and explain the five (5) essential elements that Emily must prove to establish a claim for delict against the resort.
(10 marks)

Question 4

Enan, a young travel blogger, books a stay at a luxury resort in exchange for providing promotional content on his social media platforms. He meets with the resort's marketing manager, Linda, who pressures him into signing a contract that heavily favors the resort. Linda insists that if Enan doesn't agree to the terms, the resort will blacklist him from staying at any of their other properties globally, significantly affecting his career. Feeling threatened by Linda's position, Enan signs the contract, even though he disagrees with the terms and believes they are unfair. Later, Enan regrets his decision and considers challenging the contract.

In the scenario above, discuss whether Enan can challenge the contract. In your answer, explain the legal principles and apply them to the scenario.

(10 marks)

Question 5

A luxury hotel contracts with a chef to host a series of exclusive dinner events at the hotel. The agreement specifies that the chef must exclusively use locally sourced, organic ingredients. However, during the first event, it is discovered that the chef has used imported ingredients that are not organic, which contradicts the terms of the agreement.

- 5.1 Identify and explain the type of breach of contract in this scenario. (2 marks)
- 5.2 If the hotel wishes to cancel the contract, under what conditions would this be possible? (2 marks)
- 5.3 Assuming the hotel does not cancel the contract, what steps could they take to claim damages, and what would they need to prove? (5 marks)

(10 marks)

Question 6

Are the following statements True or False?

- 6.1. The Namibia Tourism Board (NTB) is responsible for promoting Namibia as a tourist destination only at the international level.
- 6.2. The NTB is responsible for licensing and registering tourism service providers, including tour operators and accommodation establishments.
- 6.3. Quality assurance in tourism means ensuring that tourism facilities and services meet specific quality standards through inspections and assessments.
- 6.4. The NTB does not participate in the development of tourism policies and strategies at the national level.
- 6.5. The NTB plays no role in funding tourism-related projects such as infrastructure development or cultural preservation.
- 6.6. The Liquor Act 6 of 1998 allows hospitality businesses to serve alcohol without any licensing or age restrictions.
- 6.7. One of the functions of the NTB is to protect the rights of tourists by handling complaints and disputes in the tourism sector.
- 6.8. The Casino and Gambling Act 32 of 1994 addresses licensing and regulation for casinos and gambling establishments, which are key tourist attractions.
- 6.9. The Namibia Tourism Board is responsible for collecting and analyzing tourism data and statistics to monitor industry trends.
- 6.10. The Liquor Act 6 of 1998 does not regulate operating hours or age restrictions for the sale and consumption of alcohol in hotels and bars.
- 6.11. The Casino and Gambling Act 32 of 1994 does not address issues related to problem gambling.
- 6.12. The NTB is responsible for providing tourists with travel information, safety tips, and operating visitor information centers.
- 6.13. The Tobacco Products Control Act of 2010 mandates that smoking is allowed in all public areas of hospitality establishments, such as restaurants and hotels.
- 6.14. The Casino and Gambling Act 32 of 1994 has no economic impact on tourism and hospitality businesses in areas where casinos operate.

- 6.15. One of the key functions of the NTB is to develop and support tourism businesses by offering training and capacity-building programs.
- 6.16. Tourism destination management by the NTB includes improving the sustainability of cultural and natural heritage sites.
- 6.17. The Tobacco Products Control Act of 2010 requires hospitality businesses to establish smoke-free zones.
- 6.18. The NTB has the authority to inspect tourism businesses to ensure compliance with established tourism standards.
- 6.19. The Liquor Act 6 of 1998 is not relevant to the hospitality industry, as it only regulates alcohol consumption in private homes.
- 6.20. The NTB is not involved in tourism research and data collection to track visitor numbers and the economic impact of tourism.

(20 marks)

[TOTAL 100 MARKS]

(GOOD LUCK)