



**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: NOVEMBER 2024	PAPER: THEORY AND CASE STUDIES
DURATION: 3 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION PAPER	
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MODERATOR	Ms. Mariette Hanekom

INSTRUCTIONS
<ol style="list-style-type: none">1. The paper has 8 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. Legislation (2 marks)
- 1.1.2. Legal capacity (2 marks)
- 1.1.3. Voetstoots (2 marks)
- 1.1.4. Juristic Act (2 marks)
- 1.1.5. Jurisdiction (2 marks)

1.2. Explain the difference between the following terms.

- 1.2.1. Civil and criminal law. (5 marks)
- 1.2.2. Crime and a delict. (5 marks)

(20 marks)

Question 2.

List the requirements for a valid contract.

(5 marks)

Question 3

Toini is appointed as chef at a popular restaurant. Her contract provides that, should she resign, she may not work as a chef for a different restaurant in Windhoek for a period of three years. **Discuss the legal principal which applies to the above scenario.**

(10 marks)

QUESTION 4 follows on the next page

Question 4

Discuss the legal implications of the following two scenarios, focusing on whether a valid contract exists in each case. In your answer, address the concept of mistake and consensus, the materiality of the mistake, and the reasonableness of the mistake.

- 4.1 You are the manager of a popular beach resort, and you decide to enter into a contract with a local art dealer to purchase ten sculptures that you believe are made of bronze, a durable and weather-resistant material, for N\$50,000. After the sculptures are delivered, you discover that they are actually made of a cheaper, more fragile material that is unsuitable for outdoor display. The art dealer argues that the material composition was not explicitly discussed, and the deal should stand. (10 marks)
- 4.2 You recently contracted a catering company to provide food for a week-long festival at your resort. The contract specified "fresh seafood," but due to a misunderstanding, the catering company sourced frozen seafood instead. (10 marks)

(20 marks)

Question 5

Indicate how the contract was terminated in the following instances:

- 5.1 Zenna owes John N\$400. They subsequently get married in community of property before the debt is settled. (1 mark)
- 5.2 Sean owes Greg N\$50, Greg however misplaced Seans N\$40 cell phone cover, they decide Sean will only give Greg N\$10 and they will be even. (1 mark)
- 5.3 Mary and Peter have 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)
- 5.4 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)
- 5.5 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 6

Sarah is staying at a luxury hotel that allows pets. One evening, while sitting in the hotel's outdoor lounge area, she leaves her expensive camera equipment unattended on a nearby table. A hotel guest, John, was playing fetch with his dog near the lounge area. At one point, John's dog runs off-course, knocking over Sarah's camera equipment and causing substantial damage. Sarah is now considering taking legal action against John for the damage to her camera equipment.

- 6.1 Discuss the five (5) requirements that Sarah must prove to establish that a delict has been committed. (10 marks)
- 6.2 Explain the difference between factual and legal causation. (10 marks)
- (20 marks)**

Question 7

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

(10 marks)

Question 8

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

- 8.1 Liquor Act 6 of 1998. (5 marks)
- 8.2 Gambling Act 32 of 1994. (5 marks)

(10 marks)

[TOTAL 100 MARKS]

(GOOD LUCK!)