

2918/302
TOURISM LAW
November 2018
Time: 3 hours



THE KENYA NATIONAL EXAMINATIONS COUNCIL

DIPLOMA IN TOUR GUIDING MANAGEMENT

TOURISM LAW

3 hours

INSTRUCTIONS TO CANDIDATES

*This paper consists of SEVEN questions.
Answer FIVE questions in the answer booklet provided.
All questions carry equal marks.
Candidates should answer the questions in English.*

This paper consists of 3 printed pages.

Candidates should check the question paper to ascertain that all the pages are printed as indicated and that no questions are missing.

1. (a) Explain **six** ways in which law has enhanced the tourism sector in Kenya. (12 marks)
- (b) Explain **four** types of jurisdiction of the Kenyan courts. (8 marks)
2. (a) In a football match, a goalkeeper was hit in the eye from a ball thrown by an opponent. The goal keeper demanded that the opponent raise money for his medical costs but the opponent declined. The goal keeper intends to take a legal action. Explain the legal principles applicable in this case. (8 marks)
- (b) Explain **six** ways in which a contract may be discharged. (12 marks)
3. (a) Explain the provisions for protection of children, under the employment law in Kenya. (12 marks)
- (b) Daniel insured his tourist lodge against fire with Bele Insurance Company. The proposal form had required Daniel to state whether the lodge had earlier been insured against fire. Daniel completed the proposal form but did not state that the lodge had earlier been insured against fire since the cover had come to an end. Four months later, the lodge was completely damaged by fire. Daniel has sought compensation from Bele Insurance Company. However, the insurance company refused to compensate him, claiming that he lied not to have insured the lodge at any given time. Daniel is aggrieved and intends to enforce compensation in a court of law. Explain the legal principles applicable in this case. (8 marks)
4. (a) Outline **five** functions of the Tourism Regulatory Authority. (10 marks)
- (b) (i) In the event of an unjustified termination of employment contract, the court may order compensation to the affected employee. Outline **three** such forms of compensation. (6 marks)
- (ii) Highlight **two** forms of reinstatement of an employee whose termination of employment contract is found to be unjustified. (4 marks)
5. (a) Under the Narcotic Drugs and Psychotropic Substances Act (2012), the Director of Public Prosecutions may seek international assistance for the purposes of an investigation or proceedings. Describe the procedure followed in seeking such assistance. (12 marks)
- (b) In relation to the Law of Tort, explain **four** instances of slander that are actionable per se. (8 marks)

6. (a) Explain **six** circumstances under which an arbitral award may be set aside by the court. (12 marks)
- (b) Outline **four** ways in which an agency may be created. (8 marks)
7. (a) Explain **five** limitations of subsidiary legislation, as a source of law in Kenya. (10 marks)
- (b) Outline the registers that should be kept and maintained by Tourism Regulatory Authority, under the Tourism Act. (10 marks)

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