

MAKERERE UNIVERSITY
MAKERERE UNIVERSITY BUSINESS SCHOOL
FACULTY OF COMMERCE
DEPARTMENT OF BUSINESS LAW
ACADEMIC YEAR 2023/2024 SEMESTER TWO
COURSE OUTLINE

Programme: BACHELOR OF TRAVEL AND TOURISM MANAGEMENT (BTTM)
Course Name: TOURISM & TRAVEL LAW
Year of Study: THREE
Course Code: BTT3240

Course Description:

This course covers the main areas of law relating to the tourism and travel industry, legal and policy issues for managers in the industry that have primary relationships with tourists, guests/patrons, employees and the government. The course also covers the legal issues affecting the operations of the travel and tourism industries including aspects of hospitality law, occupier's liability, negligence, regulation of the travel industry, the ingredients and defences to the tort of negligence as well as the relationship between the innkeeper and guests.

Course Objectives:

This course is intended to provide students with the knowledge of the legal aspects of the travel and tourism business. At the end of the course, students should be able to appreciate the industry regulatory framework, the statutory requirements for operating tourist facilities, common law, statutory and contractual duties of the various players in the tourism business and issues of negligence as they relate to the subject. Students are advised to read the main texts and the reference books below for an overview of the course.

Learning outcomes:

- At the end of the course, students should be able to conclude valid and enforceable tourism and travel contracts; and
- To run travel and tourism business along contemporary legal principles and procedures.

	COURSE CONTENT	Duration
1.	<p>General introduction to tourism and travel business</p> <ul style="list-style-type: none"> • General Introduction ▪ Definitions <ul style="list-style-type: none"> ○ Tourism ○ Tour guide ○ Tour operator ○ Travel agent ○ Tourist facility, etc - Section 2 of the Act. 	2 Hours
2.	<p>The regulatory framework of tourism and travel law</p> <p>Licensing</p> <ul style="list-style-type: none"> ▪ Prohibition to transact without a license–Effect of contravention -fine or two years imprisonment or both. ▪ What form of business should the Applicant take? Nil 	2 Hours

	<ul style="list-style-type: none"> ▪ The conditions to be satisfied by an applicant are also not specified under the Act ▪ Power of UTB to put up the licensing conditions - section 15(4)(c); ▪ Remedies to an aggrieved applicant - section 17 (1), (2) & (3) of the Act 	
3.	<p>The Supervisory function of the Uganda Tourism Board</p> <p>Nature of supervision</p> <ul style="list-style-type: none"> ▪ Coordination ▪ Site visits ▪ Handling customer/client grievances ▪ Cancellation of license <p>Grounds:</p> <ul style="list-style-type: none"> ○ Conviction of an offence involving fraud or dishonesty under the Act or any other law; ○ Bankruptcy ○ Liquidation ○ Failure to comply with a condition attached to the license; ○ Obtaining license by fraud or misrepresentation ○ Non-disclosure of a material fact- section 16-Role of Minister- 17 (4), (5) & (6) of the Act 	3 Hours
4.	<p>Other Players in the regulation of the Travel and Tourism Business</p> <ul style="list-style-type: none"> ▪ The Immigration Department of Ministry of Internal Affairs ▪ Uganda Wildlife Authority (UWA) ▪ National Forestry Authority ▪ Civil Aviation Authority ▪ Ministry of Tourism, Wildlife & Antiquities ▪ IATA 	2 Hours
5.	<p>Travel Agency</p> <ul style="list-style-type: none"> ▪ Travel agents ▪ The unique position of a travel agent in contrast to other agents ▪ Common Law duties of travel agents ▪ Statutory duties of travel agent ▪ Contractual duties of travel agents ▪ Debit & Credit cards, Visa Cards and credit card fraud 	4 Hours
6.	<p>Charter Tour Operators</p> <ul style="list-style-type: none"> ▪ Definition and regulation of a tour operator ▪ Information that must be provided by the tour operator ▪ Contractual requirements of a tour package ▪ Changes in the contractual terms ▪ Health requirements of a tour package ▪ Liability of the tour operator ▪ 	4 Hours

7.	<p>The Contract of Carriage of persons by air</p> <ul style="list-style-type: none"> ▪ The contract of carriage generally ▪ Definition of common terms ▪ The High Contracting Party ▪ International carriage ▪ Taxiing, take off and landing ▪ Documents of Carriage by Air <ul style="list-style-type: none"> ○ Passenger ticket; E-tickets ○ Baggage check [Luggage ticket], ○ Air waybill / air consignment note and its Contents ▪ Classification of carriers – 1st August 2022 ▪ Difference between a common carrier and a private carrier ▪ Private carrier and his liability - Royal Insurance Co. of E.A. v Superfreighters (2003) (Kenya), 	4 Hours
8.	<p>Rights of Airlines</p> <ul style="list-style-type: none"> ▪ Cancellation of scheduled flights Reg. 4 of the Civil Aviation (Operation of Aircraft) Regulations ▪ Rights of airline captain ▪ Persons of reduced mobility Reg. 149 ▪ Overbooking: Rights of would-be passengers ▪ Priority rules for seating ▪ Damages for overbooking; 	3 Hours
9.	<p>Duties of aircraft operators</p> <ul style="list-style-type: none"> ▪ Ensuring that the aircraft is airworthy - certificate of airworthiness - Civil Aviation (Airworthiness) Regulations, 2014; ▪ Passenger seats ▪ Safety belts and shoulder harnesses- Reg. 135; ▪ Passenger briefing -Regulations. 136 & 158 ▪ In-flight emergence instructions –Reg. 137, ▪ Minimum supply and use of passenger oxygen Reg. 138; ▪ Intoxication- Reg. 139; ▪ Exit row seating - Reg. 150; ▪ Destination: <ul style="list-style-type: none"> ○ Lack of documentation ○ Wrong destination ○ Liability for negligence 	4 Hours
10.	<p>Rights of travellers</p> <ul style="list-style-type: none"> ▪ Baggage claims (domestic and international) ▪ Airplane security ▪ Travelling with animals ▪ Personal injury onboard the flights ▪ Refund on tickets ▪ Handicapped travellers ▪ Travel insurance 	2 Hours
	<p>Duties of the passengers</p>	

11.	<ul style="list-style-type: none"> ▪ Declaring personal stuff ▪ Unacceptable conduct -Reg. 133 ▪ Compliance with instructions - Regs. 141-143 ▪ Fastening seat belts - Reg. 159 ▪ Carriage of munitions of war and weapons- Reg. 151-152 ▪ Carriage of cargo in passenger compartments Reg. 155 ▪ Contraband goods 	2 hours
12.	<p>Express and Implied Terms of the contract of carriage</p> <ul style="list-style-type: none"> ▪ Express and Implied Terms of the Contract carriage of passengers by air ▪ Express and Implied Terms of the Contract carriage of passengers by road: <ul style="list-style-type: none"> ▪ Rental cars and tourist vehicles ▪ Express and Implied Terms of the Contract carriage of passengers by water ▪ Express and Implied Terms of the Contract carriage of passengers by railway ▪ Tariffs- Meaning and application in tourism business ▪ Disclaimers: exemption and limitation clauses- the difference and similarities ▪ Common exemption and limitation clauses in the tourism and travel business and their implications 	4 Hours
13.	<p>Bailment in tourist facilities</p> <ul style="list-style-type: none"> ▪ The contract of bailment ▪ Parties to the contract of bailment ▪ Duties of the bailee ▪ Liability of the bailee ▪ Circumstances under which bailment arises in the tourism and travel facilities <ul style="list-style-type: none"> ○ Rental car & tourist vehicles ○ Airport & Aircraft ○ Accommodation facilities ○ Water vehicles ○ Railway station & wagons 	4 Hours
14.	<p>Negligence</p> <ul style="list-style-type: none"> ▪ Introduction ▪ Ingredients of negligence <ul style="list-style-type: none"> ○ Duty of care: does the defendant owe the claimant a duty of care? ○ Breach: has the defendant broken that duty? ○ Damage: has that breach caused damage of a legally recognized kind to the claimant? ▪ Duty of care owed by the defendant to the plaintiff ▪ What amounts to duty of care? King V Phillips [1953] 1 QB 429). 	3 Hours
15.	<p>Criterion of duty</p> <ul style="list-style-type: none"> • How should a judge determine whether there is or isn't a duty? • What is the test of determining a notional duty of care? Donoghue v. Stevenson [1932] A.C. 562; Ourhill v. Young [1943] A.C. 92; [1942] 2 All ER 396 • Liability to a visitor on premises - Billings v. Riden [1957] 3 All E.R. 1 [1958] • Proximity - M'Alister (or Donoghue) v Stevenson [1932] ac 562 at 580, • Reasonable foreseeability 'the question 'who is my neighbour?' prompts the response, 'consider first those who would consider you to be their neighbour': James 	4 Hours

	Mcnaughton Papers Group Ltd v Hicks Anderson & Co. [1991] 2 QB 113 at 126, [1991] 1 All ER 134 at 145	
16.	Standard of Care <ul style="list-style-type: none"> ▪ How to determine Standard of care in negligence? <ol style="list-style-type: none"> 1. Probability 2. Gravity/Magnitude. 3. Burden 4. Social Utility ▪ Res Ipsa Loquitor: Nanziri & Anor V Kambaza; Uganda Motors V Wavah Holdings Ltd; Barkway V South Wales Transport Co. Ltd (1950) 1 All ER 392 	2 Hours
17.	Defences to an action for negligence <ul style="list-style-type: none"> ▪ Contributory negligence: Fredrick Senyonjo V Construction Engineers & Builders ▪ Can a child be guilty of contributory negligence? Patel V Uganda Commercial Ltd (1951) 18 EACA 27; Nsubuga V Kavuma (1978) HCB 308 ▪ <i>Volenti non fit injuria</i> (voluntary assumption of risk)- Wooldridge v Summer ▪ Inevitable accident - Nanziri v Kambaza ▪ Act of God ▪ Statutory authority 	3 Hours
18.	Accommodation <ul style="list-style-type: none"> ▪ Who is a guest? ▪ The test for determining whether a person is a guest or not <ul style="list-style-type: none"> ○ Is the person a transient? ○ Is the individual seeking transient accommodations? ○ Was the individual received by the innkeeper as a guest? 	2 Hours
19.	The innkeeper-guest relationship <ul style="list-style-type: none"> ▪ The relationship between an innkeeper and the guest ▪ The common law duty to receive guests ▪ Liability for failure to honor reservations ▪ The reservation Contract ▪ Breach of the reservation contract ▪ Property left by guests 	2 hours
20.	The innkeeper's right to refuse guests <ul style="list-style-type: none"> ▪ Lack of available rooms ▪ Ability to pay ▪ Infectious or contagious disease ▪ Actual and potential improper conduct 	2 Hours

21.	Right to evict guests and others <ul style="list-style-type: none"> ▪ Refusal to pay ▪ Contagious disease ▪ Violation of hotel rules ▪ Objectionable conduct ▪ Illegal activity ▪ Overstaying the agreed term (“Holdover” Guests) ▪ Eviction of persons other than guests 	2 Hours
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METHOD OF DELIVERY

- Lectures, Case studies, Guest speakers from industry, In-class Group discussions & presentations, and
- Tutorials

COURSE ASSESSMENT

- Continuous Assessment (Course work tests & In-class group assignments) 30%
- Final examination 70%
- Total 100%

READING LIST

Key Text (s)

- Cordato, A. Australian Travel and Tourism Law, 4th edition, Butterworths, Sydney 2006
- Carew-Reid, A. Travel and Tourism Law 203/503 Study Guide, 6th edition, 2006, Curtin, University of Technology, Perth;
- Grant, D., and Mason, S. Holiday Law, Sweet Maxwell, (1998);
- John Downes and Tricia Paton; Travel and Tourism Law in the UK, 4th Edition, 2006;
- Atherton T., Tourism, Travel and Hospitality Law, Law Book Co, Sydney, 1998;
- Norman G., et al. Hotel, Restaurant, and Travel Law: A Preventive Approach, 6th ed. Delmar Publishers Inc – pages 413 - 463.
- Cork, J. Tourism Law. Elm Publications, (1997);
- Atherton T., Tourism, Travel and Hospitality Law, Law Book Co, Sydney, 1998

Statutes

- The Constitution of the Republic of Uganda, 1995
- The Uganda Citizenship & Immigration Control Act, Cap. 66
- The Contracts Act, 2010
- The Uganda Tourism Act no. 2 of 2008
- The Uganda Tourism (Tour Package) Regulations, 2013 S.I. No. 57 of 2013
- The Tourist Agents (Licensing) Regulations, S.I. No. 100-1
- Civil Aviation (Operation of Aircraft) Regulations, no. 64 of 2014
- Civil Aviation (Airworthiness) Regulations, 2014
- The Warsaw Convention as amended at the Hague (The Hague Protocol), 1955
- The Montreal Protocol, 1975
- The Chicago Convention, 1944

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