

Tourism Law and Legislation

Assignment 9

Student Name: Tej Bahadur Neupane

Student ID: DE240102

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1. Accommodation Contract and Its Essential Legal Elements

An **accommodation contract** is a legal agreement between a guest and an accommodation provider such as a hotel, lodge, resort, or guesthouse. Under this contract, the accommodation provider agrees to provide lodging and related services to the guest for a specific period in exchange for payment. The contract establishes the rights and responsibilities of both parties during the guest's stay.

Accommodation contracts are an important part of tourism law because they ensure that both the service provider and the customer clearly understand their obligations. The hotel agrees to provide safe and suitable accommodation, while the guest agrees to pay the required price and follow the hotel's rules and policies. These contracts can be created in several ways such as direct booking at the hotel, booking through a travel agency, or making reservations through online platforms.

Once a reservation is confirmed by the accommodation provider and accepted by the guest, a legally binding agreement is formed. This agreement ensures that the hotel must provide the reserved room and services, and the guest must respect the payment terms and conditions.

Essential Legal Elements for the Validity of an Accommodation Contract

For any accommodation contract to be legally valid, several essential elements of contract law must be present.

1. Offer and Acceptance

The first element of a valid contract is offer and acceptance. The accommodation provider makes an offer by advertising rooms, listing prices, or providing reservation options. When a guest

agrees to the offer and confirms the booking, acceptance occurs. The contract is formed when both parties agree to the same terms.

2. Consideration

Consideration refers to something of value exchanged between the two parties. In an accommodation contract, the guest provides payment for the services, and the accommodation provider offers lodging and other facilities such as housekeeping, food services, and security. Without consideration, a contract cannot be legally binding.

3. Capacity of Parties

Both parties entering the contract must have legal capacity. This means they must be legally capable of entering into an agreement. Generally, adults who are mentally competent have the legal capacity to form a contract.

4. Lawful Purpose

The contract must be made for a lawful purpose. Accommodation contracts are legal because they involve providing hospitality services in exchange for payment. If the purpose of the agreement is illegal, the contract will not be valid.

5. Free Consent

Both parties must agree to the contract freely without force, fraud, misrepresentation, or undue influence. The guest must willingly agree to the hotel's terms and conditions, and the hotel must honestly represent the services it provides.

6. Certainty of Terms

The contract must clearly define important details such as the price, duration of stay, type of room, and services included. Clear terms help avoid misunderstandings between the guest and the accommodation provider.

7. Possibility of Performance

The terms of the contract must be possible to perform. For example, the hotel must actually have the room available and be capable of providing the promised services.

In conclusion, an accommodation contract is a fundamental legal agreement in the tourism and hospitality industry. It protects the rights of both guests and accommodation providers while ensuring fair and transparent service arrangements.

References

1. Holloway, J. Christopher. *The Business of Tourism*. Pearson Education.
 2. Middleton, Victor. *Marketing in Travel and Tourism*. Routledge.
 3. United Nations World Tourism Organization (UNWTO). *Tourism Legal Framework Publications*.
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2. Main Parties Involved in Hotel Booking

Hotel bookings can be made either directly with the hotel or through online booking platforms. In each case, several parties are involved in the process.

Direct Hotel Booking

Direct booking occurs when a guest reserves accommodation directly with the hotel without using an intermediary platform. This can be done through the hotel's website, phone call, email, or in person at the reception.

Main Parties Involved

1. Guest (Customer)

The guest is the person who requests accommodation services. The guest is responsible for providing correct information, paying the booking amount, and following the hotel's rules during their stay.

2. Hotel or Accommodation Provider

The hotel or accommodation provider is responsible for offering the room and related services. The hotel must provide the agreed facilities such as lodging, cleanliness, security, and customer service.

In direct bookings, the contract is formed directly between the guest and the hotel, making communication and problem resolution simpler.

Booking Through an Online Platform

Online booking platforms allow guests to compare hotels, prices, and facilities before making reservations. These platforms act as intermediaries between the guest and the hotel.

Main Parties Involved

1. Guest (Customer)

The guest searches for available accommodation on the online platform, selects a suitable hotel, and completes the booking by providing personal details and payment information.

2. Accommodation Provider (Hotel)

The hotel lists its rooms, prices, and services on the online platform. After receiving a booking request, the hotel confirms the reservation and prepares the room for the guest.

3. Online Booking Platform (Intermediary)

The online booking platform acts as a mediator between the guest and the hotel. It provides information about hotels, manages reservations, and often processes payments. These platforms usually charge commission from the hotel for each successful booking.

Online booking platforms have made the reservation process faster and more convenient for travelers. However, they also introduce another party into the contractual relationship, which may influence pricing, cancellation policies, and customer service responsibilities.

Conclusion

In the tourism and hospitality industry, accommodation contracts and booking systems play a crucial role in ensuring smooth interactions between service providers and tourists. Whether the booking is made directly or through an online platform, clear agreements and well-defined responsibilities help maintain trust, legal protection, and quality service in the tourism sector.

References

1. Holloway, J. Christopher. *The Business of Tourism*. Pearson Education.
2. Middleton, Victor. *Marketing in Travel and Tourism*. Routledge.
3. Cooper, Chris. *Tourism: Principles and Practice*. Pearson Education.
4. UNWTO Tourism Legal Framework Publications.