



BERJAYA BUSINESS SCHOOL

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) :

Subject Code & Name : **LAW 1523 LEGAL ASPECTS FOR HOSPITALITY AND TOURISM**

Semester & Year : May – August 2017

Lecturer/Examiner : Mr. Anandaselvam Kannan

Duration : 3 Hours

INSTRUCTIONS TO CANDIDATES

1. **This question paper consists of 2 parts:**
PART A (60 marks) : Answer all FOUR (4) short answer questions. Answers are to be written in the Answer Booklet provided.
PART B (40 marks) : Answer TWO (2) Essay Questions. Answers are to be written in the Answer Booklet provided.
2. **Candidates are not allowed to bring any unauthorized materials except writing equipment into the Examination Hall. Electronic dictionaries are strictly prohibited.**
3. **This question paper must be submitted along with all used and/or unused rough papers and/or graph paper (if any). Candidates are NOT allowed to take any examination materials out of the examination hall.**
4. **Only ballpoint pens are allowed to be used in answering the questions, with the exception of multiple choice questions, where 2B pencils are to be used.**

WARNING: The University Examination Board (UEB) of BERJAYA University College of Hospitality regards cheating as a most serious offence and will not hesitate to mete out the appropriate punitive actions according to the severity of the offence committed, and in accordance with the clauses stipulated in the Students' Handbook, up to and including expulsion from BERJAYA University College of Hospitality.

Total Number of pages = 5 (Including the cover page)

Question 4

Calvin, Sharon and Mages are planning to form a partnership business in order to do some Tourism Management projects. There are some differences of opinion among them even before the setting up of the partnership.

With reference to the Partnership Act 1961, answer the following:

- a) What elements need to be established for the formation of a partnership agreement and cite relevant case law? (6 marks)

- b) Explain **THREE (3)** ways in which they could terminate their partnership. (6 marks)

- c) Discuss the incoming and outgoing partner's liability if the Partnership has existing liabilities of RM 30,000.

(3 marks)

Total (15 marks)

END OF PART A

PART B: TWO (2) questions.
INSTRUCTION: There is TWO (2) questions. Answer all parts of this question in the Answer Booklet (s) provided.

Question 1

Azman was contemplating of migrating to America for a couple of years. He was granted a green card on the 14th of January 2017. On 3 March 2017, Azman wrote to Benny offering to sell to Benny his yacht for RM1 million. The letter expressly stated that if Benny did not reply by 10 March 2017, he would be deemed to have accepted the offer. On 9 March 2017, Azman sent a letter to Benny revoking his offer. On 10 March 2017 Benny posted a letter to Azman accepting Azman's offer. Azman's letter of revocation reached Benny on 11 March 2017. Benny's letter of acceptance reached Azman on 12 March 2017. Benny wishes to know whether there is a valid contract between him and Azman for the sale and purchase of the yacht, Lightning.

- a) Discuss whether a contract existed between Azman and Benny citing the relevant Section of Contract Act 1950 with decided case law. (15 marks)
- b) What would be your answer if Azman posted the letter of revocation on the 4th of March? (3 marks)
- c) Can Benny revoke his acceptance after he posted acceptance? (2 marks)

Total (20 marks)

Question 2

Consider the following separate and independent transactions in the light of the Sale of Goods Act 1957:

- a) Ali purchased an expensive music set from John for RM60,000 to be paid in five equal installments. An agreement was signed. One of the clauses stated that the music set will not pass to the buyer until the last and final payment has been made. Before Ali could make the final payment, the music set was stolen from John's. Who will bear the risk?

(5 marks)

b) Tan Ah Meng has agreed to purchase a Refrigerator from Vincent as he is migrating to Australia. On examination of the Refrigerator, Tan Ah Seng noticed that the reading screen of temperature is cracked. Vincent promised to replace a new screen. While the refrigerator was in the workshop, it was damaged by flood waters. Has the property in the Refrigerator passed to Tan Ah Meng.

(5 marks)

c) Phang placed an order for 12 sets of Porcelain Jug, which was manufactured in West German from 'The specialist supplier of Porcelain Sdn Bhd'. When the jugs were delivered five pieces was made in Taiwan. Can Phang refuse to accept the 12 sets of the Porcelain Jug?

(5 marks)

d) Stanley sold two sets of Dinning table to Saad. The goods have been delivered to Saad's house but Saad has not paid for the goods despite repeated demands made by Stanley. Stanley informs you that the two set of the dining tables set are kept at Saad's house. Can he take back the goods from Saad's house on the ground that Saad has defaulted in payment?

(5 marks)

Total: (20 marks)

END OF EXAM PAPER

