



**BERJAYA BUSINESS SCHOOL**

**FINAL EXAMINATION**

Student ID (in Figures) : 

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Student ID (in Words) : \_\_\_\_\_  
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Course Code & Name : **Law 1323 Legal Aspects for Hospitality and Tourism**  
Trimester & Year : May to August 2019  
Lecturer/Examiner : Christina Chan  
Duration : 2 Hours

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**INSTRUCTIONS TO CANDIDATES**

1. This question paper consists of 2 parts:  
PART A (60 marks) : Answer all FOUR (4) short answer structured questions. Answers are to be written in the Answer Booklet provided.  
PART B (40 marks) : Answer ONE (1) case study question. Answer is to be written in the Answer Booklet provided.
2. Candidates are not allowed to bring any unauthorised 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 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.

**Total Number of pages = 3 (Including the cover page)**

**PART A (60 marks) Answer all FOUR (4) short answer structured questions supported with decided cases.**

**Answers are to be written in the Answer Booklet provided.**

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1. (a) Sandy has been working as a clerk in an accounting firm for the past eight years. There have been no complaints about her work. Yesterday, for no apparent reason, her employer told her to pack up her belongings and not to return to the office anymore. Explain the term “unfair dismissal” and the rights of Sandy as an employee upon unfair dismissal.

(5 marks)

- (b) Briefly explain the employer duties to provide a safe working environment and safety equipment for the employees under the Occupational Health and Safety Act 1994.

(10 marks)

(Total: 15 marks)

2. State three (3) duties of an agent to the principal.

(15 marks)

3. Fresh Turkey Sdn. Bhd. purchased a consignment on fresh turkeys from United States of America, which arrived marked as “Africa Premier Turkeys”. Fresh Turkey Sdn. Bhd. immediately instruct their senior production managers to alter the labels on the fresh turkeys to make it clear that they were from USA. One senior production manager failed to do so. Has Fresh Turkey Sdn. Bhd. breached any section of the Trade Descriptions Act 2011?

(15 marks)

4. (a) Roland visited his favourite nasi kandar restaurant called The World’s Best Nasi Kandar. After ordering some nasi kandar with his favorite curry chicken, Roland discovered a cockroach in his food. What action can be taken by the authorized officers under the Food Act, 1983.

(8 marks)

- (b) Mr Cassidy had stayed for a week in Grand Railway Hotel. Mr Cassidy left the hotel after one week stay without paying the bill. The manager of Grand Railway Hotel found a unique valuable empty briefcase in the room where Mr Cassidy stayed for the holiday. Notices of Mr Cassidy’s unpaid bill has been sent to his residence and his working place but there was no reply from Mr Cassidy. State two rights of the innkeeper under the Inn Keepers Act 1952.

(7 marks)

(Total: 15 marks)

**End of Part A**

**PART B (40 marks) Answer ONE (1) case study question supported with decided cases. Answer is to be written in the Answer Booklet provided.**

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1. Amy, Cassandra and Mei Lee form a partnership's business in food and catering in Klang Valley.

(a) Mei Lee is in charge of purchasing the daily ingredients for their business. It was agreed between the partners that any purchases beyond the sum of RM10,000.00, the consent of all the partners are required. One day Mei Lee decided to purchase a valuable painting worth RM20,000.00 under the partnership, without obtaining the consent of Amy and Cassandra. When both Amy and Cassandra discovered the purchase by Mei Lee, they were furious. Advise both Amy and Cassandra whether the partnership is bound by the said purchase?

(25 marks)

(b) Amy and Cassandra decides to form a new partnership. Advise them on the legal principles concerning the following:-

- |       |   |           |
|-------|---|-----------|
| (i)   | The minimum and maximum number of partners in the firm; | (3 marks) |
| (ii)  | Whether a written partnership agreement is necessary;   | (3 marks) |
| (iii) | Registration of the firm, if necessary;                 | (3 marks) |
| (iv)  | Whether the partnership is a legal entity;              | (3 marks) |
| (v)   | Each partner's liability for debts.                     | (3 marks) |

(15 marks)

(Total: 40 marks)

**End of Exam Paper**