



BERJAYA BUSINESS SCHOOL

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Course Code & Name : **Law 1323 Legal Aspects for Hospitality and Tourism**
Trimester & Year : September to December 2018
Lecturer/Examiner : Christina Chan
Duration : 2 Hours

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.

1. (a) What are the legal principles developed by the courts in determining whether a person is an “employee” or an “independent contractor”.
- (7 marks)
- (b) Briefly explain the employer duties to provide a safe working environment and safety equipment for the employees under the Occupational Safety and Health Act 1994.
- (8 marks)
2. (a) Explain as to how an agency of necessity may be created in certain situation.
- (6 marks)
- (b) Explain the duties of an agent to their principal?
- (9 marks)
3. The Best Hotel highlighted certain attractions in their brochures. The hotel is said to provide a platform for bungee jumping. Sally, on the strength of the statements in the brochures, booked a holiday for herself and her sister for the weekend. However, upon arrival at the hotel, Sally discovered that there was no facilities for bungee jumping. Has the hotel breached any section of the Trade Descriptions Act 2011.
- (15 marks)
4. (a) What are the implied conditions and warranties under the Sale of Goods Act 1957?
- (10 marks)
- (b) Great Bags Sdn. Bhd. entered into a contract of sale to sell 200 branded bags to Vivian Bags Sdn. Bhd. State two (2) remedies available to Great Bags Sdn. Bhd. in the event Vivian Bags Sdn. Bhd. breaches the contract and fails to pay Great Bags Sdn. Bhd for the goods under the Sale of Goods Act 1957.
- (5 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.

1. Alissa, Felicia and Candice formed a partnership to buy and sell vintage clocks.
- (a) The partners agreed that they should not make any purchases above the sum of RM6,000.00 without the other's consent. Alissa's hobby is into collecting branded watches. Alissa was introduced to a range of watches costing almost RM15,000.00 per piece. Alissa decided to purchase two pieces of the branded watch in the name of the partnership. Is the partnership bound by the said purchase?

(25 marks)

- (b) Felicia decides to retire as a partner after working in the partnership for a number of years. Advise Candice as to the legal requirements and mode of giving notice of dissolution of partnership to old and new customers of the partnership.

(15 marks)

End of Exam Paper