



Private & Confidential

SCHOOL OF HOSPITALITY

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Subject Code & Name : **BHM 2305 LAW FOR HOSPITALITY AND TOURISM**
Semester & Year : January – April 2017
Lecturer/Examiner : Mr. Anandaselvam Kannan
Duration : 3 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 2 parts:
PART A (70 marks) : Answer all FOUR (4) short answer questions. Answers are to be written in the Answer Booklet provided.
PART B (30 marks) : Answer ONE (1) scenario question. 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.

PART A:
INSTRUCTION(S):

Total Number of pages = 4 (Including the cover page)
FOUR (4) SHORT ANSWER QUESTIONS (70 MARKS)
There are **FOUR (4)** short answer questions. Answer all questions in the Answer Booklet(s) provided.

Question 1

- a) Discuss the fiduciary duties owed by the agent towards his principal. (8 marks)
- b) Explain any **FOUR (4)** main sections of the Trade Description Act 2011. (12 marks)
- (Total 20 marks)**

Question 2

Jacob is newly appointed general manager of Moon Light Hotel. The night duty supervisor informed Jacob that a waiter carelessly set fire to a customer's expensive leather jacket while preparing a special dish. The customer is a prominent figure and is contemplating of suing the said Hotel.

Discuss the following issues based on the above scenario.

- a) Can the customer sue the Hotel for the careless act of the waiter? (4 marks)
- b) What is the remedy available to the customer if the waiter was negligent? (4 marks)
- c) What are the preventive methods that the Hotel could consider to avoid law suit (4 marks)
- d) In the event the waiter was found liable, what action could the hotel take against the waiter? (4 marks)
- e) What could Jacob as a general manager do to minimize such risk in the future? (4 marks)
- (Total 20 Marks)**

Question 3

Answer the following questions:

- a) Sarah saw an advertisement by Classic Tours in the Star newspaper: 'Fantastic deal: Japan Disney Tour from RM 5999 for two. Call 0377825555 to make your reservation now'. Sarah

immediately called as she was looking forward to go to Disney in Tokyo but was told that the tour packages were all sold out. Sarah insists that Classic Tours honour their promise.

Advise Sarah

(5 marks)

- b) Balan wrote to Kamila offering to sell his 'Restaurant' for RM 3.5 million. In the letter, he wrote: 'If I don't hear from you in two weeks from today, I will assume that you have accepted my offer'. Balan did not hear from Kamila within the two weeks. Could Kamila be said to have accepted the offer?

Advise Balan.

(5 marks)

- c) Explain capacity to contract and the exceptions as per Contracts Act 1950.

(5 marks)

(Total 15 marks)

Question 4

- a) Explain briefly **FIVE (5)** duties of Inn Keepers in accordance with Inn Keepers Act 1952.

(5 marks)

- b) Explain **FIVE (5)** rights of Inn Keepers towards the Guest?

(10 marks)

(Total 15 marks)

END OF PART A

PART B: **ONE (1) question.**
INSTRUCTION: **There is ONE (1) question. Answer all parts of this question in the Answer Booklet (s) provided.**

Question 1

Anisa, Mahmud and their nine years old son, Tahir, went to Pulau Pangkor for holidays. This was their first visit to the Island. They stayed at Bagus Hotel. When the porter showed them to their room, Anisa discovered that the electric shaver plug point in the bathroom was rather loose.

Anisa asked her husband: 'Mahmud, do you think we should ask for another room?' Mahmud replied 'not necessary, so long as I don't use the electric shaver', it is fine. While Anisa and Mahmud were unpacking, Tahir went to the bathroom and tinkered with the electric shaver. He was electrocuted. With the hotel's assistance, Tahir was rushed to the hospital.

Tahir was out of danger but still unconscious. Anisa decided to stay in the hospital and wait for the news. Mahmud went back to the Hotel. At the lobby, he found both the lifts were out of order. He waited for 20 minutes for the lift to be fixed but the maintenance could not fix it. Mahmud's room was on the 10th floor, so he decided to walk up using the fire – exit staircase. On the 5th and 6th floors the lights were out. It was very dark and Mahmud could not see clearly while climbing the stairs. He missed a step, fell down and broke his leg.

Answer the following questions:

(a) Is Bagus Hotel liable for Tahir's injury?

(10 marks)

(b) What kind of arguments should Bagus Hotel put forth when faced with Tahir's claim?

(12 marks)

(c) The management of Bagus Hotel argues that it is not liable for Mahmud's injury. This is because Mahmud chose to use the stair case instead of waiting for the lifts to be repaired

(8 marks)

Total (30 marks)

END OF EXAM PAPER