



Private & Confidential

SCHOOL OF BUSINESS

FINAL EXAMINATION

Student ID (in Figures) :

--	--	--	--	--	--	--	--	--	--	--	--	--	--

Student ID (in Words) : _____

Subject Code & Name : **DBM 2302 – BUSINESS LAW**

Semester & Year : January – April 2017

Lecturer/Examiner : Mr. Anandaselvam Kannan

Duration : 2 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 3 parts:
PART A (20 marks) : Shade your answer in the Multiple Choice Answer sheet provided.
PART B (60 marks) : Answer all FOUR (4) essay questions in Part B and
PART C (20 marks) : Answer the case study questions in Section C. 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 = 7 (Including the cover page)

PART B:
INSTRUCTION(S): **SHORT ANSWER QUESTIONS (60 MARKS)**
 There are **FOUR (4)** short answer questions.
 Answer all questions in the Answer Booklet(s) provided.

Question 1

Richard is the human resource manager of Sutera Hotel. His poor knowledge of human resource management has resulted in the company hiring many incompetent employees. The company lawyer is concerned that Sutera Hotel might be vicariously liable for the negligence of such employees. Answer the following questions:

- a) Explain the elements needed to establish vicarious liability. **(5 marks)**
- b) Why are they making the employer liable for the negligent act of their employee?

(10 marks)

Total (15 marks)

Question 2

ABC Sdn Bhd and Highlands Sdn Bhd entered into an agreement six months ago and one of the parties contemplating of discharging the agreement.

Advise the parties any **THREE (3)** ways in which a contract can be discharged in the light of Contract Act 1950 with relevant case laws. **(15 marks)**

Question 3

In relation to employment law:

- (a) Distinguish a contract of service from a contract for service. **(5 marks)**
- b) Explain **TWO (2)** unfair dismissal and **TWO (2)** remedies available in relation to the employment laws. **(10 marks)**

Total (15 marks)

Question 4

Upon incorporation, a company is said to be clothed with a veil of incorporation.

- (a) Explain what is meant by 'veil of incorporation' **(5 marks)**
- (b) The application of the doctrine of lifting the veil of incorporation. **(10 marks)**

Total (15 marks)

PART C: CASE STUDY QUESTIONS (20 MARKS)

INSTRUCTION: There is TWO (2) case study questions.
Answer both the questions in the Answer Booklet (s) provided.

Question 1

Cason read an advertisement in the star newspaper, which stated that a well known department store in Kuala Lumpur is closing down and selling branded shirts and trousers at 70 % discounts. Cason a fresh graduate and about to go into full time the following months decided to take advantage of the sale. He drove from his hometown Rawang to Kuala Lumpur the same day. Upon arriving at the store, he saw a window display of several brands of shirts and trousers.

Beside the display was a large card which stated, 'Special Offer 70 % only for today.' Cason got excited and went into the store and search for his size of shirt and trousers. Upon choosing his size went to the counter to make payments.

The sales personal informed him that the items on 70 % sales were sold within an hour of opening the store for public in the morning. The sales personal informed him that he has to pay the full price. Cason wishes to know whether he could legally insist on buying the items.

Advise Cason

(10 marks)

Question 2

Roland wrote to Shah on 10th July 2016 offering to sell his vintage car at a price of RM 600,000. He did state in his offer that he needs a quick reply by post. Shah received Roland offer on the 16th July and was excited with the offer made by Roland. Shah had met Roland and had seen the vintage car twice before and so decided to accept the offer.

He posted the letter of acceptance on the 16th of July. Due to the postal strike the letter of acceptance only reached after two weeks, in normal situation the letter of acceptance would have reached Roland within a week. Roland received the acceptance letter on the 30th of July.

Roland sent the very day a letter of revocation that he already sold the car to Mike. Shah received the letter of revocation on the 6th of August.

Advise Shah on the chances of success.

(10 marks)

END OF EXAM PAPER

