

SCHOOL OF HOSPITALITY

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Subject Code & Name : **DHM 2302 - Hospitality and Tourism 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 THREE (3) essay questions.
PART C (20 marks) Case Study 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 exceptions 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 A : MULTIPLE CHOICE QUESTIONS (20 MARKS)

INSTRUCTION(S) : Questions 1 – 20 are multiple choice questions.

Shade your answers in the Multiple Choice Answer Sheet provided

You are advised to use a 2B pencil.

1. Which of the following relates to Civil Law?
 - A. Criminal offence.
 - B. Law against state.
 - C. Law that regulates matters between individuals.
 - D. Constitutional matters.

2. Which of the following is **NOT** a source of law in Malaysia?
 - A. Singapore law.
 - B. Federal Constitution.
 - C. Legislation.
 - D. Precedents.

3. What is the purpose of an exclusion clause in an agreement?
 - A. To seek compensation.
 - B. To sue a party.
 - C. To exclude liability.
 - D. To include liability.

4. Which of the following is a way to discharge a contract?
 - A. Frustration.
 - B. Misrepresentation.
 - C. Mistake.
 - D. Offer.

5. Last Monday, Robert the manager of Great Restaurant, was found guilty of criminal breach of trust by the magistrates' court. He was ordered to pay a fine of RM 5,000. He is not satisfied with the judgment and would like to make an appeal against the decision. His appeal would be heard in the :
- A. Sessions Court.
 - B. Federal Court.
 - C. Magistrate Court.
 - D. High Court.
6. Which is the supreme law of Malaysia?
- A. Delegated legislation.
 - B. Act of Parliament.
 - C. Conventions.
 - D. Federal Constitution.
7. Which of the following is required for the formation of a valid contract?
- A. Mistake.
 - B. Remedies.
 - C. Consideration.
 - D. All of the above.
8. Which of the following is a consequence of a separate legal entity:
- A. Breach.
 - B. Company entity.
 - C. Cannot be sued.
 - D. Limited liability.
9. Which of the following is the constitution of a company?
- A. Ultra vires rules.
 - B. Intra vires rule.
 - C. Company hand book.
 - D. Article of Association.

10. Which of the following is **NOT** true for the formation of a commercial agreement?
- A. Age requirement 18 and above.
 - B. Bankrupt person cannot enter into an agreement.
 - C. Person above the age of 70 cannot enter into an agreement.
 - D. Person of unsound mind cannot enter into an agreement.
11. The following elements are needed for the formation of partnership agreement under Sec 3(1) Partnership Act 1961 **EXCEPT**:
- A. Strictly business.
 - B. With a view of profit.
 - C. Must be above age 21 years.
 - D. Common intention.
12. The following are ways in which a partnership can be terminated **EXCEPT**:
- A. Frustration.
 - B. Performance.
 - C. Illegality.
 - D. Death of 1 partner out of 10.
13. Which of the following is **NOT** a way to create an agency under Part X Contract Act 1950:
- A. Estoppel.
 - B. Necessity.
 - C. Ratification.
 - D. Sign contract.
14. Which of the following is **TRUE** of Sale of Goods Act 1957?
- A. Sec 14 implied understanding as to title.
 - B. Sec 15 sale by sample.
 - C. Sec 16 sale by description.
 - D. Sec 18 fit for purpose.
15. The burden of proof in a criminal case lies on the:
- A. Defendant.
 - B. Prosecutor.
 - C. Plaintiff.
 - D. Negotiator.

16. The key Act which governs hygiene of food in Malaysia is:

- A. Food and Drink Act 1973.
- B. Food Act 1983.
- C. Food Act 1973.
- D. Dietician Act 1983.

17. The law which governs the rights of guests and hoteliers is:

- A. Hotel Act 1952.
- B. Inn Keepers Act 1952.
- C. Bed and Breakfast Act 1972.
- D. Lodge Act 1972.

18. Which of the following Acts prohibits false trade descriptions of goods and services?

- A. Trade Descriptions Act 1972.
- B. Trade Description Act 2011.
- C. Goods Description Act 2011.
- D. Goods Description Act 1972.

19. The law on Unfair dismissals in employment is governed by:

- A. Industrial Relation Acts 1967.
- B. Industrial Relation Acts 1976.
- C. Trade Union Act 1959.
- D. Employment Act 1965.

20. Which of the following Acts states that food or goods can only be described as halal or suitable for use by a Muslim?

- A. Trade Descriptions (Definition of Halal) Order 2011.
- B. Trade Descriptions (Definition of Halal) Order 2012.
- C. Trade Halal Act 2011.
- D. Trade Halal Act 2012.

END OF PART A

PART B:
INSTRUCTION(S): **SHORT ANSWER QUESTIONS (60 MARKS)**
There are **THREE (3)** short answer questions.
Answer all questions in the Answer Booklet(s) provided.

Question 1

In relation to Employment Law and Industrial Relation Act of Malaysia:

- a) Distinguish between the contract of service and a contract for service as per the employment laws of Malaysia. (5 Marks)
- b) Explain any **THREE (3)** differences between Civil law and Public law. (6 marks)
- c) Explain any **TWO (2)** types of remedies for unfair dismissal. (4 Marks)
- Total (15 marks)**

Question 2

- a) Explain briefly section 4 of the Inn Keepers Act 1952 as regards items deposited with the front desk for safe custody. (6 marks)
- b) In relation to the Innkeepers Act 1952 explain any **THREE (3)** circumstances when an innkeeper can ask a guest to leave the hotel. (9 marks)
- Total (15 Marks)**

Question 3

- a) What are the elements a plaintiff must prove in order to establish negligence. (10 marks)
- b) Explain briefly the principle of vicarious liability and the elements a plaintiff needs to establish in order to make an employer vicariously liable for the injuries plaintiff suffered? (10 Marks)

Question 4

Explain briefly explain any **TWO (2)** ways in which a contract could be discharged in relation to Contract Act 1950 with decided case laws if any.

(10 marks)

END OF PART B

PART C: CASE STUDY QUESTION (20 MARKS)

INSTRUCTION: There is ONE (1) case study question.
Answer the question in the Answer Booklet (s) provided.

Question 1:

Andrew is undergoing some financial crises due to the falling of Malaysian currency. He decided to dispose off his house. On the 10th of March 2016, Andrew posted a letter to Rajan, offering to sell his house for RM 850,000, which is much lower than the market value, for a quick sale. The letter reached Rajan on 16th March. Since it was an excellent offer, Rajan decided to accept the offer and posted the letter of acceptance the very same day. Due to a postal delay, Rajan's letter of acceptance only reached Andrew on the 20th of April 2016. Normally it takes only five working days. Since there was no reply from Rajan, Andrew sold the house to his neighbor on the 18th of April for the same price.

Advise Rajan on his prospects of establishing a valid contract.

(20 Marks)

END OF EXAM PAPER

