

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 2018

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 FIVE (5) short answer questions. Answers are to be written in the Answer Booklet provided.****PART B (30 marks) : Answer the 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 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.

PART A: FIVE (5) SHORT ANSWER QUESTIONS (70 Marks)

INSTRUCTION(S): There are FIVE (5) short answer questions. Answer all questions in the Answer Booklet(s) provided.

Question 1

In relation to the Malaysian legal system, explain the following:

- a. High Court (5 marks)
- b. Magistrate Court (4 marks)
- c. Two written source of law (3 marks)
- d. Two unwritten source of law (3 marks)

Total (15 marks)

Question 2

Tanah Rata Hotel Sdn Bhd and Brinchang Sdn Bhd entered into an agreement three months ago and one of the parties is contemplating discharging the agreement.

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

Question 3

In relation to employment law:

- (a) Distinguish a contract of service from a contract for service. (5 marks)
- (b) Explain **THREE (3)** types of unfair dismissal and **TWO (2)** remedies available in Relation's 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' using decided case laws. (5 marks)
- (b) Using decided cases, discuss the circumstances when the 'veil of incorporation' will be lifted. (5 marks)

Total (10 marks)

Question 5

a) Discuss briefly **FIVE (5)** duties of Inn Keepers in relation to the 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: CASE STUDY (30 MARKS)

INSTRUCTION: Section B consists of ONE (1) case study scenario question. Answer all parts to this question.

Question 1

Charles was working in the kitchen of an Italian restaurant 'The Bulosha' for the last three years. The chef of the restaurant instructed him to slice chicken into small pieces. Charles noticed that the colour of the chicken wings was rather dull and also smelt unpleasant. Charles did not disclose or inform the chef or other kitchen staff.

The chef used the chicken to prepare dishes. Catherine ordered a plate of stir fried chicken with spring onions. She later suffered from severe food poisoning. She was rushed to the hospital and after some tests were done, the hospital authorities established that the cause of the food poisoning was the chicken dish.

The chef asked Charles to remove a pot of chicken soup from the stove onto the working table. Charles was in a rush and did not grip the handle of the pot properly and spilled the soup onto Larry a fellow worker at the said restaurant. Larry suffered minor burns. The duty manager of the hotel quickly sent him to the hospital for treatment. Unfortunately Larry had a rare blood disease which prevented recovery. Larry died from the burns three weeks later.

Advise 'The Bulosha' to the following:

- a) Can Catherine sue the restaurant for the injuries she suffered?

(15 marks)

- b) Is 'The Bulosha' Restaurant liable for Larry's death?

(15 marks)

Total (30 marks)

END OF EXAM PAPER

