



BERJAYA BUSINESS SCHOOL

FINAL EXAMINATION

Student ID :

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Student Name : _____

Subject Code & Name : **DHM2302 HOSPITALITY and TOURISM LAW**
Semester & Year : May – August 2017
Lecturer/Examiner : R.Sathyavathy
Duration : 2 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 3 parts:
PART A (10 marks) : TEN (10) multiple choice questions. Answers are to be written in the Multiple Choice Answer Sheet provided.
PART B (65 marks) : THREE (3) short answers. Answers are to be written in the Answer Booklet provided.
PART C (25 marks) : Answer one (1) Essay question 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 = 5 (Including the cover page)

Part A:

Instructions: Answer all Questions in the Booklet

1. Which of the following is a consequence of a separate legal entity:
 - A. Breach.
 - B. Corporate Entity.
 - C. Limited Liability.
 - D. Unlimited Liability.

2. The corporate veil can be lifted for the reasons below except:
 - A. Enables a registered company to buy and sell property.
 - B. Separates the legal entity of the directors from the major shareholders.
 - C. Can be lifted when there is improper dealings.
 - D. Can be lifted in cases of blatant tax avoidance and the reckless incurring of debts by directors.

3. The following are ways in which an agency can be created **EXCEPT**:
 - A. Frustration.
 - B. Ratification.
 - C. Necessity.
 - D. Estoppel.

4. The key Act which governs hygiene of food in Malaysia is:
 - A. Food Act 1983.
 - B. Food Act 1985.
 - C. Food Act 1972.
 - D. Dietician Act 1983.

5. The law which governs the rights of guests and hoteliers is:
 - A. Hotel Act 1952.
 - B. Inn Keeper`s Act 1952.
 - C. Hotelier`s Act 1976.
 - D. Lodge Act 1972.

6. 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.
7. Which of the following is **not** an element to prove Duty of Care
- A. Remoteness.
 - B. Foreseeability.
 - C. Proximity of Relationship.
 - D. Just, Fair and Reasonable.
8. Identify which of the following is a form of Intellectual Property
- A. Copyright.
 - B. Interior Design.
 - C. Artwork.
 - D. Musical Rights.
9. Under Patent, the duration a patent receives protection is for:
- A. 20 years from the initial date of filing.
 - B. 55 years after the calendar year in which it was registered.
 - C. 20 years after the calendar year in which the author died.
 - D. 150 years after from the initial date of filing.
10. Ahmad was driving his car when it collided with Ali who was walking on the side of the road. Ali is suing Ahmad for compensation for his injuries. To what standard will Ali have to prove his case?
- A. Beyond all reasonable doubt.
 - B. On the balance of probabilities.
 - C. Reasonable person test.
 - D. Achieving the balance of justice between the parties.

Part B: THREE (3) SHORT QUESTIONS

INSTRUCTIONS: ANSWER ALL QUESTIONS IN THE ANSWER BOOKLET PROVIDED

Question 1

- a. Explain the meaning of Course of Employment in Vicarious Liability. 5 marks
- b. Explain how an Agency can be terminated? 15 marks

(Total 20 marks)

Question 2

- a. Mary is a teller at a local bank, for the last two years. She is unhappy about certain work conditions, such as the condition that requires her to work until late at night without overtime pay. She is also unhappy about a CCTV pointing directly at her counter during work hours. She feels that this is unfair and an infringement of her privacy. What can Mary do about these complaints? 10 marks
- b. Explain the advantages and disadvantages of some of the alternative business structures such as sole trader, company, and partnership. 15 marks

(Total 25 marks)

Question 3

Janda Selalu Bhd has four directors, namely Ali, Bala, Cantik and Duit. The articles of association of the company require all directors to acquire and hold a minimum of 10,000 shares in the company. The articles further state that no director may be removed from office before the expiry of their term of office. Last week Ali sold off all his shares. Two days ago he entered into a RM 1 million contract on behalf of the company with a third party. Cantik and Duit are not happy with this contract. They claim that Ali is disqualified to act as a director of the company and that the contract is not binding upon the company.

- a. Explain whether Ali is disqualified to act as a director of the company and why so? (10 marks)
- b. Explain whether the company is bound by the contract entered into on its behalf by Ali, presuming he is disqualified to act as a director. (10 marks)

(Total 20marks)

Part C: Answer the Question in the Booklet provided

1. Mr. Chuck Norris was always in a hurry as he is always late for work. The reason for his delay is that he wakes up late as he works late into the night. On the morning of the accident, he rushes to work and as he driving he tries to put on his tie, while using only one hand to steer the car. He is also extremely sleepy and he was not alert that an old lady was crossing the road. As he was trying to avoid driving into her, he swerved the car and hit a motorcycle which was driven by Bruce Lee. He was thrown off the motorcycle and hit his head against the tree. It caused him severe brain injuries. Bruce Lee now needs constant care from his wife, Anita. Anita needs to give up her career as a singer to look after Bruce Lee.

Advice Bruce Lee the cause of action under negligence so that he can claim damages from Chuck Norris.

(Total 25 marks)

End of Question Paper