

BERJAYA BUSINESS SCHOOL

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Subject Code & Name : **DHM2302 HOSPITALITY AND TOURISM LAW**
Semester & Year : SEPTEMBER-DECEMBER 2016
Lecturer/Examiner : DANIEL CHONG TIAM KWAI
Duration : 2 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of 3 parts:
PART A (20 marks) : Shade the 20 answers in the Multiple Choice Answer sheet provided.
PART B (60 marks) : Answer all THREE (3) essay questions in PART B.
PART C (20 marks) : ONE (1) case study question in PART 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: SHORT ANSWER QUESTION (60 Marks)

INSTRUCTION(S) There are **THREE (3)** questions. Answer all questions in the Answer Booklet(s) provided

Question 1:

In relation to the Contract Act 1950 and Sales of Goods Act 1957, explain the terms below

a) Conditions in a contract

(6 marks)

b) Warranties as a term

(6 marks)

c) Implied terms

(8 marks)

(TOTAL 20 MARKS)

Question 2:

a) Explain in your words Sec 44, Sec 56 and Sec 50 of SOGA 1957

(15 marks)

b) Give any TWO conditions for the formation of contract under SOGA 1957

(5 marks)

(TOTAL 20 MARKS)

Question 3:

a) Explain the difference between law of contract and the law of tort

(8 marks)

b) Ben slipped and fell on the oily floor at the main entrance of a hotel. What are the elements that he needs to establish against the hotel in order to succeed in a negligent action. Illustrate using relevant case law

(12 marks)

(TOTAL 20 MARKS)

PART C: ESSAY QUESTION (20 Marks)

INSTRUCTION(S) There are **ONE (1)** question. Answer all **PARTS** of the question in the **Answer Booklet(s)** provided

On 1st January, 2016 Mandy decided to sell her bungalow for RM2,000,000.00 which is below the market rate. She posted her letter of offer to Sarah on the 10th Feb, 2016. She stated that the offer would expire on 28th Feb, 2016. Sarah knew the selling price was lower than the market rate. Sarah decided to accept the offer by posting a letter of acceptance on the 27th Feb, 2016.

Due to a delay of the postal service, Mandy received the letter on the 15th March, 2016. Since there was no reply within the stipulated time, Mandy sold the unit to another buyer on the 28th Feb, 2016 who was willing to accept the offer at the same price.

A) Discuss if Sarah can act against Mandy for Breach of contract

(10 marks)

B) Will your answer to Part (A) differs if Mandy stated in the offer that acceptance must be via fax?

(5 marks)

C) Name a case relevant to the problem above.

(5 marks)

(TOTAL 20 MARKS)