



FACULTY OF BUSINESS

FINAL EXAMINATION

Student ID (in Figures) :

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Student ID (in Words) : _____

Course Code & Name : **LAW1323 LEGAL ASPECTS FOR HOSPITALITY & TOURISM**
 Trimester & Year : September – December 2024
 Lecturer/Examiner : Ms Amalina Mustaffa
 Duration : 2 Hours

INSTRUCTIONS TO CANDIDATES

1. This question paper consists of:
 Part A: 50 marks : **FOUR (4) structured questions. Answer ALL questions.**
 Part B : 50 marks : **THREE (3) Essay questions. Answer only TWO (2) questions.**
All answers must be written in the answer booklet(s) provided using ENGLISH LANGUAGE only.
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.

Total Number of pages = 6 (including the cover page)

PART A : FOUR (4) STRUCTURED QUESTIONS.

INSTRUCTION(S): ANSWER ALL QUESTIONS

(50 MARKS)

Question 1

Chi was instructed by Kut to transport fruits and vegetables from Cameron Highland to Penang. A trailer carrying concrete slab bound to Perlis had hit Chi's lorry near the Kedah – Penang State Border. The driver of the trailer, Teh, was not injured in the accident, however, Chi's lorry was badly damaged and Chi has to wait 3 days for the lorry to be repaired. Chi decided to sell the fruits and vegetables for half of the price. When Kut discovered what had happened, he refused to accept the action taken by Chi and he wants to claims the loss against Chi. Advise Kut. (15 marks)

Question 2

Jim and Tom are planning to form a partnership. As a lawyer, advise them on the legal principles concerning the following:

- i. the minimum and maximum number of partners in the firm
- ii. whether written partnership is necessary
- iii. registration of the firm, if necessary
- iv. each partner's liability on debts
- v. whether the partnership is a separate legal entity

(15 marks)

Question 3

a. Explain the main difference between a void contract and a voidable contract. (6 marks)

b. A and B entered into a contract. As a general rule, can a third party (C) sue A when A commits a breach of the contract? Explain. (4 marks)

Question 4

Abdul is using 40% of durian flesh in the ingredients for his durian crepe business. The durian was supplied to him by Ah Chun, a durian importer in Perlis. All durian crepe made by Abdul's factory is manufactured by his factory located in Melaka. The crepe will be sent to Singapore daily. Abdul is planning to use one of the logo but he is unsure of which logo to use for his product. Advise Abdul. (10 marks)



END OF PART A

PART B : THREE (3) ESSAY QUESTIONS. EACH QUESTION CARRIES 25 MARKS.
INSTRUCTION(S) : ANSWER ONLY TWO (2) QUESTIONS (50 MARKS)

Question 1

Wira was driving his new Proton S70 SUV. While listening to his favourite song on the radio, Wira did not realize that he kept on pressing the accelerator and he was going at 140km per hour. Wira eventually lost control of the car. Ahead, a construction worker, Aman, was crossing the busy road. At the very last moment before Wira hit the street lamppost, he hit Aman. Due to the accident, Aman was hospitalized for 2 weeks with a broken leg. Imagine you are the judge in this case. How would you decide?



Picture 2

Question 2

Megan was reading a newspaper and saw an advertisement below. She called the number on the advertisement but she was told that the tour packages were sold out. Megan was furious as she had promised her daughter a trip to Sabah during the school holidays. She felt that Keramat Kinabalu Travel & Tour had put up a false and misleading advertisement. Megan insisted that Keramat Kinabalu Travel & Tour must honour their promise. Advise Megan.



Question 3

Mr Naga checked in Hotel Senyum on 1st March 2024. He booked Room 123 for the whole week. The room is worth RM350.00 per night. On 7th March 2024, he did not check out from the hotel. The hotel tried to reach him at his registered address and hand phone but failed. Mr Naga left behind his belongings such as *Air Pod 3* worth RM850.00 and a *Tag Heur Connected Calibre E4* watch worth RM5850. Mr Naga deposited the watch in the safe deposit of the hotel. His hotel bills were left unpaid. Hotel Senyum came to you for advise pertaining to the unpaid bills as well as the hotel limitation on the unpaid bills.

END OF EXAM

APPENDIX CASE LIST

A

Aw Yong Wai Choo v Arief Trading Sdn Bhd [1992] 1 MLJ 166
Aspatra Sdn. Bhd. v Bank Bumiputra Malaysia [1988]MLJ 97

B

Brett v JS & His Wife(1600) 79 ER 9 & 7
Brown B Brant [1902] 1 KB 696

C

Carlill v Carbolic Smoke Ball Co [1893] 1 QB 256
Charles Grenier Sdn Bhd v Lau Wing Hong [1996] 3 MLJ 327
Chappell & Co Ltd v Nestle Co Ltd [1960]
Choo Tiong Hin & Ors Choo Hock Swee [1959] MLJ 67
Chia Foon Tau v Lim Pey Lin [1998] 7 MLJ 762
Collins v Hertfordshire County Council [1947] KB 598
Constantine v Imperial London Hotels Ltd [1944] 2 ALL ER 171

D

Daiman Development Sdn Bhd v Mathew Lui Chin Tech & Anor Appeal [1978] 2 MLJ 239 FC
Daimler Co. Ltd. v Continental Tyre & Rubber Co. (GB) Ltd. [1916] 2 AC 307
DHN Food Distributors Ltd. v Tower Hamlets London Borough Council [1976]3AllER462
Donoghue v Stevenson (1932) A.C. 562

E

Eckhardt Marine GMBH v Sheriff High Court of Malaya, Seremban & Ors [2001] 4MLJ 49
Entores Ltd [1955] 2 QB 327

F

Felthouse v Bindley [1862] 10 WLR 423.

G

Gibbons v Proctor (1891) 64 LT 594
Gibson v Manchester City Council [1979] 1 All ER 972
Gill v El Vino Co Ltd (1983)
Gilford Motors Co. v Horne [1933] Ch. 935
Gov. of Malaysia v Gurcharan Singh & Ors [1971] 1 MLJ 211
Great Northern Railway Company v Swaffield (1874) LR 9

L

Lee Chin Kok v Jasmin Arunthuthu Allegakoen & Ors [2000] 4 MLJ 481
Lee Choo Yam Holdings Sdn Bhd & Ors v Khoo Yoke Wah & Ors [1990] 2 MLJ 431
Lim Chia Min v Cheah Sang Ngeow & Anor
Loh Kwan Moi & Ors v Ramli bin Jamil & Ors & Government of Malaysia (1984) 1 MLJ 46

M

Murugesu v Nadarajah [1980] 2 MLJ 82
Mohori Bibee v Dhurmodas Ghose [1903] LLR 30 Cal. 539

N

Nash v Inman [1908] 2 KB 1

P

Pinkerton v Woodward (1867)
Pinnel's case (1602) 77 ER 237
Phang Swee Kim v Beh I Hock [1964] 383
Preston Corporation Sdn Bhd v Edward Leong & Ors [1982] 2 MLJ22

Q

Queck Poh Guan (as administrator of The Estate of Sit Kim Boo, deceased) v Quick Awang [1998] 3 MLJ 388

R

R v Clarke (1927) 40 CLR 227
R v Higgins (1948)
R v Ivens (1835) 7 C. & P. 213
R v Kupfer [1915] 12 KB 321
Raffles v Wichelhaus (1864) 2 Hurl & C 906
Re Bugle Press Ltd. [1961] Ch.270
Re Spanish Prospecting Co. Ltd. [1911]1 Ch 92
Re Tan Soh Sim & Ors v Tan Saw Keow [1951] MLJ 21
Robins & Co v Gray (1895)
Rothfield v North British Hotel [1920] SC805

S

Salomon v A. Salomon & Co. Ltd [1897] AC 22
Sathu v Hawthornden Rubber Estate Co Ltd (1961) MLJ 318
Smith, Stone & Knight Ltd. v Birmingham Corporation [1939]4 AllER 116
Soh Hood Beng v Khoo Chye Neo (1897)4 S.S.L.R

H

Hamlyn v John Houston and Co [1903] 1 KB 81.
Ho Kam Phaw v Fam Sin Nin [1998] 3 CLJ 708
Hotel Jaya Puri Bhd. v National Union or Hotel, Bar
and Restaurant [1980] 1 MLJ 109

J

Jones v Lipman [1962] 1 WLR 832
Jones v Noy [1833] 2 M&K 125

K

Kabatanan Timber Extraction Co v Chong Fah Shing
[1969] 2 MLJ 6
Kam Mah Theatre Sdn Bhd v Tan Lay Soon
Keighley Maxted v Durant [1901] AC 240
Kelner x Baxter [1866] LR 2 CP 174
Kepong Prospecting Ltd v Schmidt [1968] 1 MLJ 170
Kerpu Singh v Bariam Singh [1966] 1 MLJ 38

T

T. Mahesan s/o Thambiah v The Malaysia
Government Officers' Co-operative Housing
(Malaysia) [1977] UKPC 21
Tan Hee Juan v The Boon Keat [1934] MLJ 96
Tan Kiong Hwa v Andrew S A Chong [1974] 2 MLJ 188
Tinn v Hoffman Co. [1873] 29 LT 271
Tesco Supermarkets Ltd. v Nattrass [1972] AC 153
Trollope & Colls Ltd v Atomic Power Constructions
Ltd [1962] 3 All ER 1035

W

Weatherby v Banham (1832) 5 C & P 228
Williams v Cawardine [1833] EWHC KB J44
Winkworth v Raven (1931) 1 K. B. 652
Wong Peng Yuen v Senanayake [1962] 28 MLJ 204
Woon Yoke Lin v. United Estate Projects Berhad
[1998] 4 AMR 4052