



---

KOLEJ YAYASAN PELAJARAN JOHOR  
FINAL EXAMINATION

---

COURSE NAME : LEGAL ASPECTS IN HOSPITALITY  
INDUSTRY  
COURSE CODE : DHM3123  
EXAMINATION : APRIL 2018  
DURATION : 3 HOURS

---

**INSTRUCTION TO CANDIDATES**

1. This examination paper consists of **THREE (3)** parts :
  - PART A (20 Marks)
  - PART B (50 Marks)
  - PART C (30 Marks)
2. Candidates are not allowed to bring any material to examination room except with the permission from the invigilator.
3. Please check to make sure that this examination pack consist of:
  - i. Question Paper
  - ii. Objective Answer Sheet
  - iii. Answer Booklet

---

**DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO**

---

*This examination paper consists of 8 printed pages including front page*

---



## PART A

This part contains TWENTY (20) questions.

Answer ALL questions in the Objective Answer Sheet.

1. Written law is mainly composed of
  - A. The English law, the Muslim law and subsidiary legislation.
  - B. Judicial precedence, customs and the English law.
  - C. Common law, custom and subsidiary legislation.
  - D. The Constitution, the customs and legislation.
  
2. Which of the following statement is TRUE?
  - A. The Appeal Court is the highest court in Malaysia.
  - B. The High Court derives its powers from the Judicature Courts Act 1967.
  - C. The Sessions Court has the power to try and hear appeal cases from the Magistrate's Court.
  - D. The Magistrate's Court can hear and try all civil cases where the value of the subject matter does not exceed RM1,000,000.
  
3. Din promised his wife that he will buy her a gold bracelet for her birthday. He has failed to keep his promise. Can his wife sue him for breach of contract?
  - A. No, because there is no intention to create legal relation.
  - B. Yes, because the agreement is a business agreement
  - C. No, because he has no money to buy the bracelet.
  - D. Yes, because he made a promise.
  
4. Which of the following is an offer?
  - A. Ben sent an email to David offering to sell his car for RM40,000 or RM45,000.
  - B. A brochure by a travel company promoting their new tour package.
  - C. A customer bringing the goods to the cashier counter to be paid.
  - D. A pair of jeans displayed in a shop window.

5. Mira found Siti's wallet and returned it to her. Siti promised to give Mira RM50. This concept is called \_\_\_\_\_
- A. adequacy of consideration.
  - B. executory consideration.
  - C. executed consideration.
  - D. past consideration.
6. A contract that is entered into by means of a mutual mistake is
- A. Voidable.
  - B. Illegal.
  - C. Void.
  - D. Valid.
7. Which of the following contracts is a voidable contract?
- A. Alex, an elderly man, made a contract with Mimi, his medical attendant, to transfer all his property to her after Mimi persuaded him to do so.
  - B. Chin agreed to sell his house to Dean, but the house was destroyed by fire before Chin and Dean signed the contract.
  - C. Mark, an agent, sold Faizal's house to Mimi for RM450,000.
  - D. Sam promised to give his house to his son, Tom.
8. Ahmad promised to sell his gold watch to Bani for RM5,000. Ahmad later changed his mind and refused to sell the watch. Which kind of remedies is most suitable if Bani is still interested in Ahmad' gold watch?
- A. Specific Performance
  - B. Recission
  - C. Injunction
  - D. Damages

9. Which of the following highlights the concept of contributory negligence?
- A. The woman who trips on a hole in a hotel's rug and suffered an accident while on the way to the clinic.
  - B. The employee who refused to wear safety goggles provided by his employer.
  - C. The toaster that exploded when the chef plugged it in and turned it on.
  - D. The man who was hit by a car that ran a red light
10. Ahmad, an employee of Harbour Restaurant, while on the way to the market to buy provisions for the Restaurant, drove the Restaurant's van carelessly and hit motorcyclist. The motorcyclist was hurt and wanted to sue the Restaurant. Which of the following concepts can be used to establish the Restaurant's liability?
- A. Strict liability
  - B. Vicarious liability
  - C. Occupiers' liability
  - D. Volenti non fit injuria
11. The liability to invitees will arise in the following circumstances EXCEPT
- A. The innkeeper should expect that the invitees will not discover the danger.
  - B. The innkeeper knows a dangerous condition that presents an unreasonable risk to invitees.
  - C. The innkeeper should expect the invitees to protect themselves against the danger.
  - D. The innkeeper fails to exercise reasonable care to protect his invitees against the danger.
12. A traveller is
- A. A person who uses the hotel to enjoy its facilities.
  - B. A person who has been requested to leave.
  - C. A person who is not allowed into the hotel.
  - D. A person who has become a lodger.

13. The innkeeper has a right to refuse accommodation and refreshment to a traveller in these circumstances
- I. the traveller did not bring any luggage with him
  - II. the hotel is full
  - III. the traveller is drunk
  - IV. the traveller is not in a fit condition to be received

Which of the following is true regarding the rights of the innkeeper?

- A. I and II
  - B. I, III and IV
  - C. II, III and IV
  - D. All of the above
14. Which of the following is NOT part of an innkeeper's duties?
- A. Record guest's information.
  - B. Provide services in a discriminatory manner.
  - C. Provide accommodation.
  - D. Provide refreshment.
15. Which of the following statement is TRUE?
- A. A tourism enterprise need not have a license
  - B. The tour operator need not display his license in his premise
  - C. The tour operator can advertise his business under his own name
  - D. A tourism enterprise includes any tour operating business and travel agency business
16. A tour operator does not owe a duty of care to his clients in these situations EXCEPT
- A. When the risk to the guest was obvious.
  - B. When the tour operator inspect the hotel and facilities for safety.
  - C. When there is no negligence on the tour operator's part.
  - D. When the hotel has put sufficient warning notices for the guest to guard against danger.

17. Which of the following is categorised as “goods” as defined in S2 of the Sale of Goods Act 1957?
- A. Land
  - B. House
  - C. Blender
  - D. A tree planted in the front yard
18. Which of the following statement is FALSE regarding Halal Certification?
- A. Halal Certificate can be issued by any person or body.
  - B. The product has been marked with the Halal Logo issued by JAKIM.
  - C. of Hukum Syarak. Products imported from overseas are certified by the foreign halal certification body recognised by JAKIM.
  - D. The word “halal” means that the food and goods conform to the requirements.
19. The scope of the Food Act applies to the following parties EXCEPT
- A. Consumers
  - B. Wholesalers
  - C. Manufacturers
  - D. Retailers of food
20. Which of the following is NOT a guarantee under the Consumer Protection Act 1999?
- A. Implied guarantee as to title.
  - B. Implied guarantee as to acceptable quality.
  - C. Implied guarantee that goods comply with sample.
  - D. Implied guarantee that the goods are free from encumbrances.

[20 MARKS]

**PART B (50 MARKS)**

This part contains of FIVE (5) questions. Answer ALL questions in the Answer Booklet.

**QUESTION 1**

Discuss the jurisdiction of the Magistrate's Court.

**[10 MARKS]**

**QUESTION 2**

Discuss the remedy of damages that can be claimed by the plaintiff when there is a breach of contract.

**[10 MARKS]**

**QUESTION 3**

Discuss the defences of volenti non fit injuria and contributory negligence that can be raised by the defendant in cases of tort.

**[10 MARKS]**

**QUESTION 4**

Discuss the liabilities of a travel agent.

**[10 MARKS]**

**QUESTION 5**

Describe any three (3) offences that can be committed under the Food Act 1983.

**[10 MARKS]**

**[50 MARKS]**



**PART C (30 MARKS)**

Answer ALL questions in the Answer Booklet.

**QUESTION 1**

Heavenly Hotel seeks your advice to solve the following problems.

(a) Carlos arrived at Heavenly Hotel at lunchtime. He planned to have lunch at the Hotel's restaurant. However, he was informed that the restaurant would only serve the customers who have made prior reservation with the restaurant. The restaurant was not full and there were vacant tables. Carlos demanded the restaurant served food to him.

(10 marks)

(b) Jill arrived at the hotel at midnight and wanted to stay at the Hotel. However, the Hotel was fully booked and there were no rooms available. Jill asked if she could sleep at the lobby. The manager on duty refused to allow her to do so.

(10 marks)

(c) Bradley, who uses a wheelchair to move, arrived at Heavenly Hotel. However, he was refused accommodation because the manager on duty claimed that Heavenly Hotel was not "wheelchair-friendly". The manager directed Bradley to another hotel under the same management.

(10 marks)

---

(Total 30 marks)

**--END OF QUESTION PAPER--**

