



**KOLEJ YAYASAN PELAJARAN JOHOR
ONLINE FINAL EXAMINATION**

**COURSE NAME : LEGAL ASPECTS IN HOSPITALITY
INDUSTRY**

COURSE CODE : DHM3123

EXAMINATION : DECEMBER 2021

DURATION : 3 HOURS

INSTRUCTION TO CANDIDATES

- 1 This question paper consists of **THREE (3)** parts :
 - PART A (25 Marks)
 - PART B (60 Marks)
 - PART C (15 Marks)
2. Please refer to the detailed instructions in this question paper.
3. Answer ALL questions in the answer sheet which is A4 size paper (or other paper with the consent of the relevant lecturer).
4. Write your details as follows in the upper left corner for each answer sheet:
 - i. Student Full Name
 - ii. Identification Card (I/C) No.
 - iii. Class Section
 - iv. Course Code
 - v. Course Name
 - vi. Lecturer Name
5. Each answer sheet must have a page number written at the bottom right corner.
6. Answers should be **neat and clear in handwritten form**.

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

This examination paper consists of 9 printed pages including front page

PART A

This part contains **TWO (2) sections**. Section one contains **FOURTEEN (14)** questions and section two contains **ELEVEN (11)** questions.

Answer ALL questions in the Answer Sheet.

SECTION ONE

1. The superior courts of Malaysia consist of Federal Court, Syariah Court and Court of Appeal.
 - A. True
 - B. False

2. The High Court specifically hear cases of divorce and matrimonial for non-Muslims and Muslims
 - A. True
 - B. False

3. There are a few ways in which a proposal can be revoked, for example, when the acceptor sends a notice of revocation of proposal.
 - A. True
 - B. False

4. For commercial agreements, the law presumed that 'common intention' exists between the parties. Therefore, the contract is valid and binding on the parties.
 - A. True
 - B. False

5. A contract made by an unsound person is voidable.
 - A. True
 - B. False

6. The agent must be expressly appointed to act on behalf of the principal.
 - A. True
 - B. False

7. Amir who is the principal of Rajesh has been declared bankrupt. The contract of agency between Amir and Rajesh will automatically be terminated.
- A. True
 - B. False
8. An agent is under duty not to make any secret profit out of the performance of his duty. 'Secret profit' means an undisclosed profit or commission.
- A. True
 - B. False
9. The liability to invitees will arise when the innkeeper should expect the invitees to protect themselves against the danger
- A. True
 - B. False
10. In order to win a lawsuit, a plaintiff must have suffered injuries as a result of the defendant's breach of duty. The injury must be bodily harm only, such as a broken arm or head injury.
- A. True
 - B. False
11. A traveller is a person who uses the hotel to enjoy its facilities.
- A. True
 - B. False
12. The innkeeper is not liable where the loss or damage is caused by the misconduct or negligence of the guest who suffers the loss.
- A. True
 - B. False
13. A travel agent combines a travel service into package tours and sell them to the tour operator.
- A. True
 - B. False

14. Any person who operates tourism enterprises without a valid license will be liable to a fine not exceeding RM 1 million or imprisonment for a term not exceeding 5 years or both.

- A. True
- B. False

SECTION TWO

1. Which of the following statement regarding the Federal Constitution is TRUE?
 - A. The Federal Constitution cannot be amended
 - B. The Federal Constitution is the supreme law of the land
 - C. The Federal Constitution is enforceable only in certain states in Malaysia
 - D. The parliament can pass any law that is inconsistent with the Federal Constitution

2. Yong Jing Xie is separated from her husband, Goh Meh Lee and wishes to get a divorce and custody of her two (2) children. Which court has the jurisdiction to hear the case?
 - A. High Court.
 - B. Sessions Court.
 - C. Magistrate Court.
 - D. Court of Appeal.

3. A promise to pay a statute barred debt is considered as a valid agreement although it has no consideration on part of the promisee. This exception falls under _____ of the Contracts Act 1950
 - A. Section 24
 - B. Section 25
 - C. Section 26
 - D. Section 27

4. Termination of agency can be done by the following circumstances EXCEPT:
- A. The insanity of either principal or agent.
 - B. bankruptcy or insolvency of the principal
 - C. events that render the agency unlawful.
 - D. an agent acting in good faith.
5. Which of the situations would raise the issue of ratification?
- i. When agent exceeds his authority.
 - ii. When an unauthorized agent acted for the principal.
 - iii. When the principal owes the agent his remuneration.
 - iv. When the agent has received commission for his act.
- A. i and iii
 - B. i and ii
 - C. i, ii and iii
 - D. i, ii, and iv
6. The following are invitees EXCEPT
- A. guest
 - B. trespassers
 - C. patrons in a bar
 - D. diners in a restaurant
7. Which of the following is NOT part of an inkeeper's duties?
- A. Provide refreshment.
 - B. Provide accommodation.
 - C. Record guest's information.
 - D. Provide services in a discriminatory manner.

8. Which of the following statement regarding the Fourth Schedule of The Tourism Industry Regulations 1992 is NOT TRUE?
- A. Tour deposit shall not exceed 15% of the tour fare per person.
 - B. An amendment charge of RM50 will be charged per person per change.
 - C. Travel document is the responsibility of tour member and not tour operator.
 - D. Tour member cannot ask for refund of unused services cause by his personal reason.
9. The word “halal” means that
- A. the food is free
 - B. the food is clean
 - C. the food prepared by a muslim
 - D. the food is free from impurities according to Syarak
10. Which of the following is a warranty under the Sale of Goods Act 1957?
- A. The goods sold must fit for the purpose
 - B. The goods sold must be of merchantable quality
 - C. The goods sold must be free from incumbrances
 - D. The goods sold must correspond with the description
11. ‘Caveat Emptor’ means:
- A. let the buyer beware.
 - B. the buyer entitled to the replacement of goods.
 - C. the buyer must be warned not to buy the goods.
 - D. the buyer cannot have a better title than what the seller has.

[25 MARKS]

PART B

This part contains **FIVE (5)** questions. You are required to answer **FOUR (4)** questions. Answer ALL questions in Answer Booklet.

QUESTION 1

- a) "Contracts are enforceable by law." Discuss essentials of a valid contract.
(12 marks)
- b) Explain discharge of contract by performance. Give one example to illustrate a contract discharge by performance.
(3 marks)

QUESTION 2

- a) Elaborate the definition of agent and principal under Section 135 of Contract Act 1950.
(3 marks)
- b) Draw a diagram to represent the relationship between principal, agent and third party under the contract of agency.
(3 marks)
- c) Explain any four (4) duties of an agent to his principal. Give one example or any relevant case to illustrate each duty.
(9 marks)

QUESTION 3

Puan Raziah is a guest staying in Star Hotel. One night, she woke up from her sleep and went searching for a toilet. She wandered down an unlit passage, went through the wrong door, fell downstairs and was injured. She intended to sue the hotel for damages. However, she needs to prove whether Star Hotel is liable for negligence.

Help Puan Raziah by explaining to her all of the elements of negligence. Support your explanation with examples or any relevant cases.

(15 marks)

QUESTION 4

a) Differentiate the right and liability of innkeeper and travelers between public and private hotels based on the Hotel Proprietors Act 1956.

(9 marks)

b) Describe three (3) rights of an innkeeper under the Innkeepers Act 1956.

(6 marks)

QUESTION 5

Based on the Sale of Good Act 1957:

a) Explain any three (3) implied conditions. Give one example or any relevant case to illustrate each condition.

(9 marks)

b) Discuss any three (3) remedies of the buyer.

(6 marks)

[60 MARKS]

PART C

This part contains **TWO (2)** questions. You are required to answer **ONE (1)** question. Answer ALL questions in Answer Booklet.

QUESTION 1

Khairul expressed his intention that he wants to sell his Fender Saleen guitar. Rayyan then offered by letter to buy the guitar for RM1 million, adding, '*If I hear nothing from you, I shall consider the guitar is mine at RM1 million*'. Although Khairul did not reply to the letter, he told Naima, his assistant who was in charge of the sale, to reserve it for Rayyan. Naima sold the guitar by mistake. Advise Rayyan whether he has a claim against Khairul or his assistant.

Solve the case using the IRAC formula.

(15 marks)

QUESTION 2

Azzah appointed Mahmud as her agent. She instructed Mahmud to sell two lands belonging to her at the current market value. According to their agreement, the houses should be sold within 3 years. After his appointment as an agent, Mahmud met with a terrible road accident. He became semi paralysed and cannot move without assistance. Advise Azzah on whether she can terminate Mahmud's appointment.

Solve the case using the IRAC formula.

(15 marks)

[15 MARKS]

--END OF QUESTION PAPER--