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FINAL EXAMINATION**

**COURSE NAME : LEGAL ASPECTS IN HOSPITALITY
INDUSTRY / INNKEEPERS LAW**

COURSE CODE : DHM 3123/HIL7163

EXAMINATION : OCTOBER 2017

DURATION : 3 HOURS

INSTRUCTION TO CANDIDATES

1. This examination paper consists of **FOUR (4)** parts :
 - PART A (20 Marks)
 - PART B (20 Marks)
 - PART C (30 Marks)
 - PART D (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 Paper
 - iii. Answering Booklet

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

*This examination paper consists of **11** printed pages including front page*

PART A

This part contains of **TWENTY(20)** questions.

Answer ALL in Objective Answer Paper.

1. _____ is the supreme legislature or law-maker of the country.
 - A. Judiciary
 - B. Executive
 - C. Parliament
 - D. Magistrates

2. What does delegated legislation mean?
 - A. A court decision
 - B. Laws made by the Minisrty
 - C. Laws made by Parliament
 - D. Cases that lay down important principles

3. The _____ also hears criminal appeals from the Court of Appeal but only where the case was heard by the High Court in its original jurisdiction.
 - A. High Court
 - B. Federal Court
 - C. Sessions Court
 - D. Magistrates' Court

4. _____ refer to the power of court.
 - A. Jurisdiction
 - B. Superior Courts
 - C. Original Jurisdiction
 - D. Subordinate Courts

5. When a person shows his willingness to do something or abstain (stop) from doing something, in exchange for something of value, he makes _____.
- A. An offer
 - B. Acceptance
 - C. Consideration
 - D. Capacity to contract
6. _____ must be absolute and unqualified, in other words, its must match the terms of the offer.
- A. Offer
 - B. Capacity
 - C. Acceptance
 - D. Consideration
7. Display of goods on a shop window is _____, the shop does not offer to sell the item on display and may reject a customer's request to purchase the item.
- A. acceptance
 - B. consideration
 - C. invitation to treat
 - D. intention to create legal relation
8. When we say that a person has legal _____, it means that he has the ability to enter into a contract.
- A. offer
 - B. consideration
 - C. capacity to contract
 - D. intention to create legal relations

9. _____ is committed where a person commits or threatens to commit any act forbidden by the Penal Code in order to cause another person to enter into an agreement.
- A. Fraud
 - B. Coercion
 - C. Frustration
 - D. Undue Influence
10. A person who commits _____ has the intention to deceive the other and this is manifested in his action.
- A. fraud
 - B. coercion
 - C. undue influence
 - D. uniform discipline system
11. A plaintiff has to prove elements in order to establish negligence **EXCEPT** _____.
- A. damage was reasonably foreseeable
 - B. defendant breached the duty of care
 - C. defendant owed the plaintiff a duty of care
 - D. breach of duty caused the defendant's damage
12. According to law of negligence, if a reasonable man in the defendant's position would not have done what the defendant did, he is considered to have _____.
- A. A duty of care
 - B. A proof of causation
 - C. A remoteness of damages
 - D. Committed a breach of duty

13. When a defendant raises _____, he is saying that the plaintiff consented or voluntarily assumed the risk of injury.
- A. damages
 - B. injunction
 - C. volenti non fit injuria
 - D. contributory negligence
14. _____ has a duty to provide accommodation without prior contract to any traveller who seeks accommodation.
- A. Guest
 - B. Tourist
 - C. Innkeeper
 - D. Business owner
15. Which one of the following answer is **NOT** related to a duty to provide service in a non-discriminatory manner?
- A. Racial discrimination
 - B. Gender discrimination
 - C. Religion discrimination
 - D. Disability discrimination
16. Section 5 (2) of the Tourism Industry Act 1992 provides that a travel agent or tour operator must be licensed by the _____.
- A. Tourist Accommodation Premises
 - B. Tourism Training Institution
 - C. Commissioner of Tourism
 - D. Tourism Enterprises
17. SOGA applies to contract of _____.
- A. Food Service and Consumer
 - B. Travel Agent and Customer
 - C. Sale and Agreement to sell
 - D. Inkeepers and Guest

18. The _____ is tasked with the job of enforcing the Food Act 1983.
- A. Ministry of Health
 - B. Ministry of Consumer
 - C. Ministry of Tourism Industry
 - D. Ministry of Human Resource
19. Which of the following are the only competent authorities that can grant hala certification to food and goods?
- A. MOH
 - B. TDA
 - C. MAIJ
 - D. JAKIM
20. A _____ sells a travel packages tours for a commission.
- A. Travellers
 - B. Travel Agent
 - C. Tour operator
 - D. Commissioner of Tourism

[20 MARKS]

PART B

This part contains of **TWENTY(20)** questions.

Answer ALL questions in Answer Booklet.

precedent	fraud	counter offer	negligent	consideration
contributory negligence	non-discriminatory	limitation of liability	halal certificate	volenti non fit injuria
tour operator	causation	travel agent	frustration	safe custody
parliament	statute	constitution	acceptance	right of lien
coercion	mistakes	undue influence	duty of care	breach of duty
common law	MATTA	product liability	res ipsa loquitor	jurisdiction

1. _____ is the supreme law of a country that lays down its foundational characteristics, the form and power of its government, and the fundamental principles that country should follow.
2. When we say that a court has _____ to hear a matter, it means the court has power to try the case.
3. _____ refers to a court decision that can be cited as an example to resolve similar question of law in a subsequent case.
4. _____ also known as 'judge-made' law and its also a legal principles laid down by the courts, as opposed to laws passed by Parliament.
5. _____ is a something of value that supports a promise.
6. _____ is an offer made by an offeree where he rejects (what he considers to be) an unsatisfactory offer .

7. _____ is committed where a person makes untrue statement, conceals a fact, has no intention to perform the promise he makes, or performs any act with the intention to deceive.
8. _____ is where an event outside the control of either party renders performance of the contract impossible or illegal.
9. A person is _____ if his conduct falls below the standards of behaviour established by law for the protection of others against unreasonable risk of harm.
10. _____ is the cause and effect, relationship between the defendant's act or omission and the plaintiff's injury.
11. Where a plaintiff failed to take reasonable care of his own safety, caused or worsened his injury, he is said to have committed a _____.
12. _____ is a concept where a person who knowingly and voluntarily takes a risk cannot demand compensation for harm that resulted from it.
13. _____ refers to the practice or policy of refraining from discrimination example, treating people without prejudice.
14. _____ a creditor's right to keep possession of the debtor's property until the debt owed to him is paid.
15. _____ in the context of innkeepers, refers to an inn's services of accepting a guest's personal property for safekeeping.
16. A _____ is a written statement that serves as a disclaimer to either limits the conditions under which the disclaiming party may be held liable or limits the maximum sum that the disclaiming party can be held liable for.

- 17.A _____ buys travel services from suppliers and combines them into package tours.
- 18.A _____ sells for commission, the travel services of various suppliers and package tours of tour operators.
19. _____ is a certificate issued by an authorized body confirming that a food or other product is suitable for the consumption or use by Muslims.
20. _____ is the area of law in which manufactures, distributors, suppliers, retailers and others are held responsible for the injuries that their products cause.

[20 MARKS]

PART C

This part contains of **FIVE(5)** questions. Answer **THREE(3)** questions only.

Answer the questions in Answer Booklet.

QUESTION 1

Briefly explain the duties of an innkeeper

(10 Marks)

QUESTION 2

The Tourism Industry (Licensing and Control of Tourist Guides) Regulations 1992 laid down the Code of Ethics. It is contained in the fifth schedule (Reg 11). List the dos and don'ts when a licensed tourist guide exercises his duties.

(10 Marks)

QUESTION 3

Briefly explain offences in connection with misuse of Halal description and / or logo.

(10 Marks)

QUESTION 4

Discuss how enforcement is carried out under the Food Act 1983.

(10 Marks)

QUESTION 5

Discuss the implied conditions and warranties under the Sale of Goods Act 1957?

(10 Marks)

[30 MARKS]

PART D

This part contains of **TWO(2)** questions. Answer the **ALL** question.

Answer the questions in Answer Booklet.

Case 1 :

Omar Gates, a computer genius refused to sit for his PT3 exam and left school last year and set up his own home-based computer and software business. He contacted Hotel Berry Inn (hereinafter referred to as "the Hotel") and offered to supply 10 Hewlett-Packard computers complete with business software for the Hotel's new business centre for the price of RM80,000. The Hotel management was very impressed with the software developed by Omar Gates and wrote their letter of acceptance, accepting the offer.

Advice the Hotel on that transaction.

Case 2:

Mr Warrent, a long term guest at Hotel Pan Atlantic, Johor Bahru is a very good swimmer. Every evening, Mr Warrent would take a swim at the hotel's swimming pool in the presence of the life-guard on duty.

On a quiet Monday evening, Mr Warrent took his usual dip in the pool and was swimming actively. Knowing that Mr Warrent is a good swimmer, Bidin, the life-guard left his guard-post to visit the toilet.

When Bidin came back from toilet, he saw Mr Warrent body lying at the bottom of the pool. Bidin immediately performed CPR and Mr Warrent was immediately sent to the hospital. It was found out that Mr Warrent suffered stroke during the swim and was almost drown.

Mr Warrent planned to sue the hotel for endangering his life. The hotel management requested for your advice.

[30 MARKS]

END OF QUESTION PAPER