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**KOLEJ YAYASAN PELAJARAN JOHOR  
FINAL EXAMINATION**

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

**COURSE CODE : DHM 3123**

**EXAMINATION : OCTOBER 2019**

**DURATION : 3 HOURS**

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**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 the examination room except with the permission from the invigilator.
3. Please check to make sure that this examination pack consists of:
  - i. Question Paper
  - ii. Objective Answer Paper
  - iii. Answer Booklet

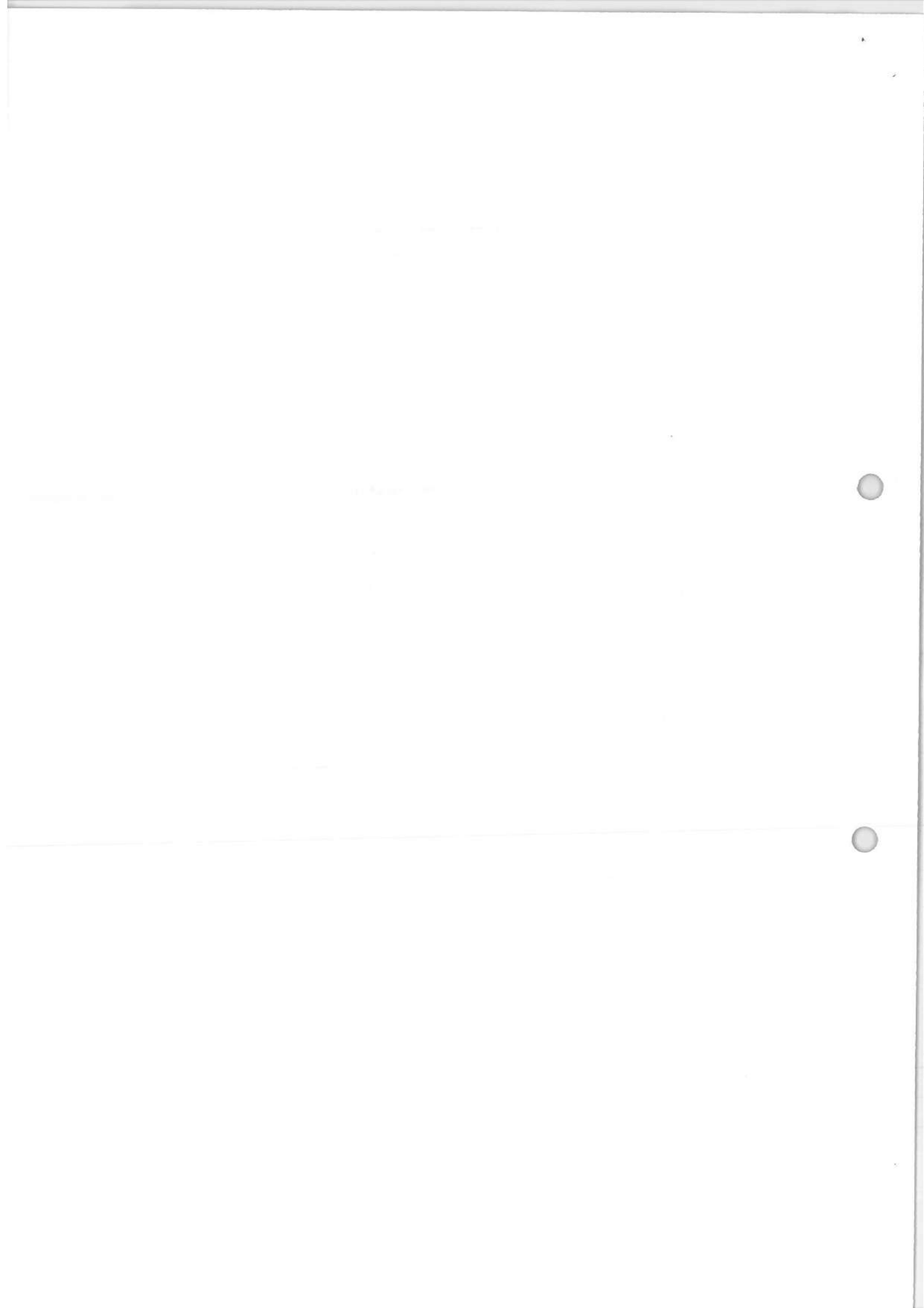
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**DO NOT TURN THIS PAGE UNTIL YOU ARE TOLD TO DO SO**

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*This examination paper consists of **12** printed pages including the front page*

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**PART A**

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

Answer ALL in the Objective Answer Paper.

1. The monetary jurisdiction of \_\_\_\_\_ is RM 100,000.
  - A High Court
  - B Federal Court
  - C Sessions Court
  - D Magistrate's Court
  
2. Any civil appeals from the Court of Appeal will further proceed to
  - A High Court.
  - B Federal Court.
  - C Sessions Court.
  - D Industrial Court.
  
3. \_\_\_\_\_ is enacted by the Parliament.
  - A An Acts
  - B A jurisdiction
  - C An Enactments
  - D A common law

4.

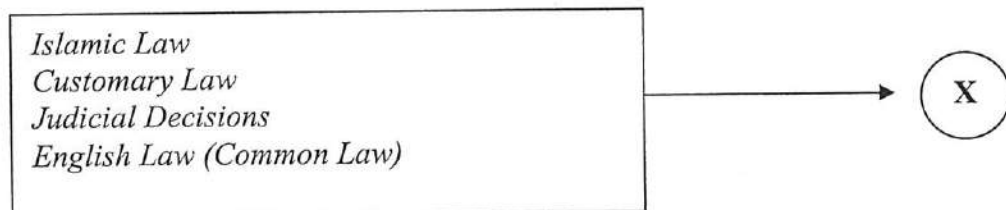


Figure 1

X refers to

- A statute.
- B enactment.
- C written law.
- D unwritten law.

5. Ahmad is displaying goods in his shop and that is known as
- A the postal rule.
  - B a bilateral offer.
  - C a unilateral offer.
  - D an invitation to treat.
6. Siti wants to sell her Mustang car to Ali. Unfortunately, there is no \_\_\_\_\_ when Ali as an offeree introduces his own terms, for example, by stating a different price.
- A offer
  - B capacity
  - C acceptance
  - D consideration
7. "When someone is willing to give value for a promise, it shows that he takes the deal seriously and intends to be bound by it." That principle refers to
- A acceptance.
  - B consideration.
  - C capacity to contract.
  - D intention to create legal relation.
8. According to the case of *Balfour V Balfour (1919) KB 571*, when we say that two parties have the \_\_\_\_\_, it means that they intend to be legally bound by the agreement.
- A offer
  - B consideration
  - C capacity to contract
  - D intention to create legal relations

9. A contracting party may claim that his consent was obtained due to any of these vitiating factors. Which one of the following answer is not one of those factors?
- A Fraud
  - B Coercion
  - C Frustration
  - D Undue influence
10. Which of this term relates to a statement or assurance of fact that is untrue, made by a person who believes it to be true?
- A Mistake.
  - B Coercion.
  - C Undue influence.
  - D Misrepresentation.
11. An agreement can be \_\_\_\_\_ when both parties made a mistake concerning the fact essential to it.
- A void
  - B valid
  - C invalid
  - D voidable
12. According to law of negligence, when a defendant owed a plaintiff a \_\_\_\_\_, it means that the defendant was under an obligation to be careful towards the plaintiff.
- A duty of care
  - B breach of duty
  - C proof of causation
  - D damage not remote

13.

*"When a defendant raises this issue, he is saying that the plaintiff consented or voluntarily assumed the risk of injury"*

Figure 2

Which of the following is related to the above statement?

- A Damages.
- B Injunction.
- C Volenti non fit injuria.
- D Contributory negligence.

14. Who is under a duty to provide reasonable food and drink at the request of travellers?

- A Guest.
- B Tourist.
- C Innkeeper.
- D Business owner.

15.

✓ *Right of lien*  
✓ *Right to payment*  
✓ *Right to control the inn*

Figure 3

The above statements refer to

- A innkeeper's liability.
- B rights of innkeepers.
- C duties of innkeepers.
- D limitation of innkeeper's liability.

16. The authorized body that provides license to travel agent or tour operator is
- A Tourism Enterprises.
  - B Commissioner of Tourism.
  - C Tourism Training Institution.
  - D Tourism Accommodation Premises.
17. S4 (2) and S4 (3) of SOGA 1957 refer to
- A Innkeepers and Guest.
  - B Sale and Agreement to sell.
  - C Travel Agent and Customer.
  - D Food Service and Consumer.
18. Which one of the following body 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. The one and only competent body of authority that can grant halal certification to food and goods is
- A MOH.
  - B TDA.
  - C MAIJ.
  - D JAKIM.

*“The transfer of ownership to the buyer will take place at a future time or when certain requirements have been satisfied”*

Figure 4

20. The above statement refers to

- A a sale by sample.
- B a contract of sale.
- C an agreement to sell.
- D a sale by description.

[20 MARKS]



**PART B**

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

Answer ALL questions in the Answer Booklet.

unwritten law	written law	statutes	contract	acceptance
misrepresentation	agency	negligence	right of lien	section 4
halal certicate	product liability	section 2	judicial decision	english law
jurisdiction	voidable	travel agent	ratification	product liability
trade description	delegation	SOGA	implied terms	sale by sample
volenti non fit injuria	tourism enterprises	accommodation premises	commissioner of tourism	immovable property

1. \_\_\_\_\_ means the portion of Malaysian law which is not enacted by Parliament and the State Assemblies.
2. \_\_\_\_\_ means the law embodied in the Federal and State Constitution and in a form of a code or a statute.
3. Innkeepers Act 1952, Food Act 1983 and Tourism Industry Act 1992 are examples of \_\_\_\_\_ that directly affect the hospitality industry.
4. A \_\_\_\_\_ in a legal sense is an agreement that is legally binding between the parties.
5. An \_\_\_\_\_ of an offer is the expression, by words or conduct, of assent to the terms of the offer in the manner prescribed or indicated by the offeror.

6. \_\_\_\_\_ usually refers to certain kinds of untrue or misleading statements of fact made innocently by which persons may be induced to enter into a contract.
7. An \_\_\_\_\_ relationship is created when one person (the principal) authorizes another person (the agent) to represent him or act on his behalf.
8. Agency by \_\_\_\_\_ can arise in situation where as an agent who was duly appointed has exceeded his authority.
9. \_\_\_\_\_ as a tort is the breach of legal duty to take care which results in damage, undesired by the defendant, to the plaintiff.
10. Lord Herschell in the case of SMITH V BAKER (1891) AC 325 described the maxim \_\_\_\_\_ as one who has invited or assented to an act being done towards him cannot, when he suffers from it, complain of it as a wrong.
11. \_\_\_\_\_ is given to an innkeeper where he is allowed to detain any property brought by the guest into the *hospitium* of the inn should the guest fails to pay his bill.
12. Section 6 of Innkeepers Act 1952 provides that every innkeeper shall exhibit one copy of \_\_\_\_\_ of the Act in a conspicuous part of the hall or entrance to his inn.
13. Travel agent businesses, tour operator businesses and tourism training institutions are known as \_\_\_\_\_.
14. Premises that offer accommodation and services to tourists must be registered as tourist \_\_\_\_\_.
15. Travel agent or tour operator must be licensed by the \_\_\_\_\_ who is the Secretary General of the Ministry of Tourism.

16. \_\_\_\_\_ is a certificate issued by an authorized body confirming that a food or other product is suitable for the consumption or use for Muslims.
17. \_\_\_\_\_ is the area of law in which manufacturers, distributors, suppliers, retailers and others are held responsible for the injuries that their products cause.
18. \_\_\_\_\_ is a description concerning a product or service, in one or more aspects listed in the Trade Description Act 2011.
19. \_\_\_\_\_ refers to land and everything attached to and forming part of the land.
20. \_\_\_\_\_ of SOGA provides that future goods means "goods to be manufactured or produced or acquired by the seller after the making of the contract of sale".

[20 MARKS]

**PART C**

This part contains **FIVE(5)** questions. Answer **ALL** questions.

Answer the questions in the Answer Booklet.

**QUESTION 1**

State any **two (2)** rights of an innkeeper.

(2 Marks)

**QUESTION 2**

Under Section 15 of Tourism Industry Act 1992, the Commissioner may request that a travel company submit information and particulars relating to business operations. Outline any **three (3)** information that must be submitted under Section 15.

(3 Marks)

**QUESTION 3**

Explain the offences as regards to certification of *halal* food:

- a) Section 16 of the Trade Description Act 2011.
- b) Paragraph 4 of the Trade Description (Definition of Halal Order 2011).
- c) Paragraph 8 of the Trade Description (Certification Order 2011).

(10 Marks)

**QUESTION 4**

People and establishments that prepare and sell food and beverages to consumers are considered as "foodservice" business or food provider. List any **five (5)** of food provider's potential liability.

(5 Marks)

**QUESTION 5**

Discuss the remedies available to the unpaid seller under the Sale of Goods Act 1957 for the breach of contract of the sales of goods.

(10 Marks)

**[30 MARKS]**

**PART D**

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

Answer the questions in the Answer Booklet.

**QUESTION 1**

Mr Syed and his family spent their holiday in Johor and stayed at Hotel Awana Puri, the tallest building in Johor Bahru. On a hectic Monday morning, Cik Kiah, one of the housekeeping staffs was getting ready to clean and mop the lobby area when she discovered that the caution sign "BE CAREFUL, WET FLOOR, CLEANING IN PROGRESS" was not in her cleaning cart. Too busy and lazy to get the caution sign from the store room, she continued to mop the lobby area but she would verbally warned any guest that walked passed her that the floor was wet. Mr Syed, however was walking behind Cik Kiah when he slipped and fell on the wet floor and broke both his arms.

Solve the case using the IRAC formula.

(15 Marks)

**QUESTION 2**

Mr Bukhary operates a small convenient store which sells, among other things, cigarettes, chocolates and liquor, inside Hotel Kijal Malai, Johor Bahru. A teenage boy entered the store and selected several packs of cigarettes and a few bottles of liquor from the shelves and put them in a shopping basket. Mr Bukhary was not aware of this as he was sitting at the cashier's counter at the store's entrance. Suddenly several officers from the Kementerian Perdagangan Dalam Negeri dan Hal Ehwal Pengguna showed up and accused Mr Bukhary of committing an offence by selling cigarettes and liquor to an underage person.

Using the IRAC formula, decide whether there is a contract between Mr Burkary and the teenage boy.

(15 Marks)

**[30 MARKS]**

**END OF QUESTION PAPER**

