



**KOLEJ YAYASAN PELAJARAN JOHOR
FINAL EXAMINATION**

COURSE NAME : LEGAL ASPECTS IN HOSPITALITY
INDUSTRY

COURSE CODE : DHM3123

EXAMINATION : MEI 2017

DURATION : 3 HOURS

INSTRUCTION TO CANDIDATES

1. This examination paper consists of **TWO (2)** parts :
PART A (25 Marks)
PART B (75 Marks)
2. Answer **PART A** in the objective answer sheet and **PART B** in the answer booklet.
3. Candidates are not allowed to bring any material to examination room except with the permission from the invigilator.
4. 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 9 printed pages including front page

PART A

This part contains **TWENTY FIVE (25)** questions.

Answer ALL questions in the Objective Answer Sheet.

1. Unwritten law is mainly composed of
 - A. The English law, the Muslim law and subsidiary legislation.
 - B. The English law, the judicial decisions and the customs.
 - C. The rules of equity, the customs and legislation.
 - D. The Muslim law, Ordinances, customs and the English law

2. Which of the following statement is TRUE?
 - A. The Sessions Court is the highest court in Malaysia.
 - B. The First Class Magistrate has a civil jurisdiction to try all civil suits where the amount in dispute or the subject matter does not exceed RM25, 000.
 - C. The High Court derives its powers from the Subordinate Courts Act, 1948.
 - D. The highest court in Malaysia is the Supreme Court.

3. Din promised his brother, Latif, to celebrate his 55th birthday at KL Tower. Pak Din has no obligation to fulfill his promise because
 - A. there is no free consent
 - B. the agreement is a business agreement
 - C. there is no intention to create legal relation
 - D. he has no money to celebrate his birthday at KL Tower

4. An invitation to treat is
 - A. an offer capable of being accepted
 - B. an agreement as to the same thing
 - C. preliminary communication at the stage of negotiation
 - D. an acceptance to the offer

5. Mira found Siti's wallet and returned it to her. After returning the wallet, Mira saw the reward that Siti has put in the newspaper regarding her lost wallet. Can Mira claim the reward?
- A. No, because the offer has not been communicated to her
 - B. No, because Siti has not promised to give Mira anything
 - C. Yes, because Siti has made an offer to the world
 - D. Yes, because Mira has seen the reward
6. Which of the following is **NOT** one of the modes of revocation according to S6 of the Contracts Act, 1950?
- A. The communication of a notice of revocation by the proposer to the other party
 - B. The failure of the acceptor to fulfill a condition precedent to the acceptance
 - C. The refusal of the promisor to perform his promise
 - D. The death or mental disorder of the proposer
7. Mek agrees to sell to Man "a hundred tons of oil" for the price of RM25 per ton. There is nothing to indicate the type of oil that is intended.
- A. The agreement is void as the consideration is inadequate.
 - B. The agreement is void for uncertainty.
 - C. The agreement is valid.
 - D. The agreement is void because it was made orally.
8. Ahmad, who is 15 years old, made a contract of insurance with AIA without the written consent of his parents. Can the contract be enforced against him?
- A. No, because he is a minor
 - B. No, because a minor below 16 years of age requires a written consent from parents or guardian
 - C. Yes, because the Insurance Act 1963 allows minors to enter into valid agreements
 - D. No, because a contract made by a minor is void

9. A contract that is entered into by means of mutual mistake is
- A. Void
 - B. Valid
 - C. Voidable
 - D. Illegal
10. The effect of rescinding a voidable contract is stated in which section of the Contracts Act, 1950?
- A. S63
 - B. S64
 - C. S65
 - D. S66
11. Which of the following is **NOT** a remission of performance?
- A. An arrangement of a settlement of debts between a debtor and his creditors
 - B. A promisee accepts payment in satisfaction of an unascertained sum
 - C. Payment of a lesser sum by a third party to satisfy a larger debt
 - D. An agreement to rescind a contract before completion
12. There is no contract when
- A. The offeree makes his acceptance before time has lapsed
 - B. The offeree receives letter of revocation of offer after he makes his acceptance
 - C. The offeree managed to fulfill the conditions imposed by the offeror
 - D. The offeror receives the letter of revocation of acceptance by the offeree before the communication of acceptance
13. Ali is a 17-year old who has been appointed as an agent. Is his appointment valid?
- A. Yes, because the law allows a minor to be an agent
 - B. Yes, because the minor can be liable for acts done as an agent
 - C. No, because only a person above the age of 18 can be an agent
 - D. No, because the minor would not be liable towards his principal

14. The agency by necessity can happen in the following situations **EXCEPT**
- A. It is impossible to get the principal's instruction
 - B. The agent acted for his own benefit
 - C. The agent's action is necessary in the circumstances
 - D. The agent acted in good faith
15. The concept of vicarious liability means that
- A. The employer is jointly and severally liable for the tort committed by the employee
 - B. The plaintiff owes a duty of care to avoid injuries to himself
 - C. The hotel owes a duty of care to invitees
 - D. The manufacturer of a product owes a duty of care to the people who uses that product
16. The following are invitees **EXCEPT**
- A. Diners in a restaurant
 - B. Guest
 - C. Trespassers
 - D. Patrons in a bar
17. Which of the following is the duty of a holiday provider as stated in the OSHA 1994?
- I. To formulate a safe and sound environment to their employee and guests
 - II. To notify any accident, dangerous occurrence, poisoning and diseases
 - III. To formulate a safety and health policy
 - IV. To bring to the knowledge of all employees of the said policy
- A. I, II and III
 - B. II, III and IV
 - C. I, II and IV
 - D. All of the above

18. According to S2 of the Innkeepers Act, 1952, a hotel is defined as a place
- I. containing less than 4 rooms
 - II. that includes any boarding house
 - III. where a person is lodged for reward
 - IV. where domestic service is provided.

Which of the following is true according to the definition of a hotel?

- A. I, II and III
 - B. II, III and IV
 - C. I, II and IV
 - D. All of the above
19. In the case of WILLIAMS v LINNIT, a farmer who lived a mile from the hotel and comes in regularly for a drink is held to be a
- A. traveler
 - B. guest
 - C. lodger
 - D. boarder
20. The innkeeper has a right to evict a guest in the following circumstances **EXCEPT**
- A. When the guest has overstayed
 - B. When the guest caused annoyance to the other guests of the hotel
 - C. When the guest refused to deposit his valuables with the hotel
 - D. When the guest is intoxicated
21. Under S8(1) of the Tourism Industry Act 1992, a tour operator's license can be revoked when
- A. The operator has provided the commissioner with accurate information
 - B. The operator has no sufficient assets to meet its liabilities
 - C. The operator has never been convicted of any offence involving dishonesty or fraud
 - D. The operator has complied with the provision of the Act

22. The word "halal" means that
- A. The food is free from impurities according to Syarak
 - B. The food is clean
 - C. The food is free
 - D. The food prepared by a Muslim
23. The word "adulterated" means
- A. The food is mixed or diluted with any substance which diminishes its nutritive
 - B. The food is fresh
 - C. The food is clean
 - D. The food is labelled
24. Which of the following is a warranty under the Sale of Goods Act 1957?
- A. The goods sold must correspond with the description
 - B. The goods sold must fit for the purpose
 - C. The goods sold must be of merchantable quality
 - D. The goods sold must be free from incumbrances
25. An unpaid seller has the following remedy against the goods under the Sale of Goods Act 1957 **EXCEPT**
- A. A right of lien if the seller still has possession of the goods
 - B. A right of stopping the goods in transit if he has parted with the goods
 - C. A right of reselling the goods if the goods are of perishable nature
 - D. The rights to sue the buyer if the buyer rejects the goods

[25 MARKS]

PART B

This part contains of **SEVEN (7)** questions. You are required to answer **FIVE (5)** questions. Answer ALL questions in Answer Booklet.

QUESTION 1

Explain the jurisdiction of the higher courts in Malaysia

[15 MARKS]

QUESTION 2

Rimba Resort engaged the services of Ali, a popular singer to perform in the Resort for three days. The resort paid an advance of RM5,000 to Ali. Unfortunately, two days before the performance, Ali was involved in an accident and was hospitalised. The doctor told the Resort that Ali would not be able to perform in the near future.

The Resort seeks your advice regarding their contract with Ali and whether they can claim the advance already paid to Ali.

[15 MARKS]

QUESTION 3

Discuss the concept of agency by ratification

[15 MARKS]

QUESTION 4

The hotel owes a duty of care to ensure the safety of its patrons depending on the legal status of the person injured. Explain the duty owed to invitees and licensees.

[15 MARKS]

QUESTION 5

Hotel Alam wants to evict a guest who they suspect to be a prostitute. They seek your advice on the grounds on which they are allowed to evict a guest

[15 MARKS]

QUESTION 6

Bakri stayed in Midas Hotel and during his stay he lost the sum of RM1500 and demanded a refund of his lost money from the innkeeper. However, the innkeeper refused to be liable and claimed that Bakri had been leaving his money around where others could not fail to see it.

Decide on whether the Hotel would be liable and the extent of liability, if any.

[15 MARKS]

QUESTION 7

Explain the consequence of providing a false trade description under The Trade Description Act 1972 and The Trade Description (Use of Halal) Order 1972.

[15 MARKS]

--END OF QUESTION PAPER--

