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**KOLEJ YAYASAN PELAJARAN JOHOR  
FINAL EXAM**

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<b>COURSE</b>	<b>:</b>	<b>LEGAL ASPECTS IN HOSPITALITY INDUSTRY</b>
<b>COURSE CODE</b>	<b>:</b>	<b>DHM 3123</b>
<b>DATE</b>	<b>:</b>	<b>MAY 2016</b>
<b>TIME DURATION</b>	<b>:</b>	<b>3 HOURS</b>

**INSTRUCTION TO CANDIDATES**

1. This examination paper consists of **FOUR (4) PARTS**:  
PART A (20 MARKS)  
PART B (30 MARKS)  
PART C (30 MARKS)  
PART D (30 MARKS)
2. Answer all questions for Part A, Part B and Part C. Answer only **THREE (3)** questions for Part D.
3. Candidates are not allowed to bring any material to examination room **EXCEPT** with the permission of invigilator.
4. Please make sure that all material is available during this examination session:
  - i. Question paper
  - ii. OMR foam
  - iii. Answering 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 11 printed pages including front page.*



**PART A (Total: 20 marks)****MATCHING SECTION****INSTRUCTION: Answer ALL questions.****Please use the answer booklet provided.**

UNWRITTEN LAW	WRITTEN LAW	STATUTES	CONTRACT	ACCEPTANCE
MISREPRESENTATION	AGENCY	NEGLIGENCE	RIGHT OF LIEN	SECTION 4
HALAL CERTIFICATE	PRODUCT LIABILITY	SECTION 2	JUDICIAL DECISION	ENGLISH LAW
JURISDICTION	VOIDABLE	TRAVEL AGENT	MATTA	PRODUCT LIABILITY
ESTOPPEL	DLEGATION	SOGA	IMPLIED TERMS	SALE BY SAMPLE
VOLENTI NON FIT INJURIA	TOURISM ENTERPRISES	ACCOMMODATION PREMISES	COMMISSIONER OF TOURISM	IMMOVABLE PROPERTY

- \_\_\_\_\_ means portion of that Malaysian law which is not enacted by Parliament and the State Assemblies.
- \_\_\_\_\_ means the law embodied in the Federal and State Constitution and in a form of a code or a statute.
- Innkeepers Act 1952, Food Act 1983 and Tourism Industry Act 1992 is examples of \_\_\_\_\_ that directly affect the hospitality industry.
- \_\_\_\_\_ in a legal sense is an agreement that is legally binding between the parties.
- \_\_\_\_\_ 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.
- \_\_\_\_\_ usually refers to certain kinds of untrue or misleading statements by which persons may be induced to enter into a contract.

7. \_\_\_\_\_ 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 such 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 aptly 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. \_\_\_\_\_ refer as an innkeeper can 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 reads 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 certificate issued by an authorized body confirming that a food or other product is suitable for the consumption or use 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. \_\_\_\_\_ that is, land and everything attached to the land such as building, is excluded from the Sales of Goods Act, 1957.
  
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".

**PART B (Total: 20 marks)****MULTIPLE CHOICE QUESTIONS****INSTRUCTION : Answer ALL questions.****Please use the OMR sheet provided.**

1. The monetary jurisdiction of the \_\_\_\_\_ is RM 100,000.
  - A. Magistrate's Court
  - B. Sessions Court
  - C. High Court
  - D. Federal Court
  
2. Which court hears civil appeals from the Court of Appeal?
  - A. Federal Court
  - B. Sessions Court
  - C. High Court
  - D. Industrial Court
  
3. Which law that enacted by the Parliament?
  - A. Acts
  - B. Jurisdiction
  - C. Statute
  - D. Enactments
  
4. Which laws made by the State Legislative Assemblies?
  - A. Enactments
  - B. Acts
  - C. Jurisdiction
  - D. Statute

5. Display of goods on a shop window is known as \_\_\_\_\_
- A. Unilateral offer
  - B. Bilateral offer
  - C. Invitation to treat
  - D. Postal acceptance rule
6. There is no \_\_\_\_\_ if an offerer introduces his own terms, for example, by stating a different price
- A. Offer
  - B. Consideration
  - C. Acceptance
  - D. Capacity
7. According to \_\_\_\_\_, 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.
- A. Intention to create legal relations
  - B. Capacity to contract
  - C. Consideration
  - D. Acceptance
8. When we say that two parties have the \_\_\_\_\_, it means that they intend to be legally bound by the agreement.
- A. Capacity to contract
  - B. Consideration
  - C. Intention to create legal relations
  - D. Offer
9. A contracting party may claim that his consent was obtained due to any of these vitiating factors **EXCEPT**
- A. Frustration
  - B. Coercion
  - C. Undue Influence
  - D. Fraud

10. A \_\_\_\_\_ is such statement or assurance that is untrue
- A. Misrepresentation
  - B. Mistake
  - C. Coercion
  - D. Undue Influence
11. Where both the parties made a mistakes concerning fact essential to the agreement, the agreement is \_\_\_\_\_.
- A. Void
  - B. Voidable
  - C. Valid
  - D. Invalid
12. When we say that 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 \_\_\_\_\_, he is saying that the plaintiff consented or voluntarily assumed the risk of injury.
- A. Damages
  - B. Injunction
  - C. Contributory Negligence
  - D. Volenti Non Fit Injuria
14. \_\_\_\_\_ is under a duty to provide reasonable food and drink at the request of travellers.
- A. Business owner
  - B. Tourist
  - C. Guest
  - D. Innkeeper



15. Which one of the following answer are **NOT** duties of an innkeeper?
- A. Duty to provide accommodation
  - B. Duty to provide services in a non-discriminatory manner
  - C. Duty to record guest's information
  - D. Duty to recover all guest damages
16. Section 5(2) of the Tourism Industry Act 1992 provides that a travel agent or tour operator must be licensed by the \_\_\_\_\_.
- A. Tourism Enterprises
  - B. Tourism Training Institution
  - C. Tourist Accommodation Premises
  - D. Commissioner of Tourism
17. SOGA applies to contract of \_\_\_\_\_.
- A. Food Service and Consumer
  - B. Travel Agent and Customer
  - C. Innkeepers and Guest
  - D. Sale and Agreement to sell
18. An agent \_\_\_\_\_ has the following duties towards his principles **EXCEPT**
- A. To exercise his duty with care and skill
  - B. Not to let his interest conflict with his duty
  - C. To personally perform the agreed tasks
  - D. Disclose confidential information entrusted to him by the principles
19. A consumer could also sue a food provider under \_\_\_\_\_ law.
- A. Negligence
  - B. Offence
  - C. Consumer Protection
  - D. Product Liability

20. A food provider defendant charged under the Trade Description Act 2011 may plead one or more of the following defences **EXCEPT**

- A. Offences due to fault of another person
- B. Defence of personal or domestic use
- C. Defence of mistake, accident
- D. Defence of nature or designation

**PART C (Total: 30 marks)****INSTRUCTION : There is ONE (1) question in this section. (COMPULSORY)****: Answer the SOLELY questions.****: Provide as much information for the given question.****: Please use the answer booklet provided****Case 1:**

Mr Olaf 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, the housekeeping staff 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 warn any guest that walked past her that the floor was wet. Mrs Olaf, however was walking behind Cik Kiah and suddenly fell on the wet floor and broke both arms.

Meanwhile, Mr Olaf who was unaware of the incident in the lobby decided to bungee-jump from the top floor of the hotel. He secretly went to the top floor with his bungee jumping equipment and tied his bungee rope around the hotel's water pipe. He jumped down and the water pipe broke. Mr Olaf landed on the hotel's pavement and broke both legs.

The hotel management asked for your advice on both incidents.

**Case 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 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 and Hal Ehwal Pengguna showed up and accused Mr Bah of committing an offence by selling cigarettes and liquor to an under age person.

Mr Bukhary asked for your advice

**PART D (Total: 30 marks)****LONG ESSAY**

**INSTRUCTION** : Answer **THREE (3)** questions only from this section.

**Please use the answer booklet provided.**

**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). Briefly explain 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**

Explain an enforcement of the Food Act 1983.

**(10 Marks)**

**QUESTION 5**

What are the conditions and warranties which are implied under the Sale of Goods Act 1957?

**(10 Marks)**

**END OF QUESTION PAPER**



