



**KOLEJ YAYASAN PELAJARAN JOHOR
ONLINE FINAL EXAMINATION**

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

COURSE CODE : DHM 3123

EXAMINATION : NOVEMBER 2020

DURATION : 6 HOURS

INSTRUCTION TO CANDIDATES

1. This question paper consists of **FOUR (4)** parts :
 - PART A (20 Marks)
 - PART B (20 Marks)
 - PART C (30 Marks)
 - PART D (30 Marks)
2. Please refer to the detailed instructions in this question paper.
3. Students are allowed to refer to resources such as lecture notes, books, internet or any other relevant resources.
4. Answer ALL questions in the answer sheet which is A4 size paper (or other paper with the consent of the relevant lecturer).
5. 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
6. Each answer sheet must have a page number written at the bottom right corner.
7. Answers should be handwritten, neat and clear.

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

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

PART A

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

Answer ALL questions.

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 Act
 - B A jurisdiction
 - C An Enactments
 - D A common law

4.

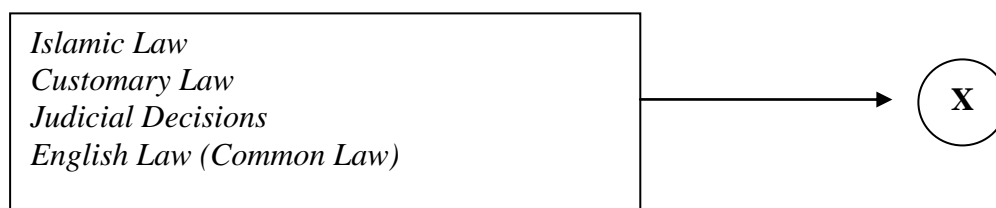


Figure 1

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 is said to be _____ when both parties made a mistake concerning the fact essential to it.
- A void
 - B valid
 - C voidable
 - D unenforceable
12. According to law of negligence, when a defendant owed a plaintiff a duty of care, it means that the defendant was under an obligation to be careful _____.
- A breach of duty
 - B proof of causation
 - C damage not remote
 - D towards the plaintiff

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 the
- 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 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 is relating to

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

[20 MARKS]

PART B

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

Answer ALL questions.

implied terms	english law	accommodation premises	trade description	hotel
SOGA	delegation	commissioner of tourism	jurisdiction	ratification
immovable property	agency	unwritten law	statutes	tourism enterprises
fraudulent payment of a bill	sale by sample	acceptance	section 4	judicial decision
travel agent	product liability	misrepresentation	halal certification	remedy
product liability	written law	right of lien	voidable	contract

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. Injunction is an example of an equitable _____ in a civil law suit.
10. Under the Common Law principles, _____ is the hospitality entities that had the most extensive duties to receive prospective guests.
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. A _____ charging a client a fee for booking a hotel or airline reservation is a clear example of fiduciary responsibility to that client.

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. The most common crimes against hospitality business is _____.

[20 MARKS]

PART C

This part contains **SIX(6)** questions. Answer **ALL** questions.

Answer the questions in the Answer Booklet.

QUESTION 1

“An innkeeper has a duty to provide goods and service in a non-discriminatory manner”

Explain **one (1)** example where discriminatory practice occurs in the hotel industry.

(2 Marks)

QUESTION 2

“Under Section 4 of the Innkeepers Act 1952, an innkeeper’s liability for the loss or damage of a guest’s property does not exceed RM500. However, there are exceptions”.

Identify **three (3)** situations where an innkeeper’s liability for the loss or damage of a guest’s property may exceed RM500.

(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

“A foodservice provider can be liable to customer in tort law.”

Discuss any **two (2)** a foodservice provider’s potential liabilities in tort law.

(5 Marks)

QUESTION 5

“The Food Act 1983 imposes various responsibilities on a foodservice provider. Failure to comply with the Act can result in fine or imprisonment”.

Explain any **two (2)** enforcement carried out under the Food Act 1983.

(4 Marks)

QUESTION 6

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.

(6 Marks)

[30 MARKS]

PART D

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

QUESTION 1

A guest at a hotel trips and falls and sustains serious injuries when he fails to notice a step in his path due to poor lighting. Upon deciding to take action against the hotel, he learns that several guests have suffered the same fate in the past and nothing was done to rectify the problem. Different coloured carpeting or a notice to warn of the step may have helped to avoid the problem. The guest who is eighty-two years old wants to know whether his action against the management of the hotel would be successful.

Solve the case using the IRAC formula.

(15 Marks)

QUESTION 2

Jasinta went to a shopping mall and saw a promoter demonstrating the uses of a Toffel food processor. The food processor cost four times the price of an ordinary food processor. Jasinta was so impressed with the demonstration model that she bought one. The packaging and user manual stated that the food processor was suitable for industrial use. When Jasinta used the food processor, she found that it only functioned at the speed and capacity of an ordinary food processor. The next day, she tried to slice sausage using the food processor. The promoter's model could slice sausage but Jasinta's food processor could not. The following week, the blade of the food processor became detached while being used and shattered. Jasinta suffered a serious cut as a result.

Decide whether Jasinta could take action against Toffel.

(15 Marks)

[30 MARKS]

END OF QUESTION PAPER