



**KOLEJ YAYASAN PELAJARAN JOHOR
FINAL EXAMINATION**

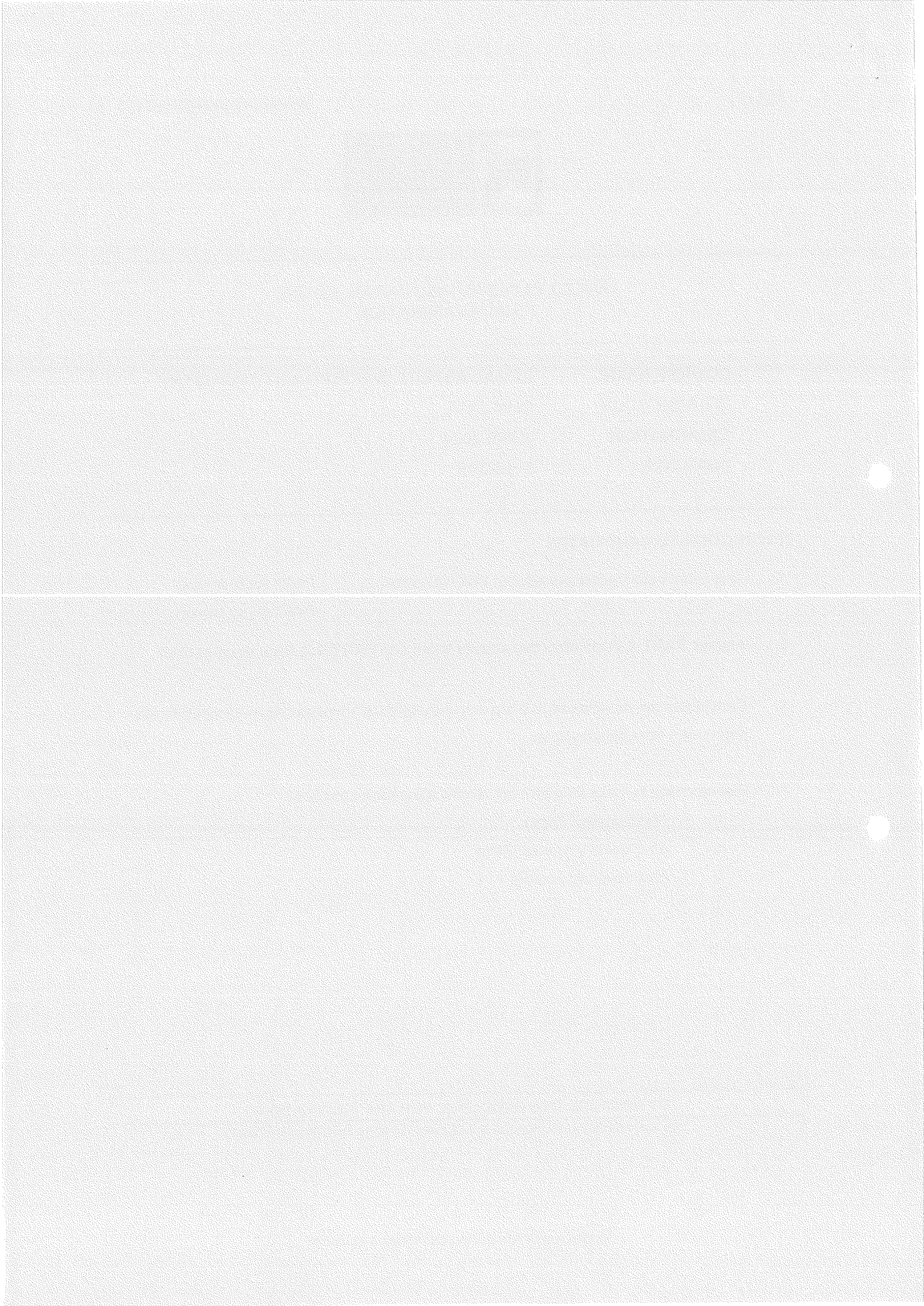
COURSE NAME : LEGAL ASPECT IN HOSPITALITY INDUSTRY
COURSE CODE : DHM 2113
EXAMINATION : JUNE 2024
DURATION : 3 HOURS

INSTRUCTION TO CANDIDATES

1. This examination paper consists of **TWO (2)** parts :
PART A (20 Marks)
PART B (80 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. The Question Paper
 - ii. An Objective Answer Sheet
 - iii. An Answering Booklet

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

This examination paper consists of 8 printed pages including front page



PART A

This part contains **TEN (10)** questions.

Answer **all** questions in the Objective Answer Sheet.

1. When a person shows his willingness to do something or to abstain (stop) from doing something, in exchange for something of value, he makes
 - A an offer.
 - B a contract.
 - C an acceptance.
 - D an invitation to treat.

2. Alex persuaded his grandmother, Clara, to sell him her car for \$1000. They both knew the car was worth much more than that. However, since Clara did not need the car anymore and she loved her grandson, she agreed to sell him the car. The next day Clara found out that Alex was planning to sell the car to his friend for \$6000. Clara could avoid the contract because of
 - A duress.
 - B mistake.
 - C coercion.
 - D undue influence.

3. What are the conditions for a valid ratification under the law of agency?
 - i The act or contract must be authorized.
 - ii The principal must ratify the whole of the contract.
 - iii The ratification must be made within a reasonable time.
 - iv The principal need not exist at the time the contract is made.
 - A i and ii
 - B ii and iii
 - C ii and iv
 - D iii and iv

4. Jusoh tells Zaiton that he is Bakri's agent and Bakri does not deny this. If Zaiton makes a contract with Jusoh, would Bakri be liable to Zaiton under the law of agency?
- A Yes, because Bakri has held Jusoh out as his agent.
 - B No, because Jusoh was the one who claimed to be an agent.
 - C Yes, because Bakri has expressly appointed Jusoh as his agent.
 - D No, because Bakri never authorized Jusoh to contract with Zaiton on his behalf.
5. Which of the following elements must be present for a duty of care to exist?
- i It must be just and reasonable for the law to impose liability.
 - ii The plaintiff must have acted in good faith and without carelessness.
 - iii There must be a sufficient relationship of proximity between the defendant and plaintiff.
 - iv It must be reasonable that the defendant should foresee that damage might arise
- A i, ii and iii
 - B i, ii and iv
 - C i, iii and iv
 - D i, ii, iii and iv
6. Will decides to set off commercial grade fireworks at his home. He invites his neighbours and friends to watch the show. Ann, who lives next door, does not attend. Will misfires one of the rockets and it hits Ann's roof. The house catches fire and burns down. Did Will owe Ann a duty of care?
- A Yes, because Ann was invited to the show.
 - B Yes, because it was foreseeable that Ann's home could be damaged by fireworks.
 - C No, since Ann had notice of the fireworks display, she should have taken proper precautions.
 - D No, because it was foreseeable that only Ann would be injured, not the destruction of her property.

7. Ramadhan arrived at Syawal Hotel late one night. He was taken straight to his room on the second floor by a lift. A fire broke out during the night. Ramadhan, knowing nothing of the layout of the hotel, panicked. He attempted to leave his room by means of a rope constructed of blankets and sheets. He fell through a glass roof below. Decide whether Ramadhan can sue the hotel for his injuries.
- A Yes, because the hotel will be strictly liable under the concept of strict liability.
 - B Yes, because Ramadhan is a licensee in the hotel and the hotel owes him a duty of care for his safety.
 - C No, because there is no proximate cause between Ramadhan's injury and the breach of duty of care by Syawal Hotel.
 - D Yes, because the hotel had breached their duty of care towards Ramadhan by failing to take such steps as would have revealed to him the defects in the structures of the hotel and the risks of fire.
8. _____ is under a duty to provide reasonable food and drink at the request of travellers.
- A A Guest
 - B A Tourist
 - C An Inkeeper
 - D A Business owner
9. If a guest with a room reservation shows up and the hotel does not have any available accommodation, what is the obligation of the hotel?
- A Refund the guest in full.
 - B Walk the guest to a comparable property.
 - C Give the guest a credit for future accommodation.
 - D Nothing, they cannot accommodate if there is no space.

10.



Picture 1

Which of the halal issues below **best** describe for **Picture 1** above?

- A Alcoholic beverages.
- B Biotechnology and GMO.
- C Ingredients and additives.
- D Preparation and storage area.

[20 MARKS]

PART B

This part contains **EIGHT (8)** questions.

Answer **all** questions in the Answer Booklet.

QUESTION 1

What is an invitation to treat? Give any four (4) examples.

(6 marks)

QUESTION 2

Explain five (5) differences between offer and invitation to treat.

(10 marks)

QUESTION 3

Explain the concept of the law of agency and four (4) duties that an agent owes to his principal.

(10 marks)

QUESTION 4

Paul asks Tom to sell two holiday packages to Japan for him for not less than RM3500 each, for an agreed commission of 10%. Tom purchases one for himself without disclosing this to Paul and pays Paul RM3500. Tom sells the other package to Janet for RM5000 but pays Paul RM3500 stating that that was the selling price.

Discuss if Tom has breached any of his duties as an agent?

(10 marks)

QUESTION 5

Define the following terms: -

- a) Negligence
- b) Duty of care
- c) Causation
- d) Egg-shell skull rule
- e) Vicarious liability
- f) Remoteness of damage
- g) Contributory negligence

(14 marks)

QUESTION 6

Michael is a farmer who hosts an annual music festival on his land, which attracts upwards of 3000 people. Sara, having attended the festival, contracted a serious disease as a consequence of her having engaged in mud sliding during the festival, during which it rained incessantly. The disease was transmitted by cattle and prior to the festival Michael had been grazing his cattles in the fields on which the festival took place.

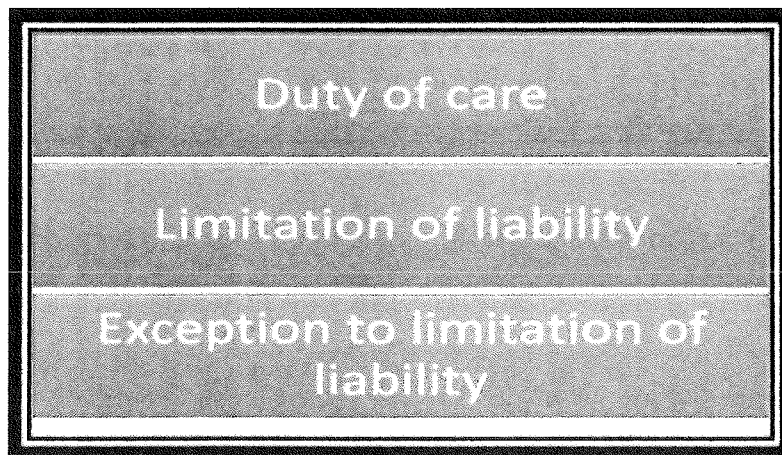
Discuss what is his liability (if any) under the occupier's liability if Sara wants to take legal action against him?

(15 marks)

QUESTION 7

Based on your knowledge of the Inkeepers Act, discuss the legal concept of the **Picture 2** below.

The Legal Concept of Bailee



Picture 2

(10 marks)

QUESTION 8

State five (5) offences under the Food Act 1983.

(5 marks)

[80 MARKS]

-END OF QUESTION PAPER-

