



**UTHM**  
Universiti Tun Hussein Onn Malaysia

**UNIVERSITI TUN HUSSEIN ONN MALAYSIA**

**FINAL EXAMINATION  
SEMESTER II  
SESSION 2016/2017**

**COURSE NAME : BUSINESS LAW**  
**COURSE CODE : BPB 22903**  
**PROGRAMME : BPA / BPB**  
**EXAMINATION DATE : JUNE 2017**  
**DURATION : 2 HOURS 30 MINUTES**  
**INSTRUCTION : ANSWER ALL QUESTIONS**

**TERBUKA**

**THIS QUESTION CONSISTS OF FOUR (4) PAGES**

- Q1 (a)** A partnership is the relationship between two or more parties in which they mutually agreed to be legally binding. Generally, every partner is the agent of the firm. Thus, every act of the partner shall have some repercussion to the whole firm.
- (i) Discuss **FOUR (4)** types of liabilities in which a firm is collectively liable due to the act done by its partner supported by relevant provisions. (16 marks)
- (ii) Explain an exception of the **Q1 (a)(i)**. (4 marks)
- (b)** Explain the following cases whether there is a partnership among the parties concerned supported by a relevant provision.
- (i) STARBARK received 5% out of the gross return annually from its franchisee Sedap Enterprise as a royalty agreed in the franchise agreement. (5 marks)
- (ii) KAYEFCE engages Ah Lai to manage the business and one of the terms of employment is that he will be empowered in making decision of the firm. On top of that he will receive a portion of shares from the business. (5 marks)
- (c)** According to section 16 of the Partnership Act 1961, a person can be liable by holding out if he is being represented or represented himself as a partner either by words spoken, written or conduct.
- Illustrate a case scenario whereby a person is liable by holding out through words spoken. (5 marks)
- (d)** Once a company registered, it is considered as an artificial person which is different from its members.
- Explain **TWO (2)** effects of treating a company as a separate legal entity. (5 marks)

**TERBUKA**

**Q2** (a) Tort is a civil wrong that is against someone else.

Explain tort.

(5 marks)

(b) Trespass to land is actionable per se under the law of tort.

Elaborate trespass to land.

(5 marks)

(c) Gemilang Construction Sdn. Bhd. (herewith called as the developer) is developing a new industrial land in Johor into factory lots for sale. The project is adjacent to a piece of land owned by Datuk Rahman (herewith called as the complainant). In order for the project to run within its schedule, the developer then constructed a stretch of road right across the complainant's land to enable a free flow of traffic. However, the complainant is not satisfied with the developer's action on the ground that it will soon damage his land. The developer counterclaims that since the complainant's land is in between of the development zones, there is nothing they can do except to access his land and moreover there is no evidence of actual damage found in the said land.

Discuss Datuk Rahman's rights against the developer.

(10 marks)

(d) A developer plans to develop a housing project in a piece of land alienated as a temporary occupation license (TOL). Some of the equipment and machines have been deployed in the area of TOL holders' house. These have caused obstruction in their access in and out of the land.

Discuss whether a TOL holder can bring an action for ejectment against the developer.

(10 marks)

**TERBUKA**

- Q3** (a) Explain the following concepts under the sale of goods law.
- (i) Sale by sample. (5 marks)
  - (ii) Nemo dat quod non habet. (5 marks)
- (b) Hasan bought a pair of shoes in KASUTBAIK Store. However, after putting on the shoes, he was suffering rashes in his feet. Obviously, he was allergic in a particular material.
- Elaborate Hasan's rights under the Sale of Goods Act 1957. (10 marks)
- (c) Ah Chai, a businessman wanted to sell his car and advertised it as a 'BMW 5 Series M Sport 2005...'. Ah Boy read the advertisement and immediately went to view the car. After seeing the car, he agreed to buy it. Later, it was discovered that while the rear half of the car was part of a 'BMW 5 Series M Sport 2005', the front half was part of an earlier model, a 'BMW 5 Series E39 1999'.
- Discuss Ah Boy's rights based on the above situation supported by a decided case. (10 marks)

**TERBUKA**

**- END OF QUESTIONS -**