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Universiti Tun Hussein Onn Malaysia

UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER II
SESSION 2018/2019**

COURSE NAME : BUSINESS LAW
COURSE CODE : BPB 22903
PROGRAMME CODE : BPA / BPB
EXAMINATION DATE : JUNE / JULY 2019
DURATION : 3 HOURS
INSTRUCTION : ANSWER ALL QUESTIONS

THIS QUESTION PAPER CONSISTS OF **THREE (3)** PAGES

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Q1 (a) Elaborate on the following doctrines of law;

(i) *Stare Decisis*

(ii) *Ultra Vires*

(10 marks)

(b) Tort is a civil wrong or wrongdoing as against someone else. It is independent of contract. That is to say, it gives rise to an action for damages irrespective of any agreement not to do the act complained of.

In light of the above statement differentiate **THREE (3)** major differences between:

(i) Tort and crime;

(ii) Tort and contract.

(20 marks)

Q2 (a) Explain on the following concept under the sale of goods law.

(i) *Nemo dat quod non habet*;

(ii) The goods must be of a merchantable quality;

(iii) Conditions;

(iv) Warranties.

(20 marks)

(b) Muthu, a businessman wanted to sell his car and advertised it as a “BMW 5 Series M Sport 2005”. Ahmad 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”.

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Apply your legal understanding to solve Ahmad's problem based on the provisions in the Sale of Goods Act 1957 and decided cases.

(15 marks)

- Q3** (a) Remy and Ishak are undecided whether to set up a company or a partnership. Explain to the above parties **FIVE (5)** legal differences between a company and a partnership.

(20 marks)

- (b) Every partner is liable jointly with the other partners for all debts and obligations of the firm incurred while he is a partner.

Discuss **THREE (3)** circumstances when a partner is jointly liable for the act done by the other partner.

(15 marks)

- END OF QUESTIONS -