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UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER II
SESSION 2011/2012**

COURSE NAME : BUSINESS LAW
COURSE CODE : BPB 22903
PROGRAMME : 3 BPA
EXAMINATION DATE : JUNE 2012
DURATION : 2 HOURS 30 MINUTES
INSTRUCTION : ANSWER **FOUR** OUT OF FIVE
QUESTIONS

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

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- Q1** (a) Explain **TWO (2)** differences between the following branches of law;
- (i) Tort and crime
 - (ii) Tort and contract
- (10 marks)
- (b) Nasir approaches Najib from his back and says “do not turn around or I will shoot you”.
- Discuss whether the above act can constitute an assault.
- (15 marks)
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- Q2** (a) State **FIVE (5)** differences between a private company and a public company.
- (5 marks)
- (b) Explain the fact and decision of the case Salomon v. Salomon & Co.
- (5 marks)
- (c) Once a company is incorporated, the law treats the company and its members as a separate legal entity.
- Discuss **FIVE (5)** effects of treating the company as a separate legal entity.
- (15 marks)
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- Q3** (a) Ah Peng, Tan and Lai have decided to jointly buy a premise with the intention to rent it out. They also claim that they are partners and therefore are bound to each other.
- Explain whether there is a partnership subsists among the above parties.
- (10 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 partners.
- (15 marks)

- Q4** (a) Explain on the following concept under the sale of goods law.
- (i) The goods must be of a merchantable quality
 - (ii) Sale by description
- (10 marks)

- (b) Chua, a businessman wanted to sell 50 kg of flour to Rani. However, at the time of delivery, it was found that the flour was 2 kg lesser than agreed.

Analyse the above scenario by applying the relevant provision and decided cases.

(15 marks)

- Q5** (a) Explain **TWO (2)** types of remedies for the aggrieved party in the event of breach of contract.
- (10 marks)

- (b) In January 2000, Ali and Ahmad made a tenancy agreement. After the expiration of the agreement, Ali who is the landlord of the house offered a seven-month extension of the lease provided that Ahmad to repair the house. However, in March 2002, Ali made another offer to sell the house to Ahmad and therefore reversing the previous lease. Negotiation began and continued till April 2002 in which point nothing was settled. In the following month, Ali then applied to the court to eject Ahmad on the ground that the latter had done nothing to repair the house. In the meantime, Ahmad sought your advice regarding his legal right in this case.

Analyse the above scenario by applying the decided cases.

(15 marks)

END OF QUESTION PAPER