

FINAL
ALTERNATIVE ASSESSMENT
(COVER PAGE)

Session : APR2022

Programme : Diploma In Business Management (DBM/DBMS)

Course : WLAW1111 BUSINESS LAW

Date of Examination : 7th August 2022 (Sunday)

Time : 4.00 pm – 6.30 pm Reading Time : Nil

Duration : 2 Hours : 30 Minutes

Special Instructions :

This paper consists of **FOUR (4)** questions and answer **ALL** questions. Each question carries 25 marks.

Materials permitted : Nil

Materials provided : Nil

Examiner(s) : Sharvina Shajahan, Siti Baqiratul

Chief Moderator : Christopher Alex Johnson

This paper consists of 4 printed pages, including the cover page

DIPLOMA IN BUSINESS MANAGEMENT (DBM/DBMS)
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Question 1

- a) Discuss the concept of lifting the veil of incorporation.

(5 Marks)

- b) Khay and Nana were happily married and Khay runs Khay's Food Manufacturing Company. He is the owner of the business and he manages it. He handles the needs of the small town population and also exports the products to a foreign country.

While doing his daily run for the business, he unfortunately got into an accident which cost him, his life. Nana got to know that Khay had previously taken a workmen's compensation plan through his company.

Nana was looking forward to claim for the compensation. However, she was informed that she could not claim the compensation as Khay was not an employee but the owner of the business.

Advice Nana on the concept of separate legal entity as according to Company Law. Support your answer by using relevant case laws.

(20 Marks)

Question 2

- a) Nani went to a furniture shop to buy a sofa set. She was given a catalogue and she ordered a custom-made beige-coloured sofa with three matching cushions similar to those in the catalogue.

After a month, the furniture shop delivered the sofa set after a long wait to Nani's house in Mont Kiara. However, the colour of the delivered sofa set is brown, the cushions were red, which is different from what she had ordered. When Nani sat on it, the cushion came apart where all the sponges came out. Nani was very disappointed with the sofa set delivered

Advise Nani with reference to the Sale of Goods Act 1957. Support your answer with the relevant legal principles and case laws.

(15 Marks)

- b) With reference to the Sales of Goods Act 1957, describe the differences between a condition and a warranty.

(10 Marks)

Question 3

- a) Astra Pharmaceutical is a manufacturing company that manufactures medicine to cure AIDS. They advertised in an international magazine stating that whoever consumed these medicines will not suffer AIDS and will recover from AIDS illness within a month. They also included in the advertisement that they will pay compensation to any party who do not recover right after one month of consuming the medicine.

Mrs. Matthew read the published advertisement and purchased the medicine. She wanted to claim the compensation since the medicine did not work on her as mentioned in the advertisement. However, Astra Pharmaceutical refused to pay the compensation.

Will Mrs. Matthew success in her claim? Support your answer with the relevant legal principles and case laws.

(15 Marks)

- b) Discuss **TWO (2)** ways of an exclusion clause can be incorporated into a contract. Support your writing by providing case laws.

(10 Marks)

Question 4

- a) Ali is employed as a delivery truck driver. He is under an employment contract with TNBM Transport & Co.. Last Monday, which happened to be a rest day for him after working continuously for two weeks, he used the company truck to fetch his friend Jojo to get a brunch together.

On the way, Ali made some deliveries to several locations and being distracted while talking to Jojo. He negligently crashed the company truck into Patrick's car. It caused him to suffer for injuries.

Advise Patrick whether he can claim against the parties. Support your writing with relevant legal case.

(15 Marks)

- b) *"There are various reasons to distinguish between an employee and independent contractor."*

Discuss the reasons to determine whether a person is an employee or an independent contractor.

(10 Marks)

-THE END-

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