

**FINAL  
ALTERNATIVE ASSESSMENT**  
Examination Paper

(COVER PAGE)

Session : **January 2022**

Programme : Diploma In Business (DIB)  
Diploma In Marketing (DMKT)

Course : **LAW2104: Foundation Of Business Law**

Date of Examination : March 9, 2022 (Wednesday)

Time : 8.00am – 10.30am Reading Time : Nil

Duration : 2 Hours : 30 Minutes

**Note:** 30 minutes is added into the duration of the examination to factor in any connectivity matters and for you to scan and upload your scripts.

**Special Instructions :**

This paper consists of **FOUR (4)** questions. Answer **ALL** questions.

Materials permitted : Nil

Materials provided : Nil

Examiner(s) : **Christopher Alex Johnson & Sharvina Shajahan**

Moderator : Prakaaspathy Baboo

*This paper consists of 3 printed pages, including the cover page*

DIPLOMA IN BUSINESS PROGRAMME (DIB)  
DIPLOMA IN MARKETING PROGRAMME (DMKT)  
LAW2104: FOUNDATIONS OF BUSINESS LAW  
FINAL ALTERNATIVE ASSESSMENT: JANUARY 2022 SESSION

**Instructions:** This paper consists of **FOUR (4)** essay questions (25 marks each). Answer **ALL** questions.

**Question 1**

- (a) “There is no relevance in determining whether a contractual term is a condition or warranty.”

Do you agree or disagree with the statement above? Support your discussion with the relevant case laws.

(10 marks)

- (b) Recently, Andy decided to send his car for service at Speedy Workshop. At the workshop, the staff gave Andy a document and requested him to sign the document. Before signing the document, Andy requested the staff at the workshop to explain the wordings in the document, and the staff replied that it exempted the workshop from the risk of external damage to the vehicle. However, the document had in fact stated that the workshop will not be liable for any loss or damage caused. When Andy returned to collect his car, he realised that the dashboard camera in his car has gone missing and the front bumper of his car dented. Speedy Workshop denies liability and refuses to compensate Andy, relying on the document which Andy had signed earlier.

Based on the situation above, advise Andy whether he could make a claim against Speedy Workshop under the law of contract.

(15 marks)

**Question 2**

Recently, Jessica was keen to purchase a new washing machine to wash her clothes instead of sending her clothes to the nearby laundry mart. As she was browsing the website of a local electrical store, she noticed a particular model of a washing machine on the website on sale, stating the functions of the washing machine with the ability to wash, rinse, spin and dry various types of clothing. Being convinced, Jessica placed an order to purchase the washing machine, which she received the following day. After installing the washing machine, Jessica attempted to wash her clothes. To her disappointment, the washing machine was not able to wash, rinse nor spin as claimed. While she attempted to operate the washing machine, she was electrocuted when she touched the front panel of the washing machine. With reference to the relevant provisions in the Sales of Goods Act 1957 and case laws, advise Jessica accordingly.

(25 marks)

### Question 3

- (a) “A company is not a suitable business structure for small businesses in general.”

Do you agree or disagree with the above statement? Discuss and support your answer with the relevant arguments accordingly.

(15 marks)

- (b) Recently, Zack agreed to sell his bungalow in Mont Kiara to Sally for RM2million. Subsequently, Zack changed his mind when he discovered that the market value of the bungalow was RM2.5million. In order to avoid completion of the sale, Zack immediately transferred the bungalow to XYZ Sdn. Bhd., a company which has always been under his complete control for a significantly lesser sum of RM1.5million. When Sally decided to pursue this matter with Zack, he claims that the bungalow has already been transferred to XYZ Sdn. Bhd. and could no longer continue with the transaction, as the company is not a party to the contract.

Based on the situation above, advise Sally on her rights and remedies available to her accordingly.

(10 marks)

### Question 4

- (a) Charlie is employed as a delivery truck driver working for Acme Transport Company. Last Sunday, which happened to be Charlie’s rest day, Charlie used the company truck to fetch his friend, Jason to get breakfast together. On the way home, Charlie made some deliveries to several locations and being distracted while talking to Jason, he negligently crashed the company truck into a car driven by Patricia, causing her to suffer injuries.

Based on the situation above, advise Patricia whether she could make a claim against the respective parties.

(15 marks)

- (b) Mei has just completed her studies and started working as a receptionist at Awful Company recently. Her office colleagues became jealous of Mei due to her youthful looks, and she has constantly been a target of verbal abuse by her office colleagues. On one occasion, an office colleague became angry and without any warning, decided to slap Mei in front of other colleagues to teach her a lesson for not replying an email promptly. Mei has reported this incident to the management of Awful Company, but no further action has been taken. Advise Mei Accordingly.

(10 marks)

**~THE END~**