

DIPLOMA IN BUSINESS PROGRAMME (DIB)
LAW 2104: FOUNDATION OF BUSINESS LAW
ALTERNATE ASSESSMENT- JANUARY 2020 SESSION

DIRECTION/ INSTRUCTIONS/RULES AND REGULATIONS OF ALTERNATE ASSEMENT:

1. Students are required **to answer all questions below**
2. **You have exactly 24 HOURS to solve the assessment questions. The Assessment START now at 10 am to 10 am next day (date inserted)**
3. The work is to be submitted on _____ am (soft copy to be uploaded via Safeassign)..
ABSOLUTELY NO EXTENSION . LATE SUBMISSION WILL BE CONSIDERED AS NON SUBMISSION.
4. The entire answer, **should not be more than 7 pages. Students to answer consecutively without leaving any pages blank.**
5. The assignment should be written with 1.5 paragraphing spacing, Times New Roman, Font Size 12.
6. The Assessment must be written based on /using **Malaysian Law and other applicable Laws and must be typed out.**
7. Student must submit the Assessment via **Safeassign** available via the Blackboard Platform. The acceptable similarity index would be **25% or below**. Having a similarity index above this will result in a deduction of marks. **(MARKS WILL NOT BE DEDUCTED FOR USAGE OF THE SAME CASE IE. CARLIL V CARBOLIC SMOKEBALL / PUBLIC PROSECUTOR V MELAN ABDULLAH- NO DEDUCTION OF MARKS FOR THE NAME OF CASE. FACTS AND HELD NEED TO BE PARAPHRASED)**
8. **Plagiarism Index of 26-50%- deduction of 30 % deduction, 51-80 %- 50% deductions and 81% above- 0 marks.**
9. **Students are given 1 attempt**
10. The marks are based on the following issues including:
 - (i) How thorough the discussion;
 - (ii) The points of arguments made in terms of its relevance, organisation, clarity and logic.
 - (iii) Evidence of extensive research **IN TERMS OF CASES AND SECTIONS/PROVISIONS OF LAW**
 - (iv) How well supported is the application to the principles of law.
11. Any non-compliance will be resulted in deduction of marks
12. The Marking Rubric is attached together for Student's references
13. **THE ASSESSMENT** must be taken completely alone. Showing it or discussing it with anybody via any mode of communication is totally prohibited and forbidden, including (but not limited to) the other students in the course in current or previous , surrounding people, and any other people that may collude in committing academic dishonesty/ cheating in any way, consequences of which it will be regard as an academic dishonesty

14. YOU are prohibited to consult any external resources. This includes but not limited to internet searches, materials gathered from notes textbooks and etc or any notes you have taken in classes or other classes, nor can you share any documents with others. You are not allowed to video stream, google search and etc.
15. YOU are not allowed to submit the questions to internet discussion groups and if you are caught, serious academic dishonesty will be taken against you. Please bear in mind that these questions are copyrighted questions and hence if its publicly stated in online forum and etc, it is a violation of the copyright laws and other applicable laws.
16. Any non compliance of any of the above stated rules will result in Zero marks and student may be liable for disciplinary actions.

Assessment Questions

Question 1

Penny was engaged to perform in a stand-up comedy from the start of its Malaysian comedy tour for three months. However, at the start of the show, Penny fell ill which consequently forced the producers of the show to engage a substitute comedian. A week later Penny recovered and wished to resume her place in the show. The producers refused on the ground that Penny has breached the main term in the contract which allows them to repudiate the contract. Penny is enraged and believed that this is a breach of contract.

To take her mind off her disappointment, Penny booked and stayed in the most expensive room at ABC Hotel as a regular VIP. Unfortunately, Penny lost her luxury mink coat in the hotel room. Penny wants to take action against ABC Hotel, but ABC Hotel refused to compensate Penny as they rely on the notice that states '*ABC Hotel will not hold themselves responsible for articles lost or stolen unless handed to the manager for safe custody*' hung behind the room door of the hotel room.

Penny has also bought various items from Comedy Shop Online to ensure the comedy skit is a success such as: - clown hats, bicycle, makeup, accessories that cost her RM5,000-00. However, all of those items bought were defective and unusable.

Furthermore, she got to know that while she was ill and recuperating at ABC Hotel Sdn. Bhd. her car was stolen by Sheldon and it was sold-off to Howard. She believes that this is unjust and the producers, ABC Hotel, Comedy Shop Online and Sheldon should compensate her for all of the losses she suffered.

- (a) Advice Penny accordingly against the various actions that she can/cannot institute against the respective parties. (40 marks)
- (b) In the event it was discovered that Penny had impliedly authorized Sheldon to sell her car, can she still recover her car back? (10 marks)

(Total: 50 marks)

Question 2

Star Production Sdn. Bhd. comes to you for legal advice pertaining to various matters.

- (a) Darling was engaged by Star Productions Sdn. Bhd. as a leading actress for a movie to be shot in Genting Highlands. The shooting of the movie will last for twenty-four months. The terms of her employment contract indicated that, Darling will have to be present at the time and place required, she will have to follow the instructions given by Star Productions Sdn. Bhd. the production company will have total control over her for the duration of the shooting of the movie, and she will be paid at the end of the movie shoot. Is Darling an employee or an independent contractor?

(10 marks)

- (b) Bubbly is a worker of Star Productions Sdn. Bhd. for 15 years. Her job is to assist the crew and artists of Star Production Sdn. Bhd. She is currently working from 8 am to 12 midnight every day and believes that it is unfair for her. Furthermore, she was mistreated by various artists and on one occasion, slapped by Darling. Nonetheless Bubbly faced all these challenges as she needs money. One day, she was instructed by one of her superior to send a parcel of documents to a production house. Due to lack of sleep and anxiety attack because of her work, while she was driving to send the documents, she hit a pedestrian wherein the pedestrian suffered major injury. The pedestrian is currently suing Star Production Sdn. Bhd. and Bubbly was fired due to this. Advise Bubbly and Star Production Sdn. Bhd.

(15 marks)

(Total: 25 Marks)

Question 3

- (a) Discuss the effects of incorporation of a company in the questions below:-

- (i) Ali is a minority shareholder in ABC Sdn. Bhd. He would like to take a legal action against the majority shareholder for oppressing their rights as a member of ABC Sdn. Bhd. Can Ali sue the majority shareholder in his own name?

(5 marks)

- (ii) Sally is a manufacturer of shoes and owns a company called Sally Shoe Sdn. Bhd. One day, Sally Shoe Sd. Bhd. had financial problems. Due to this, Sally issued a debenture for the sum of RM30,000 under her name upon lending some money to the company. After 3 months from the date of the issuance of the debenture, the company went into liquidation. Sally paid all the secured creditors including herself. Atan, an unsecured creditor opposed to the fact that Sally was able to secure herself through an issuance of debenture. According to him, Sally is a director of Sally Shoe Sdn. Bhd., and being an owner of the company, she is not entitled to be a secured creditor. Is Sally entitled to the debenture sum?

(5 mark)

- (iii) Marry and her husband Michael are directors of M&M Sdn. Bhd. One day, both Mary and Michael met with an accident. They left behind a 2-year-old infant. Explain whether M&M Sdn. Bhd. ceased to exist upon the death of the directors?

(5 marks)

- (iv) Lim entered into a written contract with Peter to sell his land to Peter for RM 1 million. However, Lim changed his mind and decided to avoid his obligation. He incorporated a company, Lim Sdn. Bhd. and sold the land to the company instead. When Peter wanted to execute the contract, Lim informed Peter that the company has bought the land. Advise Peter.

(10 marks)

(Total: 25 Marks)

≈ The End ≈

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