



**UNIVERSITI KUALA LUMPUR
BUSINESS SCHOOL**

**FINAL EXAMINATION
MARCH 2024 SEMESTER**

COURSE CODE	: EIB20303
COURSE NAME	: BUSINESS LAW
PROGRAMME NAME	: BACHELOR OF BUSINESS ADMINISTRATION (HONS)
DATE	: 1 JULY 2024
TIME	: 2.00 PM – 5.00 PM
DURATION	: 3 HOURS

INSTRUCTIONS TO CANDIDATES

1. Please **CAREFULLY** read the instructions given in the question paper.
2. This question paper has information printed on both sides of the paper.
3. This question paper consists of **FIVE (5)** questions.
4. Answer **ALL** questions.
5. Please write your answers on the answer booklet provided.
6. All questions must be answered in **English** (any other language is not allowed).
7. **This question paper must not be removed from the examination hall.**
8. Students are allowed to refer to the unannotated **Partnership Act 1961, Companies Act 2016** and **Employment Act 1955** when answering their papers during the examination.

THERE ARE TWO (2) PAGES OF QUESTIONS, EXCLUDING THIS PAGE.

INSTRUCTIONS:-

1. Answer ALL questions. (TOTAL: 100 Marks)
2. Please write your answers in the answer booklet provided.
3. Students are allowed to refer to the unannotated Partnership Act 1961 and Companies Act 2016 and Employment Act 1955 when answering their papers during the final examination.

QUESTION 1.

Mimi and Mama are partners of a HeavyMetal Hair Beauty Saloon. Mama has been expressly prohibited from entering into any contract on behalf of the partnership. When Mimi went overseas for her holiday, the Saloon's air-conditioner broke down and caused their customers to complain. In her desire to ensure their customer's continuous comfort, Mama made an effort to repair the air-conditioner, but was told by the repairman to buy a new one as the damaged unit was an old model and was beyond repairs. Mama then consulted Musa, an air-conditioner supplier and he recommended that she purchase a new industrial unit that was more suitable for the Saloon at a price of RM10,000-00 inclusive of installations. Acting on Musa recommendation, Mama purchased and installed one industrial unit air-conditioner at the Saloon.

When Mimi returned from her holiday, she refused to pay Musa for the air-conditioner as she felt it was too expensive.

Advise as to whether Musa has any right against the partnership for the payment and support your answer with relevant provision of the Partnership Act 1961 and relevant decided cases.

[30 Marks]

QUESTION 2.

What is a private companies according to the Companies Act 2016.

[10 Marks]

QUESTION 3.

Discuss the concept of body corporate under Section 20(a) of the Companies Act 2016 and support your answer with two (2) decided cases.

[20 Marks]

QUESTION 4.

Briefly explain the followings:-

- (a) The meaning of Winding up. (5 marks)
- (b) The modes of Winding up. (10 marks)
- (c) The definition of the words "inability to pay debts" stated in Section 465(1)(e) of the Companies Act 2016. (5 marks)

[20 Marks]

QUESTION 5.

- (a) Students are required to provide a statutory definition as provided for by the Employment Act 1955 for the following words:-

- (i) "employee"
- (ii) "employer"
- (iii) "contract of service"
- (iv) "contractor"
- (v) "part-time employee"

(10 Marks)

- (b) In *Short v. J & W Henderson Ltd (1946)*, Lord Thankerton enunciated an important approach, which may be used in most cases to determine whether the contract is a contract of service or a contract for service. According to him, a single control test should give way to a series of indicia.

List down those indicia.

(10 Marks)

[TOTAL: 20 Marks]

END OF EXAMINATION QUESTIONS