



**UNIVERSITI KUALA LUMPUR
BUSINESS SCHOOL**

**FINAL EXAMINATION
OCTOBER 2024 SEMESTER**

COURSE CODE	: EIB20303
COURSE NAME	: BUSINESS LAW
PROGRAMME NAME	: BACHELOR OF BUSINESS ADMINISTRATION (HONS)
DATE	: 6 FEBRUARY 2025
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 **THREE (3) Sections; Section A, Section B and Section C.**
 4. Answer **ALL** questions in **Section A, Section B and Section C.**
 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 can refer to the unannotated **Partnership Act 1961, Companies Act 2016 and Employment Act 1955** when answering their papers during the examination.
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THERE ARE FIVE (5) PAGES OF QUESTIONS, EXCLUDING THIS PAGE.

SECTION A (Total: 40 marks)

INSTRUCTIONS:

1. Answer ALL questions.
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 questions during the final examination.

Question 1

Discuss the meaning of the word “business” in the definition of partnership under the Partnership Act 1961.

(10 marks)

Question 2

Explain the rule in determining a partnership as provided for under Section 4(b) of the Partnership Act 1961 and support your answer with one (1) decided case.

(10 Marks)

Question 3

Ali, Abu and Ahmad are partners in a partnership firm in Wangsa Maju, Kuala Lumpur called AAA Global Trading Enterprise. The firm was formed to run a business of local cosmetic products and they have been carrying on with the business for the last 5 years. Recently the following facts have come to light:

- (a) Ali who has the task of collecting money due from customers has been receiving cash incentives from some customers for giving them some extra time to pay.

(10 marks)

- (b) Abu and Ahmad have together set up another similar business in Rawang, their home town, and the business was managed by Aminah, a close business associate of both Abu and Ahmad. They go to Rawang every month to keep an eye on the business and take account of the profits.

Advise the parties as to their respective legal position on these matters.

(10 marks)

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SECTION B (Total: 50 marks)

INSTRUCTIONS:

1. Answer ALL questions.
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 questions during the final examination.

Question 1

Man established a sole proprietorship motorcycle crop spraying business since he left school at the age of 18 year old. Man then married Min and together they formed a company known as ManMin Sdn Bhd where he held 2999 shares of the company's 3000 shares and Min held the other 1 share. Man and Min was also the governing director of the company. Man then applied the position of rider in the company and became the chief rider in the company. His work was to spray fertilizer from the modified motorcycle provided by the company. Every months Man received salary from the company and the company also contributed to his employee provident fund (EPF) and other statutory requirements and also insured the employee under the company's special workmen compensation scheme. One day, the motorcycle he was riding crashed and Man died as a result. His wife made a claim from the insurance company on behalf of her deceased husband. The insurance company refused to pay because it considered that Man and the company were one of the same. The company argued that a person cannot be both a director and major shareholder of a corporation on the one hand, and also an employee of the corporation on the other.

Advice Min on the effect of incorporation of a company under Section 20(a) and 20(b) of the Companies Act 2016 and support your answer with decided cases.

(30 marks)

Question 2

Briefly explain the following:-

- (a) The meaning of Winding up.
- (b) The modes of Winding up.
- (c) The definition of the words "inability to pay debt" stated in Section 465(1)(e).

(20 marks)

SECTION C (Total: 10 marks)

INSTRUCTIONS:

1. Answer ALL questions.
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 questions during the final examination.

Question 1

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

- (a) “employee”
- (b) “employer”
- (c) “contract of service”
- (d) “contractor”
- (e) “part-time employee”

(10 marks)

END OF EXAMINATION QUESTIONS