



جامعة السلطان الشريف علي الإسلامية  
UNIVERSITI ISLAM SULTAN SHARIF ALI  
SULTAN SHARIF ALI ISLAMIC UNIVERSITY

**Faculty of Shariah and Law**  
**Semester I, 2014/2015 Academic Session**

**Examination Question Paper**

**Course Code : LB 4305**  
**Course Name : Business Law**  
**Course Level : Bachelor of Laws (LL.B)**  
**Time : 3 hours**

**References Allowed**

Bills of Exchange Act 1994 (Cap. 172)  
Contract Act 1939 (Cap 106)  
Sale of Goods Act 1994 (Cap. 170)  
Hire-Purchase Order 2006

Note:

Answer any **four** questions.

**QUESTION 1 (15 MARKS)**

- a) Explain the implied condition that 'the bulk shall correspond with the sample in quality'.

Support your answer with statutory provision and decided cases.

(7 marks)

- b) Amin wants to buy a van. He finds a van in parking lot with a notice on the wind screen which reads: For Sale. 2012 Toyota Van. After a thorough inspection and test drive, he enters into contract to buy a van from Danish.

What is his position in following circumstances

- i. Amin discovers that the van is made of two Toyota vans. The front half of a 2006 model has been welded to the rear half of a 2012 model.

(4 marks)

- ii. Amin has been informed by the police that the van has been stolen six months previously and it must be returned to the owner.

(4 marks)

**QUESTION 2 (15 MARKS)**

- a) 'No one can give what he has not got'.

Explain this legal maxim with reference to statutory provision and decided cases.

(6 marks)

b) Farhan agrees to supply 50 cows to a butcher in Gadong during one week period prior to Eid-ul-Adha. What are Farhan's remedies in following two situations?

i. The butcher rings up two weeks before the delivery period to cancel the order because he has found a cheaper supplier.

(4.5 marks)

ii. While the consignment of 10 cows is being transported from Miri by two trucks, Farhan hears from a neighbouring farmer that the butcher is having difficulty paying his debts.

(4.5 marks)

### **QUESTION 3 (15 MARKS)**

a) Explain any two devices by which an agency may be created. Refer to decided cases.

(6 marks)

b) Mujib had sold his car to Badrul for B\$ 14,000 and the car was to be delivered within four days. After two days Faheem offers Mujib B\$ 16,000 for the car. Faheem was not aware of the previous sale to Badrul.

Advise Badrul of his legal rights against Mujib and Faheem under Sale of Goods Act, 1994.

(9 marks)

**QUESTION 4 (15 MARKS)**

- a) A hire-purchase agreement is more than a simple contract of hire, for it confers upon the hirer an option to purchase the goods.

Explain and illustrate this statement with the help of decided cases.

(6 marks)

- b) Shaheena, a housewife, bought a new sewing machine from Happy wives Sdn Bhd on hire-purchase. Upon reaching home, she decided to sew a new silk shirt for her husband's birthday. However, instead of sewing the pieces of cloth together, the sewing machine merely made holes in the cloth.

Advise Shaheena as to her rights under the law on hire-purchase.

(9 marks)

**QUESTION 5 (15 MARKS)**

- a) Explain the main elements of 'Bill of Exchange'. Refer to decided cases.

(9 marks)

- b) A promissory note is a document which contains a promise by the maker that he will pay a certain sum of money.

Explain this statement with the help of statutory provision and case law.

How it differs from the cheque?

(6 marks)

**QUESTION 6 (15 MARKS)**

- a) Explain the concept of 'Worker' under Brunei Darussalam Labour Act 1954. Is he under a 'contract of service' or 'contract for service'? Discuss.

(6 marks)

- b) Asrar is a manager working at ABC Computer Sdn Bhd. Neelam, a colleague, has made a complaint to the Human Resource Manager that Asrar molested her in the store-room. The Human Resource Manager viewed this as a serious matter. He immediately reported this matter to the management with a recommendation for his dismissal. Asrar was immediately dismissed from his job.

Advise Asrar as to his legal position. Refer to relevant legal provisions.

(9 marks)

بالتوفيق والنجاح