

SULIT



**BAHAGIAN PEPERIKSAAN DAN PENILAIAN
JABATAN PENDIDIKAN POLITEKNIK DAN KOLEJ KOMUNITI
KEMENTERIAN PENGAJIAN TINGGI**

JABATAN PERDAGANGAN

**PENILAIAN ALTERNATIF BERIKUTAN
PELAKSANAAN PERINTAH KAWALAN BERSYARAT**

SESI JUN 2020

DPN20023 : INSURANCE LAW

NAMA PENYELARAS KURSUS : AINIZA BINTI SILIM

KAEDAH PENILAIAN : PEPERIKSAAN ONLINE

JENIS PENILAIAN : ESEI (2 SOALAN)

TARIKH PENILAIAN : 22 DISEMBER 2020

TEMPOH PENILAIAN : 1 JAM

LARANGAN TERHADAP PLAGIARISM (AKTA 174)

**PELAJAR TIDAK BOLEH MEMPLAGIAT APA-APA IDEA, PENULISAN, DATA
ATAU CIPTAAN ORANG LAIN. PLAGIAT ADALAH SALAH SATU
PENYELEWENGAN AKADEMIK. SEKIRANYA PELAJAR DIBUKTIKAN
MELAKUKAN PLAGIARISM, PENILAIAN BAGI KURSUS BERKENAAN AKAN
DIMANSUHKAN DAN DIBERI GRED F DENGAN NILAI MATA 0.**

**(RUJUK BUKU ARAHAN-ARAHAN PEPERIKSAAN DAN KAEDAH PENILAIAN (Diploma) EDISI 6, JUN 2019,
KLAUSA 17.3)**

SECTION A: 50 MARKS
BAHAGIAN A: 50 MARKAH

INSTRUCTION:

This section consists of **TWO (2)** essay questions. Answer **ALL** questions.

ARAHAN:

Bahagian ini mengandungi DUA (2) essay questions. Jawab semua soalan.

QUESTION 1

SOALAN 1

(a) Sam had been negligently riding his motorcycle and was responsible for a collision with a car in which he suffered fatal injuries. At the time of the crash, Betty was in the way of leaving a tram about 50 feet away. Betty heard the crash and, after Sam's body had been removed from the scene, she approached and witnessed the immediate aftermath. Betty was 8 months pregnant at the time of the incident and later gave birth to a stillborn child. Betty subsequently brought an action against Sam's estate, claiming she had suffered nervous shock, stress and sustained loss due to the negligence of Sam.

Sam dengan lalai menunggang motosikalnya dan bertanggungjawab atas pelanggaran dengan kereta di mana dia sendiri mengalami kecederaan maut. Pada masa nahas itu, Betty sedang dalam perjalanan meninggalkan tram sejauh 50 kaki. Betty mendengar kemalangan itu dan, setelah mayat Sam dipindahkan dari tempat kejadian, dia menghampiri dan menyaksikan situasi sejurus selepas pelanggaran. Betty hamil 8 bulan pada ketika itu dan kemudian melahirkan anak yang telah meninggal. Betty kemudian membuat tindakan terhadap waris Sam, dengan mendakwa dia mengalami kejutan saraf, tekanan dan kerugian akibat kecuaiannya Sam.

- i. Write all **FOUR(4)** elements of negligence.

Tuliskan kesemua EMPAT(4) elemen kecuaiannya.

[14 marks]

[14 markah]

CLO1
C3

CLO1
C3

- ii. Ascertain whether Betty will succeed in her claim on negligence towards Sam.

Kenalpasti sama ada Betty berjaya dalam tuntutan kecuaiian terhadap Sam.

[8 marks]

[8 markah]

CLO1
C3

- iii. Provide the court judgement of the case *Bourhill v Young* [1943] to support your answer in (ii).

Berikan keputusan mahkamah bagi kes yang bersesuaian untuk menyokong jawapan anda di (ii).

[3 marks]

[3 markah]

QUESTION 2

SOALAN 2

- (a) Nina's car was damaged in an accident. The accident was caused by Zoe, a careless driver. Nina claimed her loss from her insurer, XYZ Insurance Company. After paying Nina for her loss, XYZ Insurance Company sued Zoe to recover its loss.

Kereta Nina rosak dalam kemalangan. Kemalangan itu disebabkan oleh Zoe, pemandu yang cuai. Nina menuntut kerugiannya dari syarikat insuransnya, XYZ Insurance Company. Setelah membayar Nina atas kerugiannya, syarikat insurans itu menuntut Zoe untuk mendapatkan kembali kerugiannya.

CLO1
C3

- i. Write **TWO(2)** principles of insurance which applicable in the above situation.

Tulis DUA(2) prinsip insurans yang berlaku dalam situasi di atas.

[10 marks]

[10 markah]

CLO1
C3

- ii. Ascertain whether XYZ Insurance Company will succeed in its claim towards Zoe.

Kenalpasti sama ada Syarikat Insurans XYZ akan berjaya dalam tuntutananya terhadap Zoe.

[3 marks]
[3 markah]

- (b) Ascertain whether insurable interest existed in the following situations:

Kenalpasti sama ada kepentingan boleh diinsuran wujud di dalam situasi di bawah:

CLO1
C3

- i. Aminah insures her own life under Life Insurance Policy.

Aminah menginsurankan hayatnya di bawah Polisi Insuran Hayat.

[3 marks]
[3 markah]

CLO1
C3

- ii. Ali borrows his brother's car, Ahmad and insures it under motor vehicle policy.

Ali meminjam kereta abangnya Ahmad dan menginsurankan kereta itu di bawah Polisi Kenderaan Bermotor.

[3 marks]
[3 markah]

CLO1
C3

- iii. Siti purchases a house and insures it under a fire insurance policy.

Siti membeli rumah dan menginsurankannya di bawah polisi insurans kebakaran.

[3 marks]
[3 markah]

CLO1
C3

iv. Daud borrows a sum of money from Me Bank Sdn. Bhd. Me bank insures the life of Daud under Life Insurance Policy.

Daud meminjam sejumlah wang dari Me Bank Sdn. Bhd. Me bank menginsuranskan nyawa Daud di bawah Polisi Insurans Hayat.

[3 marks]

[3 markah]

SOALAN TAMAT