

Answer **ALL** questions.

**QUESTION 1**

- a. Rita and Rina undecided whether to set up a company or a partnership. Explain to Rita and Rina **FIVE (5)** of the legal differences between a company and partnership. (10 marks)
- b. Explain **FIVE (5)** ways in which a partnership may be dissolved. (10 marks)
- c. Wani, Wawa and Wanda have decided to form a partnership business for selling cosmetic and among the agreed terms is one which excludes Wawa from sharing any profit. Is Wawa a partner? Give reasons. (2.5 marks)
- d. If the partnership plans to engage Wafa to manage the business and one of the terms of employment is that Wafa will participate in the profit of the business, is Wafa a partner? Give reasons. (2.5 marks)

**QUESTION 2**

- a. Define agency. (3 marks)
- b. A contract of agency can be expressed or implied from certain circumstances and conduct of the parties. Describe the creation of an agency by necessity. (10 marks)
- c. Explain **FOUR (4)** ways in which an agency can be terminated. (12 marks)

**POLITEKNIK**  
Jabatan Pengajian Politeknik

EXAMINATION AND EVALUATION DIVISION  
DEPARTMENT OF POLYTECHNIC EDUCATION  
(MINISTRY OF HIGHER EDUCATION)

COMMERCE DEPARTMENT

FINAL EXAMINATION  
JUNE 2012 SESSION

**P2114 : COMMERCIAL LAW**

**DATE: 22 NOVEMBER 2012 (THURSDAY)**  
**DURATION: 2 HOURS (11.15 AM – 1.15 PM)**

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This paper consists of **THREE (3)** pages including the front page.  
Answer **ALL** questions

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**DO NOT OPEN THIS QUESTION PAPER UNTIL INSTRUCTED  
BY THE CHIEF INVIGILATOR**

**QUESTION 3**

- a. Define “consumer goods” which are allowed in hire purchases.

(4 marks)

- b. Describe a ‘hire-purchase agreement’.

(6 marks)

- c. Aidil bought a car from SENTOSA Motors which was financed by Maybank Berhad. When Aidil defaulted in making two monthly installment payments and after due compliance with the Hire-Purchase Act, the car was repossessed by Maybank Berhad.

Explain what are the **THREE (3)** rights of Aidil as a hirer after the car was repossessed under the Hire-Purchase Act 1967?

(15 marks)

**QUESTION 4**

- a. Describe Section 4(1) Sales Of Goods Act 1957.

(5 marks)

- b. Explain **TWO (2)** implied warranties and **THREE (3)** implied conditions which concerned in Sales of Goods.

(20 marks)