PEPERIKSAAN AKHIR SEMESTER PERTAMA SESI 2012/2013
FINAL EXAMINATION FIRST SEMESTER SESSION 2012/2013

KOD / NAMA KURSUS : GLUP2034 UNDANG-UNDANG TORT / LAW OF TORT
COURSE CODE / NAME

TARIKH : 02 JANUARI/JANUARY 2013 (RABU/WEDNESDAY)
DATE

MASA : 9.00 PAGI/AM- 12.00 TENGAHARI/NOON (3 JAM/HOURS)
TIME

TEMPAT : BK3 (FWB), BK4 (FWB)
VENUE

ARAHAN
INSTRUCTION

1. Kertas soalan ini mengandungi EMPAT (4) soalan di dalam EMPAT (4) halaman bercetak tidak termasuk kulit hadapan.
This book script contains FOUR (4) questions in FOUR (4) printed pages excluding the cover page.

2. Anda dikehendaki menjawab SEMUA soalan.
You are required to answer ALL the questions.

NO. Matrik :
MATRIC NO.
(dengan perkataan / with word)

(dengan angka / with number)

NO. KAD PENGENALAN :
IDENTIFICATION CARD NO.

PENSYARAH :
LECTURER

KUMPULAN :
GROUP

NO.MEJA:
TABLE NO.
SOALAN SATU/QUESTION ONE

Lau had just won a darts game in the Dog and Duck public house. As he returned to his seat he was cheered on by his friends; Seow, his opponent, slapped his shoulder in a hearty fashion to congratulate him on his victory. Lau was off balance at the time and tumbled over, injuring himself. Lau shouted at Seow, ‘You swine, you did that on purpose, I’ll see you outside in two minutes’. Fearing for the worst, Lim, the owner of the Dog and Duck, grabbed Lau by the shirt collar and frog-marched him to his office. Lau resisted violently, aimed a punch at Lim, but missed. Lim managed to calm Lau and persuaded him to remain in the office in order to avoid further trouble. Having left the office, Lim asked two burly friends, Chong and Cheng, to ensure that Lau did not leave the ground floor room. Four hours later, Lim called the police. In the meantime, Lau slept off the effect of the alcohol and was unaware that Chong and Cheng were there. Consider whether or not any causes of action in trespass to person are revealed by these facts.

(25 markah/marks)
SOALAN DUA/QUESTION TWO

"Entry to another’s land without permission is never justifiable and is always actionable per se". (As per John Cooke, Law of Tort, 9th ed. (England: Pearson Education Ltd, 2009), p. 319)

Bincang kenyataan di atas dengan merujuk kepada pencerobohan ke atas tanah.

Discuss the above statement in light of the tort of trespass to land.

(25 markah/marks)

SOALAN TIGA/QUESTION THREE

i. Terangkan LIMA (5) perbezaan di antara kacau ganggu persendirian dengan kacau ganggu awam. Sokong jawapan anda dengan contoh-contoh.

Explain FIVE (5) differences between private nuisance and public nuisance. Support your answer with examples.

(15 markah/marks)

ii. Terangkan bagaimana pembelaan preskripsi dan pihak berkuasa berkanun beroperasi dalam konteks kacau ganggu persendirian. Sokong jawapan anda dengan kes undang-undang.

Explain how the defences of prescription and statutory authority operate in the context of private nuisance. Support your answer with case law.

(10 markah/marks)
SOALAN EMPAT/QUESTION FOUR


Paul had a very large oil storage tank on his farm. He used the oil to run the central heating system in his building in which he housed a thousand battery chickens. One day the tap of the oil tank remained accidently open. The oil spilled out and entered into the land of Paul’s neighbour, Peter. It destroyed the crops and vegetables on Peter’s land. When Peter saw the oil spillage damaging his crops, he rushed to make an attempt to stop the oil but slipped on the oil and suffered head injury. Advise Peter.

(12.5 markah/marks)

Nasihatkan Jaya Bumi Manufacturing plc mengenai apa-apa liabiliti yang mungkin timbul. Adakah nasihat anda akan berbeza jika Jaya Bumi Manufacturing plc menjalankan kilangnya di bawah kuasa berkanun?

_Jaya Bumi Manufacturing plc owns and operates a factory situated on an industrial estate on the outskirts of Kuah, Langkawi. One day, the environmental control system malfunctioned for some unknown reason and large quantities of toxic fumes were emitted. These fumes damaged paintwork on some houses in the town (Kuah) and some inhabitants also suffered an allergic reaction to the fumes. As a result of the adverse publicity, the town has seen a reduction in its normal tourist trade and the local shopkeepers are complaining of loss of business._

_Advise Jaya Bumi Manufacturing plc of any liability it might have incurred. Would your advise differ if Jaya Bumi Manufacturing plc operated its factory under statutory authority?

(12.5 markah/marks)