

Christopher Bathurst Prize Problem 2018

IN THE MATTER OF INTENDED ACTIONS BETWEEN SIR MICHAEL "MICK" MOON AND COOL THE PLANET

INSTRUCTIONS FOR
COUNSEL TO ADVISE

Instructing Solicitors act on behalf of the well-known, albeit ageing, rock star Sir Michael "Mick" Moon, who believes passionately in supporting environmental causes. In November 2017 Sir Mick gave money to a charity by the name of Cool the Planet, and two individuals, in the following circumstances.

Cool the Planet is an umbrella charity which exists to promote international efforts to reduce global warming, and has branch organisations operating under that name around the world, including in the UK and in Singapore. In October 2017, Sir Mick approached a senior employee of Cool the Planet (UK), a Mr Warm, saying that he believed he could help promote the work of the charity if he were made an honorary ambassador for it, and that he was prepared to pay £100,000 to Cool the Planet (UK), and £20,000 to Mr Warm "on the side", if he could procure that for him. Mr Warm said he thought that could be achieved given his position of influence within the organisation, and so on 3 November 2017, Sir Mick transferred £100,000 to Cool the Planet (UK) and £20,000 separately to Mr Warm.

Encouraged by what Mr Warm had said, and being a man with global ambitions, Sir Mick thought it would be a nice idea to get himself appointed an honorary ambassador in Singapore for Cool the Planet (Singapore) as well. Shortly after making the payments in England, therefore, Sir Mick travelled to Singapore where he met a senior official of the charity there (a Mr Wennuan). After a short discussion in which he offered to give SGD150,000 to Cool the Planet (Singapore), and SGD30,000 to Mr Wennuan "on the side", if he could get him appointed an honorary ambassador, Mr Wennuan said he thought that could be arranged since he knew the local trustees very well. On 20 November 2017, therefore, Sir Mick transferred SGD150,000 to Cool the Planet (Singapore) and SGD30,000 to Mr Wennuan.

Unfortunately, in December 2017, Mr Warm contacted Sir Mick to say that he had approached the trustees of Cool the Planet (UK) with the proposal, but that they had taken the view that a sanctimonious and ageing rock star was not quite the image they cared for in a high profile position like honorary ambassador. They had therefore turned down the proposal point blank. However, when Sir Mick asked for the return of the money he had paid to Cool the Planet (UK) and Mr Warm, Mr Warm said that he was sorry but that would not be possible. He had, after all, tried his best.

Taking umbrage at this gross slight to his character, and the refusal to return his money, Sir Mick resolved that there was no way he was going to support any organisation that behaved in such a shoddy way. He telephoned Mr Wennuan in Singapore, therefore, and said that he no longer had the slightest wish to be an honorary ambassador for Cool the Planet (Singapore), and wanted the return of the SGD150,000 he had paid to the charity and the SGD30,000 paid to Mr Wennuan "on the side". Mr Wennuan said that it was OK by him if Sir Mick no longer wanted the position, but that there was no way he was going to get his money back.

Sir Mick is incandescent about the way he has been treated, and wants to sue Cool the Planet (UK) and Mr Warm in England, and Cool the Planet (Singapore) and Mr Wennuan in Singapore, for the return of his money. Counsel is requested to provide a short written opinion on his prospects of success.