

LexisNexis Practical Research - Commercial

Middle Wallop Events Limited ('MWE') is a new client in need of some urgent advice. The company was set up last year by my contact, Tony, for the purposes of hosting a music festival, Wallopstock, from his farm near the village of Middle Wallop in Hampshire.

Memo

To: New Commercial Trainee
From: Supervising Associate
Client: Middle Wallop Events Limited
Status: URGENT

Tony, a former drummer in the famous 90's rock band 'Iron Unicycle', used his industry connections to obtain commitments from a number of bands to play at the event and MWE had paid deposits to them for their appearances. There were no written contracts in place because, as Tony explained to me, contracts are not 'particularly rock and roll'.

Sadly, there was a massive fire at the farm the night before last and all of the buildings were destroyed, including the large barn which was to host the main stage. Thankfully no one was hurt.

Points to note:

- Tony had a phone call with each band's representative during which it was agreed that the bands would perform. They agreed the price that Tony would pay and that payment would be by way of a 30% deposit up front with the balance (which Tony intended to cover through ticket income) payable 30 days after the final day of the festival.
- It is completely impossible for Tony to now go ahead with Wallopstock. His farm is ruined and there is no way he can source alternative premises in time.
- The fire was caused by faulty wiring in one of the outbuildings which spread throughout the farm. There was nothing Tony could have done about it and it was not his fault.

Please prepare the following answers before the client's call tomorrow morning

- 1) Did MWE have contracts with the bands? Does a contract need to be in writing?
- 2) What is the law of frustration? A colleague remembers reading a case similar to this from the 1860s and about a musical hall, please locate this case report so that I can read it.
- 3) Some of the bands had already booked coaches and equipment for the gig. Is there any legislation relevant to the law of frustration? I am particularly interested in seeing if there are any statutes dealing with the financial effects.

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