Emma is a professional gambler with an exceptional memory. One evening she went to a casino to play Baccarat. This is a card game which involves betting on which of two hands has the highest score. Whilst she was playing Emma was able to detect small differences in the pattern on the back of some of the cards and so could work out without seeing the value of the card whether it would be high or low. Emma never touched any of the cards but she told Sam, the dealer, that she was very superstitious and she wanted him to shuffle the pack in a particular way; that way she would know when one of the cards with a difference in the pattern was included in a hand and so could work out whether the hand was high or low. Over the course of the evening she won £5 million. The manager of the casino was watching Emma carefully and accused her of cheating. She denied this saying that she was simply using her memory skills and all reasonable people would say that she had not cheated.

Has Emma acted dishonestly so that she should be convicted of a crime?
Mr and Mrs Smith, who have six children already, decide that they do not want any more children, and so Mr Smith decides to have a vasectomy. Unfortunately, the vasectomy operation is performed incompetently by Dr Lanham and does not work. Mrs Smith becomes pregnant again shortly afterwards and gives birth to a baby girl.

Can Mrs Smith and her husband recover damages from Dr Lanham?
The Royal Wedding of HRH Prince Rupert to Lady Sophia Sterling was due to take place on 1\textsuperscript{st} August. On 5\textsuperscript{th} March the department store Herrods contracted with Royal Staffordshire Pottery Ltd (“RSP”) for the supply of 1000 limited-edition hand-painted Royal Wedding plates, featuring the image of the royal couple and the date of the marriage, for a total contract price of £50,000 (£50 per plate), of which £10,000 was paid on contracting, the balance payable on delivery of all 1000 plates; delivery was to be no later than 1\textsuperscript{st} May. On 1\textsuperscript{st} April Buckingham Palace announced that the couple had broken off their engagement and the wedding would not go ahead. On 2\textsuperscript{nd} April Herrods told RSP that, in the circumstances, it regarded the contract as ‘null and void’ and demanded the return of its £10,000 pre-payment. RSP ignored this communication, completed the remaining plates and delivered them to Herrods on 3\textsuperscript{rd} May.

Is RSP entitled to the balance of the price?
Problem 4

Kate told Duncan that she had obtained some confidential information relating to a company. Once this information is made public the value of the company’s shares will increase significantly. Duncan said that he would pay Kate £10,000 for this information, including the name of the company. Kate agreed. It is a criminal offence to agree to deal in such insider information. Duncan paid Kate £10,000, but she did not provide him with any of the information.

Should Duncan be able to recover his money from Kate?
David was diagnosed with a very serious and debilitating illness. He had heard of a ‘miracle cure’ involving gene replacement therapy, at a cost of £100,000, which he could not afford. He placed an advert in a newspaper seeking donations to fund his treatment. After submitting the advert, his doctor informed him that he had been misdiagnosed and he did not require the treatment after all. David did not withdraw the advert. Helen, who had recently won a significant sum betting on horses, read the advert and transferred £100,000 to David’s account. David spent this money on a luxury cruise.

Should Helen be able to recover £100,000 from David?