



Neutral Citation Number: [2025] EWHC 85 (Ch)

Case No: BR-2022-000154

IN THE HIGH COURT OF JUSTICE
CHANCERY DIVISION
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES COURT

IN THE MATTER OF THE INSOLVENCY ACT 1986

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 22/01/2025

Before:

CHIEF INSOLVENCY AND COMPANIES COURT JUDGE BRIGGS
(Sitting as a Judge of the High Court)

Between :

**MOBILE TELECOMMUNICATIONS
COMPANY KSCP**

Petitioner

and

**HRH PRINCE HUSSAM BIN SAUD BIN
ABDULAZIZ AL SAUD**

Respondent

Stephen Moverley Smith KC, Adam Baradon KC, Owen Curry and Catherine Hartston
(instructed by Pillsbury Winthrop Shaw Pittman LLP) for the Petitioner

Geraint Jones KC, Peter Arden KC, Marc Glover, Hugh Rowan (instructed by Spencer
West LLP) for the **Respondent**

Hearing dates: 2, 3, 4, 5, 6 December 2024

Approved Judgment

This judgment was handed down remotely at 10.30am on 22 January 2025 by circulation to the parties or their representatives by e-mail and by release to the National Archives.

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Chief ICC Judge Briggs:

Introduction

1. By a petition, presented on 1 June 2022, the petitioner seeks an adjudication of bankruptcy against the Respondent, HRH Prince Hussam Bin Saudi Bin Abdulaziz Al Saud (“Prince Hussam”). Prince Hussam denies the Court has jurisdiction to make such an order. If there is jurisdiction Prince Hussam invites the Court to rule that the petition debt is stale and statute barred. Prince Hussam asks the court to exercise its discretion not to make an order. This judgment concerns the issue of jurisdiction only.
2. A statutory demand dated 21 December 2020 was served on Prince Hussam by methods permitted by ICC Judge Jones in an order dated 17 March 2020.
3. By an order of ICC Judge Mullen dated 25 April 2022, Prince Hussam’s application to set aside the statutory demand was dismissed and permission was given to present the petition.
4. The debts demanded, and form the petition debt, are £702,960,295.75 (the “First Debt”) and £3,292,847.55 (the “Second Debt”).
5. The debts arise from an award made in favour of Mobile Telecommunications Company KSCP (the “Petitioner”) by an Arbitral Tribunal appointed on 12 November 2012 under the London Court of International Arbitration Rules 1998 to determine disputes arising under a loan agreement dated 23 July 2010.
6. The First Debt is a main award, made on 23 December 2015. The Tribunal unanimously concluded that it had jurisdiction to determine the dispute between the Petitioner and Prince Hussam, trading as “Saudi Plastic Factory”, under a loan agreement, and by a majority found that the Petitioner was entitled to payment from the Prince Hussam of the sum of US\$527,208,529. The initial sum awarded was erroneous. The Tribunal corrected the figure to US\$527,192,331.24, under Article 27.1 of the LCIA Rules 1998, on 11 February 2016. A second memorandum dated 21 March 2018 clarified the award sum and included default commission. Various other clarifications were issued and on 20 November 2018 the Tribunal extended time pursuant to Articles 4.7 and/or 22.1 (b) of the LCIA Rules for the purpose of a further correction under Article 27 of the LCIA Rules.
7. The Second Debt arises from a partial final award of costs made by the Tribunal, by a majority, on 20 November 2018. The sum of costs awarded totals £3,223,290.15.
8. It is said that default commission at a rate of US\$117,153.85 per day accrues from 11 September 2017 until the date of payment.
9. Prince Hussam made a tactical decision to issue proceedings in Saudi Arabia. The Petitioner obtained an anti-suit injunction in the High Court requiring him to discontinue the Saudi proceedings within 7 days. He failed to do so and on 10 August 2018, Jacobs J found Prince Hussam in contempt of court. In his absence, he was sentenced to 12 months imprisonment (from the date of his apprehension).

10. On 31 January 2019 Mr Justice Bryan made an order, pursuant to section 66(1) of the Arbitration Act 1996, granting leave to enforce the debts.
11. At the time of trial the petition debt had not been paid, secured or compounded for.

Previous judicial consideration

12. Unusually the issue of jurisdiction has been considered by five judges sitting in the High Court. At each turn the Court concluded, on a good arguable case basis, that Prince Hussam had a place of residence in England and Wales for the purposes of section 265(2)(b)(i) Insolvency Act 1986 (the “IA 1986”).
13. On 14 December 2020, Deputy ICC Judge Schaffer ([2020] EWHC 3517 (Ch)) dismissed Prince Hussam’s application to set aside an order for alternative service, granted without notice by Judge Jones on 17 March 2020. That application to set aside raised the lack of jurisdiction issue.
14. The Deputy Judge referred to the factors articulated by Judge Jones when making the order for substituted service namely, (i) Prince Hussam’s family owned a number of properties in London, (ii) the family spent a not inconsiderable time in London, (iii) Prince Hussam had paid council tax for 24 York House in Kensington (“York House”), a property owned by his mother, Princess Noorah Bint Abdullah Fahad Al-Damir, (iv) Prince Hussam was a party to a charge document over one of the properties, (v) Prince Hussam had stayed in London in February/March 2018 at another family property and (vi) the evidence demonstrated, in the view of the court, that if Prince Hussam had wanted to reside at York House, he could do so. The Deputy Judge noted that he had no direct evidence from Prince Hussam or any member of his family when he reconsidered the issue. He said [30]:

“Why the Debtor has not condescended to provide his own witness statement to verify the points which have been made on his behalf, particularly on residence and assets is incomprehensible.”
15. The Deputy Judge held [56]:

“The Debtor has had a right to stay in the family home by his mother in the relevant period. There is no evidence from his mother to the contrary. The fact he did not exercise that right is not sufficient to disengage the test and the mother has offered no evidence that this right was at any time in the relevant period withdrawn.”
16. On 31 March 2022, Roth J dismissed an appeal from Deputy Judge Schaffer ([2022] EWHC 744) the “Roth J Judgment”). He explained [7]:

“The essential question in this appeal is whether the Judge applied the right test and criteria in upholding permission to serve out of the jurisdiction on this ground.”

17. One of the grounds of appeal considered in the Roth J Judgment was whether a change in language from “dwelling-house” used in the 1914 Bankruptcy Act to “a place of residence” in section 265I of the IA 1986 changed the test for jurisdiction. Roth J found that the change made no difference, that the Deputy had erred in law, and accordingly considered the issue afresh. In his assessment he found the following were relevant factors [42-43] which I summarise here using the language of Roth J where relevant:
- (i) The Debtor had stayed for several years at 24 York House in the 1980s and 1990s, while a student at LSE and had “de facto” control.
 - (ii) 24 York House is described by the Debtor’s mother as “a substantial apartment” and the Debtor had permission from his mother to stay in 24 York House at any time. The permission which the Debtor had while a student continued after he had his own family and “it appears that this was his and his mother’s expectation”.
 - (iii) The fact that the Debtor had not occupied 24 York House at any time during the Relevant Period is a factor pointing against York House qualifying as a place of residence.
 - (iv) The period of time spent at a residence needs to be sufficient to ground jurisdiction: “a period which is not de minimis is sufficient”.
 - (v) Another negative factor found is that: “In the Relevant Period, 24 York House was certainly not the Debtor’s settled or usual place of abode or home”.
 - (vi) “There is the matter of Council Tax. The Debtor was registered for Council Tax on 24 York House while a student and he continued to be so registered until December 2019. *As Mr Wardell had to accept, a person does not undertake the liability to pay Council Tax on a property with which they have no connection. In general, they do so because they are either the owner or the occupier of the property, or at least have the right of occupation. The Debtor was never the owner of 24 York House. The explanation for the Council Tax position is very unsatisfactory. There is no evidence at all from the Debtor. I consider that this is a significant factor pointing to this address being a place of residence of the Debtor.*” (emphasis supplied)
18. On 18 May 2023 ICC Judge Barber heard an application for permission to serve the petition out of the jurisdiction ([2023] EWHC 1144). In contrast to previous hearings the Judge had before her written evidence from Prince Hussam, HRH Princess Noorah Bint Abdullah Fahad Al-Damir (“Princess Noorah”), HRH Princess Sarah Bint Musaad Bin Abdulaziz Al Saud (“Princess Sarah”), and Khalid Hanjra, a family employee. She also had the benefit of two witness statements from Ms Luce, the managing director of Aqua Trusts Company Limited (“Acqua”), a Jersey company specialising in estate planning.

19. Judge Barber found that the Petitioner had a good arguable case. She made a finding on the papers that Prince Hussam did not require permission to use York House, saying that the evidence as a whole in my judgment strongly supports the conclusion that Prince Hussam had at all material times permission to use York House as his personal place of residence when in London [123]. In my judgment, the court can reliably ‘take a view’ on the material available on this issue. She recognised that the evidence may not be reliable at that stage of the proceedings [124].
20. Turning to the issue of council tax she considered the evidence of Mr Hanjra was “entirely unsatisfactory” and noted [142]:

“There is an inconsistency between the evidence of the Debtor in his 2021 statement and that of Mr Hanjra in his 2022 statements as to who registered the Debtor for Council Tax purposes.”
21. She concluded [142]:

“...the continued registration of the Debtor at York House for Council Tax purposes until December 2019 in my judgment remains a significant factor which points to York House being a place of residence of the Debtor.”
22. On 15 May 2024 Bacon J ([2024] EWHC 1724 (Ch)) dismissed an application for permission to appeal the order of Judge Barber.
23. Since the judgment of Judge Barber more evidence has been adduced. I shall have regard to all the evidence afresh when assessing, on the balance of probabilities, if Prince Hussam had a place of residence in the Relevant Period. I have had the benefit of live evidence, which was absent when deciding the issues of service out and alternative service.
24. The question for the court is whether, at any time in the period 1 June 2019 to 1 June 2022 (the “Relevant Period”), Prince Hussam had a “place of residence” in England and Wales, for the purposes of section 265(2)(b)(i) of the IA 1986.

Background

25. The background to this litigation has been repeated in and by the Courts on previous occasions. The following is taken from a mixture of the witness statement evidence and the facts cited in the Judgments of Judge Jones, Deputy Judge Schaffer, Roth and Bacon JJ and Judge Barber.
26. Prince Hussam is a member of the Saudi royal family. He was born in 1960 and is the only child of Princess Noorah. His father died in 1969. His mother, as a businesswoman with her own means, provided for him following the death of his father.
27. In 1982 or 1983 Mr Hanjra was appointed as the personal secretary to Princess Noorah and the Al Saud family. He describes his work as including (i) the day to day management of the properties held by the Al Saud family in London; (ii) making all travel arrangements for the Al Saud family; (iii) being a companion of Prince Hussam

when he studied in London as a student; (iv) being responsible for registering and making the payments for council tax and other outgoings in respect of York House and any other London property held by the Al Saud family and (v) making necessary arrangements for the family members to travel in the Western hemisphere.

28. Prince Hussam began his studies in London in 1983 staying at York House in Kensington, an apartment owned by Princess Noorah. York House comprises 2,700 square feet. Princess Noorah's main residence is in Saudi Arabia.
29. In 1985 Prince Hussam married Princess Sarah. They lived together at York House whilst Prince Hussam studied first a master's degree in economics at the LSE, and between 1987 and 1990 a doctorate in economics at the University of London.
30. Mr Hanjra says he registered Prince Hussam for council tax at York House. Mr Hanjra explained in his evidence in chief:

“when Prince Hussam first came to study...we had considerable difficulties in opening any bank accounts for him or arranging a personal ‘cell phone’. In particular, the banks and the phone company required evidence that Prince Hussam had an address within the jurisdiction.”

31. Mr Hanjra explains [16] (in his first witness statement):

“I should also explain that I was the person who decided to register York House council tax in the name of Prince Hussam rather than Princess Noorah. This made sense to me because Prince Hussam was staying in London for over six months a year at this point (as compared with the few weeks that Princess Noorah would be staying there).”

32. Ms Ruff seeks to undermine the evidence of Mr Hanjra by reference to the lack of a relationship between council tax registration, the opening of bank accounts, obtaining student visas and arranging for cell phone contracts. As Ms Ruff said, Mr Hanjra acknowledged, it would have mattered little whether it was Prince Hussam or his mother Princess Noorah who was registered for council tax.
33. In 1989 the community charge was introduced replacing rates that were based on a notional rental value of the property. The community charge was abolished by the Local Government Finance Act 1992. The council tax came into effect on 1 April 1993. Mr Hanjra's live evidence is that he registered Prince Hussam as an expedient. When Prince Hussam returned to Riyadh, after his studies, Mr Hanjra did not think to change the registration. Prince Hussam said in cross-examination:

“It's never been my intention – [I never] knew that I pay council tax until 2019, before I don't remember. Secondly, it was not my decision, it was Mr Hanjra decision to have to do this, and of course it's under my name at the end of the day, but it's not a decision which is took by me actually.”

34. In June 1985 Prince Saud was born to Prince Hussam and Princess Sarah.

35. Prince Hussam and Prince Sarah would travel or return to Saudi Arabia in the summer holidays, leaving York House available for Princess Noorah.
36. An alteration was made to York House in 1987 when a stud partition was added to the property, dividing a single room into two. Prince Khalid was born in the same year. The purpose for creating two rooms was to accommodate the Al Saud's growing family and to accommodate nannies for the young children.
37. When Prince Hussam received his doctorate in April 1990 he and his family returned to Saudi Arabia. He and Princess Sarah had three more children following their return to the Kingdom, Prince Abdulaziz, Prince Mohammad and Princess Noura, born in 1991, 1996 and 1998 respectively.
38. The evidence of Princess Noorah is that following his return to Riyadh, Prince Hussam no longer enjoyed unrestricted permission to stay at York House. Princess Noorah explained that she usually gave permission but:

“there was an occasion in 2011 when I refused him permission to stay at York House, as I was preparing the flat for refurbishment work. I would have also refused him permission to stay if it coincided with my own presence at York House... do not believe he ever had a licence to reside but merely permission to stay there while studying.”
39. In the period following his full-time return to Riyadh he visited London, occasionally staying at York House but mostly taking a room or rooms in a hotel.
40. Prince Hussam was not cross-examined on the payment receipts and e-mails that supported his stays at the Milestone Hotel, Intercontinental Hotel, Landmark Hotel, the Kensington Park Hotel, and the Hyde Park Hotel when in London.
41. The evidence that he stayed for “short periods” is supported by an annotated travel record produced by Prince Hussam.
42. In 2002 and 2011, Princess Noorah allowed York House to be used as security for loans to be made to Prince Hussam. Princess Noorah provided the following explanation:

“All this meant was that I allowed 24 York House to be used as security for loans which the Defendant took out. The loans were for the Defendant's purposes (which included funding medical expenses for Princess Sarah's mother, who was suffering from cancer, in France and America and all of the attendant costs of travelling with her) although I was also shown as a borrower.”
43. The loans were repaid.
44. In Riyadh, in the period spanning 1990 to 2010 (a significant period) Prince Hussam lived first in a villa within the grounds of Princess Noorah's house, and later in a newly built substantial property that is close-by Princess Noorah's house. Prince Hussam's evidence is that he was fully occupied in Saudi Arabia during this period:

“When I returned to Saudi after finishing my studies, I was eager to start building my future, establishing my business, and generating my own income to become independent and be able to support my growing family on my own. I started working at the Ministry of Defence at that time as advisor at the minister’s office and was assigned to the Tawazun Economic Program. I also became close to my uncle HRH Prince Sultan Bin Abdulaziz, the Minister of Defence at that time (God bless his soul) and was in his inner circle.”

45. Following his resignation from the Ministry of Defence he became involved in the commercial sector and was chairman of Zain Saudi from 2008 to 2013. Other enterprises were:

“mostly in Saudi, but a few abroad. Some of these businesses operated at a loss and were closed and some that were created never became active. Other businesses I sold and used the proceeds to spend on my responsibilities as a husband, a father, and a member of the Royal family. As a member of the Royal Family, I am expected to open my house to people and offer them all kinds of hospitality, listen to their problems, and needs and help them in any way possible, which includes financial aid.”

46. The Al Saud family adhere to Sharia law and local customs. Adherence requires gender segregation for non-mahram relatives when within the family home.
47. In the period before 2014 Prince Hussam would travel a great deal for the purpose of work or pleasure. He and his family would commonly stay in London to breakup the return journey to Saudi Arabia:

“We went to China, Japan, India, Peru, Mexico, South Africa, Canada, America, Thailand, Malaysia, Cost Arica, Tanzania, Kenya, Maldives, Indonesia, Columbia, Phillipine, Turkey, Seychelles, most of the Caribbean and the Cote d’Azur and many other places... We skied the Alps, paraglided, hiked mountains, rafted in rivers, slept in jungles and in an Ice Hotel. Cities were not our favourite place to spend vacations, especially cities we already knew and had explored... After my children got married, most of the time we travelled together including the spouses and the grandchildren and in most of the trips we stayed at the same hotel or resort. Although our relatives and extended family had properties in many places around the world, and although we have been invited to stay at their properties, we most of the times politely declined their invitations because my wife and I always preferred staying at hotels and resorts for the facilities, like 24 hours service, Pool, Gym, Spa, Business centre, Meeting Rooms, coffee shops and restaurants and most important a Lobby which allowed me to receive my male friends and guests, conduct my business meetings away from my wife and family in a similar concept to the Men’s quarter in our house in Saudi, which is

always located in a separate part of the house away from the family area.”

48. The hotel receipts and travel record produced by Prince Hussam are corroborated by the evidence of Gailan Ali, a driver for the Al Saud family in the period 2007 to 2016. He could not recall Princess Sarah or Prince Hussam staying at York House when he was their driver. He was able to remember, imperfectly, that he picked them up and dropped them off at the Milestone, 130 Queen’s Gate, the Brown’s and the Adria hotels.
49. In late 2016 or early 2017 Princess Noorah arranged, with the help of Princess Sarah, the purchase of three further properties near York House (54 Adam & Eve Mews, 56 Adam & Eve Mews and 1 Phillimore Terrace; collectively, the “New London Properties”).
50. The following is taken from the Judgment of Judge Barber [20-24]:

“20. These purchases were largely funded by Princess Noorah, save for a mortgage on 54 Adam & Eve Mews, which was taken out by Princess Sarah with the assistance of Princess Noorah.

21. Princess Noorah explained the thinking behind these purchases at paragraph 6 of her witness statement dated 18 January 2021 as follows:

“As the family expanded (I have five grandchildren and five great-grandchildren), it became increasingly difficult to accommodate them in York House when they came to London. So, I decided that additional properties need to be acquired for their use. In December 2016 and February 2017, three other properties.. [the New London Properties] .. were purchased in London, such purchases largely funded by me.”

22. The New London Properties have been the subject of a number of trust structures. At paragraph 15 of the 2019 Statement, Princess Noorah openly acknowledged that beneficial ownership of the New London Properties had been carefully arranged to ensure that Prince Hussam had no interest that could be attached, saying:

“I was, as I say, of course, aware of the arbitration and the award made. Having been involved in matters of business for many decades, I was quite well aware of the potential ramifications of giving [the Debtor] a beneficial interest in any of the London Properties...”

23.1 Phillimore Terrace and 56 Adam & Eve Mews were purchased in December 2016 in the names of Princess Sarah and three of her children. At the time of purchase, the legal owners entered into a declaration of trust, declaring these properties to be held on trust for Princess Sarah and all five of her children.

54 Adam & Eve Mews was purchased in February 2017 in Princess Sarah's sole name.

24. On 2 August 2017, Princess Sarah and each of her children made declarations that they held their respective interests in the New London Properties as nominees and bare trustees for Princess Noorah, who in turn made similar declarations that she held them as nominee and bare trustee for two Jersey trusts. The Jersey trusts provided for a lifetime interest for Princess Noorah alone and thereafter discretionary trusts for family members, with side instructions from Princess Noorah that under no circumstances should the Debtor (one of the discretionary objects) benefit. That Jersey trust structure was later unwound. In late 2019/early 2020, the private client department of Withers, the solicitors acting for Princesses Noorah and Sarah, advised "that there were a number of issues with the Trust Structures and that they were of no effect": witness statement of Mr Wood dated 21 February 2023. Accordingly, an application was made to the Jersey Court for a declaration that the trusts were of no effect. This was granted on 8 December 2020. The current position is therefore that (i) 54 Adam & Eve Mews is held in Princess Sarah's sole name and (ii) 56 Adam & Eve Mews and 1 Phillimore Terrace are held in the names of Princess Sarah and three of her children, on trust for Princess Sarah and all five of her children."

51. Princess Noorah wanted to gift the New London Properties to members of her family, but not to Prince Hussam. Princess Sarah said she left the implementation of the trust declarations to the lawyers. In his first witness statement Prince Hussam explains [33]:

"Further to my mother's wishes to take care of her grandchildren, she made funds available for the purchase of 1 Phillimore Terrace and 56 Adam & Eve Mews in December 2016. Both properties are jointly legally owned by my sons Prince Saud, Prince Khaled, Prince Abdulaziz and my wife Princess Sarah. Pursuant to a declaration of trust, these properties are beneficially owned by my wife and all of my five children. As my mother has made clear in her September 2019 statement and in her evidence made support of the 2021 Application she never intended for me to have a right to use or stay in the New London Properties."

52. On 4 June 2019, the Petitioner issued an application to obtain a charging order over York House and the New London Properties. The application was supported by the written evidence of Deborah Ruff. The response to the application was that Prince Hussam had no beneficial interest in York House or the New London Properties. In a letter dated 14 August 2019 Withers solicitors, then acting for Prince Hussam, wrote:

"To assist your client in coming to the conclusion that the application is doomed to fail, we are instructed to set out briefly

why the Defendant has no beneficial interest in the London Properties. It is not necessary for our clients to do this as, of course, their affairs are private... We deal first with 24 York House as that property has been held for the longest time. The sole legal and beneficial ownership of 24 York House is with the Defendant's mother, Princess Noorah. 24 York House has been her London home for more than 40 years and continues to be so. The lease was originally purchased by her with her own money. The same applies to the lease extension and the premium paid for it... The other London Properties were purchased in December 2016 and February 2017. The evidence in the affidavit is effectively identical for all three, i.e. speculation that the Defendant has a beneficial interest. Again, there is no actual evidence that he does and the reason for this is because he does not. As stated above, the burden is on you and you have failed to discharge that so that the application should be dismissed. All of the purchase monies for the other London Properties were provided by Princess Noorah. They came entirely from her own funds in which no other person had any legal or beneficial interest. For the avoidance of doubt, those funds did not relate to Saudi Plastic in any way. Princess Noorah wished for properties to be available for her immediate family, mainly her five grandchildren and some great-grandchildren in the vicinity of 24 York House so that the family could enjoy time together in London.”

53. It is worthy of comment that Prince Hussam had nothing to do with the purchase of the New London Properties (other than forwarding part of the money provided by Princess Noorah) or the declarations of trust. It is accepted by the Petitioner that he has no legal or beneficial interest in York House or any of the New London Properties.
54. The charging order proceedings were discontinued.
55. In April 2017 Prince Hussam was appointed by King Salman (the “King”) to be Emir of Al Bahah province. This was a major change for him and the Al Saud family. First, the position required him to leave his family in Riyadh to live in government supplied accommodation in Al Bahah. Secondly, his personal security was increased. Thirdly, as a public servant his time for holiday reduced (to 40 days a year, albeit his evidence is that the King would usually give permission to take more holiday time if he made a request). Fourthly, the number of staff provided to him increased (the staff included members of his office, three butlers, a secretary and a security contingent). Fifthly, when he travelled abroad he would take his office staff which usually comprised four people. Lastly, as a person of authority and responsibility in Al Bahah, Prince Hussam undertakes administrative and ceremonial duties, he is involved in strategic planning (currently aimed at attracting tourists), building projects (a medical city is planned), he is responsible for the security of the region and the pastoral care of its population. He said:

“they're my people, I meet them every single day...it's a lot of work”.

56. The last occasion that Prince Hussam visited London was in February 2018. He stayed in 1 Phillimore Terrace for 5 days.

The evidence

Evidence of Deborah Ruff

57. Deborah Ruff is a partner in the firm of Pillsbury Winthrop Shaw Pittman LLP and acts for the Petitioner. She has produced three witness statements for the purpose of the trial: the fourth, fifth and eighth.
58. In her fourth witness statement she challenges Mr Hanjra's evidence that he needed to have Prince Hussam registered at York House to assist with student visas. She has researched the requirements to obtain a student visa and asserts that there is no requirement to have proof of an address in the jurisdiction. Her team has consulted the Home Office guidance on applications for foreign students and the UK Government Immigration Rules for students. She asserts that it is perfectly possible to show an address within the jurisdiction for the purpose of opening a bank account without being registered for council tax and commented that she did not know why Prince Hussam needed a bank account. The evidence contained in the witness statement is not particularly helpful and even if it were argued that it complied with the requirements of PD 57AC, it fails to adhere to the spirit of the practice direction.
59. The fifth witness statement gives no evidence of fact. It is used as a vehicle to exhibit two witness statements of Ms Joanne Luce dated 2 and 9 September 2019 respectively. Ms Luce did not attend court, nor was she required to attend, for cross-examination.
60. In her eighth witness statement she says:
- “The only issue [is] whether or not Prince Hussam had a place of residence in this jurisdiction in the relevant period”.
61. The statement contains further opinion and submissions. She seeks to counter Prince Hussam's evidence about gender segregation in the home. Her statement explains that the facts she deposes to are known to her from managing the file in this matter and earlier proceedings. Her opinion is evident [11]:
- “whatever the cultural restrictions on Saudis when in Saudi Arabia as regards mingling of the sexes and other matters, these restrictions are not necessarily observed when Saudis are holidaying or living abroad, particularly in Western Europe where gender mixing will be inevitable (travelling by plane, staying in hotels, studying in universities etc.). Nor is gender segregation always observed, with many Saudi Arabian households having servants (who are not relatives) living in the house and many Saudi women being driven by chauffeurs.”
62. She seeks to challenge Prince Hussam's evidence by way of submission. In particular she challenges his statements about his ability to participate in business, his assets (or lack of them), responsibilities, the role as Emir and his statement that in 1990 he decided he would not live anywhere else except in Saudi Arabia.

63. In cross-examination she was asked questions about her knowledge of the facts she had stated in her witness statements.
64. She admitted that some of her evidence was based on her opinion. She had undertaken research to produce her evidence.
65. She was tested on some of her submissions/opinions in cross-examination. She accepted she did not know from her own personal knowledge that Prince Hussam required a large entourage each time he travelled outside Saudi Arabia. She doubted he did, but at the same time accepted that this is “my subjective opinion”.
66. It was put to her that she had a personal relationship with one of the arbitrators. The matter did not seem to go very far.
67. She was asked about Khalwa (mixing of sexes inside): no man is permitted to be alone with a woman except with Mahram. And she was asked about Majlis (sitting areas). She responded that she drew upon her personal experience of working for a Saudi organisation for eight years, visiting Saudi Arabia and acting for clients. From this she was able to say that Majlis is not universal in all homes. That may be the case but it does not help the court decide whether it is the case in the Al Saud family.
68. Ms Ruff was ready to admit when she could not speak with confidence about an issue. She has no first-hand knowledge of the events that took place. I am unable to lend much weight to her evidence.

Evidence of Princess Noorah

69. Princess Noorah has provided two witness statements for trial. A third statement was produced in the charging order proceedings initiated in 2019.
70. She gave her evidence remotely from Riyadh. Her evidence was given through an interpreter although she answered a small number of questions using the English language. The legal team of Prince Hussam asked the court to make special provision for her to have breaks on a half hour basis. In the event, when she was asked if she needed a break, she declined.
71. She said in cross-examination that the relationship with Prince Hussam was very strong, that they support each other and she would do all she could to help him, within reason. She said that Prince Hussam had a close relationship with Princess Sarah, that they were happily married and their children are respectful.
72. She had purchased York House in 1976 because England is “the best country to stay in”. She had travelled to London many times previous to the purchase and stayed in hotels. She had purchased no properties in other countries outside Saudi Arabia. Her motivation for the purchase was that she wanted to have a family home for her and her son when he was young: “he was my responsibility”.
73. There was a tension in her evidence about wanting York House to be a family home but not to accommodate any woman he may marry. She said that when Prince Hussam married he would have to move out. She was taken to her witness statement dated 3 September 2019 where she had said that her grandchildren had stayed with her. In this

witness statement she had explained that York House was a substantial apartment and had room for family members to stay and reside there with her. The statement was produced at a time when there was a challenge as to the property rights in York House. It is inconsistent with her evidence that family members did not stay with her when they were adults. She said in oral evidence that this part of her 2019 statement was wrong. Later in her evidence she accepted that Prince Hussam stayed at York House with Princess Sarah after they had married but before they had children. She did not say that they stayed whilst she was in occupation. It is possible that she intended to say that Prince Hussam and Princess Sarah moved out in the university long vacation (with children when they were born). Later again she said that Princess Sarah stayed at York House when she and Prince Hussam had one child. And when they had two children, the children used her bedroom.

74. Her evidence was criticised in closing on the basis that there had been a shift in emphasis since 2019. Her current position is that the relationships are formal and family members ask permission to stay at York House.

75. She was asked about York House remaining empty when not used by her or one of her grandchildren. She said that she decided not to rent the property because she wanted it to be available for her and her family. She never discussed her intended use of York House with Prince Hussam.

76. She was asked about how freely Prince Hussam was able to use York House. Princess Noorah said he was required to seek her permission. In response to a question about whether she would allow him to stay if he asked, she responded:

“Yes, yes, of course, I allow this. When he asks me, I allow him and I take permission, as I said, from the officer. He is my only son, you know.”

77. She explained that Prince Hussam had more options as to where to stay if he visited London once he became financially independent (that is, after 1990). Her evidence is consistent with the evidence given by Prince Hussam when he said:

“If I needed her, I'm sure she wouldn't mind, but, you know, my main ambition is to be independent of anybody.”

78. She was asked why Prince Hussam's name was not included on the titles to the New London Properties. It was put to her that the reason was because of the Arbitration Award. She answered:

“I don't know this is Sarah's business.”

79. It is said by the Petitioner that her answer was evasive. The answer she gave is consistent with the evidence given by Prince Hussam when he was asked the same or a similar question. Prince Hussam responded passionately:

“Not at all, actually. I don't think that way. Of course everybody want to protect his things, but this house, I told you now and I swear on the Koran before I start this, I will tell you the truth and nothing but the truth, this house [the New London Properties]

bought by my mother for my kids and their wives and their kids, and of course Sarah as well. That's the whole purpose of buying this house and it was definitely in the name of the people who this house is bought for.”

80. It was evident that Princess Noorah was vague about her knowledge of the New London Properties but that does not mean she was evasive. I do not find she was an evasive witness. As the wife of the deceased King she has never had to concern herself in matters of business or the niceties of property ownership. Her vagueness may well expose the truth about the reason for the purchase of the New London Properties namely, it was for Princess Sarah and her grandchildren. It did not concern her.
81. She accepted that if Princess Sarah was staying in 54 Adam and Eve Mews and Prince Hussam was with her, he would also stay at the property. She was aware that they stayed together in 1 Phillimore Terrace in February 2018.
82. She was asked about the registration of Prince Hussam as the person responsible for council tax at York House until 2019. In her statement she held the line that registration was an expedient as it assisted when obtaining student visas for her grandchildren. She was asked how paying council tax assisted with obtaining student visas. She did not know.
83. Princess Noorah was doing her best to assist the court. Where her oral evidence is inconsistent with her written evidence it is less reliable than where it is consistent. I do not accept the charge levelled by the Petitioner that she gave evidence from a script. There was no script evident and the Petitioner did not seek to raise the issue with the court at the time. If by reference to a script, the Petitioner intends to say that the evidence was rehearsed, she had confirmed her statements as true at the beginning of her evidence. It is not unknown for a witness to read her witness statement before cross-examination.
84. I had the distinct impression that others around her (but not Prince Hussam) had taken some of the major decisions about the New London Properties since their purchase. I find that the person who had the most influence in relation to the purchases was Princess Sarah.
85. Princess Noorah did not know the detail of any transactions because she was not involved in the transactional details of purchase, renovations, refurbishment, ongoing expenses, council tax, travel arrangements or other domestic matters that the majority of a population take pleasure in doing. I have no doubt it was Princess Noorah's idea to purchase York House and later the New London Properties. I accept her evidence that York House was used and continues to be used by her as a summer and occasional home. It is a place for her to enjoy when the heat of the summer in Saudi Arabia is uncomfortable. I accept her evidence that whilst other members of the Al Saud family have stayed at York House from time to time and since the purchase of the New London Properties, those occasions are rare.
86. One difficulty arose in the course of her examination that is worthy of a mention. I was informed that the interpreter had made mistakes translating and a second interpreter stepped-in to complete the translation of her evidence. The court has no way of knowing the magnitude of the mistakes or whether the mistakes had the effect of making some

of the evidence given sound vague and unreliable. I have regard to this issue, and more generally, that the evidence was given remotely, and the events she was asked about occurred sometime ago. Some of the evidence she gave was valuable and reliable but where her evidence was vague or uncorroborated, I shall treat it with caution.

Evidence of Prince Hussam

87. Prince Hussam was asked about his relationship with Princess Noorah and Princess Sarah. He was cross-examined on the time he spent in London between 1985 and 1990 when he finished his studies. He was asked questions about the purchase of York House, the purchase of the New London Properties, and how frequently he had stayed in York House or the New London Properties since 1990. He was taken to the judgment of Judge Barber who found that his liability to pay council tax for York House until December 2019 a significant factor in deciding there was a good arguable case for the purpose of service out of the jurisdiction.
88. He was cross-examined on his travel arrangements and the number of times he had flown into London. In his oral evidence he said that when he returned to London for short stays he preferred to stay in hotels. He said that York House was too small to remain in for long periods due to the size of his entourage. He denied he had a residence.
89. He gave evidence about the culture and customs in Saudi Arabia, and how he and his family adhered to them. He explained that if someone owns property then permission should always be asked to use the property: "it is common sense". He said that York House is owned by Princess Noorah. He therefore would ask permission to use York House when she was not in occupation (if she was in occupation he would not seek to use it). He gave evidence that she had refused his request on one occasion, which was respected. Work was due to be done on the property and she was not prepared to delay the work so that he could stay.
90. He stayed in one of the New London Properties for 5 days in February 2018 with his wife, Princess Sarah. Princess Sarah is not the sole owner of 1 Phillimore Terrace but invited him to stay because she wanted to show him the house. This was the only New London Property Prince Hussam stayed in.
91. The evidence is that 56 Adam and Eve Mews Properties and 1 Phillimore Terrace are jointly legally owned by Princess Sarah and her sons, Princes Saud, Khaled and Abdulaziz. These properties are beneficially owned by her and her five her children pursuant to a declaration of trust dated 23 December 2016. 54 Adam and Eve Mews is different. Princess Sarah is the sole owner in law and holds it on trust for herself only. 54 Adam and Eve Mews was not furnished to a standard that suited Princess Sarah. Prince Hussam said that the visit to 1 Phillimore Terrace was a holiday with Princess Sarah. He explained that location of the holiday did not matter to him so much as spending time with Princess Sarah. He said that he had asked Princess Sarah if he could stay.
92. This evidence is better explained by a request made by Prince Hussam to Princess Sarah to seek permission from the owners namely, their children. This would not be inconsistent with his earlier approach about the occasions when he would ask for permission to stay at York House. Prince Hussam did say that he left it to Princess Sarah to ask the children. Prince Hussam gave reliable evidence when he explained:

“of course they will agree, there will be no problem, but this is the right thing to do. I wouldn't go to my children house where their wives are there, their clothes are there, remove their clothes out of the rooms and -- you know, it's not something we do. It's not our usual behaviours, you know. Our usual behaviour if somebody has a house, for him and for his wife, and for even the wives wouldn't like that we move them from room to room and move their clothes from room to room, their kids with their things. So the permission, what does the permission mean? It's not the permission as you understand it: please can I ask, can I stay? No, permission is if it's okay that we use some of the rooms which are not going to be your kids or your wife instead we have other people as well, we have five kids, four kids and a daughter, she has a husband, they have wives, there's different people. It's not only our kids, it's other people as well, other respected people, we have to take care of them and respect them. We will not go to a house and then everybody can go from the street and live in the house, not ask any permission from anybody, we don't do this, this is not our way of living.”

93. On the other hand Prince Hussam said he would not seek permission from Princess Sarah to stay at her residence in Riyadh. He had been the owner of the residence when it was first built, but gifted it to her at a later date. As he was once the owner of the 15,000 square metre residence, he does not require her permission, even though she is now the owner. The complex web of permissions is not always easy to understand through Western eyes but that does not make it a “nonsense” as submitted by the Petitioner.
94. He was cross-examined on using York House when recovering from medical treatment. He explained that he stayed at the invitation of Princess Noorah who thought it would be helpful as it had step free access. It was put to him that the Milestone Hotel had step free access. He was shown photographs of the hotel. Every photograph contained pictures of steps. It was put to him that staying at York House provided greater privacy. He responded that any apartment would provide privacy but at this time he was recovering from medical treatment and it was:
- “the only time I needed privacy to be honest, for lawyers and things like that...”.
95. Prince Hussam said in oral evidence that security advice received upon his appointment as Emir of Al Bahah was put into practice. The strategy is to not create a travel or occupation pattern to prevent easy tracing when he is travelling outside the Kingdom.
96. He had no knowledge of the trust devices entered into on 2 August 2017 and used for the New London Properties and York House. That is unsurprising since (i) it has never been said that he was involved in the advice taken from Acqua (ii) he signed none of the trust instruments and (iii) it has never been said that he attended the offices of Acqua when the trusts were executed. This is consistent with his evidence that he has no ownership rights in York House or the New London Properties.

97. He said that he had taken advice about purging his contempt of court and had left the issue in the hands of his lawyers. He said that since 2017 his holidays had been more restricted but he could take more extended holidays with the permission of the King. He did not deny he had assets outside of Saudi Arabia but said that any assets outside the Kingdom have no value. Two assets identified by the Petitioner are a company incorporated in Lebanon and a BVI incorporated company, neither of which traded or trades.
98. The evidence he gave was not evasive. His evidence on key issues is corroborated by other witnesses such as Princess Sarah, Gailan Ali and Mr Hanjra. I assess his evidence as honestly given and reliable.

Evidence of Gailan Ali

99. Gailan Ali was an independent driver and had worked for Prince Hussam and his family when they visited London in the period 2007 to 2016. He kept a schedule. His evidence is that he was usually asked, by Mr Hanjra, to be available in the summertime, around July and August. His evidence is that the Al Saud family (not necessarily Prince Hussam) would come to London together and stay on average between 10-15 days. Mr. Hanjra would act for the family and make the arrangements. Mr Hanjra would sometimes hire a car for Mr Ali, when driving the Al Saud family, usually a S-Class Mercedes-Benz. If Prince Hussam and Princess Sarah arrived they would be driven by Mr Ali.
100. He was tested about the usual location for pick-up. He was asked about the journeys, whether he could overhear conversations between Princess Sarah and Prince Hussam, and about the drop-off destinations. He recalled the hotels they stayed in and explained that he would take them to York House to visit Princess Noorah. After the visit, which never lasted over night, he would drive them back to a hotel or to a shopping destination. He could not recall any time in the period 2007 to 2016 when Prince Hussam and Princess Sarah had stayed at York House.
101. He was asked if Prince Hussam was rewarding him for giving evidence. He categorically denied this to be the case saying he had given up driving in 2016 and started his own business which engages him full-time.
102. Overall Mr Ali's evidence is reliable.

Evidence of Sam Lami

103. Sam Lami provided a witness statement dated 11 July 2024. He explains that he has worked for the Al Saud family for a number of years and is a self-employed driver. He has many other clients. His evidence is that he was a driver for Prince Hussam for short periods between 2015 and 2017. He has had no personal dealings with Prince Hussam since 2018. His evidence is not too dissimilar to that of Mr Ali in that he only recalls driving Prince Hussam to and from hotels:

“When Prince Hussam would visit London, he and his family would stay in hotels nearby Princess Noorah's home at York House Place. I recall that Prince Hussam would stay at Browns in Dover Street, or another hotel (the name of which I cannot

remember) which was located nearby High Street Kensington. I remember that the hotel in High Street Kensington was preferred by Prince Hussam and I regularly picked him up from and dropped him off there. I do not have any memory of Prince Hussam residing at York House...”

104. Once sworn, his evidence was not challenged. I accept his evidence.

Evidence of Mr Khalid Hanjra

105. Mr Hanjra has made three witness statements. He began working for Princess Noorah in 1982. His job is multi-faceted but includes looking after York House and the New London Properties. He arranges visas for staff who accompany Princess Noorah, Prince Hussam and Princess Sarah or any member of the Al Saud family. He arranges travel itineraries for the family which, by his description, are often complex. He explained that an itinerary can take about 6 months to organise. He lives in London.

106. He was challenged about the registration for council tax, it being put to him that he registered Prince Hussam because he was resident. He explained that when Prince Hussam began his studies in London he thought it necessary to include him on the register. He said that registration had been helpful when undertaking his duties. He used the registration as an expedient. As an example when staff came to London he would apply for their visas on the basis that Prince Hussam acted as a sponsor. He said that the secretary would complete the visa forms, and a sponsorship letter was written on behalf of Prince Hussam before being sent to the embassy. The visa forms would require a place where the sponsored person would stay while in England. At times, he said, the entourage may comprise 25 to 30 people. It would not be convenient to give a hotel address, as a hotel would require payment in advance at a time when he had not finished the itinerary. The entourage could include all staff for the Al Saud family including butlers, office staff, a lady in waiting and one or more nannies.

107. When general rates became the poll-tax, Prince Hussam’s name was automatically included as someone liable under the new tax, and when the poll-tax became council tax in 1993, the same happened. Mr Hanjra, using his hands to demonstrate, said: “it flipped”. He was conveying to the court that there was no need for intervention from him for the registration of council tax. This did not mean that he had not intended to allow the registration. His evidence was that he thought it a good idea and if he had made a mistake and it was not necessary, the mistake was his, because it was his responsibility.

108. He said that he takes care of all the administrative affairs in the West for the Al Saud family. There was no chain of command as such as he was given free rein to do what was required. His evidence is that he is trusted by the Al Saud family.

109. The evidence given in cross-examination on the issue of council tax was consistent with the written evidence in his first witness statement dated 13 September 2022:

“This process was unchanged from early on in the London Years until the mid-2010s due to its administrative convenience. In particular, by Prince Hussam remaining registered for council tax, I was assisted in undertaking the administrative tasks that

arose in carrying out my duties, including looking after York House, making travel arrangements for the Al Saud Family and obtaining visas.”

110. His evidence is reliable.

Evidence of Princess Sarah

111. Princess Sarah gave evidence that she was married at 16, she stayed in London with Prince Hussam while he studied and they enjoyed travelling and participating in outdoor pursuits during vacations. Whilst in London they lived in York House unless Princess Noorah was in occupation. On those occasions they would take alternative accommodation, return to Saudi Arabia or travel. When their first child was born they continued to live at York House with the nanny staying in the child’s room. The same happened when their second child was born. Princess Noorah adapted the apartment by adding a stud partition to create an additional room.
112. They moved back to Saudi Arabia after Prince Hussam completed his studies in 1990. Prince Hussam worked with Prince Sultan and started his own business. Her evidence is that they would tend to visit London in the summer to see Princess Noorah. London was also a stop-off or travel-break point for their travels when heading further West. They would break their journey in London when returning East to Saudi Arabia. On occasions they would visit the children when they lived, worked and studied in London. However, more often than not, the children would return to Saudi Arabia to visit them.
113. It was Princess Noorah who wanted to purchase the New London Properties. Her motivation was to provide a place for their children to stay as well as providing some financial aid to her grandchildren and Princess Sarah. Princess Sarah explained that Princess Noorah treated her like her own daughter.
114. Princess Sarah did not know the details of the payment mechanism made to purchase the New London Properties, only that staff were instructed to take care of the purchase and send money via bank transfer: “I have people to deal with these things”.
115. She was, however, aware of how the New London Properties were funded. She said in her statement dated 13 September 2013 [13]:

“The purchase was funded partly by the money provided by Princess Noorah and partly through a mortgage from Coutts. Although the mortgage deed is in my sole name, Coutts required the loan to be in the joint names of the Defendant and me as I had no residential address or financial track record in the UK at that time. They required a bank account to be opened in joint names from which the mortgage payments would be taken. This is what happened. All of the mortgage payments have been made by money being paid into that joint account by my company, Lenea International Est as can be seen from the statements. I am the sole signatory on the Lenea International Est account. These payments are funded by a combination of income from Lenea and my personal income (I have a monthly allowance from the

government and some other personal income) which I have paid in to the Lenea account for this purpose.”

116. She was able to recall some aspects of what has become known as the Acqua Structure. The Acqua Structure is named after Acqua which is a Jersey based company that advises on tax efficient structures. She recalled meeting a representative of Acqua once or twice to sign documents. When tested on the detail of the Acqua Structure, Princess Sarah said:

“What I recall is that trust is very complicated for me. It's like a maths puzzle and I hate puzzles, so I left it to the lawyers.”

117. It is said that her evidence is not reliable as she was saying on one hand that she did not understand trusts and on the other could recall some of the detail. There is, in my judgement, no inconsistency. First, Princess Sarah had met Joanne Luce of Acqua when signing the documents. She could recall doing so. Secondly, she is likely to have read some of the documentation. Thirdly, she has been involved in these proceedings for some years where she has needed to rely on her evidence. She provided a witness statement on 3 September 2019 in which she recounted the discussion with her family about tax planning and approaching Acqua. She referred to a statement of Joanne Luce. In her statement Ms Luce explained the New London Properties were held in a trust structure administered by Acqua where the properties were held on bare trust for Princess Noorah who in turn held them for NAD QNUP1 and NAD QNUP2. Ms Luce confirmed that Prince Hussam had no interest in the properties. This will have informed Princess Sarah without her need comprehensively to understand trust law. And lastly, it is to be expected that Princess Sarah would have read her witness statements before stepping into the witness box. I find on the balance of probabilities that her evidence is reliable, and not evasive, as claimed.

118. Princess Sarah gave evidence that when the Al Saud family found out that the Acqua Structure did not do what they thought it did, it was revoked. This evidence is not inconsistent with her claim that trusts are complicated and she left the detail to the lawyers.

119. Her evidence is corroborated by the witness statement provided by Peter Wood of Withers LLP dated 21 February 2023. His evidence (he was not called as a witness) is that Princess Noorah and Princess Sarah took advice from the firm's private client department who advised that there were a number of issues with the trust structure so that it had no effect. Withers LLP were subsequently instructed to make an application for a declaration that the trusts had no effect from the time they were executed. Mr Wood confirms that [19]:

“56 Adam and Eve Mews Properties and 1 Phillimore Terrace are jointly legally owned by her and her sons, Princes Saud, Khaled and Abdulaziz. Furthermore, since only four legal owners can be registered on the legal titles, they are beneficially owned by her and all five of her children pursuant to a declaration of trust dated 23 December 2016.”

120. Further questions were asked about the ownership of the New London Properties. Princess Sarah provided answers largely consistent with her evidence in chief with the possible exception of a question about the refurbishment of 54 Adam and Eve Mews.
121. In her witness evidence she said that this property had been modestly fitted out. It had been fitted out to accommodate “my requirements”. In oral evidence she said it was not suitable for her. It was suitable for her son Khaled. The manner in which the evidence came across was that her requirement was for the property to be fitted out for a standard suitable for Khaled, not for her. The cross-examination on this point was short, but given the context of the evidence and her earlier evidence that “Khaled always stayed there”, her requirement was that it be suitable for Khaled. The Petitioner rightly questions this evidence submitting it is an example of intransigence and an example of a deeper symptom of unreliability. I do not take that view of her evidence. It is certainly the case that she was not intimidated by the court surroundings or the process of cross-examination, but that does not mean that her evidence was unreliable.
122. She was questioned on her visit to London in February 2018, when she invited Prince Hussam to travel and stay with her in 1 Phillimore Terrace. Her evidence was that he did ask permission to stay notwithstanding the invitation. She explained:
- “Because he asked me if he could stay when I said come and see the house, he asked me to check if the others --because I am the one who speak with the children, it's not appropriate for a father to go -- if I am the mother and I am one of the beneficiary owners, why should he go and ask his children?”
123. In my judgement the evidence she gave was not scripted, in the sense that it was so rehearsed that it was not credible. She was an attentive listener, asked for clarification of a question when she required it, and she was assertive when she felt that she was not being given an opportunity to explain an answer fully.
124. Overall Princess Sarah gave credible and reliable evidence.

Mr Mohammed Ali Peedikayil

125. Mr Peedikayil provided a witness statement dated 11 July 2024. He is a porter at York House and has kept this position since 1999. In his witness statement he said that his memory is that Prince Hussam had not visited York House since “around 2013”, and when he had visited it was for short periods only: “a few hours at most and he would then leave”.
126. Prince Hussam did not call Mr Peedikayil as a witness. I attach little weight to his evidence since he could not be tested upon it.

Analysis

A question of law

127. The grounds of jurisdiction for a creditor’s bankruptcy petition under the IA 1986 are set out in s.265:

“(1) A bankruptcy petition may be presented to the court under section 264(1)(a) only if –

(a) the centre of the debtor’s main interests is in England and Wales, or

(ab) the centre of the debtor’s main interests is in a member State (other than Denmark) and the debtor has an establishment in England and Wales, or

(b) the test in subsection (2) is met.

(2) The test is that –

(a) the debtor is domiciled in England and Wales, or

(b) *at any time in the period of three years ending with the day on which the petition is presented*, the debtor-

(i) has been ordinarily resident, or *has had a place of residence*, in England and Wales, or

(ii) has carried on business in England and Wales.”

(my emphasis)

128. I have been referred to authorities where the courts have considered the meaning of residence in different contexts and under different legislation, such as *Levene v Commissioners of Inland Revenue* [1928] AC 21, which was concerned with residence for tax purposes. Mr Levene was a “householder” in London, surrendered his lease and sold his furniture to leave England. He received medical treatment in England that necessitated a stay of between 4 to 5 months each year. It was found that he had formed an intention of living abroad for the greater part of the year but had not executed the intention by taking a lease of an apartment in Monte Carlo. Viscount Cave LC observed that the word “reside” in the legislative phrase “ordinarily reside” should be given its ordinary meaning namely:

“to dwell permanently or for a considerable period, to have one’s settled or usual abode, to live in or at a particular place”.

129. Viscount Cave reasoned that it should not be difficult to determine where a man has settled, and if he leaves his residence from time to time for business or pleasure, he is no less resident there. Giving examples he said [223]:

“a person who has his home abroad and visits the United Kingdom from time to time for temporary purposes without setting up an establishment in this country is not considered to be resident here... a man may have two homes- one in London and the other in the country- so he may have a home abroad and a home in the United Kingdom, and in that case he is held to reside in both places...”

130. In *Cooke v Charles A. Voegler Co.* [1901] AC 102 the respondents were citizens of the United States domiciled and residing in the State of Maryland, but for some years carried on business and had an office in England. The Petitioner sued for a receiving order against them. The Lord Chancellor said that the case turned on the meaning of the word “debtor” in the framework of the 1883 Bankruptcy Act. Lord Davy thought the question was whether an act of bankruptcy had been committed in England, and agreed with the Registrar and Court of Appeal that it had not been so committed. The Earl of Halsbury LC said:

“English legislation is primarily territorial, and it is no departure from that principle to say that a foreigner coming to this country and trading here, and here committing an act of bankruptcy, is subject to our laws...”

131. And elaborating on the issue of jurisdiction [108]:

“The words “debtor” and “creditor” certainly cannot be sufficient to give jurisdiction to the English Court of Bankruptcy, because, if unlimited they would give jurisdiction all over the world in respect of debts, petitions, or acts of bankruptcy committed anywhere; and it is a familiar maxim of the law," *Extra territorium jus dicenti non impune paretur.*" Once it is admitted that a limit must be placed upon those words, it must follow that the limit must be "debtor" and "creditor" respectively who are subject to the jurisdiction of the English bankruptcy law. And this is not an assuming of the question or a mere inverting of the proposition, because if one sees what jurisdiction is expressly created it will be seen that the limitation to the English bankruptcy jurisdiction is necessarily local. It does not include Great Britain. It is limited in its terms to England; and I think it would be impossible to suppose that if the Legislature had intended so broad a jurisdiction as is contended for here, it would not have conferred it by express enactment.”

132. In *Fox v Stirk* [1970] 2 QB 463, the issue was whether students were resident in the constituency of their respective universities for the purposes of the Representation of the People Act 1949. In argument Nicolas Browne-Wilkinson adopted the definition “reside” given by Viscount Cave in *Levene v Inland Revenue and Commissioners* and argued that residence is not a state of affairs on a particular day, and where someone divided his time between two places there are two possibilities: (a) he might have two residences or (b) one of the places might not have the degree of occupation to constitute residence. Lord Denning agreed with the definition given by Viscount Cave and discerned three principles [475]:

“I derive three principles. The first principle is that a man can have two residences. He can have a flat in London and a house in the country. He is resident in both. The second principle is that temporary presence at an address does not make a man resident there. A guest who comes for the weekend is not resident. A short-stay visitor is not resident. The third principle is that

temporary absence does not deprive a person of his residence. If he happens to be away for a holiday or away for the weekend or in hospital, he does not lose his residence on that account.”

133. Lord Denning formed the view that [475 G]:

“I think that a person may properly be said to be "resident" in a place when his stay there has a considerable degree of permanence.”

134. *Levene v Inland Revenue Commissioners* was cited with approval more recently in an appeal involving the Education Acts 1944, 1953, 1962 and 1980: *R v Barnet London Borough Council ex p Nilish Shah* [1983] 2 AC 309, 341, 343G. The term under consideration was “ordinary residence”. A different test. Nevertheless the judgment provides considerable learning and demonstrates that it is legitimate to have regard to how the same or similar language is used in tax and other statutes. Lord Scarman observed [340 F-G]:

“Ordinary residence is not a term of art in English law. But it embodies an idea of which Parliament has made increasing use in the statute law of the United Kingdom since the beginning of the 19th century. The words have been a feature of Income Tax Acts since 1806. They were used in the English family law when it was decided to give a wife the right to petition for divorce notwithstanding the foreign domicile of her husband: Matrimonial Causes Act 1950, section 18 (1) (b). Ordinary or habitual residence has, in effect, now supplanted domicile as the test of jurisdiction in family law: and, as Eveleigh L.J. in the Court of JJ Appeal [1982] Q.B. 688, 721-722, reminded us the concept is used in a number of 20th century statutes...”

135. The legal test required, according to Lord Scarman, a degree of settled purpose:

“And there must be a degree of settled purpose. The purpose may be one; or there may be several. It may be specific or general. All that the law requires is that there is a settled purpose. This is not to say that the "propositus" intends to stay where he is indefinitely; indeed his purpose, while settled, may be for a limited period. Education, business or profession, employment, health, family, or merely love of the place spring to mind as common reasons for a choice of regular abode. And there may well be many others. All that is necessary is that the purpose of living where one does has a sufficient degree of continuity to be properly described as settled.”

136. In another context, the Court of Appeal considered whether a person had a place of “usual residence” for the purposes of CPR r.6.9: *Varsani v Relfo* [2010] EWCA Civ 560. The defendant claimed he had no place of residence in the United Kingdom. Much of the argument on appeal turned on the use of the word “usual” in the phrase “usual residence”. Etherton LJ found that it was critical to analyse the defendant’s “pattern of life” [29] and adopted the concept of residence as elucidated in *Levene v Inland Revenue*

Commissioners [27], whilst noting that counting the days when someone stays at a place is not sufficient to determine residency [29-30].

137. In *Re Brauch* [1978] Ch 316 the Court of Appeal heard an appeal from Registrar Hunt. The debtor was the lessee of a house which was occupied by the mother of his son, at which he might have stayed from time to time. The Registrar held, on a jurisdiction challenge, that during the relevant 12-month period, the debtor had “ordinarily resided”, “carried on business” and had “a place of business” in England and Wales. Accordingly the petitioning creditor was entitled to present a petition under section 4 (1)(d) of the 1914 Bankruptcy Act and a receiving order was made.

138. On appeal Goff LJ explained, after being referred to *In re Nordenfelt* [1895] 1 QB 151 [335A]:

“I think it may be possible to find that the debtor had a dwelling house in England although he was not in fact in occupation of it at any time during the year. If it be established that he had a dwelling house to start with *but he happened to be away throughout the year for a temporary purpose but with intent to return*, it may be that on the facts of a particular case one could find he had a dwelling house, but the more there is actual occupation, the easier it is to reach the conclusion that there was a dwelling house, and the shorter the actual occupation, the more difficult it becomes.” (emphasis supplied)

139. Goff LJ said [335D]:

“...he had installed the mother of his son there, and it appears from the evidence that he did at least go to see her there and may well have stayed nights, although whether he ought to be regarded as her guest or she as his might be a somewhat difficult question.”

140. Buckley LJ agreed (as did the rest of the court) and added [337A]:

“It does not follow that this is the only way [identifying a single residence] in which [residence] this can be proved. If the evidence satisfies the court that the debtor has lived in England for a sufficiently substantial period in a manner or for a reason inconsistent with his presence in the country being of a purely transitory character, I can see no reason why the court should be precluded from finding that he ordinarily resided here within the meaning of section 4 (1) (d) merely because the evidence does not disclose where in England he was living.”

141. Under the 1914 Bankruptcy Act the term used was “had a dwelling-house”. This changed to “had a place of residence” in the IA 1986. The parties agree it is the same test but different wording. Although the IA 1986 changed the language used in the 1914 Bankruptcy Act from dwelling-house to residence, in the Roth J Judgment, Roth J held [para 22]:

“Accordingly, in my judgment, *Re Brauch* continues to retain its precedential effect when addressing the meaning of “place of residence” under s. 265.”

142. The question of definition arose recently in *Lakatamia Shipping Co Ltd v Su* [2021] Bus LR 1285 where Bacon J turned to the tax cases and considered the degree of permanence. In her judgment the various different tests for jurisdiction within section 265 IA 1986 should be read ejusdem generis and found that place of residence required the petitioner to demonstrate [37]:

“some degree of permanence, some degree of continuity or some expectation of continuity.”

143. In addition she found that the residence had to be that “of the debtor” [24]-[25]:

“[24] On the basis of the submissions made before me today the appeal comes down to *a very short point of statutory construction: does the test of having a place of residence in section 263I simply mean, as Mr Underwood submitted, that the debtor should have had an entitlement of some sort to occupy a place that is capable of being described as someone's place of residence or does it require an assessment of the quality of the residence of the debtor, as Mr Phillips submitted ?*

[25] On that point I have no hesitation in rejecting Mr Underwood's submission. In the first place, it is not supported by the statutory language. As set out in section 263I(2), the test is that “the debtor .. has had a place of residence”. On the plain meaning of those words, therefore, the residence must be that of the debtor not someone else. Mr Underwood's construction effectively asks the court to rewrite the statutory language and replace the concept of residence with *one of mere occupation*. But that is not the wording used in section 263I.”

(emphasis supplied)

144. A “settled or usual place of abode or home” or a place of residence that has “some degree of permanence, some degree of continuity or some expectation of continuity” provides sufficient connection with the jurisdiction, in my view, to found jurisdiction which might lead to the making of a bankruptcy order.
145. A sufficient connection is relevant in other insolvency contexts. In *Re Paramount Airways (No. 2)* [1993] Ch 223 the Court of Appeal decided, on an application made pursuant to s.238 IA 1986, that the phrase “any person” given the literal and natural meaning, gave the court jurisdiction to make an order against foreigners resident abroad, but the discretion should be exercised only where the defendant is sufficiently connected to England and Wales. *Paramount Airways* was applied by the Supreme Court in *Bilta (UK) Ltd v Nazir (No 2)* [2016] AC 1, at [110] (Lord Sumption).

146. The Privy Council, in a jurisdictional gateway case, *AWH Fund Ltd (In Compulsory Liquidation) v ZCM Asset Holding Company (Bermuda) Ltd* [2019] UKPC 37, agreed. Lady Arden noted [55]:

“The real protection for the foreign respondent is that there has to be a sufficient connection between the respondent and the jurisdiction of the Supreme Court of The Bahamas before the court has jurisdiction to entertain the claim for avoidance of the payment of the redemption proceeds under section 160 if the respondent is outside its jurisdiction (see *Paramount Airways* above).”

147. The difference between sections 238, 213, 423 IA 1986 and section 265 IA 1986 is that the latter section provides a test for sufficient connection. And legislation has long provided that the court will have jurisdiction if, at least, the debtor is found to have had a residence within a specified period prior to the presentation of a petition: *Ex parte Crispin* L.R. 8 Ch 374, 380; *Ex parte Blain, In re Sawers* 12 Ch D. 522, 526 (Cited in *Cooke v Charles A. Voelger Co* [108, 116]) and the more general discussion in Dicey, Morris & Collins 16th Ed 30-42-30-63.

148. The test, “had a place of residence”, enacted in the IA 1986 or the earlier language used in the 1914 Bankruptcy Act, has been considered by the courts at all levels for over a century. Differently constituted courts may have used slightly different terms to describe the legal test, however a consistent pattern emerges to the effect that the quality of occupation must be meaningful to engage jurisdiction:

- i) Section 265 IA 1986 ought to be considered in the context of producing an interpretation for the court assuming jurisdiction to administer a foreigner’s affairs: *Cooke v Charles A. Voelger Co*;
- ii) A debtor may have a legal or beneficial interest in a property but not be resident: *Nordenfelt* [153], *Portrait v Minai* [2023] BPIR 1205;
- iii) The express use of residence for the purpose of grounding jurisdiction in legislation, whether it be “ordinarily” resident “usual” residence or a place of “residence” is a tool used in many statutes in diverse areas of law over many years. It is not a term of art. It requires the court to make findings of fact to the extent that the person had a settled purpose for residing, such as education, business or profession, employment, health, family, or merely love of the place: *Barnet London Borough Council ex p Nilish Shah* [343] applied in *Mark v Mark* [2006] 1 AC 98;
- iv) To be resident or to have had a residence requires a petitioner to show there is or has been “a degree of permanence” and “continuity” or “expectation of continuity”: *Fox v Stirk* [475]; *Stojevic v Official Receiver* [2007] BPIR141 [32] *Revenue & Customs Commissioners v Grace* [2009] STC 2707 [2710]; *Re Jones* [2023] BPIR 1074 [22]; *Lakatamia v Su* [37]; and
- v) A debtor’s intention helps inform the court in determining the facts of any case. Intention is to be judged objectively: *In re Nordenfelt* [152]; *Re Brauch* [335A];

Levene v Commissioners of Inland Revenue [225, 231]; *Fox v Stirk* [468, 471];
Stojevic v Official Receiver [32]; *Portrait v Minai* [2023] BPIR 1205 [62].

149. Curiously, the IA 1986 does not provide a definition for residence but provides a definition of “dwelling-house” to include “any building or part of a building which is occupied as a dwelling...”: see section 385(1) IA 1986. The term “dwelling-house” is used 26 times in the IA 1986. Each time substantial attachment to a property is signified. As there is no definition of “had a residence” the courts have used common sense and adopted descriptive language to help explain the quality of evidence required to meet the test: the requirement for a petitioner to prove on the balance of probabilities that the occupation is meaningful in the sense that the court is able to say with some confidence that the debtor has a hold on the jurisdiction sufficient to engage the bankruptcy laws. The characterisation of a residence is easily understood where a debtor occupies for a settled purpose such as education, employment, health, family, or a holiday home. Something more than mere occupation.
150. Considering the statutory test provided by section 265(2) IA 1986 in the context of sufficient connection is relevant when deciding the weight to give to any given set of facts. It helps to ensure that the court does not exercise its jurisdiction in an exorbitant way: *JSC Bank of Moscow v Kekhman* [2015] 1 W.L.R. 3737, [53-59]. It assists in determining whether a debtor has “such a hold on this country as is to make him liable to the English bankruptcy law”: *Re Brauch* [332D] citing Lord Esher MR *In re Hecquard* (1889) 24 Q.B.D. 71 [74].
151. It is argued that there is no authority for the proposition that once an individual is found to have a residence, he may not quit his residence. It is argued that the only path open to an individual is “abandonment”.
152. *In re Nordenfelt* [153] Lord Esher MR explained that the Registrar was asking a specific question about how a debtor had regarded a dwelling-house he owned but was not using:
- “The registrar had to say upon the evidence before him whether the debtor had in fact abandoned Downs House as his dwelling-house for more than a year before the filing of the petition. He came to the conclusion that the debtor had done this, and I can see no reason for differing from his conclusion.”
153. After acknowledging that the debtor had a “dwelling-house” and had gone away Rigby LJ recognised [154]:
- “he might very easily, after he went away to Paris have adopted the house again as his dwelling-house.”
154. In *Portrait v Minai* [98] ICC Judge Greenwood found that even if a property was a place of residence at one point in time, the facts may lead the court to conclude that it ceased to be a place of residence for the purpose of section 265(2)(b)(i) IA 1986.
155. It is not contended that it is not possible for a person to give up a place of residence or move their place of residence. In my judgement there is no legal, intellectual or logical reason why a person should not be found to have had a place of residence at one point

in time and not at another. If it is found that a person gave up a place of residence, the question that arises is same as if a person had not given up the residence namely, whether the evidence is sufficient to establish that the person had a place of residence for the purpose of section 265 IA 1986.

A question of fact and degree

156. At times the court has been concerned with which facts are relevant to the inquiry and which are not: for instance *Skjevesland v Gevevan Trading (No 4)* [2003] BCC 391, *Reynolds Porter Chamberlain LLP v Khan* [2016] BPIR 722, *PJSC VTB Bank v Laptev* [2020] EWHC 321 (Ch).
157. Following *Re Brauch*, the authorities agree that the determination depends on all the evidence and is very much a matter of fact and degree.
158. In *Re Brauch* the Court of Appeal doubted that it mattered whether a person had a beneficial or legal interest in a dwelling-house; found exclusive possession to be an important factor; and made the observation that the more the debtor was in actual occupation of the property, the easier it is to find that it was their dwelling-house (the opposite also applying). Equally, the Court of Appeal found that there is ordinarily no need to specify where the debtor was staying during the relevant period. Nevertheless, where the residence is not identified it “tells against a finding of ordinary residence”.
159. In *Re Brauch* the court concurred with earlier authority that purpose formed part of the inquiry. So, the court would have regard to circumstances where the debtor had been in the jurisdiction for a particular purpose which could not be conveniently disposed of without his presence, and was present for a substantial time.
160. Under the Bankruptcy Act 1883 a creditor was not entitled to present a bankruptcy petition unless “the debtor, within a year before the date of the presentation of the petition, has ordinarily resided or had a dwelling-house or place of business in England”. In *Nordenfelt*, the Court of Appeal was asked to decide if a court had jurisdiction to bankrupt a debtor who had resided in England, was able to return to his residence at any time but had gone to reside abroad. The Court of Appeal found that the Registrar had reached the right conclusions on the evidence. The evidence was that the debtor had offered all his furniture for sale, packed up other belongings and left. He had done nothing to adopt the property as his dwelling-house after he had left.
161. *Re Brauch* is a case where the court had regard to the state of mind of the debtor.
162. The state of mind of the debtor was a factor in the decision made by Judge Greenwood in *Portrait v Minai* [62]:

“This illustrates that in a given case, in order to determine the nature of the debtor's connection with the property said to be his or her place of residence, the court may have to consider, as a relevant factor, the debtor's state of mind, or intentions, with regard to the property's use. In *Nordenfelt*, an intention to “abandon” or relinquish the house as a dwelling (in that case at least to some extent acted upon by the debtor) was enough to

change its character for these purposes, even though his intention was not irreversible.”

163. It is submitted, without challenge, that the test is not an easy one to apply in practice. It requires a close analysis of residence and a careful assessment of the quality of the debtor’s residence at any given place.

Submissions

164. The mainstay of the Petitioner’s submission is that York House and the New London Properties are freely available to the Al Saud family which includes Prince Hussam.
165. Although the case has been before the courts on no less than 5 different occasions prior to trial, the Petitioner had not identified any property other than York House as Prince Hussam’s place of residence. It is now said that the “pool” of properties also constitutes a place of residence. It was submitted that nothing has changed in respect of the intent to have a “place of residence” for Prince Hussam since Princess Noorah purchased York House when he was just 15 years of age.
166. The submissions made are that: (i) York House constituted a place of residence whilst Prince Hussam was a student (ii) since 1990 his ability to stay at York House whenever he chose, meant that York House remained a place of residence (iii) since the acquisition of the New London Properties, a pool of properties is available to him and (iv) objectively, the registration for council tax and continuing liability until December 2019 demonstrates it was a place of residence in the Relevant Period. It is said that Mr Hanjra must have made a deliberate decision to register Prince Hussam. It is not argued that Prince Hussam made a deliberate decision to register.
167. In closing the Petitioner took the court to the multi-factual evaluation of the evidence, made by Judge Barber (who had the benefit of a witness statement dated 18 January 2021, filed to support an application to set aside a statutory demand), and submitted that the eleven factors she identified remain relevant and have not changed since her decision. I was invited to conclude that the oral evidence had not altered the evaluation exercise and the Petitioner had satisfied the burden of proof.
168. Prince Hussam argues that the Petitioner has conceded by the manner in which the argument had developed during trial, that York House (or the New London Properties) were not his usual or settled abode in the period of three years ending with the presentation of the petition. The Petitioner cannot therefore succeed.
169. It is argued that the evidence of Prince Hussam was not challenged in important respects, that his connection with the jurisdiction altered dramatically in 1990, and the connection weakened further in 2014 and in 2017 due to life changes. York House became not much more than a convenient place to stop-over and visit his mother if she were in residence, when travelling to other destinations. London is “no longer a destination of choice”.
170. It is accepted that the committal order made in August 2018 placed a constraint on visits to England. It is argued that notwithstanding the committal order it is unlikely that he would have visited the country.

The factual inquiry

171. The case against Prince Hussam is that he had a place of residence in England and Wales, and in particular at York House, after 1 June 2019 (paragraph 5 of the petition).
172. It is common ground that in the period September 1984 to June 1985 Prince Hussam resided at York House as he was studying for a Master's degree in Economics. Following his Master's degree, he returned to Saudi Arabia but then returned to live at York House from 1987 to 1990, when he studied for a PhD.
173. During his studies it is more likely than not that Prince Hussam:
- i) Retained the keys;
 - ii) Kept clothing at York House;
 - iii) Kept personal items at York House (such as toiletries);
 - iv) Received correspondence;
 - v) Received deliveries;
 - vi) Gave the address as his contact address for at least the university where he studied;
 - vii) Had companions to stay or visit as he wished, without reference to Princess Noorah;
 - viii) Lived with his wife who kept personal items; and
 - ix) Accommodated his first and second born children with their belongings.
174. In summary Prince Hussam was able to use York House during his studies, as he wished. His relationship with York House had the character of a second home. I agree with Roth J's analysis and infer that during this period Prince Hussam had at least some form of control over York House. The amount of control was limited. Princess Noorah controlled access to the extent that the permission provided to Prince Hussam was limited in scope and nature. There was no evidence (nor was it argued) of an intention to provide Prince Hussam with a permanent home. He was required to leave during the long vacation. He was required to hand the keys over to Mr Hanjra when he left. There is no evidence that he had control or was responsible for any of the financial aspects relating to York House. There is no evidence that he had control over the internal environment such as decoration and furnishings albeit it he occupied York House and, at this time, kept some of his personal belongings there. I infer that he had some control over who visited when Princess Noorah was absent.
175. On the completion of his studies he returned, with his family, to Riyadh. There is no evidence that he represented that York House was his residence after 1990. I use the personal pronoun as it is Mr Hanjra's evidence that he registered Prince Hussam for council tax.

176. There is no evidence that he or Princess Sarah kept any personal items at York House, received any correspondence or deliveries following his return. In contrast there is some limited evidence that York House was used as an address for post and deliveries for other members of the Al Saud family. As the purpose of his residence at York House no longer existed, I infer the character of his relationship with the apartment altered significantly.
177. I turn to the factors the Petitioner relies upon to discharge the burden of proof that York House was his residence from 1 June 2019 to 1 June 2022. These factors were drawn, in argument, from the findings made by Judge Barber.

The timing and purpose of the purchase of York House

178. It is submitted that nothing has changed and it remains a factor to have regard to. The timing and purpose of the purchase does not seem to weigh heavily as a factor. Prince Hussam was a child when it was purchased and he accompanied his mother when she stayed at York House. The purpose of the purchase was that of Princess Noorah not Prince Hussam.

Prince Hussam's occupation during his studies

179. His long-term stay at York House during his studies is a factor. It is particularly relevant to determining whether he had a place of residence in England and Wales at this time.

Princess Noorah's occupation during summer months

180. This is undisputed and remains a factor. There is much evidence about whether another member of the family can occupy York House at the same time as Princess Noorah. It is evident that Princess Noorah would allow other members of the family to occupy York House with her at times, but not always.

The "Continuing commitment" of Princess Noorah to provide London accommodation

181. I have little doubt that Princess Noorah was and remains keen to ensure that the Al Saud family are able to stay in private accommodation when visiting London. Her actions and efforts, making (minor) alterations to York House and being instrumental in the purchase of the New London Properties, speak for themselves.
182. Prince Hussam did not initiate the purchase of York House or the New London Properties. It is accepted that he neither owns nor has a beneficial interest in the New London Properties. The alterations to York House took place when Prince Hussam and Princess Sarah had their first two children. At that time, Prince Hussam was still engaged in his studies in London. He had a settled purpose to occupy for education. The ability to create an additional room is consistent with Prince Hussam and Princess Sarah having a place of residence when Prince Hussam was studying in London.
183. Reliance is placed on a letter written by Withers LLP dated 14 August 2019 in which the firm wrote that until the New London Properties were purchased, Princess Noorah allowed family members to reside and stay there from time to time. The statement is no doubt accurate as Prince Hussam had stayed at York Place from time to time. In particular the letter states:

“Princess Noorah wished for properties to be available for her immediate family, mainly her five grandchildren and some great-grandchildren in the vicinity of 24 York House so that the family could enjoy time together in London.”

184. The letter does not mention Princess Noorah’s desire for the New London Properties to be available to Prince Hussam. It does not provide evidence that the New London Properties or York House were his place of residence in 2019.

185. Context is important. I accept the evidence given at trial by Prince Hussam that his life changed significantly in 2014 when he became a companion to the King. Princess Sarah was asked about these changes in cross-examination:

“Q. It sounds -- and we'll look at it in phases -- but it sounds like your life has gone through various changes over time.

A. Yes, like any people.

Q. I'm sorry, let me just interrupt, but the biggest change you say is when Hussam became governor of a region?

A. Actually, the change started when Hussam became in the inner circle of the King around 2014, 2015. He was still living with us, but we -- he was so busy with the King travelling all around when the King used to travel a lot within the Kingdom and outside the Kingdom. So at that time I was getting -- I got more --”

186. I accept Prince Hussam’s evidence that their circumstances changed again in 2017 when he was appointed Emir of Al Bahah. Princess Sarah said it was a “dramatic change”.

“A. So at that time, he was living in another place, so I became the centre of the house. I was running the house day by day and family matters were decided by me and my children because he was not there. So he was a part of the family but he was not involved in our life as he was before.”

187. The evidence is consistent with Princess Sarah’s witness statement where she explained that when Prince Hussam returns to Riyadh he is engaged with the King. In her evidence in chief she said:

“for much of the time we now live separately, with the family and I remaining Riyadh”.

188. This is consistent with the evidence of Prince Hussam. It is also his evidence that when he was in London he rarely stayed at York House.

189. Living away from his family in Riyadh, engaged full-time with his duties in Al Bahah, and engaged with the King in Riyadh when he is in Riyadh, lead me to conclude on the balance of probabilities that his relationship with York House was not continuing in the

sense that there was an “expectation” that York House (or the New London Properties) would be available for his use whenever he wished or an “expectation” that he would wish to stay at York House whenever he flew to London. I accept the evidence of Princess Noorah on this issue. It was not just his relationship with York House that had altered. The quality of his relationship with his family and London had changed.

190. The quality of his relationship with the New London Properties is best described as remote. All that is known is that he stayed in one of the properties for a relatively short period over a year before 1 June 2019. In my judgement reliance on the letter sent by Withers LLP is a factor but it is not sufficient by itself to satisfy the court that Prince Hussam had a place of residence in the period three years ending the presentation of the petition.

Ongoing permission

191. Judge Barber concluded [114-115] on the documents, that the need to obtain permission to use York House, or any of the New London Properties, was artificial.
192. Having had the benefit of oral evidence, I find that Prince Hussam was required to ask permission from Princess Noorah if he wished to use York House. Similarly, permission was required to stay in 1 Phillimore Terrace in February 2018. I accept the evidence of Prince Hussam and Princess Sarah that the requirement to obtain permission derives from the Quran. Prince Hussam’s evidence is, if a house is not owned by the person wishing to enter the house, he must ask permission. He said it is common sense. Similarly, where someone lives in a house that is owned by the person wishing to enter, permission should be sought. The quality of the permission, however, may depend on the circumstances. Princess Noorah’s evidence is that she would ordinarily give permission but there was an occasion, referred to earlier in this judgment, when she refused.
193. It was not submitted that permission was not asked for at all or, that the evidence that permission is required is a fabrication, but rather that the substance of the permission is perfunctory: mere politeness.
194. The refusal to delay building works however, demonstrates that Princess Noorah was capable of saying “no” to her son, and that to seek permission is not always a mere formality.
195. In her cross-examination Princess Noorah said had made no request to stay since June 2019. I accept her evidence. Her evidence is secured by the absence of Prince Hussam from England since August 2018.
196. The evidence of Princess Sarah suggests that permission is specific. She was questioned about the use of the New London Properties:

“Q. In short, the use of the properties is fluid, it's adaptable?”

A. No, it depends on the time and the permission given. It's not an open house, [where] everybody can go and stay in it. It's not a hotel.”

197. Judge Barber provided five examples of when Prince Hussam stayed at York House in the period 2010 to 2018. Having heard the evidence, I find on the balance of probabilities that Prince Hussam asked permission from Princess Noorah on each occasion he stayed at York House.
198. It has not been argued at trial, just as it was not argued before Judge Barber, that Prince Hussam had any control over York House after the summer of 1990. I find he had no meaningful or any control, or as one Judge said, no “*de facto*” control.

Use of York House in the period after 2010

199. It is accepted by the Petitioner that the occasions when Prince Hussam had stayed at York House in the period 2010 to 2019 were rare. He had stayed three times since 2015. The last time he stayed at York House was in March 2016 when he visited his son Mohammad. There is no evidence that he stayed at York House after this date. In closing, the Petitioner accepted that Prince Hussam used “his residence very sparingly”. I shall consider this in more detail later. In any event, the lack of use of York House was considered by Judge Barber to be a negative factor. I agree.

Personal possessions

200. It is accepted that Prince Hussam keeps no personal possessions at York House. There is no evidence that he kept personal possessions at any of the New London Properties. This too is a negative factor.

The Committal Order

201. The lack of interest in staying at York House (or the New London Properties) shown by Prince Hussam since 2016 is explained in part by the Committal Order made in August 2018. The Committal Order does not explain why he did not stay in any of the properties in the period March 2016 to February 2018 (when he took a holiday with Princess Sarah), or in the period February 2018 to August 2018. In any event the making of the Committal Order will have played a part in Prince Hussam determining not to land at Heathrow or stay anywhere in England and Wales after August 2018.

Settled or usual place of abode or home

202. It is not argued that York House represents Prince Hussam’s settled or usual place of abode or home.
203. It was argued that there was an intention that Prince Hussam should be involved in the purchase of the New London Properties, but he was diverted due to the Arbitration. The evidence does not support any contention that he was to make personal investments in London. He offered to help Princess Noorah but Princess Sarah “took over the project”. Prince Hussam explained that the reason for Princess Sarah assuming control was his unavailability due to his new position: “I remember I was away, I was with the King somewhere”. In my judgement this evidence does not advance the Petitioner’s case that Prince Hussam had a place of residence.
204. Nor do I find the brief stay at 1 Phillimore Terrace in 2018 a useful indicator for the period of three years ending with the presentation of the petition. In closing, the

Petitioner said that the visit was evidence of the use of the New London Properties and the extent to which they could accommodate Prince Hussam. The “pool of residences available to the family” argument is advanced on the basis that if the residences are available to all the family, they are available to Prince Hussam. The available pool of residences argument is contradicted by the evidence of Princess Sarah which I accept. Princess Noorah’s intention was to purchase the New London Properties so that her grandchildren and Princess Sarah could stay in London without the need of a hotel. Prince Hussam said that the availability of the New London Properties was not intended to include him:

“...at that time I was -- my life had changes dramatically that I am not part of the family anymore. As I now, now, at this moment of time, I live away from the family, I'm not part of the family. They all live in Riyadh, I live in Bahah. Even when I come to Riyadh I live separately, you know, so it's since 2015 my life had changed...”

205. Princess Sarah was blunt: the New London Properties are not “open house”. I accept her evidence.
206. Even if I were to accept the argument that the New London Properties are available to any member of the family generally, it does not follow that they, collectively or individually, represent a place of residence for Prince Hussam. There is no evidence to connect him to the New London Properties, other than the single visit in 2018. As a matter of degree, there is no evidence he had visited any of the New London Properties before or after his stay. His stay at 1 Phillimore Terrace was short. His purpose was to take a holiday with his wife. This is insufficient evidence to found jurisdiction.

Council Tax

207. It is helpful to state that there was no evidence “at all” from Prince Hussam when Roth J heard the appeal on 15 March 2022 in respect of the order made by Deputy Judge Schaffer. I assume no such evidence was before Deputy Judge Schaffer. Counsel for Prince Hussam is recorded as accepting this state of affairs on appeal, and accepted that a person does not undertake the liability to pay council tax on a property with which they have no connection. Roth J commented that a person will, in general, pay council tax if they are the owner or occupier or at least have a right of occupation.
208. The Petitioner began closing by stating that this is an extraordinary case, and there is unlikely to be another like it again. That is mainly because of the people involved. It was apposite, in my view, to caveat the connection between paying council tax and a connection with a particular property with the words “in general”.
209. When Judge Barber heard the renewed service application in February 2023, she referred, in her judgment, to the only witness statement of Prince Hussam that was before her, dated 18 January 2021. In paragraph 15 of the statement Prince Hussam said:

“When living at York House...I registered to pay Council Tax and remained registered until December 2019 because the family in the past would use evidence of payment of Council Tax by me

to enable the children to obtain student visas. However, from around 2014, Princess Sarah arranged payment of the Council Tax.”

210. She contrasted the evidence with the evidence of Mr Hanjra given in his witness statement dated 13 September 2022. At paragraph 16 Mr Hanjra explained:

“I was the person who decided to register York House council tax in the name of Prince Hussam rather than Princess Noorah. This made sense to me because Prince Hussam was staying in London for over six months a year at this point...”

211. There is an obvious conflict of evidence. Judge Barber found the explanations given by Prince Hussam and Mr Hanjra to be inconsistent [142]. In her judgment the reasons provided for registration of council tax since 1990 [143] “are entirely unsatisfactory”.
212. Prince Hussam’s evidence at trial was that he only discovered he was registered to pay council tax at York House in 2019, and that Mr Hanjra had been responsible for overseeing all things to do with council tax. Prince Hussam agreed with the explanations provided by Mr Hanjra.
213. Prince Hussam’s stated position is, and remains, that he is not in a position to explain first-hand why he was registered.
214. Princess Noorah said in cross-examination that Mr Hanjra deals with all property matters for her:

“ Q. Can you tell me how you say the registration of Prince Hussam as the payer of council tax helps members of the family obtain visas?

A. He applies for it like any other application.

Q. What I'm asking is why are you saying that being registered for council tax helps?

A. (In English) I don't know about this. I have no idea.

Q. Could I ask you finally about Mr Hanjra?

A. Yes, please.

Q. He has been a very loyal retainer.

A. Yes, correct.

Q. He's been with you a very long time.

A. Yes.

Q. He's been in charge of organising everything to do with York House for you, hasn't he?

A. Yes.”

215. Mr Hanjra confirmed in cross-examination that he needed to “fill in a form”:

“Q. So there would have been a further form you would have filled out when poll tax --

A. Yes, if there was, I would have. And if there was one, I definitely had done that.”

216. He continued:

“my reasoning -- my -- as I mentioned over here, in those days, you could not open an account if you don't have an address, and, my Lord, the rule still stays the same: you cannot open an account if you don't have a utility bill or a council tax. It was for the convenience. To open up a bank account you need to have a -- you need to have an address. If you are not renting a property, my Lord, you can't have any address.”

217. It is helpful to set out the rest of the examination on the issue:

Q. Well, I think what I really want to get from you is the fact that when council tax was introduced you would have had to have filled out further forms in 1993. That's what I'm suggesting to you.

“A. To be honest, my Lord, I can't remember that. If I have done that, it was done with the good faith, no malicious intention. I have sworn under the Koran and Koran means a lot to me, irrespective if my son is sitting there and if he has done something wrong and if I am under oath I will say yes, he has done wrong. Being a human being, yes, you can make an error, and that's the real life, otherwise we are all sitting here people would be angels.

Q. What I'm suggesting to you is you were registering Prince Hussam for council tax after he had left and gone back to Riyadh.

A. If I have registered at that time, if, the only reason I have registered is Prince Hussam, he has got number of peoples who travel with the family, they're not Europeans, they are from developing countries, I will not say Third World countries, they are from the developing countries. When you need a visa, you must have an address. If Prince Hussam does not have an address -- you have to fill the section, because the form is rejected, and that's a fact. That's a fact.

Q. So there would have been an address on any utility bill or any rates bill?

A. The utility bill was all on Princess Noorah's name.

Q. All of those would show an address.

A. That is correct.

Q. And therefore, presumably, he could have produced one of those documents without being registered himself for the rates?

A. No, Prince Hussam does not produce the documents. Me as a working, or his secretary working, produced the documents. So at that time, I might have done instead of changing all of them I just changed one. There's no malicious intention in that one.

Q. I just want to understand at the moment what you're seeking to do with a council tax bill, because presumably that's what we were really talking about, that's a piece of paper --

A. Correct.

Q. -- that shows Prince Hussam being billed for council tax. Did you ever show a council tax bill to anybody? So this is after 1993. Did you ever show it to anybody?

A. I don't remember that.

Q. Did anyone ever ask to see a council tax bill?

A. I don't remember that.

Q. And if you had shown anyone a council tax bill, that would have been representing to them that Prince Hussam was resident at York House, wouldn't it?

A. That's correct. I mean, the only council tax I have --I now you have asked me a question, are we talking about York House or other properties? If you go to other properties, I will make a separate point for that.

Q. At the moment I'm just talking about York House.

A. Yes.

Q. And what I'm saying is you would be representing to whoever you showed the council tax bill to that Prince Hussam was resident at York House.

A. That is correct.

Q. In relation to other people wanting to come to the UK and obtaining travel visas, how would a council tax bill in Prince Hussam's name have helped them?

A. Because all the staff were sponsored by Prince Hussam, and Prince Hussam have to have an address to apply for the visas. What you've got to understand, my Lord, is all diplomatic passport holders, all members of the Royal Family have 10 years' visa. Any staff members who travels with them, they do not get a visa more than six months, because they are coming as a -- the rules have changed, immigration rules have changed, I think the rules have changed down to domestic staff. Way back, there was no domestic staff wording. Now you have a domestic staff, who they're accompanying, if they're not accompanying an individual under sponsorship, they will be sent back, and basically the purpose, as I'm under oath, basically the purpose for that was to make it easy for the person in Saudi Arabia, my colleague, to handle the paperwork properly.

Q. Right. And those members of staff presumably are able to tell the authorities that they are travelling with the Royal Family and will be attending the Royal Family, don't they?

A. No, it doesn't work that way. It used to work that way. I'm not sure about now. It used to be the secretary of the Prince Hussam or Princess Noorah, they fill out all the forms, they had the letter, they have a sponsorship letter, and those letters goes with the forms and they were sent to the embassy, for the last, I think, for the last about seven or eight years, if I'm correct, I might be wrong, they have to personally appear once for the visas...You need to have an address in London, a place -- you need to have an address in London, and when Prince Hussam travels, he travels with 25, 30 people, including his children, nannies and everybody.”

218. This line of questioning teased out the reason why Mr Hanjra registered Prince Hussam for council tax. The reasons may have been mistaken but that does not mean that he did not think them good at the time. Against this is the inconsistency between the evidence of the Prince Hussam in his 2021 statement and that of Mr Hanjra in his 2022 statements. This conflict, in my judgement, was resolved by the evidence I heard from Princess Noorah, Prince Hussam and Mr Hanjra who was questioned on the issue in re-examination:

“Q. And in respect of the council tax, did you consult Prince Hussam as to whether he should or should not be shown as somebody registered as responsible for the council tax?

A. No.

Q. So it's something you took on yourself?

A. That's correct.”

219. Mr Hanjra said that he was not supervised and needed to consult no-one before carrying out administrative tasks.

220. I find it more likely than not that Prince Hussam was not consulted about registration of the tax when it was first registered. In cross-examination he said:

“It's never been my intention -- knew that I pay council tax until 2019, before I don't remember. Secondly, it was not my decision, it was Mr Hanjra decision to have to do this, and of course it's under my name at the end of the day, but it's not a decision which is took by me actually.”

221. I find that Prince Hussam did not know of the registration, had no intention to be registered and did not ask to be registered for council tax. I find the evidence at trial given by Prince Hussam and Mr Hanjra credible. Neither Prince Hussam nor Princess Sarah had dealings with administrative affairs concerning the New London Properties or York House whereas the administrative affairs of the property portfolio was and remains one of the major tasks given to Mr Hanjra, by his employer.

Determination

The period 1982 to 1990

222. In the period in or around 1982 to April 1990 Prince Hussam occupied York House for the specific purpose of studying for a Masters degree and Ph.D. I infer he kept personal belongings at York House, such as clothes, toiletries, and the necessary equipment needed for his studies. At times, he would live at York House with his mother but the great majority of the time he had exclusive occupation.

223. Prince Hussam occupied York House with his wife, who he married in 1983, and from 1985 with his wife, and first son and second son from 1987. His third son was born in 1991 in Riyadh, where Prince Hussam worked and lived with Princess Sarah and their first two children.

224. He remained in residence for a sustained period and for the majority of the calendar year. Objectively (it is borne out by the evidence) he intended to return to York House each time he left to travel or go to Riyadh in the summer vacation. There is no evidence that he left York House at any time other than the summer holidays. I infer that he enjoyed leisure time in England and Wales when he was not studying.

225. He had no legal or beneficial interest in York House. There is no evidence that he paid for the privilege of staying at York House. The totality of the evidence points toward the legal and beneficial owner, Princess Noorah, giving him permission to occupy during this period. I infer he had an implied licence to occupy during his studies.

226. The degree of his occupation in this period was long, his presence was not temporary or transient. Once he started his studies there was an expectation that he would complete them. Although there was a gap between his Master's degree and the commencement of the Ph.D. studies, I find that there was an intention that he would return to York House and occupy it as he had during his Masters.

227. In my judgement these facts are sufficient to find that Prince Hussam had a residence in England and Wales in the period to April 1990.

The period 1990 to 2000

228. At the end of his studies, Prince Hussam left London and York House, with Princess Sarah and his two children to live and work, permanently, in Saudi Arabia. Their third child was born in 1991 in Riyadh.
229. The evidence of his return to Saudi Arabia is substantial. Prince Hussam and Princess Sarah had two further children in 1996 and 1998 whilst living in the grounds of Princess Noorah's house in Riyadh. The unchallenged evidence is that in this period, Prince Hussam was financially independent. Once in Riyadh and working, he embarked on the construction of a substantial property that would become the Al Saud home. I accept the evidence of Prince Hussam when he said:
- “I have no interest in London. Let me tell you something. Since I left London after finishing my studies, I -- you know, I regarded London, although I had wonderful memories there in my early years, London for me is like -- there's something in English you say about the bus driver who takes people to the holiday, it's like that, it's a workplace for me, so it's not a leisure place that I will go. I decided not to go.”
230. Prince Hussam's evidence in chief [statement 3 [40]] is consistent with the evidence he gave in cross-examination:
- “In April 1990, after I had completed my Ph.D., I went back to Riyadh for good, together with my wife and children. Once again, our life was to be entirely in Saudi (except for holidays and any medical or business trips). We took all our belongings with us to Saudi and handed the keys of York House to Mr. Hanjra. I was very happy and excited to go back to my country, my family, and my men's quarter with my friends who I knew since I was a child and who I really missed while in London.”
231. He was not challenged on his evidence that [41]:
- “Once I had achieved my PhD, my relationship with London fundamentally altered.”
232. There is no evidence that Prince Hussam visited London in the early part of the decade 1990 to 2000. The evidence in chief of Ms Ruff refers to Prince Hussam returning to Riyadh in 1990 (fourth witness statement [28], eighth statement [23]) but gives no evidence that he stayed at York House.
233. The only evidence of his visits to London are in the second half of the decade. That evidence comes from Prince Hussam. His evidence is that it became his practice when visiting London to stay in hotels. He has exhibited payments made by Mr Hanjra on behalf of Prince Hussam, who stayed at a hotel twice in 1995, three times in 1997 and once in 1998.
234. The evidence that Prince Hussam was registered for council tax would ordinarily be a factor to be weighed in favour of his continuing residence. I have found that he knew

nothing of the registration and that the registration was orchestrated by Mr Hanjra as an expedient, however misconceived.

235. In my judgement the evidence supports an intention to have no place of residence in England and Wales after 1990. This is supported by the evidence in chief given by Prince Hussam, the evidence given in cross-examination, the location and intensity of his work and family life in Riyadh, the absence of evidence of his life in London, the lack of purpose for a residence in the jurisdiction, and the infrequency of his visits to London in the period 1990 to 2000 measured against the scale of time.

The period 2000 to 2019

236. Prince Hussam's evidence in chief (statement 3 para 61) is that in the period 2000 to 2019 he was mostly a casual visitor to England and Wales. For instance, a travel log shows that Prince Hussam flew to the jurisdiction four times in 2007, staying a total of 28 days. It is not the Petitioner's case that he spent all or any of those 28 days at York House. I infer from the admissions he has made about the times he did stay at York House and the evidence that he mostly stayed in hotels, that he spent none of the 28 days at York House.
237. The infrequency of his visits was not just about the lack of opportunity. His relationship with London and York House had "fundamentally" changed.
238. So too had his working life. Princess Hussam explained that the role he assumed when he became the companion to the King:

"You will be with [the King] all the time, every single day, and travel with him and be with him all the time, everywhere he is we are there...if he goes abroad we are with him...there is a daily dinner with him."

239. The change of lifestyle after he became Emir is best described by Prince Hussam. He explained in his oral evidence:

"my life had changes dramatically that I am not part of the family anymore. As I now, now, at this moment of time, I live away from the family, I'm not part of the family. They all live in Riyadh, I live in Bahah. Even when I come to Riyadh I live separately, you know, so it's since 2015 my life had changed, that of course I'm the head of the family, there's no -- my mother is the head of the family, but I am the head of my own family, but I am not part of their London properties, for example, and I wasn't part of -- I'm not part -- it's for the kids and the mews was bought for Sarah and her close friends. So this is what the intention was."

240. He later referred in his oral evidence to London as: "not a leisure place". I understood his evidence about living apart from his family in Riyadh as a reference to his continued duties with and for the King.

241. There are three readily identifiable occasions, in this period, when he stayed at York House. The first occasion was in October/November 2013. He and Princess Sarah flew to London where she underwent surgery. She also attended a medical clinic in Germany at the same time. They stayed at York House for 6 nights before returning to Riyadh.
242. The second occasion of note was in December 2014 when he and Princess Sarah stayed at York House for 36 days. The purpose of the visit was the wedding of one of King Khalid's granddaughters.
243. The third notable occasion was in March 2015 when he spent 12 days in the jurisdiction. The purpose for his visit was to receive medical treatment for his back and to meet with lawyers who acted in the Arbitration. With the permission of Princess Noorah, he stayed at York House to avoid stairs.
244. The last time he stayed in York House was in March 2016 for four days.
245. In his third witness statement, Prince Hussam sets out 12 occasions (including the above) when he visited the jurisdiction.
246. Accordingly, of the nine years between January 2000 and January 2009 (3,285 days) Prince Hussam and Princess Sarah spent 58 days (approximately 0.017%) at York House on disparate occasions.
247. His evidence is that he last visited the jurisdiction in early 2018 when he spent 7 days with Princess Sarah at 1 Phillimore Terrace.
248. In cross-examination he was pressed on whether the stay at 1 Phillimore was a holiday in London. He responded that it was a holiday with his wife, Princess Sarah. Prince Hussam's answer had the ring of truth since he had spent many years in London and visited only occasionally once he had left. He had no need to visit London other than for the purpose of spending time with his wife.
249. His spontaneous answer to the question about the visit to London in February 2018, therefore, is more likely than not to be true:
- “...to be honest, it's a holiday with Sarah, it's not a holiday in London, I'm going to see London, no. I'm going to see my wife who wanted to show me her house. This is exactly what happened.”
250. In his first witness statement he says:
- “Since 2016, I have only been to London on three occasions for brief periods of time. From 15 to 26 July 2016, I stayed at the Adria Hotel and from 23 January to 6 February 2017, I stayed at Brown's hotel... I last visited England from 27 February 2018 to 5 March 2018 (for a total of 7 days) when I stayed at a London property owned by my wife and children for a holiday with my family and I have not been back since.”

251. The Petitioner accepts that the visits to the jurisdiction in this later period were rare. Other than these visits, on each occasion Prince Hussam stayed in London for short periods, for instance he stayed in a hotel in London for a night in July 2016 and for two weeks in January 2017.
252. There is nothing in the evidence, other than the visits, to support a finding that he had a place of residence after he left the jurisdiction in 1990. The lack of evidence tells against a finding. The argument advanced that there was a number of properties available to him as they were owned by family is insufficiently evinced to ground jurisdiction.
253. When assessing the character of the visits and stays in London, I find that on the occasions he did stay at York House after 1990, he asked permission from his mother. Princess Noorah was capable of giving a negative answer, although did so sparingly. Even if the permission was easily given, permission remains a factor.
254. He kept no possessions at York House in the period 1990 to 2019. He retained no keys. There is no evidence that he had any control over York House.
255. The reasons for his visits are explicable and do not conflict with his case that he had no intention of having a residence after 1990.
256. In my judgement there is insufficient evidence to support a finding that York House (or 1 Phillimore Terrace) was “his” residence in the three years to 1 June 2022 or formed a parcel of his residences, as claimed.
257. Although a person may have more than one residence, there is no evidence that York House or the New London Properties provided Prince Hussam with meaningful residence in the sense that it was for a settled purpose. The second principle discerned by Lord Denning in *Fox v Stirk* is apposite: “temporary presence at an address does not make a man resident there.” It has been said that the greater the occupation the more likely the finding of residence; the opposite is also true. As Bacon J observed, residence should not be confused with mere occupation.
258. As a matter of fact and degree, having regard to Prince Hussam’s “pattern of life”, his relationship with the jurisdiction of England and Wales, York House and the New London Properties, his intentions in respect of residence and the purposes of his visits, I find there to be insufficient evidence in the period 2000 to May 2019 (and in the prior period to 1990 to 2000) to find that he had a place of residence that continued into the Relevant Period or established a place or residence in the Relevant Period. There is insufficient evidence in these years to find that occupation by Prince Hussam of any property, during his temporary visits to the jurisdiction, is to be characterised as occupation as a dwelling-house. The evidence does not support a finding that he had a hold on this jurisdiction such as to make him liable to the English bankruptcy law.

Conclusion

259. I shall dismiss the petition and invite the parties to agree an order.