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Case No: FD19P00246, FD19P00380, FD19F05020 and  
FD19F00064

**IN THE HIGH COURT OF JUSTICE**  
**FAMILY DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 9 December 2020

**Before :**

**The Rt Hon Sir Andrew McFarlane**  
**President of the Family Division**

**Re Al M (Non molestation application)**

**Charles Geekie QC, Nicholas Cusworth QC, Tim Otty QC, Adrian Waterman QC, Sharon Segal and Daniel Burgess (instructed by Payne Hicks Beach) for the Applicant Mother  
Lord Pannick QC, Richard Spearman QC, Brian Green QC, Deborah Eaton QC, Godwin Busuttil, Daniel Bentham and Stephen Jarman (instructed by Harbottle & Lewis) for the First Respondent Father  
Deirdre Fottrell QC, and Thomas Wilson (instructed by Cafcass Legal) for the Respondent Children**

Hearing dates: 17<sup>th</sup> and 20<sup>th</sup> November 2020

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**Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
THE PRESIDENT OF THE FAMILY DIVISION

This judgment shall not be disclosed or circulated to anybody other than the parties and their legal advisers other than with the express permission of the Court

**Sir Andrew McFarlane P:**

1. By an application dated 11 November 2020 Her Royal Highness Princess Haya Bint Al Hussein (“the mother”) seeks to vary and extend a non-molestation order initially made on 2 March 2020. The respondent to the application is His Highness Sheikh Mohammed bin Rashid Al-Makhtoum (“the father”).
2. The application to vary is unusual in that the behaviour that the mother seeks to control by a revised injunction falls, in part, outside the ordinary categories of behaviour which are typically covered by non-molestation injunctions granted by the family court under the Family Law Act 1996 [‘FLA 1996’]. In recent times the mother has become aware that the father, or at least trustees of an extended family trust of which the father is one of the beneficiaries, was in the final stages of agreeing the purchase of a substantial estate which immediately abuts the mother’s family home in Berkshire. The mother’s application therefore seeks to prohibit the father, or those acting on his behalf, from proceeding with the acquisition of any interest whatsoever in that property and acquiring any interest in or renting any property or land whose boundary falls within a widely drawn zone in the locality of the mother’s property. In addition, the application seeks to prohibit activity near to her property either on the ground or in the air.
3. The application is strongly resisted by the father. It is, however, supported by the children’s guardian who acts for the parents’ two children in ongoing wardship proceedings.

**Background**

4. In a judgment handed down on 11 December 2019 I made extensive findings of fact with respect to the father’s past behaviour and its impact on the mother and their relationship (*Re Al M (Fact-Finding)* [2019] EWHC 2415 (Fam)). In that judgment, in addition to finding that the father had been responsible for the capture and enforced removal of two of his older daughters, I made further findings with respect to allegations made by the mother that the father had conducted a campaign of fear and intimidation against her (paragraph 168 onwards). I found (at paragraph 174) that “the cumulative effect of each of these episodes was to place the mother in a position of great fear leading her to conclude that she had no option but to leave Dubai with the children ...” Further, I concluded that the father had deliberately used connections with the press to generate hostile stories aimed at destabilising and harming her (paragraph 176). The overall conclusion (at paragraph 180) was that the mother had largely proved all of the allegations that she made on the balance of probabilities and “that the father has therefore acted in a manner from the end of 2018 which has been aimed at intimidating and frightening the mother, and that he had encouraged others to do so on his behalf.”
5. More recently the mother has made further allegations against the father, or those acting on his behalf. At present those allegations are unproved and the court is in the process of managing the proceedings towards a further factfinding hearing.

### Proposed property purchase

6. In addition to property in central London, the mother has a family home at “Castlewood House” in Berkshire near to Windsor Great Park which was left to her by her late father King Hussein of Jordan on his death [‘Castlewood’].
7. Following the factfinding hearing in December 2019, but prior to the publication of the court’s judgment, the mother learnt that those acting for the father were actively engaged in purchasing properties or land close to Castlewood. As well as interest being shown in a particular property which had also been owned by the mother’s late father, the mother learned that one firm of estate agents had sold four properties to a high profile Dubai based family in the previous three months (around the factfinding hearing). The mother recognised the names of those responsible for negotiating the purchases as being the father’s London agents.
8. On 20 February 2020 the mother’s solicitors wrote to father’s solicitors asking for confirmation that neither the father, nor those acting on his behalf, would rent or purchase land or buildings close to the mother’s homes in London or Berkshire. It took one month for the father’s solicitors to respond to that request. When they did, they confirmed that a trust which owns properties in or around the Ascot area had been involved in the property market. The response confirmed that enquiries had been made in 2013 with respect to the other property that King Hussein had owned and went on to state “no further enquiries have been made by our client or anyone acting on his behalf since then.” No further details were given.
9. The high level of concern that the mother had about the potential for the father to purchase property close to her home was a matter referred to by her in statements, and position statements, filed with the court throughout the summer of 2020.
10. In the autumn of 2020, the mother received information that those acting on the father’s behalf were in the process of purchasing the Parkwood estate [‘Parkwood’]. Parkwood is a seventy-seven-acre estate situated in an elevated position overlooking Castlewood and immediately adjacent to it.
11. On 14, 19 and 23 October the mother’s solicitors wrote to the father’s solicitors setting out her concern at the prospect of the father, or those connected with him, purchasing property adjoining Castlewood and asking for information. No reply was received to any of those three letters. The matter had also been raised in a position statement filed for a court hearing on 30 October. No substantive response to the point was made on behalf of the father.
12. On 3 November 2020, following a direct request from the court for them to reply, those acting for the father accepted that a trust which had been acquiring properties for use by members of the ruling family and their staff was indeed in the process of buying the Parkwood estate and that exchange of contracts “may take place within the next few weeks”.
13. It was against that background that the mother issued her application to vary the non-molestation injunction to prevent the purchase of Parkwood proceeding and to prohibit the father, or those acting for him, from purchasing other properties in the surrounding area.

14. In early November those acting for the father indicated that the proposed purchase of Parkwood was no longer going to proceed. However, the mother, in her statement to the court, stated that this information did not reduce the level of anxiety that she felt. She stated:

“It feels as if I am being stalked, that there is literally nowhere for me to go to be safe from (the father), or those acting in his interests. It is hugely oppressive. To know that a property was being purchased just minutes away for the benefit of (the father) and which overlooks Castlewood is just completely overwhelming. I simply will not feel safe, even in our own garden, wondering whether someone is in residence, and whether they are watching.”

Later in her statement the mother says:

“The prospect of Sheikh Mohammed, or those on his behalf buying the properties around Castlewood is terrifying and utterly wearing. It feels like the walls are closing in on me, that I cannot protect the children and that we are not safe anywhere. I feel like I am defending myself against a whole “state”. Even in our own home they will be towering over us. I have described how I have felt pinned down by Sheikh Mohammed in this litigation. This suggested purchase and the prospect of others close by makes that all the more real. I feel like I cannot breathe anymore; it feels like being suffocated. I don’t want the children to live with the kind of fear that punctuates my existence at all times. They do not deserve this.”

**The application to vary**

15. The mother’s application seeks to prohibit the father, or those acting on his behalf, from:
- (a) entering, at ground level, a restricted zone surrounding Castlewood;
  - (b) entering the airspace above ground level at 1,000 feet or below in a 700-metre radius around Castlewood;
  - (c) proceeding with the acquisition of any interest whatsoever in Parkwood;
  - (d) acquiring any interest in or renting any property or land whose boundary falls within a more widely drawn restricted zone.
16. In addition, the mother seeks a direction that the father should provide responses to a series of questions from the mother’s solicitors relating to the proposed, but now abandoned, purchase of the Parkwood estate.
17. On behalf of the father, the mother’s application is robustly opposed on the basis that, as well as being fundamentally flawed, the relief sought by the mother is unprecedented,

- draconian and unnecessary. It is submitted that, as the proposed purchase of Parkwood has now been discontinued, there is no continuing basis for a variation of the injunction.
18. Separately the father, correctly, asserts that there is no evidence at all that he, or anyone acting on his behalf, has been in close proximity to Castlewood. Although the father has for a long time had the use of an estate that is relatively close to Castlewood, there is no evidence that he, or those acting on his behalf, either at ground level or in the air, have behaved in any way which might be regarded as molestation. The father's primary case, therefore, is that there is no evidential basis for the mother's application.
  19. Further, Lord Pannick QC, leading counsel for the father, submits that the extension sought by the mother cannot be justified as a matter of law. Referring to established authority, to which I will turn shortly, Lord Pannick submits that the law prior to the FLA 1996 established that "molestation" means deliberate conduct of sufficient seriousness to warrant the intervention of the court. In circumstances where the mother already has the benefit of a protective injunction, it is necessary for her to demonstrate that further orders are necessary to prevent a different molestation by the father; this, he submits, the mother cannot do.
  20. Lord Pannick asserts that there is no reported case in which the courts have considered the question of whether there is jurisdiction under FLA 1996, s 42 to impose an exclusion zone as part of a non-molestation order. Even if such a jurisdiction exists, he submits that the extent of the zone originally sought by the mother, covering the whole of Windsor Great Park and beyond, is wholly without justification.
  21. With respect to a prohibition of property purchase, Lord Pannick submits that property purchase itself cannot amount to molestation. In addition, he submits that the court does not have jurisdiction to regulate the conduct of the trustees of the family trust. That submission is accepted by Mr Charles Geekie QC, leading counsel for the mother. In those circumstances, therefore, Lord Pannick submits that the court should not exercise its jurisdiction to make an injunction which cannot bite on those who would actually be involved in any property purchase, namely the trustees.
  22. The hearing of the application was, for practical reasons, spread between two court days. Following observations made during submissions on the first day, the scale of the ground and property purchase exclusion zones was radically reduced when the proceedings returned to court on the second day, so that the ground exclusion is now limited to a radius of 100 metres around the boundary of Castlewood, together with the access road that leads to and past the property. The property purchase exclusion zone was reduced to cover a range of substantial estates in the immediate area of Castlewood.
  23. When considering the mother's revised and more modestly drawn application, Lord Pannick rightly cautioned the court that the scale of the various exclusion zones is irrelevant when, as the father submits, the court has no jurisdiction to grant any such order or the application is otherwise not supported by evidence and has no justification.
  24. In a manner similar to that adopted by the father's counsel, Mr Geekie reviewed the case law relating to "molestation". Mr Geekie submits that the definition adopted by the courts is wide and is in keeping with the definition of "domestic abuse" and "coercive control" as set out in Family Procedure Rules, Practice Direction 12J which states:

““domestic abuse” includes any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, psychological, physical, sexual, financial, or emotional...”

““coercive behaviour” means an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten the victim”.

25. Mr Geekie draws particular attention to FLA 1996, s 42(5) which states:

“(5) In deciding whether to exercise its powers under this section and, if so, in what manner, the court shall have regard to all the circumstances including the need to secure the health, safety and wellbeing –

(a) of the applicant; and

(b) of any relevant child.”

26. Mr Geekie submits that the court plainly has jurisdiction to include prohibition from entering an exclusion zone within a non-molestation order. Reference is made to the decision of Sir Nicholas Wall (President of the Family Division) in *Re W (Family Proceedings: Applications)* [2011] EWHC 76 (Fam), [2011] 1 FLR 2163 in which the court imposed an exclusion zone prohibiting a father from entering any part of the county of Wiltshire.

27. Reference is also made to *Re T (A child: One parent killed by other parent)* [2012] 1 FLR 472, in which HHJ Bellamy, sitting as a High Court judge, having noted that the provision of an exclusion zone was legally permissible under the terms of FLA 1996 as part of an occupation order, held that, depending on the context of the case, it was possible “to describe as “molestation” the act of going within a defined radius of a particular location”. Further, Judge Bellamy went on to hold, if his construction of FLA 1996 were too wide, that the court had power in any event to make an exclusion order under its inherent jurisdiction.

28. In Mr Geekie’s submission the inherent jurisdiction remains as an alternative basis to support the making of an exclusion zone in this case.

29. Ms Deirdre Fottrell QC, leading counsel for the children’s guardian, on balance, supports the mother’s application on the basis that the orders sought are likely to provide the mother with reassurance and peace of mind in circumstances where she has expressed real anxiety and distress at the prospect of the father purchasing property so close to her home. As the children’s primary carer, such reassurance and peace of mind can, submits Ms Fottrell, only be to their benefit.

**The legal context: molestation**

30. The statutory power to make a non-molestation order is contained within FLA 1996, s 42, the relevant provisions of which are:

‘42. Non-molestation orders

(1) In this Part a “non-molestation order” means an order containing either or both of the following provisions—

(a) provision prohibiting a person (“the respondent”) from molesting another person who is associated with the respondent;

(b) provision prohibiting the respondent from molesting a relevant child.

(2) The court may make a non-molestation order—

(a) if an application for the order has been made (whether in other family proceedings or without any other family proceedings being instituted) by a person who is associated with the respondent; or

(b) if in any family proceedings to which the respondent is a party the court considers that the order should be made for the benefit of any other party to the proceedings or any relevant child even though no such application has been made.

(3) In subsection (2) “family proceedings” includes proceedings in which the court has made an emergency protection order under section 44 of the Children Act 1989 which includes an exclusion requirement (as defined in section 44A(3) of that Act).

(4) ...

(4ZA) ...

(4A) A court considering whether to make an occupation order shall also consider whether to exercise the power conferred by subsection (2)(b).

(4B) In this Part “the applicant”, in relation to a non-molestation order, includes (where the context permits) the person for whose benefit such an order would be or is made in exercise of the power conferred by subsection (2)(b).

(5) In deciding whether to exercise its powers under this section and, if so, in what manner, the court shall have regard to all the circumstances including the need to secure the health, safety and well-being—

(a) of the applicant; and

(b) of any relevant child.

(6) A non-molestation order may be expressed so as to refer to molestation in general, to particular acts of molestation, or to both.

(7) A non-molestation order may be made for a specified period or until further order.

(8) A non-molestation order which is made in other family proceedings ceases to have effect if those proceedings are withdrawn or dismissed.’

31. It is common ground that there is no definition of “molestation” in FLA 1996. Reference has been made by all parties to the case law both prior to the implementation of the 1996 Act and thereafter. In particular, in *C v C (Non-Molestation Order: Jurisdiction)* [1998] 1 FLR 554, Sir Stephen Brown P held that molestation:

“implies some quite deliberate conduct which is aimed at a high degree of harassment of the other party, so as to justify the intervention of the court...It does not include enforcing an invasion of privacy per se; there has to be some conduct which clearly harasses and affects the applicant to such a degree that the intervention of the court is called for.”

32. From Sir Stephen Brown’s analysis, it is clear that the impact upon the applicant of the behaviour is an important element in deciding whether or not some quite deliberate conduct clearly harasses her or him.
33. Although in *C v C* [2001] EWCA (Civ) 1625, an order was made controlling conduct which “was calculated to cause alarm and distress to the mother”, the courts have held that the respondent’s intention is not a necessary element in establishing conduct which amounts to molestation.
34. In *Re T (A Child)* [2017] EWCA (Civ) 1889, having referred to the earlier authorities, I urged caution against attempts to narrow down the definition of “molestation”:

“27. In the decades that have followed those judicial utterances those sitting in the Family Court have, on a day by day, case by case, basis, deployed good sense and judgment in determining whether or not particular conduct amounts to “molestation”. In my view this court should continue to be very wary of offering any further precision in the definition.”

Later in the same judgment I went on to state:

“42. When determining whether or not particular conduct is sufficient to justify granting a non-molestation order, the primary focus, as established in the consistent approach of earlier authority, is upon the “harassment” or “alarm and distress” caused to those on the receiving end. It must be conduct of “such a degree of harassment as to call for the intervention of the court”. Although in *C v C* the phrase “was calculated to cause alarm and distress” was used, none of the authorities require that a positive intent to molest must be established.”

35. What is needed to justify the intervention of the court is some form of deliberate conduct which has the effect on the applicant of harassment to such a degree that the court’s protection is called for. The negative impact on the applicant can include elements of psychological and/or emotional harm. The conduct of the respondent,



whilst being deliberate, does not need to have been with the intention of causing that harm.

### **Legal Context: Exclusion Zone**

36. It is important to be clear that the analysis that follows relates to this case and to similar cases where an exclusion provision is sought that would not interfere with a respondent's existing right to occupy property by virtue of an estate or interest in the property or 'home rights' as defined by FLA 1996, s 30. The power under FLA 1996 to regulate the occupation of property and, if justified, impose an exclusion zone around the relevant property, is contained in ss 30 to 38. This case concerns the court's power to prohibit entry to a prescribed zone in order to protect an applicant from molestation under FLA 1996, s 42, in circumstances where the prohibition would not interfere with any existing property rights.
37. When granting an "occupation order" the FLA 1996 expressly provides that the court may exclude a respondent from a defined area in which the relevant dwelling house is included (see FLA 1996, ss 33(3)(g), 35(5)(d), 36(5)(d), 37(3)(d) and 38(3)(d)). No similar express statutory provision is made with respect to the court's power to make a "non-molestation order" under FLA 1996, s 42.
38. It is of note that commentators regard it as only 'arguable' that a non-molestation order can include provision to exclude a respondent from a defined area ("*Emergency Remedies in the Family Court*" para E 3.11 and "*Rayden and Jackson on Relationship Breakdown, Finances and Children*" para [26.351]-[26.360]). Nevertheless, the editors of *Rayden and Jackson* observe:
- "However, whereas an order keeping a respondent away from premises they had already vacated, and excluding them from a zone around such premises, were originally also seen only as occupation orders, it has become standard practice to include an exclusion zone order in a non-molestation order, especially since the change in the law in 2007 when breaches of a non-molestation order became criminal offences." (FLA 1996, s 42A inserted by Domestic Violence, Crime and Victims Act 2004)
39. It is, however, of note that the editors of *Family Court Practice 2020* in commentary to FLA 1996, s 42 under the heading "*Wording of non-molestation orders*" (para 2.593 [1]) include the following template provision in a specimen non-molestation order forbidding a respondent to:

“(2) come within [100] metres of [address];”

The commentary continues

“a “stay away” clause, such as in (2) above, could be expressed as part of an occupation order but it is not necessary to make an occupation order solely for that purpose and [it] can be included in a non-molestation order. Such a provision should not be included as a matter of routine, must be proportionate and necessary and supported by evidence (*R v R* [2014] EWFC 48).

A “get out” order, i.e. an order requiring a party to leave, cannot form part of a non-molestation order and must be made as part of an occupation order.”

40. As I have recorded in paragraph 39, whilst some commentators may regard the point as arguable, the decisions in *Re W* of Sir Nicholas Wall in 2011 and HHJ Bellamy in *Re T* in 2012 are clear and authoritative examples of the jurisdiction being accepted. That this is so was also expressly acknowledged in the judgment of Peter Jackson J in *R v R (Family Court: Procedural Fairness)* [2014] EWFC 48:

“Extra injunctive provisions such as exclusion areas and orders prohibiting any direct communication between parties should not be routinely included in non-molestation orders. They are serious infringements of a person’s freedom of action and require specific evidence to justify them.”
41. In so far as a point is made by drawing attention to the express statutory provision permitting the inclusion of an exclusion zone in an occupation order, whereas there is no similar express statutory provision in FLA 1996, s 42 regarding a non-molestation order, it is right to observe that the structure of s 42 is in very different terms to those sections which deal with occupation orders. FLA 1996, ss 33-38, which provide for the exclusion of an individual from a property that they would otherwise be entitled to occupy, are narrowly drawn and are explicit as to the elements that such an order may contain. Given the purpose of such orders, the need for a narrow and explicit demarcation of the court’s powers is understandable.
42. The structure of section 42 is different. The purpose of s 42 is focussed upon protection and does not involve regulation of property rights. It is therefore understandable that s 42 merely defines a non-molestation order as an order containing a provision prohibiting molestation. As is accepted, the definition of molestation is not to be found in the statute, and has been deliberately maintained on a broad and flexible basis by the courts so that it can be adapted to the particular circumstances of any individual case where the facts justify the court’s intervention.
43. It follows that the absence of an express provision providing jurisdiction to make an exclusion order is no indication that the court lacks jurisdiction to do so when making a non-molestation order.
44. As is apparent from the commentary to which I have referred and the acceptance of the jurisdiction to impose an exclusion zone in the three relevant reported cases, Family Courts do exercise jurisdiction by granting an exclusion element within a non molestation order where the facts of the particular case justify doing so.
45. Drawing all these matters together, I am entirely satisfied that this court is not barred for lack of jurisdiction from adding an exclusion zone to the non-molestation order in this case.
46. If my conclusion on jurisdiction under the FLA 1996 is in error, then I am entirely satisfied that the court would have jurisdiction to grant an injunction order imposing an exclusion zone under its inherent jurisdiction within the current wardship proceedings. Mr Geekie’s submissions on this aspect of jurisdiction were effectively unchallenged

by Lord Pannick on behalf of the father and it is not necessary for me to deal with the matter further at this point.

47. Further, although it may be an unusual example of the exercise of jurisdiction, if it is permissible for the court to impose an exclusion zone restraining the physical presence of an individual in a particular location, there must also be jurisdiction to restrict their use of airspace and, indeed, the purchase or occupation of property in a particular location. At all times, however, the court must be cautious in exercising such a jurisdiction, only doing so when the facts of the case require such intervention and where the terms of the order are limited to those which are proportionate to the need.

### Discussion

48. It is necessary to maintain focus upon the unusual factual background to this application. The father is an individual of immense wealth, political power and international influence. The findings of fact made in December 2019 demonstrate the manner in which he is prepared to use his position to impose his will on family members when he considers that it is right to do so. The findings with respect to the abduction of two of his adult daughters, one from England and one in international waters off the coast of India, demonstrate his ability to act and to do so irrespective of domestic criminal law.
49. The mother asserts that these findings establish strong grounds for believing that, were he to spot an opportunity to do so, the father would not hesitate to attempt to abduct the two children in order to repatriate them to Dubai. She also believes that her own life and wellbeing are at extreme risk because her actions have greatly angered the father, who has made explicit threats, albeit in the context of poetry, encouraging others to kill her.
50. The mother's need for security for herself and the children must be assessed against that background. What might be considered reasonable for an ordinary citizen may not be sufficient either to protect the mother and children, or at least to enable them to feel less intimidated or under threat. In circumstances when it takes but a moment to snatch a child from a garden or a country lane, the ability to undertake close covert surveillance so that a would-be abductor can know or predict the precise whereabouts of the child and any security detail would be most valuable. Thus, the need to prevent the father, or those acting on his behalf, from coming close to the mother's property is, in my view, fully made out on the basis of the previous findings, even after taking account, as I do, of the fact that there is no evidence that they have in fact done so.
51. The imposition of an exclusion zone around Castlewood is therefore both within the court's jurisdiction under FLA 1996 and justified by the evidence. A zone on the scale originally sought by the mother, which covered a very substantial area, could not be justified on the basis of controlling the physical presence of individuals. The very substantially reduced zone, establishing a 'no entry' cordon in a band 100 metres around the boundary of Castlewood and prohibiting presence on the lane leading to and past the property is, however, reasonable, proportionate and justified.
52. In like manner, the application for a 'no fly zone', prohibiting aircraft, drones or other craft flying between 1,000 feet and the ground from a circular area centred on Castlewood and shown on a map submitted to the court, is made out and will be granted.

53. Separately, the need to prevent the father, or those acting for him, from purchasing, renting or otherwise occupying, property in the vicinity of the mother's home is established. When the father's daughter, Sheikha Shamsa, was abducted from Cambridge in August 2000, she was driven to one of his properties in Newmarket before being taken by helicopter to France, where she was put on a private plane and flown to Dubai. The circumstances in 2020 with respect to the mother and two young children are in some respects different. There has been widespread publicity of the court's findings of fact and of the fact that the mother and children are being protected from the possible risk of abduction. Copies of court orders restraining abduction are on record with the police and other authorities. The time-window that any would-be abductors might have to snatch and then transfer the children or the mother to a helicopter before possible apprehension by the authorities may consequently be narrow. Against that background, the mother is justified in regarding the purchase of a substantial estate immediately abutting her own as being a very significant threat to her security, both in terms of providing an opportunity for 24 hour close surveillance and as a close-to-hand transport hub for a helicopter.
54. The fact that the father and those instructing his English lawyers in these proceedings seem to have given a deliberately misleading reply (after a delay of one month) to the mother's reasonable request for information made in February 2020 significantly adds to the level of concern about the proposed purchase of the Parkwood estate. The purchase had apparently been the subject of negotiations for some 3 years. The estate comprises, according to press reports, the most expensive development land currently on the market with a price of some £30 million. It lies immediately next to the mother's estate. For the father, or those acting for him and giving instructions to his English solicitors, not to mention these facts in response to a direct request for confirmation that neither the father, nor those acting on his behalf, would rent or purchase land or buildings close to her home, can only go to raise the mother's already heightened level of concern to a significant degree. That state of affairs will have been further exacerbated by the serial failure to respond to her solicitors' reasonable requests for information in October 2020, ending in confirmation (only after the court had intervened) for the very first time that Parkwood was in the process of being purchased, with exchange of contracts only a few weeks away.
55. There can be no doubt that this deliberate behaviour, both in negotiating a purchase and then withholding information about it, by those who are acting for the benefit of the Dubai ruling family, will have had the effect of intimidating this mother to a very marked degree. In this context, the mother's account in her statement of the impact that the news that her immensely powerful ex-husband was about to take control of the substantial property standing above and right on the boundary of her property had on her is entirely justified.
56. Lord Pannick rightly reminds the court that it has heard neither evidence nor explanation from the father and those acting for him on these points. I, therefore, do not assume that the decision to dissemble for 7 months rather than to reply openly to the request for information about a possible purchase was a deliberate attempt to intimidate. I do not assume that the proposed purchase was driven by a desire to frighten or more directly molest the mother or children. Also, I do not assume that the decision to abandon the purchase was in any way connected with the fact that news that it was about to happen had been disclosed into these proceedings but a few days earlier. The

court does not, at this stage make any such assumptions, but the mother is entitled to do, and does so, and, on that basis, she is entirely justified in saying that she feels mightily intimidated and frightened by these actions.

57. On the basis that I have described, I therefore conclude that this deliberate course of conduct relating to property purchase has been carried on by the father, or those acting on his behalf, and that it has been justifiably regarded as intimidating behaviour of a high order by the mother. The need to 'secure the health, safety and well-being' (FLA 1996, s 42(5)) of the mother and the children justifies extending the non-molestation order to prohibit each of the areas of behaviour set out in the application, including the purchase and/or occupation of property within the revised zone put forward on her behalf.
58. In reaching my decision I have not taken any account of the more recent allegations that are as yet not proved. All parties accept that the nature of these new allegations should remain confidential within the proceedings for the time being, and I do not therefore say more about their substance. At this interim stage, however, a court considering making, or varying, an interim injunction would be required to consider the need for protection, based on allegations, prior to a full hearing. On that basis, it is clear that the case in support of an interim variation of the injunction in the terms sought would be further justified if it had been necessary to consider these recent allegations more fully.
59. Finally, it is necessary to deal briefly with the mother's application for a direction that the father should respond to a series of questions concerning the now abandoned purchase of Parkwood and other general matters concerning the trust. In considering this issue a number of matters arise upon which I would welcome further short submissions. This part of the application is therefore adjourned for consideration at the next listed hearing.

### **Conclusion**

60. The mother's application to vary and extend the non-molestation injunction is therefore granted in each particular and on the basis of the revised zones that have been submitted to the court.

[Judgment ends]