

In the Court of Appeal (Civil Division)  
on appeal from the High Court of Justice  
Chancery Division  
Mr. Justice Peter Smith  
[2015] EWHC 3155 (Ch)

16 June 2016

Before:

The Master of The Rolls

Lord Justice Moore-Bick  
and

Lord Justice Mcfarlane

Between:

Janan George Harb - Claimant/ Respondent

-v-

HRH Prince Abdul Aziz Bin Fahd Bin Abdul Aziz - Defendant/Appellant

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This summary forms no part of the judgment that is handed down.

Mrs Harb claims to enforce a contract that she says she made with Prince Aziz by which the Prince agreed to pay her £12 million and to procure the transfer to her of two properties in Chelsea in return for her agreeing to withdraw, and then withdrawing, certain allegations that she had made about King Fahd. The main issues in the case were whether a binding contract was made in these terms and, if so, whether the agreement was made by the Prince in his personal capacity or as agent for King Fahd.

Peter Smith J found in favour of Mrs Harb and held that a binding contract had been made and that it had been made by the Prince as principal and not as agent for the King.

The Prince appealed on several grounds. These included that the judge had failed to deal fully with the evidence relating to the contract issue and failed to explain how he had reached his conclusions. For the reasons explained in paragraphs 34 to 41, the court has concluded that the shortcomings in the way in which the judge dealt with the evidential issues in the case were so serious that the appeal must be allowed for

that reason. It has also concluded that the appeal must be allowed on the agency issue.

The final ground of appeal was that there was an appearance of bias on the part of the judge against the Prince's counsel and thereby against the Prince himself. Counsel were both members of Blackstone Chambers. The basis of this ground of appeal is a letter written by the judge to one of the joint heads of Blackstone Chambers complaining about an article written by Lord Pannick QC (also a member of Blackstone Chambers). The article had been very critical of the conduct of the judge in other cases. The text of the letter is set out at paragraph 53 of the judgment.

The court is very critical of the judge for writing the letter: see paragraph 68. But for the reasons explained at paragraphs 69 to 76 concludes that the informed and fair-minded observer would not conclude that there was a real possibility that the judge was biased against the Prince.