

# Diamonds aren't forever: who is vicariously responsible when they have been stolen?

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PRACTICES International Arbitration

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Lowndes Square is a garden square in Belgravia, named for former resident William Lowndes. He served as secretary to the Treasury during the reign of Queen Anne. On Lowndes' death in 1724, Walpole called him "*as able and honest a servant as ever the Crown had*". Three hundred years later, *Shamsan v 44-49 Lowndes Square Management Company Ltd* [2024] EWCA Civ 436 tells the tale of some less able servants, their unwitting role in a seven-million-pound jewellery theft and, in its aftermath, an unsuccessful search by the victim's lawyers for deeper pockets on which to pin responsibility for the servants' errors. The hearing is available to view online at [https://www.youtube.com/watch?v=SGxtGK1\\_94g](https://www.youtube.com/watch?v=SGxtGK1_94g).

## Lowndes Square

Lowndes Square is just south of Knightsbridge underground station and firmly on the dark blue part of the London Monopoly board. It has been the setting for dramas real and fictional, beside which the *Shamsan* case is an unexciting footnote. EF Benson's light-hearted short story *The Countess of Lowndes Square* concerns a fictional resident, the Countess of Hampshire, who becomes a professional blackmailer. Benson paints the square as a hotbed of intrigues, infidelities and hypocrisies among the inter war aristocracy.

There might be some truth in Benson's picture. Oswald Mosley, aristocratic leader of the British Union of Fascists, lived at 5 Lowndes Court with his first wife, Cynthia. In 1932 Mosley met and began an affair with 'bright young thing' Diana Mitford after they were introduced at a party by society hostess Emerald Cunard (at another of whose parties Mosley first met the future George VIII). Mitford immediately left her first husband Bryan Guinness (heir to the Guinness brewing fortune) and moved, with a skeleton staff of four servants, to a flat on Eaton Square, round the corner from the Mosleys, to pursue their affair. When Cynthia Mosley died suddenly a year later, Mosley and Mitford promptly married in a secret ceremony at Joseph Goebbels' house in Germany with Adolf Hitler as guest of honour. The Mosleys would continue to live at Lowndes Court until at least the mid-1960s, save for a three year spell spent interned together during the war at a house in the grounds of Holloway Prison under Defence Regulation 18B.

The following decade, a less glamorous visitor to the square was Patrick Mackay - one of the UK's most prolific serial killers (also much enamoured of Nazism) - who, in 1975 strangled elderly Lowndes Square resident Adele Price, having gained access to her flat by asking for a glass of water. In the 1980s, Alan Hollinghurst's Man Booker Prize-winning novel *The Line of Beauty* (2004) depicts fictional resident Wani Ouradi, son of a wealthy Lebanese businessman, pursuing his ill-fated magazine and screenplay in the shadow of the AIDS epidemic. The 2020s have seen real-world resident Abdullah Alfalasi arrested in a raid of his Lowndes Square flat for his role in smuggling £104 million in criminal funds from the UK to Dubai using couriers including a Kim Kardashian lookalike and a former partner of world super-middleweight boxing champion Joe Calzaghe.

## Flat 9, 48 Lowndes Square

48 Lowndes Square (the “**Building**”) is a block on the West side of Lowndes Square, adjacent to Harvey Nichols department store. While most of Lowndes Square comprises large neoclassical apartment blocks dating from the 1830s designed by George Basevi (who also designed nearby Belgrave Square), 48 Lowndes Square dates from the mid-1930s. It is more art deco in style, designed by Ernest Joseph, who also designed Shell Mex House at 80 Strand.

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