



Ruth Hosking

Called: 2002

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Ruth's practice encompasses the broad range of general commercial litigation and arbitration. Her particular areas of specialism include shipping, civil fraud, private international law and commodities. She undertakes drafting and advisory work in all areas of her practice and regularly appears in court and in arbitration, both as sole counsel and as a junior. Ruth also accepts appointments as an arbitrator (both as sole and as part of a panel).

Ruth has appeared in the House of Lords, Court of Appeal, High Court and has represented clients in a variety of international and trade arbitrations (including ICC, LCIA, LMAA, GAFTA and FOSFA). She has been involved in a number of high profile cases, including "*The Achilles*", a leading case on the contractual principles of remoteness of damage and "*The Atlantik Confidence*", the first case in which an English Court has determined that a person was barred from relying on the limits provided by the Limitation Convention.

Ruth has a client-friendly approach to litigation and is happy to advise on urgent matters out of hours and at short notice. She adopts a collaborative approach to litigation, involving clients, experts and her instructing solicitors in progressing cases to trial or arbitration. She is ranked as a 'Leading Junior' in the latest editions of Chambers UK and The Legal 500. Praise given in previous editions include "quick to respond, pragmatic and honest" and "excellent". In 2018, Ruth was shortlisted for the Legal 500 Shipping Junior of the Year. In 2022, Ruth was awarded Shipping Junior of the Year at Chambers UK Bar Awards and was shortlisted for Junior of the Year at the Legal 500 Awards. She is a meticulous advocate who combines rigorous analysis of detail with a common sense commercial approach.

Prior to coming to the bar Ruth studied for an LLM in commercial & corporate law specialising in restitution, corporate insolvency, conflict of laws and marine insurance at UCL; and was a visiting law tutor at King's College London teaching tort (including economic torts) from 2001-2002.

What the directories say

- "*Ruth is very prepared to roll her sleeves up to help ensure that the end client is getting the best possible service.*"(Chambers UK, 2024)
- "*Ruth is very reliable and commercial.*"(Chambers UK, 2023)
- "*Ruth will always go the extra mile to provide the advice and support that the client needs.*"(Chambers UK, 2023)
- "*Ruth is very knowledgeable and technically proficient. She is able to master vast amounts of evidence quickly and thoroughly and does not shy away from addressing complex technical or expert issues.*"(Legal 500, 2023)
- "*Ruth is responsive and a pleasure to work with. Her strengths are knowledge, teamwork and the ability and willingness to get stuck in. She is excellent.*"(Chambers UK, 2022)
- "*A great all-round lawyer. She has a great grasp of shipping, and marries well her knowledge of the law with*

practical and technical aspects of any case." (Legal 500, 2022)

- *"Ruth is a very solid, competent and user-friendly junior."* (Chambers UK, 2021)
- *"She is the all-round package, a brilliant barrister."* (Chambers UK, 2021)
- *"She is very down to earth, easy to work with, and clients like her."* (Chambers UK, 2021)
- *"Has a quick grasp of complex issues."* (Legal 500, 2021)
- *"Ruth is both commercial and practical" ... "She has an impressive ability to construct arguments."* (Chambers UK, 2020)
- *"Her legal advice is practical, accurate and straight to the point."* (Legal 500, 2020)
- *"She provides swift and accurate advice."* (Legal 500, 2019)
- *... "User-friendly. Her advice is clear, concise and easy to read." ... "She impresses with her understanding of the issues and professional delivery of expeditious and focused advice." ...* (Chambers UK, 2019)
- *"...quick, practical and user-friendly. She hits the nail on the head every single time." ... "She is really diligent and has great attention to detail...."* (Chambers UK, 2018)
- *"She is very quick thinking, gets straight to the point and has excellent attention to detail." "Her particular strength is her ability to cut through the detail and focus on the relevant issues."* (Chambers UK, 2017)
- *"...Very responsive and user-friendly..."* (Legal 500, 2016)
- *"She has been supportive and flexible, and is perfectly able to roll up her sleeves and help"* (Chambers UK, 2016)
- *"...strong for shipping-related work..."* (Legal 500, 2014)
- *"...a very hard-working and bright junior, who is not fazed by taking on more senior opposition in court..."
"...really good at getting into the detail of a case and she will often know more about a case than pretty much anyone else..."* (Chambers UK, 2014)

Commercial Dispute Resolution

Ruth has a busy general commercial litigation practice encompassing advisory and advocacy work across a broad range of commercial disputes including: claims for breach of warranty/ misrepresentation, claims for breach of commercial storage agreements and restitution claims. She regularly appears in the full range of courts and tribunals and her commercial practice includes private international law as well as international and domestic contracts of sale.

Examples include:

- **Transfield Shipping v Mercator Shipping (The "Achilleas")** [2009] 1 AC 61 (led by Simon Croall QC) - the landmark House of Lords case on remoteness in contract damages.
- **Munin Navigation Co Ltd (Part of the Seabird Group) v Petrodel Resources Ltd (The "Munin Explorer")** [2012] EWCA Civ 136 (CA) - Ruth successfully resisted an appeal to the Court of Appeal from a summary judgment she obtained at first instance. The case involved the true and proper construction of a contract to carry out a seismic survey.
- **Dreymoor Fertilisers Overseas Pte Ltd v Eurochem Trading GmbH** [2018] EWHC 909 (Comm) – Ruth was led by John Russell QC in a s.32 and s.67 Arbitration Act challenge. The case involved the ambit of the Fiona Trust presumption in a multi dispute resolution clause case.
- **Shagang Shipping Co Ltd (in liquidation) v HNA Group Co Ltd** (ongoing) – Ruth is co-counsel with Caroline Pounds both led by Dinah Rose QC in the Court of Appeal. The case involves allegations of bribery.
- Ruth has experience of applications for urgent interim relief, including freezing orders, anti-suit injunctions and applications relating to the preservation of evidence as well as applications for security for costs.

Fraud

Civil fraud represents a growing area of work for Ruth. Her fraud cases range from fraudulent misrepresentation and deceit to unlawful means conspiracy and bribery. She has considerable experience of urgent applications for interim relief, such as freezing injunctions. Recent examples include:

- Arbitration (ongoing) in a case involving deliberate destruction of property. The legal issues to be determined include damage to reversionary interest and unlawful means conspiracy and the approach to remoteness of damage.
- **Shagang Shipping Co Ltd (in liquidation) v HNA Group Co Ltd** (ongoing) – Ruth is co-counsel with Caroline Pounds both led by Dinah Rose QC in the Court of Appeal. The case involves allegations of bribery.
- Worldwide Freezing injunction in a case against an alter ego of a company in claims for inducing breach of contract and unlawful means conspiracy.
- ICC and LCIA arbitrations involving allegations of bribery, secret commission, inducing breach of contract and unlawful means conspiracy.

Commodities & International Trade

Ruth has extensive experience of all kinds of commodities and international trade dispute, including numerous disputes under MoAs and FOB & CIF sale contracts. She has experience in a broad range of commodities including grains, feeds, oil, fertilisers and iron ore. Illustrative cases include:

- Ruth is currently instructed in an advisory capacity (led by Robert Thomas KC) in a series of FOSFA arbitrations involving, among other things, jurisdictional issues relating to the interplay between the FOSFA Rules of Arbitration and the Arbitration Act 1996.
- ICC and LCIA arbitrations involving allegations of bribery, secret commission, inducing breach of contract and unlawful means conspiracy in a series of fertiliser sale contracts.
- LCIA Arbitration (now settled) – relating to a sale and purchase contract for iron ore.

Shipping

Dry Shipping

Ruth has extensive experience of all kinds of dry shipping, commodities and transport disputes, including numerous disputes under charterparties, COAs and bills of lading including general average disputes. Examples include:

- **Serena Navigation v Dera Establishment (The "Limnos")** [2008] 2 Lloyd's Rep. 166 (led by Simon Rainey QC) - the first reported case to consider the meaning of the shipowner's limit for cargo damage under Article IV, Rule 5(a) of the Hague-Visby Rules: has provoked much published debate, settled before Court of Appeal (2009).
- **Transfield Shipping v Mercator Shipping (The "Achilleas")** [2009] 1 AC 61 (led by Simon Croall QC) - the landmark House of Lords case on remoteness in contract damages.
- **Compania Sud Americana de Vapores SA v Sinochem Tianjin Import and Export Corporation (The "Aconcagua")** [2010] 1 Lloyd's Rep. 1 (led by Simon Rainey QC) - a dangerous goods case involving calcium hypochlorite and complicated issues of expert evidence including thermal ignition theory.
- **DS Rendite Fonds NR & others v Titan Maritime SA Panama & others** [2015] EWHC 2488 (Comm) (led by Poonam Melwani QC) - Poonam and Ruth successfully obtained summary judgment for over USD 250 million in respect of outstanding hire payments and hire differential due under various agreements.
- **Unsafe port arbitration** - Ruth was sole counsel in an arbitration relating to the safety of a berth on the Thames (2015).
- Ruth has also been instructed in numerous cases involving cargo claims, demurrage, unseaworthiness, delivery and redelivery obligations, cancellation clauses, deviation, detention, withdrawal and anti-technicality clauses, safe port cases, speed and consumption claims and bunker disputes.
- Ruth has accepted appointments as an arbitrator (both sole and panel) on LMAA and LMAA FALCA terms.

Wet Shipping

Ruth acts and advises for advisory and advocacy in salvage, collision & admiralty work. Ruth has been instructed in a number of large salvage arbitrations and has variously acted for salvors, shipowners and cargo respondents in relation to both Article 13 and SCOPIC cases. She has also been instructed in a number of collision cases in addition to advising and appearing in applications for determination of priorities, payment out of court following sale of a vessel and arrest proceedings. Examples include:

- **Kairos Shipping Ltd & The Standard Club v Enka & Co LLC and others ("Atlantik Confidence")** [2016] 2 Lloyd's Rep 525. Ruth, led by Nigel Jacobs QC, successfully acted on behalf of insurers of a cargo in a trial spanning over 7 weeks, with evidence from 12 witnesses of fact and 12 experts, where for the first time in England limit was broken under Article 4 of the Limitation Convention.

- Ruth was junior to Tim Brenton QC, representing salvors, in a salvage arbitration (SCOPIC) involving a large counterclaim for alleged negligence and a legally significant issue relating to the construction of the Limitation of Liability for Maritime Claims 1976 and the 1996 protocol (settled).
- Ruth was junior to Jeremy Russell QC, representing Shipowners, in a 4 week salvage arbitration (Article 13) involving complex issues of salvors' alleged negligence in relation to environmental matters.

International Arbitration

Ruth has experience of all kinds of arbitration disputes under the Arbitration Act 1996 including ICC, LCIA, UNCITRAL, as well as arbitrations under HKIAC, trade associations such as GAFTA, FOSFA and ad hoc arbitrations. Ruth also has knowledge of international investment arbitration, particularly under the ICSID Convention. Examples include:

- Ruth is currently instructed in an advisory capacity (led by Robert Thomas KC) in a series of FOSFA arbitrations involving, among other things, jurisdictional issues relating to the interplay between the FOSFA Rules of Arbitration and the Arbitration Act 1996.
- ICC and LCIA arbitrations involving allegations of bribery, secret commission, inducing breach of contract and unlawful means conspiracy.
- LCIA Arbitration (now settled) – relating to a sale and purchase contract for iron ore.
- LCIA Arbitration (now settled) - relating to the provision of saturation diving services.
- ICC Arbitration - relating to a pharmaceuticals joint venture involving drug trials.
- LCIA Arbitration (now settled) relating to alleged agency commission due under an agreement where the project did not go ahead.
- ICC arbitration relating to a claim and counterclaim arising out of a failed joint venture agreement in Tajikistan which involved potential money laundering issues.

Insurance

Ruth acts and advises in choice for advisory and advocacy in coverage disputes. Ruth regularly advises on policy defences (including misrepresentation, material non-disclosure, excluded perils, breach of warranties/ condition precedents) and issues of moral hazard and allegations of fraud. She has also advised in cases concerning insurance broker's breaches of fiduciary duties and restitutionary remedies for mistaken payments (including asset tracing). Examples include:

- A coverage dispute relating to misrepresentation and non-disclosure in a marine cargo policy.
- A coverage dispute relating to the tow of a vessel.
- **Baccup Shoe Company Limited v Munich Re Capital Ltd** (unreported decision of HHJ Hegarty (2011) - Ruth was sole counsel in coverage dispute relating to whether the loss was caused by perils of the sea and issues relating to clauses 4.3, 4.4 and 16 of the Institute Cargo Clauses (A).
- Advising on the interplay between sections 60, 62, 65 and 78 of the Marine Insurance Act 1906.
- **North Star Shipping Ltd v. Sphere Drake Insurance plc** [2005] EWHC 665 (Comm) - Ruth was a research junior to David Goldstone (as he then was) in a 10 week commercial court trial concerning issues of material non-disclosure, moral hazard and allegations of fraud.

Public International Law

Ruth has advised on ICSID and issues relating to diplomatic immunity and has knowledge of international investment arbitration, particularly under the ICSID Convention. Examples include:

- Advising a company on potential claims against a foreign government under the ICSID Convention arising out of a purported expropriation of property.
- Advising a company on issues of state immunity.
- Advising on whether a party could defend a claim on the basis that the alleged contract was unenforceable by reason of Article 42 of the Vienna Convention on Diplomatic Relations.

Shipbuilding

- Ruth has extensive experience of the full range of shipbuilding disputes and is well versed in their complex legal and technical aspects. Her shipbuilding practice includes issues regarding Rigs and extensive repair work. She is

instructed frequently by a number of different shipyards predominantly in the Far East) and has experience of contracts to build barges, bulk carriers, container carriers, product/ chemical tankers and superyachts. She is a sought after junior who enjoys a significant amount of led work with Leaders in and out of Chambers.

Examples include:

- Ruth was sole counsel in a Commercial Court trial relating to repairs to a super yacht.
- Ruth was instructed on a case concerning the installation of a guardian structure associated with caissons in connection with two gas wells in Turkey.
- Ruth was instructed by shipbuilders in a claim for unpaid instalments and a counterclaim for alleged breach of the shipbuilding contract.

In the shipbuilding context Ruth has been instructed in disputes relating to delay and its interplay with the prevention principle. She was the junior counsel in the reported case of *Adyard Abu Dhabi v SD Marine Services*. In that case Hamblen J considered the position where there were two concurrent causes of delay: one which was the contractor's responsibility, and one which was said to trigger the prevention principle. In addition to the legal arguments the case was concerned with issues of critical path impact and repudiation of two shipbuilding contracts. Ruth has particular experience of experts in delay and critical path analysis.

Academic

MA (Oxon) LLM (Lon)

Ruth gained practical experience of the London market following a placement at a leading firm of underwriters in April 2005. Ruth has also undertaken placements at a number of solicitor firms including Clyde & Co, Simmons & Simmons and Holman Fenwick Willan.

Awards

Lincoln's Inn Hardwicke, Denning & Droop Scholarships

Ranking



Publications

Article published in LMAA Autumn Newsletter entitled "The Right to a Fair Arbitration".

Co-author with Simon Rainey KC of the chapter on Bills of Lading in Butterworths Commercial Court & Arbitration Pleadings.

Presentations

Ruth regularly provides talks, presentations and seminars on various topics including interim measures in international arbitration, arbitration (in particular appears under sections 68 & 69 of the 1996 Act), construing contracts, bills of lading, charterparties, international and domestic contracts of sale and procedural issues.

Ruth has recently published a chapter on reasonable contracts of carriage in international sale contracts in International Trade and Carriage of Goods (Informa, published August 2016).

Memberships

British Insurance Law Association
COMBAR (Chair of the Equality and Diversity Committee)

ICC YAF
London Shipping Law Centre
LCIA Young International Arbitration Group
Young Maritime Professionals Group