Ruth Hosking
Called: 2002
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Practice Overview

Ruth practises in a range of commercial disputes including general commercial litigation, arbitration, commodities, energy, insurance, international trade, private international law and shipping. Since joining chambers in 2003, she 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 and GAFTA). Ruth has been involved in a number of high profile cases, including “The Achilleas”, a leading case on the contractual principles of remoteness of damage and most recently “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". 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

“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)

“Great of tactics”
(Legal 500, 2015)

“...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.

- Ruth was sole counsel in a Commercial Court trial relating to repairs to a super yacht (settled during hearing).

- Ruth recently advised on dispute relating to the true and proper construction of an agency agreement (2014, ongoing).

- Ruth was instructed in an arbitration (led by Philip Edey QC) (now settled) relating to the true and proper construction of the Bimco SHIPMAN form.

- 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.

Shipping & Maritime

Dry Shipping

Ruth has extensive experience of all kinds of dry shipping, commodities and transport disputes, including numerous disputes under charterparties, COAs, bills of lading, MOAs and FOB & CIF contracts. 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.


DS Rendite Fonds NR & others v Titan Maritime SA Panama & others (unreported) (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 is currently instructed in an advisory capacity (led by Robert Thomas QC) 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.

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 also sat as an arbitrator in an LMAA arbitration relating to a charterparty dispute.

Wet Shipping

Ruth is a popular junior 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:

- LCIA Arbitration (ongoing) – relating to alleged breaches of a lease.
- 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 & Reinsurance**

Ruth is a popular 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 (ongoing).
- A coverage dispute relating to the tow of a vessel (ongoing).
- **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**

Public International Law represents a growing area of work for Ruth. She 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.

**Energy & Natural Resources**

**Shipbuilding, Energy and Natural Resources**

Energy represents a growing area of work for Ruth which overlaps with her specialism in general commercial litigation and shipping. She undertakes all aspects of energy and construction work including oil and gas contracts, operating agreements and the operation of onshore and offshore structures together with associated equipment and craft. Examples include:

- **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.


- **Ruth was instructed on a case (now settled) concerning the installation of a guardian structure associated with caissons in connection with two gas wells in Turkey.**

- **She was instructed on a case (now settled) involving alleged breaches of mining leases and mining licences in Sierra Leone.**

- **Ruth was instructed by shipbuilders in a claim for unpaid instalments and a counterclaim for alleged breach of the shipbuilding contract (now settled, 2014).**

- **Ruth has a growing practice in shipbuilding and is currently acting in numerous disputes. She is instructed frequently by shipyards and has experience of contracts to build barges, bulk carriers, container carriers, product/ chemical tankers and superyachts.**

**Academic**

MA (Oxon) LLM (Lon)

**Awards**

Lincoln’s Inn Hardwicke, Denning & Droop Scholarships

**Publications**

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 (Vice-Chair of the Equality and Diversity Committee

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

Academic
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.

Pro Bono
Ruth has undertaken a number of cases pro-bono and is a member of the Bar Pro Bono Unit.