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King's Bench Walk

Nina Ross

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AREAS OF EXPERTISE

Personal Injury, Abuse, Military Claims, International & Travel, Criminal Injuries Compensation, Industrial Disease, Human Rights, Public Authority Liability, Insurance, Fraud, Group Litigation

Nina acts for claimants and defendants across all Chambers' practice areas. She specialises in claims arising out of sexual and physical assaults; military claims; international and group litigation; and human rights aspects of personal injury law. She has been instructed in high-profile litigation in these fields, including in:

- *X v Kuoni* [2019] UKSC 37 (led by William Audland QC): a claim brought under the 1992 *Package Travel Regulations* for sexual assaults committed by a hotel employee in Sri Lanka. The case has been referred by the Supreme Court to the CJEU for a preliminary ruling on a point of European law.
- *Alseran & Others v Ministry of Defence* [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95 (led by Richard Hermer QC and Harry Steinberg QC): claims against the MoD brought by Iraqi civilians who allege that they were assaulted and unlawfully detained by UK military personnel during the invasion of Iraq in 2003.

Given her areas of specialism, Nina has particular experience of claims for psychiatric injury and cases where limitation is in issue. She is co-author of *Personal Injury Limitation Law*, Bloomsbury (2020).

Before coming to the Bar, Nina worked on torture and abuse cases in the international and group claims department of Leigh Day & Co Solicitors; at the International Criminal Tribunal for the former Yugoslavia in the Netherlands; as well as at JUSTICE; Liberty; and the Legal Resources Centre in Durban, South Africa.

Personal Injury

Nina acts for claimants and defendants in all aspects of personal injury law including abuse claims; international and travel claims; industrial disease; military claims; occupational stress; accidents resulting in chronic pain; road traffic accidents, employer's liability, occupier's liability, public liability, product liability, highways, defective premises and Animals Act claims.

Abuse

Nina specialises in civil claims arising out of sexual and physical abuse.

She is instructed regularly in abuse claims against schools, children's homes, football clubs, religious institutions (including the Catholic Church and Jehovah's witnesses), prisons, local authorities, youth groups (such as the scouts) and commercial employers, as well as in claims against individual defendants.

As co-author of *Personal Injury Limitation Law*, Bloomsbury (2020), she has a particular interest in the limitation issues that commonly arise in sexual abuse claims.

Examples of her recent instructions include:

- *FXF v Ampleforth Abbey Trustees* [2020] EWHC 791 (QB): a claim arising out of the alleged sexual assault of the claimant by a Roman Catholic priest in the 1960s, in which the key issue was limitation
- *GXG v S* [2019] EWHC 3644 (QB): a claim for psychiatric injuries arising out of serious sexual assaults inflicted upon the claimant by his neighbour when the claimant was a child. The award of damages included an award for wasted expenditure on alcohol.
- *X v Kuoni* [2019] UKSC 37 (led by William Audland QC): a claim brought under the 1992 *Package Travel Regulations* for sexual assaults committed by a hotel employee in Sri Lanka. The case has been referred by the Supreme Court to the CJEU for a preliminary ruling on a point of European law.
- *Alseran & Others v Ministry of Defence* [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95 (led by Richard Hermer QC and Harry Steinberg QC): claims against the MoD brought by Iraqi civilians who allege that they were assaulted and unlawfully detained by UK military personnel during the invasion of Iraq in 2003.
- Group litigation brought by Kenyan orphans who were sexually abused by a British Airways pilot during stopovers in Kenya.
- Various cases arising out of abuse suffered in Shirley Oaks Children's Home.
- A £5 million claim against a local authority where it was alleged that the authority's failure to remove the claimant from her neglectful parents had altered the structure of her brain, causing her to suffer learning disabilities.
- Claims brought by Thai children who were sexually abused by a retired British teacher in Thailand.
- A claim by British naval officer who was sexually assaulted by a senior officer in Bahrain.
- A claim against a local authority for breach of its non-delegable duty of care in relation to a child abused in a private school.
- A claim arising out of a paedophile ring on a military base in Cyprus in the 1980s.

Nina advises on all aspects of abuse work including limitation; consent; vicarious liability; non-delegable duties; negligence (including failure to remove); causation; apportionment; quantum; human rights; jurisdiction; and disclosure / evidential issues.

Nina's abuse practice builds on her experience prior to joining the Bar. She spent nearly two years working on complex, high value personal injury litigation in the international and group claims department at Leigh Day & Co solicitors. There she was involved in claims by Iraqi citizens who alleged that they were physically and/or sexually abused by British soldiers in Iraq. She was also involved in claims by Iraqi interpreters who argued that they were abused by militia as a result of inadequate protection by their British forces employers. Similarly, while working at Liberty, Nina often advised members of the public on potential claims for assault / false imprisonment against employers and the police.

Military

Nina specialises in Armed Forces claims. She has particular experience of acting for service personnel in claims arising out of sexual and physical assault; non-freezing cold injuries; and PTSD.

Examples of recent cases include:

- A claim brought by a British naval officer who was sexually assaulted by a senior officer in Bahrain
- Claims brought under the *HRA 1998* and in Afghan law by the family of a boy who was shot and killed in Kandahar City by British military personnel following the US invasion of Afghanistan
- A group claim arising out of the alleged failure of the MoD to identify and treat psychiatric injuries sustained by military personnel in combat
- A claim brought by a soldier who was harassed and assaulted by his peers during initiation ceremonies
- A claim brought by a soldier for NFCI, PTSD and NIHL leading to loss of military career
- *Alseran & Others v Ministry of Defence* [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95 (led by Richard Hermer QC)

and Harry Steinberg QC): claims against the MoD brought by Iraqi civilians who allege that they were assaulted and unlawfully detained by UK military personnel during the invasion of Iraq in 2003.

International & Travel

Nina frequently acts in claims with an international element.

Examples of recent instructions include:

- *X v Kuoni* [2019] UKSC 37 (led by William Audland QC): a claim against Kuoni brought under the 1992 *Package Travel Regulations* for sexual assaults committed by a hotel employee in Sri Lanka. The case has been referred by the Supreme Court to the CJEU for a preliminary ruling on a point of European law.
- Claims brought under the *HRA 1998* and in Afghan law by the family of a boy who was shot and killed in Kandahar City by British military personnel following the US invasion of Afghanistan.
- *Alseran & Others v Ministry of Defence* [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95 (led by Richard Hermer QC and Harry Steinberg QC): claims against the MoD brought by Iraqi civilians who allege that they were assaulted and unlawfully detained by UK military personnel during the invasion of Iraq in 2003
- Group litigation brought by Kenyan orphans who were sexually abused by a British Airways pilot during stopovers in Kenya.
- Claims brought by Thai children who were sexually abused by a retired British teacher in Thailand.
- A claim by British naval officer who was sexually assaulted by a senior officer in Bahrain.
- Historic abuse claims brought by a footballers assaulted by their coach during team trips to Norway and Thailand.
- A group action by environmental protestors who were shot, beaten, tortured and detained by security guards at a factory in Peru while attending a peaceful protest.

Nina advises on issues of jurisdiction and applicable law, including the application of Brussels Recast and Rome II. She has particular experience of claims brought under the Package Travel Regulations.

As a co-author of *Personal Injury Limitation Law*, Bloomsbury (2020), Nina is well-placed to advise on the complex limitation issues that can arise in international claims.

Criminal Injuries Compensation

Nina has extensive experience of CICA claims, including fatal claims; claims for disabling physical and psychiatric injuries; and claims arising out of rape and child sexual abuse.

She appears regularly in the First Tier Tribunal in eligibility and quantum appeals. She has also appeared before the Second Tier Tribunal in judicial review proceedings concerning the withholding of a fatal award due to the alleged bad character of the deceased. Recently Nina represented an applicant who was abused by the late Jimmy Savile.

Industrial Disease

Having been supervised by Harry Steinberg QC as a pupil, Nina acts for both claimants and defendants in industrial disease litigation, including claims for asbestos-related disease and noise-induced hearing loss. She has particular experience of limitation issues, offering training on this subject to those instructing.

Human Rights

Nina advises on human rights aspects of personal injury, not only in the context of claims brought directly under the [Human Rights Act 1998](#) but also in the context of procedural issues such as the interplay between disclosure obligations and Article 8 ECHR.

Nina has gained experience in human rights at various organisations including at the International Criminal Tribunal for the former Yugoslavia where she was part of the Defence team for Jovica Stanišić (Head of the Serbian State Security

Service from 1991 to 1998). She has also worked at JUSTICE; Liberty; the National Centre for Domestic Violence; and the Legal Resources Centre in Durban, South Africa.

Public Authority Liability

Nina has particular experience of defending local authorities at trial in claims brought in negligence and/or under the *Occupiers Liability Act 1957*, the *Highways Act 1980* and the *Defective Premises Act 1972*. Much of her work in this area derives from repeat instructions.

Nina is also often instructed for claimants and defendants in claims against local authorities arising out of sexual and physical abuse, including failure to remove cases (as to which see further the “abuse” section of her profile).

Insurance

Nina has a particular interest in insurance policy and coverage disputes, having been supervised by Patrick Vincent during pupillage.

Before studying law, Nina worked as an analyst for an asset management firm evaluating investments for a multi-asset class, global portfolio worth over £10 billion. This experience has given her a good understanding of the needs of commercial clients.

Fraud

Nina is frequently instructed by defendants in trials where fraud is alleged or suspected, particularly in the context of staged road traffic accidents and low velocity impacts. She has obtained findings of fundamental dishonesty against claimants on numerous occasions.

Qualifications & Awards

Bar Vocational Course (Outstanding), BPP College of Professional Studies

Graduate Diploma in Law (Distinction), City University

MA (Distinction), Islamic, Hindu and Buddhist Studies, School of Oriental and African Studies, University of London

BA Hons, English Language and Literature, Balliol College, University of Oxford

Major scholar, Middle Temple Inns of Court

Shakespeare scholar, Balliol College, University of Oxford

Cases

FXF v Ampleforth Abbey Trustees [2020] EWHC 791 (QB): a claim arising out of the alleged sexual assault of the claimant by a Roman Catholic priest, in which the key issue was limitation.

GXG v S [2019] EWHC 3644 (QB): a claim for psychiatric injuries arising out of serious sexual assaults inflicted upon the claimant by his neighbour when the claimant was a child. The award of damages included an award for wasted expenditure on alcohol.

X v Kuoni [2019] UKSC 37: a claim brought under the 1992 Package Travel Regulations for sexual assaults committed by a hotel employee in Sri Lanka. The case has been referred by the Supreme Court to the CJEU for a preliminary ruling on a point of EU law.

Alseran & Others v Ministry of Defence [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95: claims against the MoD brought by

Iraqi civilians who allege that they were assaulted and unlawfully detained by UK military personnel during the invasion of Iraq in 2003.

Various claimants v (1) British Airways; (2) Wood: group litigation against British Airways for child sexual abuse carried out by a pilot during stopovers in Kenya.

AW v Lancashire County Council: claim against a local authority for failure to remove a child with learning disabilities from her parents' care.

Publications

Personal Injury Limitation Law (co-author) Bloomsbury (2020)

Contributor *Asbestos: Law & Litigation*, Sweet & Maxwell, 2019 (Chapter; Limitation)