

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 is ranked as a leading junior in personal injury in the current editions of Legal 500 and Chambers and Partners, which note that Nina is “*crystal-clear in her thinking and analysis*” (Legal 500) and has “*a commanding presence when on her feet*” (Chambers and Partners).

Nina specialises in claims arising out of sexual and physical assaults; harassment claims; 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:

- *Sayn-Wittgenstein v Juan Carlos 1* [2023] EWHC 2478 (KB) (led by Jonathan Caplan KC and Andrew Green KC): claim for harassment brought against the former King of Spain
- *X v Kuoni* [2021] UKSC 34 (led by William Audland KC): a claim brought under the 1992 Package Travel Regulations for sexual assaults committed by a hotel employee in Sri Lanka, which was 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 KC and Harry Steinberg KC): 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 the complex issues of causation that arise.

She is an authority on limitation periods and is co-author of *Personal Injury Limitation Law*, Bloomsbury (2020) which has received excellent reviews: <https://www.bloomsburyprofessional.com/uk/personal-injury-limitation-law-9781526508607/>

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.

International & Travel

Nina is frequently instructed in high-profile, cross-border injury and assault claims.

She has particular expertise in claims brought under the *Package Travel Regulations*, having been instructed in one of

the leading cases in this area (*X v Kuoni*). Nina advises on issues of jurisdiction and applicable law, including the application of Brussels Recast and Rome II.

Nina co-authored *Personal Injury Limitation Law*, Bloomsbury, 2020, writing the sections covering the complex limitation issues that arise in international claims.

Examples of instructions include:

- *Sayn-Wittgenstein v Juan Carlos 1* [2023] EWHC 2478 (KB) (led by Jonathan Caplan KC and Andrew Green KC): a claim for harassment brought by a Danish national against the former King of Spain
- A personal injury claim arising out of the torture of a Palestinian civilian in the Occupied Palestinian Territories
- *X v Kuoni* [2021] UKSC 34 (led by William Audland KC): a claim against Kuoni brought under the 1992 *Package Travel Regulations* for sexual assaults committed by a hotel employee in Sri Lanka. This was the first ever Supreme Court case to consider the interpretation of the 1992 *Regulations*. Following a reference for a preliminary ruling, the CJEU delivered a judgment which considered for the first time when the criminal action of an employee would be attributable to an employer for the purposes of Directive 90/314 and provided landmark guidance on the concept of attribution in 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. The boy's family brought claims for psychiatric injury under Afghan law and the *Human Rights Act 1998*. The claims gave rise to difficult issues concerning whether an actionable tort had occurred in Afghan law; the MoD's entitlement to rely upon the doctrine of Crown Act of State to avoid liability under foreign tort law; what heads of loss were recoverable in Afghan law; the application of the *HRA 1998* outside the UK's territorial boundaries; whether it would be equitable to allow the *HRA 1998* claim to proceed outside the primary limitation period; and whether the death of the boy constituted unlawful killing and was adequately investigated by the State.
- *Municipio de Mariana v BHP Group Plc*: one of the largest group actions ever brought in the UK. Nina was part of the Counsel team for c.100,000 claimants who suffered injuries and/or property damage due to the collapse of the Fundão dam in Brazil in 2015.
<https://www.reuters.com/article/us-bhp-britain-court-dam/bhp-faces-first-step-in-6-3-billion-uk-claim-over-brazil-dam-failure-idUKKCN24F2TC?edition-redirect=uk>
- *Alseran & Others v Ministry of Defence* [2017] EWHC 3289 (QB) [2018] 3 W.L.R. 95 (led by Richard Hermer KC and Harry Steinberg KC): 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. The claims succeeded before Leggatt J who gave a groundbreaking judgment on the circumstances in which a foreign limitation period will be disapplied under the *Foreign Limitation Periods Act 1984*, and whether damages for non-pecuniary loss assessed under English law should be reduced to reflect the lower cost of living in a foreign jurisdiction. The judgment has since been much cited by the English courts. [Iraqis win damages for 'ill-treatment' by British soldiers – BBC News](#)
- Group litigation brought by Kenyan orphans who were sexually abused by a British Airways pilot during stopovers in Kenya: <https://www.bbc.co.uk/news/uk-england-35724038>
- Claims brought by Thai children who were sexually abused by a retired British teacher in Thailand: <https://www.bbc.co.uk/news/uk-38830191>
- A claim under the 1992 *Regulations* arising out of the rape of the claimant by a barman in the toilet of a hotel nightclub during a package holiday in Cape Verde.
- A fatal claim arising out of a road traffic accident in Croatia.
- 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.

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

Sayn-Wittgenstein v Juan Carlos 1 [2023] EWHC 2478 (KB) (led by Jonathan Caplan KC and Andrew Green KC): *claim for harassment brought against the former King of Spain.*

X v Kuoni [2021] UKSC 34 (led by William Audland KC): a claim brought under the 1992 *Package Travel Regulations* for sexual assaults committed by a hotel employee in Sri Lanka, which was referred by the Supreme Court to the CJEU for a preliminary ruling on a point of European law.

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.

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.