

# RUTH KENNEDY

Call 2015

## Get in touch

[rkennedy@2tg.co.uk](mailto:rkennedy@2tg.co.uk)

+44 (0)20 7822 1200



## Practice Overview

Ruth's practice focuses on commercial litigation with particular interest in private international law, employment, commercial fraud, insurance and sport. She also has significant experience in public law, at both a domestic and international level. Ruth is currently instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse for the Lambeth investigation.

Recent past cases include appearing as sole counsel resisting an application for a springboard injunction in *Aquinas v Miller and others* [2018] EWHC 404 (QB) and appearing in the Supreme Court in *Darnley v Croydton Health Services NHS Trust* (led by Philip Havers QC and Bradley Martin QC) [2018] UKSC 50.

She was instructed as part of the counsel team in *Lungowe v Vedanta Resources plc*, an important case arising out of the operation of a mine in Zambia concerning issues of jurisdiction and parent company liability [2019] UKSC 20. She was also instructed by the UK Foreign and Commonwealth Office to assist with the *Kenya Emergency Group Litigation*, a case involving over 40,000 claimants alleging abuse arising out of the Mau Mau uprising in Kenya during the 1950s.

For the legal year 2016-2017 Ruth was Judicial Assistant to Sir Terence Etherton, Master of the Rolls. Her experience during this time included *Miller and others v Secretary of State for Exiting the European Union* ("the Article 50 litigation") [2016] EWHC 2768 (Admin) and the first appeal from the Financial List *Banco Santander Totta SA v Companhia de Carris de Ferro de Lisboa SA and others* [2016] EWCA 1267.

Prior to joining chambers, Ruth was a Research Assistant to Professor Philippe Sands QC working on Public International Law, ICSID Arbitrations and Court of Arbitration for Sport cases. She also previously worked as a Research Associate at UCL's Judicial Institute and a Teaching Fellow in Public Law at UCL.

## Practice areas

Commercial Dispute Resolution  
Employment  
Private International Law  
Sport  
Commercial Fraud  
Public Law  
Public International Law  
Insurance  
Professional Negligence  
Travel  
Product Liability

## Memberships

COMBAR  
Industrial Law Society  
LawInSport  
ELA

## Qualifications

BA (Hons)  
LLM (Distinction)

## Education

Pembroke College, Oxford University  
University College, London



2 Temple Gardens, London EC4Y 9AY

T +44 (0)20 7822 1200 F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)

[www.2tg.co.uk](http://www.2tg.co.uk)

# RUTH KENNEDY

## Commercial Dispute Resolution

Ruth has extensive experience of acting for claimants and defendants in contractual and tortious commercial disputes, particularly those with conflicts of laws issues, both led and unled.

## Current and Recent Work

Acting as sole counsel for an individual claimant in a high value claim for interest against a multinational investment bank (2019)

Advising on jurisdiction issues in a multi-million pound commercial fraud case (led by Charles Dougherty QC) (2019)

**Re X Insurance** - advising on the consequences of the insolvency of a foreign motor insurer in a claim worth circa £50 million (2018 – ongoing)

Working as part of a team of junior counsel in a multi-million pound dispute over a joint venture (2018)

**Aquinas v Miller and others** [2018] EWHC 404 (QB) - acted as sole counsel for the first and second defendants resisting an application for a springboard injunction in the High Court (co-defending with Stuart Benzie)

Advising on a challenge to jurisdiction in the TCC on the basis of an arbitration agreement (led by Charles Dougherty QC) (2017)

During her time with the Master of the Rolls she worked on *Banco Santander Totta SA v Companhia de Carris de Ferro de Lisboa SA and others* [2016] EWCA 1267, the first appeal from the Financial List.

## Employment

Ruth is an experienced employment practitioner who regularly appears in the Employment Tribunal and the High Court. She has particular expertise in claims involving private or public international law elements.

## Current and Recent Work

**Government of Catalonia v Mataro** – acted as sole counsel for the Government of Catalonia in successfully defending an unfair dismissal claim arising out of Spain's invocation of Article 155 of the Spanish Constitution in October 2017 (2018)

2 Temple Gardens

London EC4Y 9AY

T +44 (0)20 7822 1200

F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)

[www.2tg.co.uk](http://www.2tg.co.uk)



# RUTH KENNEDY

**A v Ministry of Defence** (2018 – ongoing) – acting as sole counsel for the claimant in a claim against the Ministry of Defence for stress at work at an international military base

**X v SSAFA** – represented an international military charity in successfully defending a claim for constructive unfair dismissal arising out of a child protection investigation in Cyprus (2018)

**Aquinas v Miller and others** [2018] EWHC 404 (QB) - sole counsel for the first and second defendants (co-defending with Stuart Benzie) successfully resisted an application for continuation of a springboard injunction.

During her time with the Master of the Rolls she worked on *Pimlico Plumbers v Gary Smith* [2017] EWCA Civ 51, the landmark case on the distinction between self-employed and a “worker”.

## Private International Law

Ruth is building a practice in conflicts of law disputes and is frequently instructed in cases involving a dispute about jurisdiction or applicable law. She has co-written a short introduction to Rome II with Charles Dougherty QC and Marie Louise Kinsler QC which is available [here](#).

During her time with the Master of the Rolls she worked on *Banco Santander Totta SA v Companhia de Carris de Ferro de Lisboa SA and others* [2016] EWCA 1267, the first appeal from the Financial List, which concerned the correct interpretation of Article 3(3) of the Rome Convention; if mandatory provisions of domestic law were to apply despite the presence of a choice of law clause.

## Current and Recent Work

**Lungowe v Vedanta Resources plc** (2018 – 2019) – part of the counsel team for the claimants in this important case concerning issues of jurisdiction arising out of a mine in Zambia [2019] UKSC 20.

**Re X Insurance** - advising on the consequences of the insolvency of a foreign motor insurer in a claim worth circa £50 million (2018 – ongoing)

**A v Ministry of Defence** (2018 – ongoing) – acting as sole counsel for the claimant in a claim against the Ministry of Defence for stress at work at an international military base

2 Temple Gardens

London EC4Y 9AY

T +44 (0)20 7822 1200

F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)  
[www.2tg.co.uk](http://www.2tg.co.uk)



# RUTH KENNEDY

*Ministry of Defence v Iraqi Civilians* [2016] UKSC 25 – assisted Marie Louise Kinsler QC in a case involving claims made by more than 600 Iraqi civilians alleging maltreatment at the hands of the Ministry of Defence. It was a complex conflicts of law case which focused on the interpretation of the Foreign Limitation Periods Act 1984.

## Sport

Ruth accepts instructions from players, clubs and regulatory authorities with clients ranging from self-employed tennis coaches to the Clay Pigeon Shooting Association. She has a particular interest in employment and sponsorship disputes. She regularly appears in the High Court and Employment Tribunal, with recent highlights including acting as sole counsel resisting an application for a springboard injunction in *Aquinas v Miller and others* [2018] EWHC 404 (QB).

During her time with the Master of the Rolls she worked on a number of high profile employment appeals, including *Pimlico Plumbers v Gary Smith* [2017] EWCA Civ 51, the landmark case on the distinction between being self-employed and a "worker".

## Commercial Fraud

Ruth is instructed in respect of all aspects of commercial fraud, including freezing and search orders and other without notice applications. She co-wrote a Practical Guide to Freezing Orders with Charles Dougherty QC which is available [here](#).

## Public Law

Ruth is currently instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse for the Lambeth investigation. She was previously instructed by the UK Foreign and Commonwealth Office to assist with the Kenya Emergency Group Litigation, a case involving over 40,000 claimants alleging abuse arising out of the Mau Mau uprising in Kenya during the 1950s. She has been published in many leading public law texts including *Judicial Review*, with her article [The Scope and Effect of Purdah](#), *Judicial Review*, December 2017.

During her time working for the Master of the Rolls she worked on *Miller and others v Secretary of State for Exiting the European Union* ("the Article 50 litigation") [2016] EWHC 2768 (Admin), the landmark case which considered whether Article 50 could be triggered by use of the royal prerogative or if an Act of Parliament was needed.

2 Temple Gardens

London EC4Y 9AY

T +44 (0)20 7822 1200

F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)

[www.2tg.co.uk](http://www.2tg.co.uk)



# RUTH KENNEDY

Ruth also has experience in human rights issues arising in a commercial setting. She worked on *Shlosberg v Avonwick Holdings Ltd* [2016] EWCA Civ 1138, where legal professional privilege was evoked by a bankrupt in resisting disclosure of sensitive documents by the trustees and *Stewart and others v Watts* [2016] EWCA Civ 1247 where an almsperson was alleging discriminatory treatment following an eviction notice.

## Public International Law

Ruth has expertise in inter-state disputes. As a Research Assistant to Professor Philippe Sands QC she assisted with the *Mauritius v United Kingdom* arbitration concerning the application of the Law of the Sea to the Marine Protected Area surrounding the Chagos Islands. She also worked on *Croatia v Serbia*, a case where both sides were alleging genocide under the Genocide Convention 1948 before the International Court of Justice in The Hague. Both cases involved collaborating as part of a large litigation team.

She has particular interest in cases involving decolonisation. She was previously instructed by the UK Foreign and Commonwealth Office to assist with the Kenya Emergency Group Litigation, a case involving over 40,000 claimants alleging abuse arising out of the Mau Mau uprising in Kenya during the 1950s.

## Insurance

Ruth is instructed by insurers and claimants in coverage related disputes. During her time working for the Master of the Rolls her experience included *UK Insurance Limited v R&S Pilling t/as Phoenix Engineering* [2017] EWCA Civ 259 which concerned whether motor insurance cover extended to liability for damage to the property of third parties as a result of fire caused by repair work while the vehicle was immobilised.

## Current and Recent Work

***Mohamud v Morrisons*** [2016] UKSC 11 - Ruth assisted Benjamin Browne QC, Roger Harris and Isabel Barter, one of the leading cases on vicarious liability.

***Re X Insurance*** - Advising on the consequences of the insolvency of a foreign motor insurer in a claim worth circa £50 million (2018 – ongoing)

2 Temple Gardens  
London EC4Y 9AY  
T +44 (0)20 7822 1200  
F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)  
[www.2tg.co.uk](http://www.2tg.co.uk)



# RUTH KENNEDY

---

## Professional Negligence

Ruth acts in all manner of professional negligence cases with clients including architects, solicitors and insurers. She was also instructed by the Government Legal Department to assist with ongoing litigation regarding the prescription of the anti-malarial drug Lariam to deployed troops. She accepts instructions as sole counsel or part of a larger team. Ruth has assisted Doré Green with a variety of high value professional negligence cases concerning construction and property damage.

She appeared in the Supreme Court in *Darnley v Croydon Health Services NHS Trust* (led by Philip Havers QC and Bradley Martin QC) [2018] UKSC 50, case concerning the duty of care on NHS receptionists to give accurate wait times.

## Travel

Ruth has extensive experience of conflicts of law disputes and injuries abroad and is frequently instructed in cases involving a dispute about jurisdiction or applicable law. For a full overview of her recent experience, please see the "Private International Law" heading above.

## Product Liability

Ruth's product liability expertise compliments and overlaps with her other practice areas. Recent instructions include appearing in the TCC for a manufacturer in a multi-million-pound dispute regarding allegedly defective steel carcassing used in the subsea oil industry.

2 Temple Gardens  
London EC4Y 9AY  
T +44 (0)20 7822 1200  
F +44 (0)20 7822 1300

[clerks@2tg.co.uk](mailto:clerks@2tg.co.uk)  
[www.2tg.co.uk](http://www.2tg.co.uk)

