

# Ruth Bala

Call 2006



Ruth specialises in retail banking, regulated lending and financial services.

Ruth is ranked in the 'Chambers & Partners' directory in Tier 1 for Consumer Finance and in the 'Legal 500' directory in Tier 2 of both the Banking & Finance and Financial Services sections. She was shortlisted by Legal 500 for 'Financial Services and Insurance Junior of the Year' 2022.

Ruth has represented banks and finance institutions in a number of the leading cases in the area. She was lead counsel for the creditor in *Kerrigan & 11 ors v Elevate Credit International Limited (t/a Sunny)* (in administration) [2020] EWHC 2169 (Comm); [2020] C.T.L.C. 161, the payday lending test case litigation on the relationship between the FCA's Handbook rules and the 'unfair relationship' provisions.

Ruth also mounted a successful defence of undisclosed PPI commission in the seminal case of *Harrison v Black Horse Ltd* (see below), subsequently overruled by the Supreme Court in *Plevin v Paragon Personal Finance Limited* [2014] 1 W.L.R. 4222, and appeared in *Conlon v Black Horse Ltd* (see below, settled three days before the hearing in the Supreme Court).

Ruth gives corporate entities in-depth advice on financial regulatory compliance. She is an expert on the detailed rules governing regulated activities in the FCA Handbook, including the CONC, MCOB, ICOBS and DISP modules.

Ruth is a Director of the [Bar Mutual Indemnity Fund Ltd](#), the professional indemnity insurer for the Bar. She also sits on the Regulatory Panel of Lincoln's Inn.

## Retail Banking and Financial Services

Ruth has represented banks and finance institutions in a number of the leading cases in the area.

### Featured Retail Banking and Financial Services cases

- ***Nash v Volkswagen Financial Services (UK) Ltd [2023] EWHC 2326 (KB)***: Ruth successfully represented Volkswagen FS in a defective vehicle dispute; the appeal concerned the correct approach to factual causation where there

were competing theories- [See news post](#).

- ***Blue Sky Equity Trading LLP v Credit Suisse (UK) Ltd*** [current]: £12.7m High Court claim for unreasonable refusal to accept £10m worth of unencumbered property as collateral following a margin call at the time of the coronavirus crash, forcing sale of a share portfolio at a severely depressed price.
- ***Kerrigan & 11 ors v Elevate Credit International Limited (t/a Sunny) (in administration)*** [2020] EWHC 2169 (Comm); [2020] C.T.L.C. 161: Ruth was lead counsel for the creditor in this payday lending test case litigation on the relationship between the FCA's Handbook rules and the 'unfair relationship' provisions. Twelve 'Sample Cases' were tried over the course of four weeks. Summary of judgment [here](#).
- ***MFS Portfolio Ltd v Phelan*** [2019] GCCR 17149: four day appeal upholding the applicability of the exemption in paragraph 55 of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001. This exemption from the need for FCA authorisation is commonly relied upon by debt purchasers who enter servicing arrangements with authorised servicers. The borrowers unsuccessfully argued that debt purchasers are not entitled to rely on this exemption when issuing proceedings: issuing is an activity that cannot be delegated to the servicer, but has to be undertaken by the purchaser, who has title to the debt.
- ***Pyne & ors v Curo Transatlantic Ltd t/a Wageday Advance*** (unrep, High Court, Business and Property Courts in Birmingham, 30 November 2018): represented a payday lender in a group of 231 claims alleging payday loan 'mis-selling'. Applied for a 'Scheme Stay' so that the claims could be processed by the lender as complaints and thereafter referred to the Financial Ombudsman Service.
- ***Conlon v Black Horse Ltd*** UKSC 2014/0038: conjoined appeal with ***Plevin v Paragon Personal Finance Limited*** [2014] 1 W.L.R. 4222; settled three days before hearing in the Supreme Court.
- ***Conlon v Black Horse Ltd*** [2013] EWCA Civ 1658: Ruth was led by David Bailey QC in having the borrower's appeal dismissed; the Court of Appeal declined to distinguish *Harrison v Black Horse Ltd* on the grounds there was oral evidence from the borrower as to how she would have reacted had she known of the commission and evidence of the bank's motivation in deciding not to disclose.
- ***Conlon v Black Horse Ltd*** [2012] GCCR 11423: Ruth successfully represented appellant in High Court, appearing as sole counsel against Hodge Malek QC; appeal allowed against a trial judge's finding of an 'unfair relationship'.
- ***Harrison v Black Horse Ltd*** [2011] EWCA Civ 1128; [2012] Lloyd's Rep I.R. 521; [2011] C.T.L.C. 105: Led by Nicholas Elliott QC in the Court of Appeal, where the lender successfully resisted the borrowers' second appeal: non-disclosure of 87% commission did not give rise to unfair relationship; if there was no non-compliance with ICOB it was difficult to see how there could be an 'unfair relationship'; Appeal to Supreme Court compromised.
- ***Harrison v Black Horse Ltd*** [2010] EWHC 3152 (QB); [2011] Lloyd's Rep I.R. 455; [2011] C.T.L.C. 1: Ruth appeared as sole counsel in High Court: although PPI being recommended was very expensive by comparison with monthly premium products, this did not give rise to a breach of ICOB or an unfair relationship; receipt of 87% commission from insurer did not give rise to a conflict of interest under ICOB.

## Appointments

- Ruth is a Director of the [Bar Mutual Indemnity Fund Ltd](#), the professional indemnity insurer for the Bar.
- Ruth sits on the Regulatory Panel of Lincoln's Inn. The Inn's Regulatory Panel liaises with the Bar Standards Board, the Legal Services Board and the MoJ.
- Ruth also sits on the Central Council of the Royal Over-Seas League, a not-for-profit private members' club dedicated to championing international friendship.

## Awards

- Shortlisted by Legal 500 for 'Financial Services and Insurance Junior of the Year' 2022.

## Publications

- Ruth has been a regular contributor to the Practical Law Company's consumer credit column.
- Former editor of [The Encyclopedia of Financial Services Law](#), in which she was responsible for half of the commentary on the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 ("the RAO").

## Education

- Classics (Greats) at Oriel College, Oxford University
- Lincoln's Inn: Lord Denning Scholarship

## Recommendations

- "Her advocacy is persuasive, powerful and pertinent, she is an absolute pleasure to work with and her hard work and commitment are outstanding." *Legal500 2021 (Financial Services)*
- "A great advocate who is very experienced in handling appeal cases. She is extremely forensic and excellent at tackling technical issues." "Very good at dealing with complex and novel areas of law." *Chambers & Partners 2022*
- "Ruth's knowledge of consumer credit and banking and finance regulation more broadly is vast and her appetite to review all recent case law and other relevant decisions means she is a true expert in this field." *Legal500 2021 (Banking & Finance)*
- "She is a genuine expert in her field; a forceful advocate who is always on top of the brief." *Chambers & Partners 2020*
- "Calm, collected and detailed in her approach, she is a standout barrister." *Chambers & Partners 2019*
- "A recognised leader in her field." *Legal 500 2019 (Banking & Finance and Financial Services)*