



Giles v Walker

- D ploughed land
- Thistles that seeded on his land spread to neighbouring property
- C sued for the escape of a dangerous thing
- Claim failed; thistles naturally occurred on land; not an escape of a dangerous thing

Hale v Jennings Bros (1938)

- Chair of a fairground ride became detached
- Flew off and injured a nearby stallholder
- Escaped a dangerous thing
- Non-natural thing

The thing is likely to do mischief if it escapes; test of foreseeability: is the thing likely to do damage if it escapes?; damage (not escape) must be foreseeable if the thing escapes; mischief things include gas, electricity, flag poles, tree branches, chair-o-plane, poisonous fumes

Cambridge Water v Eastern Counties Leather (1994)

- D was a long-established tannery (leather manufacturer)
- Chemicals were used
- Some of the chemicals escaped
- Polluted ground
- D drilled a bore hole + water was contaminated
- Bulk storage of chemicals = non-natural use

Richards v Lothian (1913)

- Tap was left on and water overflowed
- Water escaped to a lower floor + damaged C's goods
- Getting water in a house in 1913 wasn't commonplace, but was becoming natural
- D not liable = ordinary and reasonable use
- Court considered technological development

British Celanese v A.H. Hunt Ltd (1969)

- Metal foil had been blown from D's factory premises on to an electricity sub-station, which in turn brought the plaintiff's machines to a halt
- The meaning Lawton J would give to the phrase 'direct victim' was a person whose 'property was injured by the operation of the laws of nature without any human intervention'

Rylands v Fletcher rule

3 Accumulating onto the land means bringing a non-naturally present substance on the land; NO liability on D if this thing is already naturally present

2 The parties of an action include C and an owner/occupier of land, who satisfies the 4 tort components and it is assumed that they must have some control over the land on which the material is stored

Reads v Lyons (1947)

- C was employed by D in their factory which made explosives for the Ministry of Supply
- During the course of her employment an explosion occurred which killed a man and injured others including C
- No evidence that negligence had caused the explosion; strict liability; in the absence of any proof of negligence on behalf of D or an escape of dangerous thing, there was no cause of action on which the claimant could succeed

D is liable if, on his land, he accumulates a dangerous thing in the course of a non-natural use of that land, the thing escapes and causes reasonably foreseeable damage; this is a strict liability offence = no need to prove D acted without foreseeing a damage

Rylands v Fletcher (1868)

- D owned a mill and asked contractors to construct a reservoir on their land
- Reservoir was placed over a disused mine
- Water from the reservoir filtered through to the disused mine shafts and then spread to a working mine owned by C causing extensive damage
- Ds were strictly liable for the damage caused by a non-natural use of land

5 Non-natural use and non-natural occurrence; the thing must be non-naturally usable; thing must not be commonplace

6 Damage must be reasonably foreseeable: did the escape cause the reasonable foreseeable damage?; escape means D's loss of control of the dangerous thing

Reads v Lyons (1947)

Acts of God = no liability as a natural event so enormous that cannot be foreseen or guarded against

Nichols v Marshland (1876)

- Water escaped from an artificial lake after a prolonged and violent rainstorm; worst in living memory
- Embankment of a lake to collapse under the pressure of the extra water
- D not liable

7 Defences include consent, contributory negligence, statutory authority and two more:

Acts of a stranger = no liability if escape is caused by the deliberate and unforeseen act of a stranger, whom D doesn't control

Perry v Kendricks Transport (1955)

- Children messing around with D's coaches
- A child lit a match in the petrol tank of a coach
- Fire escaped and caused damage to neighbouring property
- D was not liable for the consequences => unforeseeable + 3rd party broke chain of events

8 Remedy is damages (compensation for the thing that escaped)