Rylands v Fletcher [1868] UKHL 1

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Facts

- Rylands paid contractors to build a reservoir on his land, intending that it should supply the Ainsworth Mill with water.
- Rylands played no active role in the construction, but instead contracted out the work to an engineer.
- As the contractors were building the reservoir, they discovered old coal shafts and passages under the land which filled loosely with soil and debris. These coal shafts joined up with Thomas Fletcher's neighbouring mine.
- Instead of blocking these shafts up, the contractors decided to leave them as they were.
- On 11 December 1860, after being filled for the first time, Rylands' reservoir burst and flooded Fletcher's mine. This caused £937 worth of damage.
- Fletcher pumped all the water out but, on 17 April 1861, his pump burst, and the mine again began to flood. At this point a mines inspector was brought in, and the sunken coal shafts were discovered.
- On discovering the coal shafts, Fletcher commenced proceedings against Rylands and the landowner, Jehu Horrocks, on 4 November 1861.

Issues

- Was Rylands liable for the damage caused to Fletcher's mine?

Held

- The House of Lords determined that Rylands was liable.
- Rylands knew of the potential for damage to Fletcher's mine by the coal shafts.
- A person who brings on to his land and keeps anything which likely to interfere with another person's rights must do so "at his period" and is answerable for all the damage which may occur if that thing escapes.
- In this case, the coal shafts were not blocked up and there was a recognisable danger to Fletcher's mine. When the reservoir burst, the water travelled through these shafts and damaged Fletcher's mine.
- This is known as the "Rule of *Rylands v Fletcher*".

Quotes

"the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it in at his peril, and, if he does not do so, is *prima facie* answerable

for all the damage which is the natural consequence of its escape. He can excuse himself by shewing that the escape was owing to the Plaintiff's default; or, perhaps, that the escape was the consequence of *vis major*, or the act of God; but as nothing of this sort exists here, it is unnecessary to inquire what excuse would be sufficient. The general rule, as above stated, seems on principle just. The person whose grass or corn is eaten down by the escaping cattle of his neighbour, or whose mine is flooded by the water from his neighbour's reservoir, or whose cellar is invaded by the filth of his neighbour's privy, or whose habitation is made unhealthy by the fumes and noisome vapours of his neighbour's alkali works, is damnified without any fault of his own; and it seems but reasonable and just that the neighbour who has brought something on his own property (which was not naturally there), harmless to others so long as it is confined to his own property, but which he knows will be mischievous if it gets on his neighbour's, should be obliged to make good the damage which ensues if he does not succeed in confining it to his own property. But for his act in bringing it there no mischief could have accrued, and it seems but just that he should at his peril keep it there, so that no mischief may accrue, or answer for the natural and anticipated consequence. And upon authority this we think is established to be the law, whether the things so brought be beasts, or water, or filth, or stenches..."

Controversy

This is not good law in Australia. The High Court overruled this principle in *Burnie Port Authority v General Jones Pty Ltd*, stating that the Rule of *Rylands v Fletcher* is "absorbed by the principles of ordinary negligence, and not as an independent principle of strict liability."

Full Text

The full text is available here:

http://www.bailii.org/uk/cases/UKHL/1868/1.html
