

GCE

# LAW: Torts connected to land Private Nuisance

## SUGGESTED IDEAS FOR TEACHING AND LEARNING



Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Torts connected to land
Session:	Private Nuisance

Component:	Component 2 and 3
Ref. to specification:	The law of tort
Suggested time allocation:	2-3 hours

**Aims & Objectives:** At the end of these sessions the student will be able to:

- **Define** private nuisance and identify the main features
- **Identify** the three types of private nuisance
- **Explain** the requirement for an interest in the land
- **Explain** the requirement for unreasonable use of land
- **State** the importance of showing damage, injury or loss of convenience
- **Explain** the main defences available
- **Identify** the remedies available

## **Main Teaching and Learning Activities**

### **Teacher/Lecturer Activities:**

- Introduce the topic with reference to the aims and objectives set out above.
- Define the meaning of private nuisance: **A private nuisance is an interference with a person's enjoyment and use of his land.**
- Explain there are three main types of private nuisance as laid down in *Hunter and Others v Canary Wharf Ltd* [1997]:
  - Nuisance by encroachment on a neighbour's land
  - Nuisance by direct physical injury to a neighbour's land
  - Nuisance by interference with a neighbour's quiet enjoyment of his land
- **Activity:** Board work: what sort of behaviour might constitute damage under each of the different types of nuisance. PowerPoint resource has ideas for answers on this.
- Explain that for a behaviour to be regarded as a nuisance, it has to be more than just an annoyance – thus, there are **three key elements** that have to be satisfied. Explain the three characteristics:

### **The claimant must have an interest in the land**

Key Cases: *Foster v Warblington UDC* (1906), *Malone v Laskey* (1907), *Khorasandjian v Bush* (1993) and *Hunter & others v Canary Wharf Ltd* (1997).

**There must be unreasonable use of the land which is the source of the nuisance.** This means the use of the land must be unreasonable, and there are five factors considered here. Discuss these factors with students; they are quite lengthy and require discussion of many cases as per PowerPoint.

- sensitivity of the claimant – *Robinson v Kilvert* (1888)

- duration and time of the nuisance – *Halsey v Esso Petroleum* (1961), *Crown River Cruises v Kimbolton Fireworks* (1996)
- character of the area – *Sturges v Bridgman* (1879), *Miller v Jackson* (1977), *St Helen's Smelting v Tipping* (1865), *Wheeler v Saunders* (1994)
- reasonable foreseeability of damage – *Wagon Mound (No 1)*
- acts of malice – *Hollywood Silver Fox Farm Ltd v Emmett* (1936)

**The claimant must suffer some harm.** Private nuisance is only actionable if there is some damage, harm, injury or inconvenience.

- Explain the differences in liability between the occupier and the landlord of a property.
- Outline the **two** main defences to private nuisance:
  - Statutory authority – where the conduct was authorised by law.
  - Prescription – if the defendant has acquired the right to act because they have done so for 20 years.

The main remedies for private nuisance are damages and injunctions and these are dealt with as a separate topic.

- Explain that there is often an overlap between actions for nuisance and those for negligence. It is important that learners can identify the differences between them, and answer the question appropriately.

**Activity:** Start a big wall display with three columns; private nuisance, public nuisance and negligence with some key headings so learners can see a comparison of the law. This can be added to as learners work their way through the various categories of nuisance.

### Student Activities:

- Group work – explaining and illustrating what is meant by 'private nuisance'.
- Wall display – illustrating difference between the key torts of private nuisance, public nuisance and negligence.

### Suggested links / resources:

- PowerPoint presentation
- Teacher Guide
- Case summaries:
  - Coventry and others v Lawrence and another* [2014]  
*Coventry and others v Lawrence and another*(No 2) [2014]  
<https://www.supremecourt.uk/cases/docs/uksc-2012-0076-press-summary.pdf>
  - Miller v Jackson* [1977]  
<http://www.bailii.org/ew/cases/EWCA/Civ/1977/6.html>
  - Cambridge Water Co v Eastern Counties Leather PLC* [1994]  
[http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKHL/1993/12.html&query=\(cambridge\)+AND+\(water\)+AND+\(co\)](http://www.bailii.org/cgi-bin/format.cgi?doc=/uk/cases/UKHL/1993/12.html&query=(cambridge)+AND+(water)+AND+(co))
- Flip chart paper (optional )

## Assessment of Learning

During the lesson

Group exercises and direct questioning show how much the students have understood the law relating private nuisance.

Exam Question: "The tort of private nuisance in many cases overlaps with the law on negligence. Discuss"

**Note to Centres:** you may want to make sure that you consider the law on negligence before you venture onto nuisance and torts connected to land so that learners have an understanding of the basics of negligence first.

Subsequent to lesson