

GCE

LAW: Torts connected to land Rylands v Fletcher

SUGGESTED IDEAS FOR TEACHING AND LEARNING



Teacher /Lecturer:	
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Course:	A Level Law
Topic:	Torts connected to land
Session:	Rylands v Fletcher

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:

- **State** the *Rule in Rylands v Fletcher*
- **Explain** the essential parts of the *Rule*
- **Explain** the development of the *Rule*
- **Explain** the impact on the *Rule* of the decision in *Cambridge Water Co Ltd v Eastern Counties Leather PLC [1993]*
- **Explain** the defences to the *Rule*
- **Explain** criticisms of the *Rule*

Main Teaching and Learning Activities

Teacher/Lecturer Activities:

- Introduce the topic with reference to the aims and objectives set out above.
 - Outline the facts of *Rylands v Fletcher*. **Rule: 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.**
- Activity: Research** – using a legal dictionary, define the key terms of “prima facie” and “vis major”.
- Discuss the **four essential parts** of the Rule, as outlined on the PowerPoint.
 - a) *Something must have been collected and kept on land* – *Miles v Forest Granite Co (Leicestershire) Ltd (1918)*
 - b) *The use of the land must be non-natural* – *Rickards v Lothian (1913)*
 - c) *The thing brought onto the land must be likely to do mischief if it escapes* – *Read v J Lyons & Co Ltd (1947)*, *Transco plc v Stockport Metropolitan Borough Council (2004)*
 - d) *The thing brought onto land must have escaped and caused damage* – *Cambridge Water Co Ltd v Eastern Counties Leather plc (1994)*
- Activity: Research** – Read the House of Lords ruling in *Transco plc v Stockport Metropolitan Borough Council (2004)*, which explores how the rule has developed and will be very useful for an evaluation or analysis essay.
- Discuss the defences that are available to a claim under the *Rylands v Fletcher* rule:
 - consent – *Peters v Prince of Wales Theatre (1943)*
 - an Act of God – *Nichols v Marsland (1876)*
 - act of a stranger – *Perry v Kendrick’s Transport Ltd (1956)*
 - statutory authority – *Charing Cross Electric Supply Co v Hydraulic Power Co (1914)*
 - contributory negligence – *Law Reform (Contributory Negligence) Act 1945*.

Activity: Research – Research and summarise the key cases on defences. This could take the form of a mindmap.

- What criticisms can you think of the rule in *Rylands v Fletcher*? You should think about this in the context of how the rule has developed over the years.

Student Activities:

- Group work – explaining and illustrating what is meant by the rule in *Rylands v Fletcher*.
- Research – research and summarise key cases on defences in the form of a mindmap or wall chart.

Suggested links / resources:

- PowerPoint presentation
- Teacher Guide
- Case Summaries:
Transco PLC v Stockport Metropolitan Borough Council [2004]
<https://www.publications.parliament.uk/pa/ld200203/ldjudgmt/jd031119/trans-1.htm>

Assessment

During the lesson

Group exercises and direct questioning show how much the students have understood the law relating to the rules and defences in *Rylands v Fletcher*.