

# Newsletter

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## THE RULE IN RYLANDS V. FLETCHER:



In **Rylands v. Fletcher**, the court laid down a powerful rule:

"A person who, for his own purposes, brings onto his land and keeps anything likely to do mischief if it escapes, is prima facie liable for all damage caused by the escape." It was further held by Lord Cairns that the use must be non-natural. Thus, in strict liability you are liable whether or not you were negligent, unless a valid defense applies.

## WHY "I DIDN'T MEAN TO" MAY NOT SAVE YOU

Imagine being held liable not because you were careless or reckless but simply because something dangerous escaped from your land. Welcome to the world of strict liability a form of legal responsibility without fault, where what matters is the act, not the intention. At the center of this doctrine in tort law is the landmark English case of **Rylands v. Fletcher (1868)**, still very much alive in Nigerian jurisprudence today.





# The 5 Essential Elements Of The Rule

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To succeed under this rule, the plaintiff must prove the following:

1. The Defendant Must Be an Occupier or Have Control

Liability attaches not just to landowners, but anyone who controls the land or object. For example, in **Charing Cross Electricity Supply Co. v. Hydraulic Power Co.**, the court held a company liable even though it didn't own the land—it had enough control over its water pipes laid in a public highway.

*Bottom line: If you control it, you're answerable for it.*

2. There Must Be a Dangerous Thing Brought and Kept on Land:

It must be something brought onto the land—not naturally occurring—and likely to cause harm if it escapes. Water, in **Rylands v. Fletcher**, was not inherently dangerous, but in a reservoir, it became hazardous. What matters is whether it is likely to do mischief if it escapes. Even if someone else brings it, and the defendant adopts it for their own use, liability still applies.



### There Must Be an Escape

3.

This means the thing must leave the defendant's land and cause damage elsewhere. As stated in **Read v. Lyons & Co.**, escape means leaving a place where the defendant had control to somewhere outside their control. Therefore, where there is no escape? No liability under this rule.

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It is important to state here that for internal damage (within the premises), a plaintiff must proceed under negligence—not *Rylands v. Fletcher*.

### 3. There Must Be Non-Natural Use of the Land

This is where things get interesting. Courts have emphasized that the use must not be ordinary, domestic, or socially beneficial. It must be something unusual, artificial, or dangerous.

- In **Giles v. Walker (1890)**, thistles growing naturally on land did not count.
- In **Rickards v. Lothian**, Lord Moulton described non-natural use as: "...some special use bringing with it increased danger to others..."

It is also important to note that the definition of "non-natural use" is dynamic. In **Rainham Chemical Works v. Belvedere Fish Guano (1921)**, manufacturing explosives was held non-natural. However, during wartime in **Read v. Lyons**, it was considered natural due to public interest.

In **Mason v. Levy Auto Parts**, storing large quantities of inflammable materials in an industrial setting was ruled a non-natural use, given the volume, storage method, and location.

In conclusion, courts will always assess social utility, local custom, and risk. What was non-natural in 1920 may be natural in 2025.

### There Must Be Damage

Unlike trespass, strict liability is not actionable per se. You must prove actual damage.

- In **NEPA v. Alli**, a fire caused by a NEPA transformer destroyed the plaintiff's factory. The court applied *Rylands v. Fletcher* and held NEPA strictly liable for the escape of fire from their installation.
- Damage may include harm to: land or buildings, fixtures, and chattels (movable property). 23

### In summary the rule in *Rylands v Fletcher* entails:

1. Bringing and keeping on one's land a non-natural user,
2. Duty to keep it therein at one's peril,
3. Escape of the thing, Liability for the natural consequences of its escape.

Thus, the purpose of the rule in *Rylands v Fletcher* is to ensure that every man must use his land so as not to hurt, injure, or harm others. One is allowed to use anything that is his, so long as its use does not unlawfully harm others and such a person must also keep his possessions from trespassing.

