

**Excerpts from the House of Lords Decision in
*Cambridge Water Co. v. Eastern Counties Leather plc***

1. The “rule” in *Rylands v. Fletcher* (1866): “We think that the true rule of law is, that 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” (Blackburn J.).

2. Lord Goff ([1994] 2 A.C. 264, p. 302): “The general tenor of his statement of principle is therefore that knowledge, or at least foreseeability of the risk, is a prerequisite of the recovery of damages under the principle; but that the principle is one of strict liability in the sense that the defendant may be held liable notwithstanding that he has exercised all due care to prevent the escape from occurring”.

3. Lord Goff ([1994] 2 A.C. 264, p. 304): “the historical connection with the law of nuisance must now be regarded as pointing towards the conclusion that foreseeability of damage is a prerequisite of the recovery of damages under the rule”.

4. Lord Goff ([1994] 2 A.C. 264, p. 306): “foreseeability of damage of the relevant type should be regarded as a prerequisite of liability in damages under the rule”.

5. Lord Goff ([1994] 2 A.C. 264, p. 306): “Turning to the facts of the present case, it is plain that, at the time when the P.C.E. was brought onto E.C.L.’s land, and indeed when it was used in the tanning process there, nobody at E.C.L. could reasonably have foreseen the resultant damage which occurred at C.W.C.’s borehole”.

6. Lord Goff ([1994] 2 A.C. 264, p. 307): “In the result, since those responsible at E.C.L. could not at the relevant time reasonably have foreseen that the damage in question might occur, the claim of C.W.C. for damages under the rule in *Rylands v Fletcher* must fail”.

7. Lord Goff ([1994] 2 A.C. 264, p. 305): “as a general rule, it is more appropriate for strict liability in respect of operations of high risk to be imposed by Parliament, than by the courts”.