

Transco plc v Stockport MBC [2004]

Evidence

The local council used a pipe to provide the houses situated close to it with water. This pipe lied under the railway next to the gas pipe of the claimant. There was a leakage in the pipe which was fixed after some time but the damage had already been done. The leak took place in 1992 and it was not immediately spotted. During the time that the pipe was malfunctioning, the leak resulted in embankment which vanished and deprived the gas pipe of support which led to a risky situation. Stockport MBC had to hold an expensive renovation and charged the council for negligence.

Problematics

Stockport MBC tried to build their claim on the basis of the *Rylands v Fletcher* rule which meant there could be a case of direct obligation where negligence could not be proved should it be provided. The court had to deal with the mean of the land use by the council. Was it natural for the council to grant water for nearby houses through the land or not? Could the water damage caused by the leaking pipe be considered as an act of negligence?

Resolution

The use by the council of the land was natural according to the court and no rule of *Rylands v Fletcher* could be applied to this case, as providing water to the premises could not be considered dangerous and was not unnatural.

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