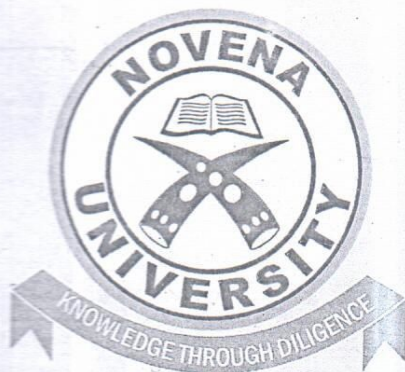




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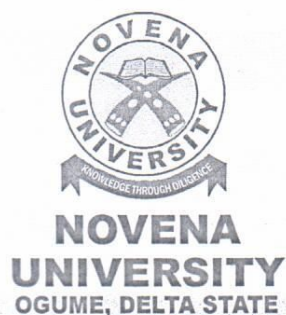
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EDITORIAL

We are very pleased to inform the international community, particularly diplomatic missions, development partners, heads and members of the Judiciary, legislature, executive arm of governments, scholars and researchers of 'the birth' of the Novena University Law Journal (NULJ).

The idea behind this publication is to address the innocuous absence of critical and detailed law reports that focus on the judgments of federal/ state high courts and customary courts of appeal in Nigeria and most Africa countries. These courts although not the apex or supreme courts are in the forefront of providing critical scholarly resources in the advancement of justice in society. This is self evident because the principles of law in criminal law, environmental law and policy, anti- corruption, evidence, international trade law, constitutional law, good governance, terrorism, space and satellite communications, biotechnology and science regulation, etc expressed in the judgments of these courts, shape the appellat  decision making process of the various supreme courts.

There is consensus that judgments of these courts have contributed immensely to good governance. Been courts that are closer to the citizenry they are the guarantors of state institutions effective functioning within their constitutionally mandated roles. In practice, notwithstanding their importance decisions of these courts are not often reported except the few that goes on appeal.

The Novena University Law Journal (NULJ)'s novel and contemporary appeal is its commitment to report the recondite hallmark decisions of these courts from all over Africa. It's our editorial philosophy that we will identify through a rigorous selection process and report the 'hallmark judicial research and reasoning', in the judgments of these courts - in all aspects of law and policy. It is our hope that this rare platform of detailed reporting will draw attention to the important work being done in these courts by judges who have the calling, commitment and integrity to do justice.

It's an invaluable addition to legal and judicial literature and will continue to be a real tribute to the selfless work, effort and commitment of judges and lawyers who appear in these cases. It's against this back drop, we feel compelled to reiterate our editorial philosophy that regardless of the political party in power, scholars must engage in meaningful discus with a view to suggesting reforms to law and policy as it affects existing social, economic and political circumstances in Nigeria and the African continent. On our part, we will publish these scholarly contributions for the benefit of all citizens.

This issue fits the balance forum for intellectual discus. In it we have articles that immediately remind us of contemporary events in Nigeria, the

African Region and the world. For instance, Prof. Bibobra Bello Orubebe investigates the critical concerns associated with Nigeria's Fight against Terrorism and Corruption with Good Governance: Lessons for Developing Countries. He ends up concluding that good governance is the panacea for the rebirth of modern Nigeria. Fatimoh Funsho Abdulrazaq examines the General Legal Framework and Responses to Child Labour Practice in Nigeria with a focus on Kwara State. Ijaiya B. L, Abdulrazaq F. F. and Afolabi. O. S unravels the Tortuous Liabilities on Environmental Pollution: A Case of Water Pollution in Nigeria. Dr. Abdullahi Mohammed Kontagora Reviews the Income Tax Relief issues in Nigeria: Rationale and Considerations. While Benjamin O. Mukoro visited the Effect and Enforceability of Human Rights Decisions of the Ecowas Community Court of Justice in Member States. As expected the trio Josephine A. Agbonika, Olokooba S.M and Hassan I. Adebawale, Evaluated the Tax Issues in the use of Virtual Currencies in Nigeria. On his part, H. C. Okolo Esq discussed the Global Commons: Problems and Prospects. Dr H. Bena Buku Appraised the United Nations Organization and the Quest for World Peace identifying endemic structural problems. Dr Olatoke J.O. (SAN) discussed the Economic Rationales for Anti-dumping Laws of the World Trade Organisation (WTO) recommending reform and Youkere Kemeseifa Ebikefe wrote on Transportation Law and Policy: Carriage By Land, Air And Sea. The Imperative of 'Laytime'.

In keeping with the journal's editorial philosophy two (2) landmark judgments namely, *Helen Amufa & 3 ors V. Peter Ochonogor & 5 ors* and *State V. Trust Abraham* that were adjudged "well researched judicial contributions", dealing with the constitutional right of a female child to inherit from her late father's estate regardless of Customary law (Owa Alero) and the essential ingredients prosecution must prove to secure conviction in the offence of Armed robbery - notwithstanding denial of confessional statement in criminal law and procedure are reported.

Publishing in Africa is fraught with a lot of challenges. A lot is therefore owed to our intellectual Honourable team of judges. Notably, we are grateful to the provost and Dean of the Novena University College of law, external assessors our respected editorial advisers. Also deserving our sincere gratitude are the Vice Chancellor, Deputy Vice Chancellor, Registrar of Novena University, the editorial board and article contributors.

We hope that the readers and users of this Journal be they Judges, lawyers, students, scholars, researchers, and policy makers will by this publication expand the scope and coverage of future editions by sending to us well researched Judgments from their jurisdictions that will form the critical bases for this publication.

We congratulate in advance all those whose efforts will contribute in one way or the other to the success of this important legal Journal.

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THE TORTUOUS LIABILITIES ON ENVIRONMENTAL POLLUTION: A CASE OF WATER POLLUTION IN NIGERIA.

BY

IJAIYA BASHIR LEKE*
ABDULRAZAQ F. F. (MRS)**
AFOLABI. O. S***

Abstract

This paper examines the tortuous liabilities on environmental pollution in Nigeria with particular focus on water pollution. It also discusses the services, functions and values of water, the various meanings of pollution, the causes of water pollution and the effects of such pollution on both the flora and the fauna alike. It further described and examined the tortuous liabilities under the common law viz - Negligence, Nuisance and the doctrine of Res Ipsa Loquitor as well as the rule in Ryland v. Fletcher. More importantly, it also examined the various legal frameworks on water pollution. Given these legislations, it is suggested inter alia that, the lawmakers must not shy away from legislating on appropriate legislations to avert water pollution, there should be adequate monitoring of the human activities, sensitization of the populace on the need to preserve clean water, adequate compensation to the affected victims of water pollution as well as adequate enforcement of the articulated policy on preservation of clean water environment

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1. Introduction

Unequivocally, the role of man in nature is enormous. This is evidently seen in the self-annihilation men have contended with in virtually destroying all other beautiful creation surrounding them. All other creatures of God have sustained and maintained their intrinsic purity, peace and beauty without any violent destruction to all other creations in nature.. This is not so of human beings, who have virtually polluted the air we breathe, water that we drink and for many other purposes is soiled with spillage, slurry and other toxic substances. Indeed, nature supports the very existence of human on earth. Without these organisms, an existence will be faced with a very serious question mark and life may become worthless. In fact, water is most essential to humans and this explains why it is common say that 'water has no enemy'.

2. Water: Functions, Services and Values

Our material existence is dependent on the use of water. The material value of water is immeasurable as it is safe to say that the existence of mankind depends on preservation of water from being polluted. Water, undoubtedly, serves as a source of food, nutrient and energy not only to human beings but also to animals alike. Indeed, water is a source of producing useful chemicals and drugs as well as many other products and services.

Many of the benefits of water accrue to agriculture itself. It is a fact that, almost all agricultural activities depend on water to thrive. The provision of nutrients for the development of improved crop varieties and livestock breeds is important element water provides to agricultural activities. Water also functions for the diversification of agricultural areas ensuring variety ecological services vital for food security, natural resources conservation, economic viability, climate amelioration, cultural preservation and community empowerment.

Andrew & Martins¹ observed that water's functions and services may be divided to four broad categories. First, water may have commercial values in uses as supplement for food, medicine, clothing and tourism. Second, existence value represents the pleasure people derive from simply knowing that natural resources exist, even if representatives are never actually observed directly. This is a component of aesthetic value that, by definition, cannot be captured in tourism or other commercial measurements. Third, it is sometimes argued that if we are allowed water to be polluted, both the flora and the fauna and other creation will spell the disaster. Then, if we believe that this value is important, then we should act to prevent water from further pollution. Fourth, there is a moral argument originating ultimately from religious and philosophical convictions, that we have an ethical obligation to preserve water notwithstanding any direct benefits to humans.

Barakat² commenting on the values of water observed that water ensures productive and environmental sustainability. In addition to contributing to environmental sustainability, water helps sustain many production functions both in low external input and high input-output agriculture.

Karl³ observed that not only does water provide a habitat for quite numbers of animals but also provides some waste like leaves, stems and alike for them to feed on. Colonies of microscopic life feed on these particles are in turn eaten by estuarine species such as shrimp, some fish and small crustaceans that serve as forage for birds, predatory fish and eventually people.

¹ Andrew M & Martins L. W 'Patterns of Behaviour in Biodiversity Preservation' (1994) Working Paper No. 1538 The World Bank Policy Research

² Barakat H 'The Date Palmgrove Oasis: The North African Agro-System' In Halladay P & Gilmour D. A (eds) *Conserving Biodiversity Outside of Protected Areas, the Role of Traditional Agro-System* IUCN & AMA, Gland

³ Karl, G. M 'Environment, Poverty and Economic Growth' (Annual World Conference on Development Economics Washington D. C. 1997)

In fact, the functions, values and services of water to mankind and other creations are inexhaustible this is because the survival of human beings and most of other creations depends solely on pure available water.

3. Pollution: Definition, Causes and Effects

a. Definition

The word pollution has been variously defined and used in different concepts. In one sense, pollution has been defined as:

The introduction by man, directly or indirectly or substances or energy into the environment resulting in such deleterious effects as harm to living resources, hazard to human health, hindrance to marine activities including fishing, impairment of quality for use or sea water and reduction of amenities⁴

In another sense, it has also been defined as:

"Man-made or man aided alteration of chemical, physical, or biological quality environment to the extent that is detrimental to that environment or beyond acceptable limits and "pollutant" shall be construed accordingly"⁵.

b. Causes of Water Pollution

Undoubtedly, it is humans who should accept full responsibility for the increasing rate of water pollution than any other creations. Other creations as noted earlier have sustained and maintained the intrinsic purity, peace and beauty of all natural resources. Over the years, the causes of water pollution is generally attributed to the activities of industrial companies, who in their bid to consolidate in the production of their products, have in most cases, failed to consider the environment effects their activities would have on the communities.

⁴ Stockholm Declaration United Nations, December A/CONF 48/8 78-79

⁵ Section 8 of the Federal Environmental Protection Act, Cap 131, Laws of the Federation of Nigeria, 1990

Water pollution will thus generally occur as a result of industrial chemicals wastes into water that normally occur as a result of the proceeds of production of finished products. This may eventually flow into the shore of the river, hence water is polluted.

There are also contributions from sources like on and off-shore use explosives at the exploration stage; the radioactive materials at the development stage, produce water and other effluents, deck drainage, sanitary and domestic waters from off-shore facilities.

There is also a human factor resulting from the abject poverty prevalent in the country. Some people especially fishermen in the quest of improving their lots usually pour poisonous substances into the water to increase the numbers or fishes for their consumptions and sales. This, it is observed does not only pollute the water but may also lead to rapid extinction of marine living resources. The discharge of oil into the high sea by vessels as well as collision on the sea between oil carrying vessels no doubt will cause pollution whereby the water is polluted and the marine living resources greatly disturbed.

Ogbuigwe⁶ evidently observed that oil spills or pollution from oil has its detrimental effect on air, land and water. Thus oil pollution affects not only the environment, but also the individual, within the environment.

Another contributor to the water pollution is human population growth. The human family in the mid-19th century had a population of one billion. One and half centuries and five billion people later, humans are beginning to wonder whether they are in danger of exceeding the limit of their resources. Each year, as the human population continues to grow, water is becoming polluted and affected at an alarming rate resulting from the need to urbanize and create shelter for human beings. Hence, marine living resources are displaced and their habitats destroyed as well.

⁶ Ogbuigwe A. E 'Compensation and Liability for Oil Pollution in Nigeria' (1985) Vol. 3 22, Journal of Private and Property Law

The threat to global warming has also been responsible to pollution of water. It is possible that the rise of temperature beyond a normal level affects some marine living resources and thereby affects their survivals. The death of the coral reefs (anchors of much of marine species) has been caused by warm water arising from hot temperature. The rise in sea levels could eliminate a large portion of the world's coastal wetlands, the home of abundant biodiversity.

In Nigeria today, water pollution has evidently claimed human lives. This is evidently clear of the epidemic of contagious diseases resulting from poor drinking water that has been polluted in one way or the other.

c. Effects of Water Pollution

The consequences of water pollution in the recent time sober the mind. This is a scientific, ethical, political and economic issue that is of profound significant to the future of humanity. Water provides the essential basis for many medicines, genetic strains of food crops, and industrial products.

The reason why human should mourn the increasing rate of water pollution is the loss of scientific knowledge that can subsequently be put to the good of the world. The other reasons are just as powerful. Moral concern and aesthetic pleasure are too more. We ought to be worried if we are caring humans, one of many millions of different genetic constellations.

Since the service and functions of water are essential for our survival, it would clearly be prudent to monitor the same in much the same way that we monitor our manufactured capital stocks, such as roads, buildings and machinery. This has not been standard practice, however, and even today such monitoring is not conducted in any systematic way. Instead reliance is often placed in an economy's gross output (crops fisheries forest products) and the prices of these outputs to assess whether the resources base is being depleted. This is a mistake. Agricultural output, for example, can rise even if soils are being mined. The environmental resource base is dynamic and completed, consisting of biological communities that interact with the physical and chemical environment in time and space. Moreover, these interactions are often nonlinear, thus the resources base can

display threshold effects meaning that the flow of services can be interrupted.

It is to be further noted that water pollution not only affects the quantity and quality of the services produced by ecosystems, it also challenges their resilience. An ecosystem's resilience is its capacity to absorb disturbances without undergoing fundamental changes. If a system loses its resilience, even a small perturbation can change it into a wholly new state.

According to Boserup⁷, as population grows, land, water and other natural resources become scarcer relative to labor, and access to market improves. As a result agricultural intensification occurs. Relative prices change and food price increase as demand for food rises. At first, (implicit) wages decline to reflect the increased supply of labour. This process generates the need for new institutions, such as private property rights, which somehow emerge. The new institutions facilitate the adoption of more intensive techniques and greater investment, which increase yields. Rather than deteriorating, the natural resource base improves as it becomes more valuable. Moreover, economics of specialization and of scale associated with the provision of infrastructural and public services (education, health care, portable drinking water and the like) emerge, leading to a greater supply of these services. These improvements promote increases in labour productivity that eventually reverses the initial wage decline induced by population growth.

The effect of water pollution can also be seen from a list of the harmful effects of the atmospheric pollutant on plants and animals and on the inorganic substance as well as all human beings. For instance, the emitted gases into the atmosphere during industrial activities have found injuries to human health. Also, the concentration of various chemicals in water bodies poses problems to man.

⁷ Boserup E *Population and Technological Change: A Study of Long-term Challenge* (University of Chicago Press, Chicago 1981) 286

Van-Ketal⁸ observed that there is a serious environmental stress due to the application of agro-chemicals on a number of human activities. For example, the use of pesticide and gamalin 20 has greatly led to the destruction of aquatic lives such as fish and other marine living resources

Not only this, dirty water due to pollution constitutes as death traps to man. For example, there have been several occasions when outbreaks of epidemic were traced to contaminated water. Unplanned and unregulated development of both surface and ground water resources could also have drastic input on the physical environment hydrological cycle and biodiversity. This development may ultimately lead to the incidence of flooding and health hazards. Pollution generally deteriorates the quality of environment. Such activities include agricultural practice, mining, laying of pipelines among others. This development usually arises from the unplanned actions of events.

Ijaiya⁹ also observed that women have always relied on the environment for the provision of most of the environmental resources (wood, water, air and soil) for their socio-economic activities. On the contrary, an overexploited environment would always spell doom for women thereby undermining their socio economic activities that in the long run could lead to diseases, reduction in productivity, loss of amenity and poverty. An explanation of this connection indicates that an environment that is well managed and protected would continue to provide the necessary natural resources for women and economic development in general, but when the environment is degraded the welfare of women is reduced by ill health and premature mortality, and an impaired health may lower the

⁸ Van-Ketal, M quoted in Kolo R. J & Lamai S. L. 'Degradation of Aquatic Environment by Agro Chemicals in the Middle Belt Nigeria' Proceedings of the Annual Conference of the Environment Protection Society of Nigeria 1997

⁹ Ijaiya G. T 'Environment, Poverty and Women: A Perspective on Socio-Economic Forces' In Jimoh, H & Ifabiyi, I P (eds) Contemporary Issues in Environmental Studies, Haytee Publishing Co, Ilorin 1997) 228

productivity of women thus reducing the productivity of many resources used directly or indirectly by women. Given this situation, water is so important to human beings, plant and animals in that it provides all the nutrients needed and required for their survival and existence.

3. The Tortious Liabilities under the Common Law

The general common law rule for the liability of the polluters arising out of water pollution can be seen in the tortious principles of Negligence, Nuisance, Res Ipsa Loquitor and the principle in the case of Rylands. V. Fletcher. Therefore, it is safe to conclude that, the general common law rule is applicable and available to redress the incessant water pollution both under, the municipal and international laws.

a. Negligence

According to Winfield & Jolowicz¹⁰ Negligence as a tort is the breach of a legal duty to take care which results in damage undesired by the defendants to the plaintiff.

Thus its ingredients are:

- i. a legal duty in the part of 'A' in this case the polluter toward 'B' in this case the victim to exercise care in such conduct of 'A' as falls within the scope of the duty;
- ii. The breach of the duty;
- iii. Consequential damage to 'B'

It is to be further noted that the tort of negligence was given universal interpretation in the *locus classicus* case of *Donoghue V. Stevenson*¹¹ where Lord Wright stated thus:

¹⁰ Winfield & Jolowicz on Tort (14th ed, Sweet & Maxwell, London 1984) 78

¹¹ (1932) A. C. P 562 @ 580

"In strict legal analysis negligence means more than needless or careless conduct, whether in omission or commission, it properly connotes the complex concept of duty, breach and damage thereby suffered by the person to whom the duty was owing.

In the Nigerian case of Nigeria Bottling Company Ltd. V. Ngonadi¹², the Supreme Court adopted and applied the above stated ratio in expounding liability in the "neighborhood" principle. To successfully maintain an action in negligence, the victim or plaintiff, as the case may be, must establish the ingredients enumerated above. It is not every careless act that a man could be held responsible neither in law nor even for every careless, act that causes damage. He will only be liable in negligence if he is under a legal duty to take care.

Lord Atkin in Donoghe's case above stated that it has to be established that the defendant has been careless or negligence in the exercise of his specific legal duty to take care. Evidently, where an action is brought for negligence, a finding by the court that the defendant was not negligence would dispose of the action completely.

For a civil action as a result of water pollution to succeed, the plaintiff would be required to show that, the discharge or escape of poisonous and or industrial waste was the failure to keep a good sewage system and that the resultant pollution damages was forceable. Thus in Atubin & Others .V. Shell B.P. Development Company Nig. Ltd¹³ wherein an action was brought against the defendant by the plaintiff in which they claimed for damages as a result of the escape of crude oil gas from defendant's pipelines destroying fishes in their lakes and farmland. It was held that the plaintiff could not establish that the negligence of the defendant was proximate cause of the damage.

¹² N. N. S. C. Vol. 16 (Pt 1) p 753

¹³ Suit No. UCH/48/73 Ugheli High Court delivered on 12th November, 1974

From this decision therefore, it appears that the onus of proof is always on the plaintiff to establish the existence of damages through pollution.

b. Nuisance

An actionable nuisance is incapable of exact definition, and it may overlap with some other headings of liability in tort such as negligence or the rule *Rylands.V. Fletcher* (supra). However, nuisance has been defined as "an act or omission that is an interference with, disturbance of or annoyance to a person in the exercise or enjoyment of:

- a. a right of belonging to him as a member of the public, when it is a public nuisance, or
- b. his ownership or occupation of land or of some easement, profit, or other right used or enjoyed in connection with land, when it is a private nuisance.¹⁴

The essence of nuisance is a condition or activity, which unduly interferes with the use or enjoyment of land. In modern parlance nuisance is that breach of law of tort most closely concerned with "protection of the environment".¹⁵ Thus nuisance actions have concerned pollution of water or other noxious substances.

Public nuisance as pointed out is a criminal offence, which is under the realm of public law and state prosecution. In public nuisance while the conduct of the defendant may be unlawful, such is not the case in private nuisance. The conduct of the polluter becomes nuisance when the consequences of his acts are not confined to his own land, but extend to the land of the victim or community and causing physical damage accordingly.

¹⁴ Winfield & Jolowicz (See note 10 above)

¹⁵ Clark & Lindsell on Tort (16th ed, Sweet & Maxwell London 1982) 1354

For a victim or plaintiff to successfully maintain an action under nuisance for oil spill affecting the marine living resources and their habitats, the victim who is not suing in a representative capacity, must be able to prove that he has suffered over and above every other person in the community. In *Amos. V. Shell B.P. Limited*¹⁶ the plaintiff could not succeed in an action for nuisance since he could not show how he has suffered more damage above every other member of the public.

c. Res Ipsa Loquitor

As noted earlier, for a plaintiff in this kind of claim to discharge the burden of proof placed upon him, it is usually necessary for the plaintiff to prove specific acts or omissions of the polluter. But where however, the circumstances are such that the court will be prepared to draw an inference against the polluter without hearing detailed evidence of what he did or did not do, the plaintiff may thus successfully plead the doctrine of *res ipsa loquitor*.

Res ipsa loquitor literally means, "The thing speaks for itself". It would come to play where no proof of negligence is required beyond the accident itself, which is such as necessary to involve negligence. It is no more than a rule of evidence, which merely shifts the onus on the defendant.

This doctrine was developed in the case of *Scott. V. London & St. Katherine Dock Company*¹⁷, where Elle C.J. stated thus:

Where the thing is shown to be under the management of the defendant or his servant and the accident is such as in the ordinary course of things do not happen if those who have the management use proper care, it affords reasonable evidence in the absence of explanation by the defendant that the accident arose from want of care.

¹⁶ (1974) 4 E. C. S. L. R 486

¹⁷ (1865) Ex. Ch 665

There are two main requirements for the maxim to succeed viz:-

- a. That the thing causing the damage would be under the control of the defendant or his servants; and
- b. That the accident must be such as would not in the ordinary course of things have happened without negligence. The proof of these requirements that the happening
- c. of the accident must be evidence of negligence on the part of the defendant and that the injury or damage should not have happened unless there was want of care.

In *Aliu Bello & Ors. v. A.G. Oyo State*¹⁸, the Supreme Court while examining the provisions of Torts Law of Oyo State applied this principle laid down in the Scott's case (Supra).

As rightly observed by Winfield & Jolowicz¹⁹ the intent of the maxim as it were was to shift the onus of proof on the defendant. The inference of negligence raised by the mere fact of the accident may sometimes be irresistible.¹⁹ in the case of Shell Petroleum Development Co. (Nig) Ltd. v. Amaro²⁰. Akintan J.C.A. stated that:

The effect of the application of the maxim is that the onus of proof of negligence, normally placed on the plaintiff, shifts. The defendant is therefore required to establish that there was in fact no negligence on this part.

It would appear in practice however that, the defendant could rightly displace this burden in pollution cases where it could call expert evidence to show that the act causing damage to the plaintiff was not from his negligence. So that, if the defendant could show on the balance of probabilities that the accident was not due to his fault, then the burden again would have shifted to the plaintiff.

¹⁸ (1986) 2 N.S.C.C 1257

¹⁹ Winfield & Jolowicz (See note 10 above)

²⁰ (2000) 10 N.W.L.R. (Pt.675) 279

d. **The Rule in Rylands.V.Fletcher**

The rule in Rylands.V.Fletcher, is one of the few doctrines in the law of torts which has been acclaimed as a rule of strict liability, and one of the major instances in which a man acts at his peril; and is responsible for accidental harm independently of the existence of either wrongly intent or negligence.

The rule formulated by Blackburn J. in the above named case provides thus:

The person who for his own purpose brings on his land and collects there anything likely to do mischief if it escapes, must keep it at his peril, and if he does not do so, is prima facie answerable for all the damages which is the natural consequence of this escape.

However, the House of Lords in the same case restricted the scope of the rule in the following terms:

We think that the 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 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

Before the rule can apply, the plaintiff must prove that there was an escape and that there was a non-natural user of the land. In *Reads. V. Lyons Company Ltd*²¹ Viscount Simon defined "escape" as escape from a place where the defendant has occupation or control over land to a place which is outside occupation or control" and in *Richards.V. Lothian*,²² Lord Moulton defined a natural user to "be some special use bringing with it increased danger to others and must not merely be the ordinary use of the land or such a use as is proper for the general benefits of the community. There is no doubt that from the qualification and application of the rule, the victim of water pollution would appear to have an added burden of proof before the court can find against the defendant.

²¹ (1947) A. C. 156 @ 168

²² (1913) A. C. 263 @ 280