Jolley v Sutton London Borough Council

[2000] 1WLR 1082; [2000] 3 All E.R. 409; [2000] Lloyd's Rep.65

The facts: The claimant was a child of 14 who was injured when an abandoned boat fell on him. He had jacked it up while he was trying to repair the boat at the time of the accident.

This was an English House of Lords case. The court held that the defendant was liable because the abandoned boat on its ground might cause injury to a child, even though the accident was not of a type that was reasonably foreseeable. This was because the defendant conceded that it should have removed the old boat hulk for a more minor but foreseeable risk (that children might fall through its rotten deck planking) and the court felt that its duty of care thereby extended to the more serious, but not readily foreseeable, risk that it might fall on top of children who had decided to jack it up for repair.

In doing so the court followed its own decision in the (Scottish) case of Hughes v Lord Advocate 1963 SC (HL) 31 where the occupiers who had left an open manhole in the road were held liable to a child who was injured not by falling down the manhole (which would have been readily foreseeable) but by an explosion caused by the child climbing into the manhole then knocking a lit lamp into the manhole when climbing out of it (which was not itself readily foreseeable).