

The Manchester Ship Canal Company Ltd (Appellant) v United Utilities Water Ltd (Respondent) No 2

Case ID: 2022/0121

Case summary

Issue

Can The Manchester Ship Canal Company Limited (“MSCC”) bring a private law claim in nuisance and/or trespass against United Utilities Water Limited (“UU”) in respect of unauthorised discharges of untreated foul water by UU into the canal?

Facts

The appeal arises out of a long-running dispute between MSCC and UU concerning discharges into the Manchester Ship Canal from sewers operated by UU. MSCC is the owner of the canal. UU is the sewerage undertaker for the North West of England. MSCC threatened to bring a private law claim in nuisance and/or trespass against UU in respect of unauthorised discharges of untreated foul water by UU into the canal. UU applied to the court for a declaration that no such cause of action was available to MSCC (absent an allegation of negligence or deliberate wrongdoing by UU). The essence of UU’s argument was that the proposed private law claims were impliedly ousted by the Water Industry Act 1991, which provides a statutory enforcement mechanism for breaches of duty by sewerage undertakers. UU was successful before both the High Court and the Court of Appeal. MSCC now appeals to the Supreme Court.

Judgment appealed

[\[2022\] EWCA Civ 852](#)

Parties

Appellant(s)

The Manchester Ship Canal Company Ltd

Respondent(s)

United Utilities Water Ltd

Appeal

Justices

Lord Reed, Lord Hodge, Lord Lloyd–Jones, Lord Burrows, Lord Stephens, Lady Rose, Lord Richards

Hearing start date

6 March 2023

Hearing finish date

7 March 2023

Watch hearing

6 March 2023 [Morning session](#) [Afternoon session](#)

7 March 2023 [Morning session](#) [Afternoon session](#)