

Jalla and another (Appellants) v Shell International Trading and Shipping Company and another (Respondents)

Case ID: 2021/0050

Case summary

Issue

Does pollution caused to land and waterways by an offshore oil spill constitute a continuing nuisance with fresh causes of action accruing until such time as the oil is cleared up, or it eventually disappears of its own accord, in circumstances where the event causing the pollution occurs only once?

Facts

At the Bonga oil field, 120km off the coast of Nigeria, oil is extracted using a mobile oil rig. The oil is sent from the mobile rig, via submersible flexible flow lines, to a mooring buoy and is then loaded onto oil tankers. On 20 December 2011, there was a leak from one of the flexible flowlines between the rig and mooring buoy while oil was being transferred onto a ship (the 'Spill'). The Spill comprised at least 40,000 barrels and was one of the largest spills in Nigerian oil exploration history.

The Appellants allege that the oil migrated from the offshore Bonga oil field to reach the Nigerian Atlantic shoreline where they claim it has had a devastating impact. Although the Respondents dispute these claims, it is assumed for the purposes of this appeal that some quantity of oil reached the Nigerian Atlantic shoreline within weeks of 20 December 2011. Because the claims against the first Respondent, STASCO, were commenced over six years after the oil is alleged to have first reached the shoreline, the claim would be statute barred unless it involved a 'continuing nuisance'. The High Court held that the nuisance alleged by the Claimants could not constitute a continuing nuisance and thereby extend the limitation period. The Claimants appealed to the Court of Appeal, who dismissed the appeal. The Claimants now appeal to the Supreme Court.

Judgment appealed

[\[2021\] EWCA 63](#)

Parties

Appellant(s)

Harrison Omotsola Jalla and others

Respondent(s)

Shell International Trading and Shipping Company and another

Appeal

Justices

Lord Reed, Lord Briggs, Lord Kitchin, Lord Sales, Lord Burrows

Hearing start date

29 March 2023

Hearing finish date

30 March 2023

Watch hearing

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

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

Judgment details**Judgment date**

10 May 2023

Neutral citation

[2023] UKSC 16

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