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# Myerson **Residential Property**

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**Our guide to adverse possession**

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# Welcome

## Why Myerson?

At Myerson, we are experts in dealing with residential property. Putting our clients and their families at the heart of everything we do means we establish long term relationships across generations and act as trusted advisers.

As a Top 200 UK Law Firm, we are also proud to be ranked in many legal disciplines as '**Top Tier**' in the prestigious international directory **The Legal 500**, providing a truly bespoke and personal service.

Unlike others, our Residential Property Team don't deal in bulk conveyancing and we don't use automated systems or teams of conveyancers, to manage your file. This means that we can provide you with a personal bespoke service, tailored to your specific requirements.

Our service to you is prestige. We have a small, close-knit, team of qualified solicitors who have the knowledge and experience to advise and assist on a wide variety of residential property matters.



# Adverse Possession

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## What is adverse possession?

Adverse possession is the legal term used when land is occupied by someone who does not own it and the occupation is without the consent of the actual owner.

Adverse possession is the legal term for what is more commonly known as 'Squatters Rights'.

Adverse possession can apply to land and property but throughout this guide we refer solely to land.

## How can I obtain legal ownership of the land I occupy?

If you occupy land that you do not own and wish to formalise your title to the land, you will need to convince the Land Registry that you satisfy their criteria for adverse possession. As to what the criteria are, depends on, firstly, whether the land is registered or unregistered.

## What is the difference between registered and unregistered land?

Registered land is land that is registered at the Land Registry and unregistered land is land that is not registered at the Land Registry.

Anyone can go onto the Land Registry website to check if land is registered. If land is registered it will have a Title Number and the title to the land is stored at the Land Registry and can be downloaded by anyone.



If land is unregistered, ownership of the land is not capable of discovery at the Land Registry. Someone, somewhere, will hold a bundle of title deeds which proves their ownership of the land.

## **What are the time limits for adverse possession to apply?**

If the land is unregistered, you must be able to show a continuous period of possession for a period of at least 12 years.

If the land is registered, the requisite period is 10 years.

There is an extended period of 30 years where land is owned by a spiritual corporation, such as bishops and vicars and other office holders in the Church of England, or the Crown. Crown land includes land owned by government departments and land owned by companies which have been dissolved.

Where land is foreshore owned by the Crown the time limit is 60 years.

The squatter can pass on their interest in the land so, for example, if the person you bought your property from occupied additional garden land for eight years, and you have continued to occupy it for a further five years, you can claim a period of occupation of 13 years. To claim this, you must immediately follow the previous squatter into possession.

## **What other criteria must I meet to claim adverse possession?**

Quite simply, you must have exclusive possession of the land and you must possess the land without the legal owner's consent.



# How can I prevent the land I own from being adversely possessed?

Firstly, and most importantly, you need to regularly monitor and check your land to prevent a 'squatter' acquiring the right to apply for ownership.

If you discover that there are squatters on your land, you must take immediate action to evict them. Our **Real Estate Litigation Team** can assist you with this.

Eviction is a technical process which requires legal assistance. If you attempt to physically remove the squatters yourself, you could find yourself at the wrong end of legal proceedings.

If your land is registered, you need to make sure that your contact details are up to date with the land registry. You will find your contact details on your title document.

If you do not live at the same address as the land, you should have your actual address as a contact address, as well as the address of the land, and also an email address. If you move or change your email address update your details with the land registry.

This is important because if the land registry need to contact you in respect of your land, for example, if someone makes a claim against your land for adverse possession, then the land registry must be able to contact you quickly.

This is because there are strict time limits which apply to applications for adverse possession, so if you are sent a notification from the land registry and do not reply within the specified time, the squatter may be awarded title to your land.



# You're in safe hands!

If you would like further information about how we can help you with **Adverse Possession**, or if you have any questions, please don't hesitate to contact a member of our **Residential Property team** today.

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Call: 0161 941 4000

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