Chapter overview

Adverse possession requires *(Buckinghamshire CC v Moran [1990])*:

- Factual possession of the land by the adverse possessor ie exertion of physical control over the land so that he may deal with it as an occupying owner might
- Consequently the paper owner will be dispossessed of the land
- This factual possession must be adverse the paper owner
- An intention on the part of the adverse possessor to possess the land

Adverse possession is established:

Over Unregistered Freehold Estate (and Registered Freehold Land Pre-LRA 2002)
- with at least 12 years, adverse possession *(s 15 LA 1980)*; after which
- paper owner’s title to land is extinguished *(s 17 LA 1980)*; and
- adverse possessor acquires better title to the land than the paper owner

Over Registered Freehold Estate Post-LRA 2002
- with at least 10 years, adverse possession; after which
- adverse possessor may apply to the Land Registry to be registered with title to the land, and
- success will be dependent upon whether interested parties notified of the application object and whether such objections should be heeded or ignored

Unregistered Leasehold Estate:
- as above against the leasehold estate owner; after which
- adverse possessor acquires right to possess but leasehold estate owner still liable under the lease, breach of which may result in forfeiture and adverse possessor being evicted

Registered Leasehold Estate:
- as above against registered leasehold estate owner; after which
- a successful application will result in adverse possessor being registered with leasehold title and being liable under the lease

The law of adverse possession does not violate Art 1, Protocol 1 European Convention on Human Rights 1950; decision reached by the Grand Chamber at the end of a long journey for the case of Pye (JA) (Oxford) Ltd v Graham [2003]