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# Adverse Possession

A guide by PCB Solicitors

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## What is Adverse Possession?

Adverse Possession, sometimes called “squatters rights”, refers to a process by which an individual may gain ownership of a piece of land by virtue of having occupied it for a period of time (usually twelve years or more, but in some circumstances ten years may be enough) to the exclusion of all others, and without consent of the owner. It can arise by deliberate trespass and occupation of an entire house or piece of land. More commonly it can arise between neighbours; not only through intentional trespassing, but also through confusion over where the exact boundary is.

## What should I do if I think I have acquired property through Adverse Possession?

If you have acquired a property through Adverse Possession, you may be able to make an application to the Land Registry for the land to be registered in your name. You will be required to provide evidence to demonstrate your possession of the land. The process can be complex, and it is important to take legal advice at the earliest opportunity.

## What should I do if I think squatters are on my land?

If you think your land is being occupied by squatters you should seek legal advice immediately and not take the law into your own hands. Appropriate action should be taken to get the trespasser removed - this may involve court action.

## How can you try and avoid squatters acquiring rights on your land?

Steps can be taken to try to avoid adverse possession of your land. These can include:

- Regularly inspecting your property and its boundaries, particularly if its not occupied by you.
- Register any unregistered titles with the Land Registry - this is something that we can also assist you with.
- Keep the Land Registry informed of any changes to your contact details. If a claim is made against your land and you don't receive the notification you are more likely to lose it.

If you receive any notice from the Land Registry that a squatter has made an application for Squatter's Rights in respect of any land owned by you, you should seek immediate legal advice. Failure to respond in time could result in the Land Registry accepting the squatters' application and registering the squatter as the new land owner.

Please be aware that the above is a simple summarised explanation of Adverse Possession based upon the law as at December 2022 and is subject to change. For specific advice in relation to your individual circumstances, please contact a member of the team on 01743 248148



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