

Your Legal Questions

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Squatters rights: Adjudication of Land Registry disputes

Q. My neighbour has applied to be registered as owner of part of my land claiming he has occupied it for many years. I lodged an objection but the Land Registry said that I did not return the form in time and it has registered my neighbour as the new owner. I know he has not occupied the land as he says but it seems I am too late to object. If there anything I can do?

A. This is tricky one. It was believed that failure to lodge a timely objection in accordance with the Land Registry Rules prevented you from defending a claim. However, a recent case provides some grounds for optimism. Like you, the owner in that case failed to lodge his objection in time and the squatter was entered as the new owner of the land. The real owner made an application to the Land Registry to restore him as the true owner on the basis that the entry was a mistake as the squatter did not have the necessary 10 years' possession which he claimed.

The Adjudicator, who is independent of the Land Registry and acts as a judge to hear certain Land Registry disputes, agreed that there had been a mistake as the squatter should never have been registered as the owner in the first place because he had not shown the 10 years' possession necessary. The squatter appealed but the Court of Appeal upheld the Adjudicator's decision saying it would be unjust for the alteration not to be made.

Providing, therefore, you have good evidence that the squatter's claim is false you should be able to challenge his registration. However, the adjudication procedure is very similar to court proceedings and an unsuccessful claim or defence of a claim can result in an award of costs against you. Legal advice is essential.

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