Browne Jacobson

The Supreme Court provides welcome clarification on a problematic area of the law on adverse possession

28 February 2025 David Harris

Everyone involved in advising on boundary disputes in relation to registered land will breathe a sigh of relief at this week's common-sense decision by the Supreme Court in the case of **Brown v Ridley**.

The law on adverse possession was reformed by the Land Registration Act 2002 to make it harder to claim where the land in question is registered title. However, one of the exceptions (where an application to the Land Registry for adverse possession can still succeed) is where the land in question is adjacent to the applicant's land and:

> *"for at least ten years of the period of adverse possession ending on the date of the application, the applicant (or any predecessor in title) reasonably believed that the land to which the application relates belonged to him".*

The problem, however, is that the wording used here is ambiguous. It could mean either that:

1. the ten-year period of reasonable belief has to end on the date of the application; or
2. any ten-year period of reasonable belief within the period of adverse possession is sufficient.

After over 20 years of uncertainty the Supreme Court has this week finally clarified the situation by ruling that the second interpretation is the correct one.

The problem with the first interpretation was that it pretty much rendered the statutory provision worthless, as it required a person to apply to the Land Registry as soon as they learnt that they did not have paper title to the land - something that is largely impossible given the time needed to take professional advice and to put together an appropriate application.

Now, however, a potential applicant can take their time, weigh up the merits of their case and attempt to resolve issues amicably with their neighbour (rather than having to rush head-long into potentially expensive and time-consuming litigation).

Contact

David Harris

Professional Development Lawyer

david.harris@brownejacobson.com

+44 (0)115 934 2019

Related expertise

Estates and rural services

Local government real estate

Property dispute resolution

Real estate

Real estate litigation