



Land Registration Act 2002
Scope of this guide

This guide gives Land Registry's response to questions you may have if you have seen an advertisement about claiming free land. It is aimed at members of the public.

“Free land and property” – advertisements about claiming land in England and Wales

Contact details

Please tell us if:

- you would like help understanding this guide
- you would like this information in a different format, such as audiocassette, or large print.

You can obtain copies of this and all our guides free from any Land Registry office, and view or download them from our website in English or Welsh.

This publication can be made available in alternative formats on request. If you require an alternative format please contact Customer Service at Land Registry Head Office.

If you have any questions about this guide, please contact your local Land Registry office. You can find details of telephone numbers and opening times on our website. Telephone numbers are also listed under 'Land Registry' in the Phone Book.

www.landregistry.gov.uk

1 Abbreviation used

“Land” means land and any buildings.

2 Scope of this guide and assistance Land Registry can provide

This guide aims to answer straightforward questions on claiming land. This is a complex area of law. Further information can be found in the practice guides referred to but please note that these guides are intended for use by solicitors and are written accordingly.

Land Registry has a duty to be impartial. Please see our advisory policy on the back cover of this guide for details of the information and assistance we can supply.

3 I have heard that there has been a spate of newspaper and website advertisements about claiming free land. Is this so?

There have been a number of recent advertisements inviting readers to send money in return for booklets, which, it is implied, will explain how free land may be claimed.

4 Are the claims made in the advertisements true?

Many of these advertisements and literature provided are seriously misleading and inaccurate. For example, some of the advertisements have implied that:

- **land which is unregistered is also unowned.** This is not true – all land is owned by someone. Even where an owner, if an individual, has died without leaving a will or near relatives, or, if a company has been dissolved, there will be an owner – usually the Treasury Solicitor on behalf of the Crown
- **because land remains unregistered, either the owner cannot be traced or the land has been abandoned.** This is not so. Much land remains unregistered simply because it has not changed hands since compulsory land registration was first introduced to the area in question
- **the worse case scenario is that making a claim will cost less than £100 against the benefit of becoming the owner of land worth hundreds of thousands of pounds.** This is not true. The true owner of the land may take

legal proceedings and in relevant cases may include claims for trespass and even criminal damage. In addition to the obvious anxiety that this would cause, if the true owner is successful, the squatter may be responsible for all legal costs. These costs could run to tens of thousands of pounds

— **the Land Registration Act 2002 has made it easier to claim title to land by squatting.** It hasn't. For registered land the Land Registration Rules 2003 require notice to be served in every case upon a registered owner who then has two years to reclaim their land. For unregistered land the rules are unchanged.

5 Can a person become the owner by "squatting" on land?

In certain circumstances, yes – but it is not easy or quick.

An owner of unregistered land can lose his or her ownership after there has been uninterrupted "adverse possession". Adverse possession is a complex and technical area of the law that involves the exclusive occupation of land with the necessary intention to possess the land, without the owner's consent. The rules for registered land and unregistered land are different.

Further information is contained in Practice Guide 4 – *Adverse possession of registered land under the new provisions of the Land Registration Act 2002* and Practice Guide 5 – *Adverse possession of unregistered land and transitional provisions for registered land in the Land Registration Act 2002*.

6 So if I discover some unregistered land that appears to be abandoned then I cannot simply claim it?

That is right. Unless you have actually done things with the land, such as fenced and occupied it without permission, and which amount to "adverse possession" in law, you will have no rights to it at all. Even if you are in adverse possession then the true owner could have you removed from the land if he or she takes action before the relevant period has ended. The relevant period is laid down in the Limitation Act 1980 and is never less than 12 years, but can be longer.

7 If I am in adverse possession of land can I record the fact at Land Registry?

Only when the adverse possession has gone on for several years. The minimum period is either 10 years (for registered land) or 12 years (for unregistered land) and in many cases the period will be longer. For further information see Practice Guide 4 – *Adverse possession of registered land under the new provisions of the Land Registration Act 2002* and Practice Guide 5 – *Adverse possession of unregistered land and transitional provisions for registered land in the Land Registration Act 2002*.

8 When can a person in adverse possession of land apply to be registered as owner?

Not until the person can prove that adverse possession started at least 10 years ago (for registered land) or 12 years ago (for unregistered land). The evidence is examined very carefully at a senior level and an inspection of the land will be carried out to see if the alleged facts are consistent with the position on the ground.

If the application is in order then, if the land is:

- unregistered, subject to notice being served on anyone appearing to hold a potential interest in land, normally, the land will be registered in the name of the applicant
- registered, notice will be served on the registered proprietor, see Practice Guide 5 – *Adverse possession of unregistered land and transitional provisions for registered land in the Land Registration Act 2002* for further details.

9 What is a possessory title?

Possessory title is one of the classes of title the Chief Land Registrar can grant when land is registered. It is not as good as absolute title, which is the title granted in the vast majority of cases. One important consequence of having a possessory title is that if the true owner applies for rectification of your title before the relevant time period has ended, then the title may be closed and you will have no right to receive compensation from Land Registry for losing your possessory title.

10 What if the previous owners were in adverse possession of extra land when I bought property?

You can add their period of adverse possession to yours to make up the qualifying period of 10 or 12 years.

11 Is there any other way I can protect my claim to land without applying to register it?

Yes. You can apply to register a caution against first registration, if your application is successful, this entitles you to receive notice from Land Registry if anyone makes an application for first registration. However, due to provisions in the Land Registration Rules 2003, this will not be possible after 13 October 2005.

Further information can be found in Practice Guide 3 – *Cautions against first registration*.

12 If I have documents to prove my ownership of unregistered land, do I need to be worried about the advertisements?

No. If you (or your tenant) are in physical occupation of the land, then there will be no realistic prospect of another person claiming title by adverse possession.

You could apply for first registration. Further information is contained in Public Guide 8 – *Registering title to land – the characteristics and advantages* and Public Guide 13 – *Applications for first registration made by the owner in person*.

13 What do I do if someone tries to tell me that, because my land is not registered, I don't own it?

Just because land is not registered does not mean that you do not own it. However, if you are concerned, you may wish to consider consulting your legal adviser.

14 Enquiries and comments

If you have a particular concern that is not covered by this guide, please contact us – see the *Contact details* panel on the front cover of this guide. If the matter is particularly complex, it may be better if you write to us.

If you have any comments or suggestions about our guides, please send them to:

Registration Change Group
Land Registry
Lincoln's Inn Fields
London
WC2A 3PH.
(DX1098 London/
Chancery Lane WC2).

Land Registry advisory policy

We offer advice to our customers through our publications and enquiry services and through the day-to-day handling of applications.

We provide factual information including official copies of registers, title plans and documents, searches and details of our forms and fees.

We provide procedural advice to explain how the land registration system works and how to make applications correctly. This includes:

- advice in advance of an application, where this is requested
- where an application is defective, advice as to the nature of the problem and what options, if any, are available to put it right
- an approval service for estate layout plans and certain other land registration documents.

There are limits to the advice that we will provide. We will not provide legal advice.

This means that:

- we will not approve the evidence to be produced in support of a registration application before we receive the application
- apart from procedural advice, we will not advise on what action to take
- we will not recommend a professional adviser but can explain how to find one.

We provide advice only about real cases, not about theoretical circumstances. We will not express a view on questions where the law is complex or unclear except where the question arises on a live registration application.

In providing this factual information and procedural advice we will:

- be impartial
- recognise that others may be affected by what we say
- avoid any conflict of interest.

Peter Collis
Chief Land Registrar

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