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*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Paragraph 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 6

#### REGISTRATION OF ADVERSE POSSESSOR

- 5 (1) If an application under paragraph 1 is required to be dealt with under this paragraph, the applicant is only entitled to be registered as the new proprietor of the estate if any of the following conditions is met.
- (2) The first condition is that—
- (a) it would be unconscionable because of an equity by estoppel for the registered proprietor to seek to dispossess the applicant, and
  - (b) the circumstances are such that the applicant ought to be registered as the proprietor.
- (3) The second condition is that the applicant is for some other reason entitled to be registered as the proprietor of the estate.
- (4) The third condition is that—
- (a) the land to which the application relates is adjacent to land belonging to the applicant,
  - (b) the exact line of the boundary between the two has not been determined under rules under section 60,
  - (c) 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, and
  - (d) the estate to which the application relates was registered more than one year prior to the date of the application.
- (5) In relation to an application under paragraph 1(2), this paragraph has effect as if the reference in sub-paragraph (4)(c) to the date of the application were to the day before the date of the applicant's eviction.

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#### Commencement Information

- II** Sch. 6 para. 5 wholly in force at 13.10.2004; Sch. 6 para. 5 not in force at Royal Assent see s. 136(2); Sch. 6 para. 5(1)-(3) in force at 13.10.2003, Sch. 6 para. 5(4)(5) in force at 13.10.2004 by [S.I. 2003/1725](#), [art. 2](#)

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