
STATUTORY INSTRUMENTS

2003 No. 1417

The Land Registration Rules 2003

PART 14

MISCELLANEOUS AND SPECIAL CASES

Adverse Possession

Applications for registration—procedure

188.—(1) An application under paragraphs 1 or 6 of Schedule 6 to the Act must be in Form ADV1 and be accompanied by—

- (a) a statutory declaration made by the applicant not more than one month before the application is taken to have been made, together with any supporting statutory declarations, to provide evidence of adverse possession of the registered estate in land or rentcharge against which the application is made for a period which if it were to continue from the date of the applicant's statutory declaration to the date of the application would be—
 - (i) where the application is under paragraph 1, of not less than ten years (or sixty years, if paragraph 13 of Schedule 6 to the Act applies) ending on the date of the application, or
 - (ii) where the application is under paragraph 6, of not less than two years beginning with the date of rejection of the original application under paragraph 1 and ending on the date of the application,
- (b) any additional evidence which the applicant considers necessary to support the claim.

(2) The statutory declaration by an applicant in support of an application under paragraph 1 of Schedule 6 to the Act must also—

- (a) exhibit a plan enabling the extent of the land to be identified on the Ordnance Survey map, unless the application is to be registered as proprietor of a registered rentcharge,
- (b) if reliance is placed on paragraph 1(2) of Schedule 6 to the Act, contain the facts relied upon with any appropriate exhibits,
- (c) contain confirmation that paragraph 1(3) of Schedule 6 to the Act does not apply,
- (d) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues,
- (e) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
- (f) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),

Status: Point in time view as at 13/10/2003. This version of this provision has been superseded.

Changes to legislation: The Land Registration Rules 2003, Section 188 is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (g) if, should a person given notice under paragraph 2 of Schedule 6 to the Act require the application to be dealt with under paragraph 5 of that Schedule, it is intended to rely on one or more of the conditions set out in paragraph 5 of Schedule 6 to the Act, contain the facts supporting such reliance.
- (3) The statutory declaration by an applicant in support of an application under paragraph 6 of Schedule 6 to the Act must also—
- (a) exhibit a plan enabling the extent of the land to be identified on the Ordnance Survey map, unless the application is to be registered as proprietor of a registered rentcharge or the extent is the same as in the previous rejected application,
 - (b) contain full details of the previous rejected application,
 - (c) contain confirmation that to the best of his knowledge the restriction on applications in paragraph 8 of Schedule 6 to the Act does not apply,
 - (d) contain confirmation that to the best of his knowledge the estate or rentcharge is not, and has not been during any of the period of alleged adverse possession, subject to a trust (other than one where the interest of each of the beneficiaries is an interest in possession),
 - (e) contain confirmation that paragraph 6(2) of Schedule 6 to the Act does not apply, and
 - (f) where the application is to be registered as proprietor of a registered rentcharge, contain confirmation that the proprietor of the registered rentcharge has not re-entered the land out of which the rentcharge issues.

Status:

Point in time view as at 13/10/2003. This version of this provision has been superseded.

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