



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 9

#### ADVERSE POSSESSION

#### 96 Disapplication of periods of limitation

- (1) No period of limitation under section 15 of the Limitation Act 1980 (c. 58) (time limits in relation to recovery of land) shall run against any person, other than a chargee, in relation to an estate in land or rentcharge the title to which is registered.
- (2) No period of limitation under section 16 of that Act (time limits in relation to redemption of land) shall run against any person in relation to such an estate in land or rentcharge.
- (3) Accordingly, section 17 of that Act (extinction of title on expiry of time limit) does not operate to extinguish the title of any person where, by virtue of this section, a period of limitation does not run against him.

#### 97 Registration of adverse possessor

Schedule 6 (which makes provision about the registration of an adverse possessor of an estate in land or rentcharge) has effect.

#### Commencement Information

- II** S. 97 wholly in force at 13.10.2004; s. 97 not in force at Royal Assent see s. 136(2); s. 97 in force for certain purposes at 13.10.2003 and otherwise 13.10.2004 by S.I. 2003/1725, art. 2

#### 98 Defences

- (1) A person has a defence to an action for possession of land if—

---

*Status: Point in time view as at 13/10/2003.*

*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Part 9. (See end of Document for details)*

---

- (a) on the day immediately preceding that on which the action was brought he was entitled to make an application under paragraph 1 of Schedule 6 to be registered as the proprietor of an estate in the land, and
  - (b) had he made such an application on that day, the condition in paragraph 5(4) of that Schedule would have been satisfied.
- (2) A judgment for possession of land ceases to be enforceable at the end of the period of two years beginning with the date of the judgment if the proceedings in which the judgment is given were commenced against a person who was at that time entitled to make an application under paragraph 1 of Schedule 6.
- (3) A person has a defence to an action for possession of land if on the day immediately preceding that on which the action was brought he was entitled to make an application under paragraph 6 of Schedule 6 to be registered as the proprietor of an estate in the land.
- (4) A judgment for possession of land ceases to be enforceable at the end of the period of two years beginning with the date of the judgment if, at the end of that period, the person against whom the judgment was given is entitled to make an application under paragraph 6 of Schedule 6 to be registered as the proprietor of an estate in the land.
- (5) Where in any proceedings a court determines that—
- (a) a person is entitled to a defence under this section, or
  - (b) a judgment for possession has ceased to be enforceable against a person by virtue of subsection (4),
- the court must order the registrar to register him as the proprietor of the estate in relation to which he is entitled to make an application under Schedule 6.
- (6) The defences under this section are additional to any other defences a person may have.
- (7) Rules may make provision to prohibit the recovery of rent due under a rentcharge from a person who has been in adverse possession of the rentcharge.

---

#### **Commencement Information**

**I2** [S. 98](#) wholly in force at 13.10.2004; [s. 98](#) not in force at Royal Assent see [s. 136\(2\)](#); [s. 98\(2\)-\(7\)](#) in force at 13.10.2003, [s. 98\(1\)](#) in force at 13.10.2004 by [S.I. 2003/1725](#), [art. 2](#)

**Status:**

Point in time view as at 13/10/2003.

**Changes to legislation:**

There are currently no known outstanding effects for the Land Registration Act 2002, Part 9.