



**PROPOSED  
CHANGES TO  
LAW ON ADVERSE  
POSSESSION**

**I**n the draft Land and Conveyancing Bill 2005 published in the Law Reform Commission's latest Report on the Reform and Modernisation of Land Law and Conveyancing Law, it is proposed at Section 129 that applicants for registration based on adverse possession will, in future, have to make such an **application in Court** instead of by way of Section 49 application to the Registrar of Titles as is currently the case.

It is also proposed that legal title will not vest in the applicant who obtains a Court Order until it is registered in the Land Registry and, until so registered, it will vest only an equitable interest in the applicant. This applies in respect of both registered and unregistered title.

Section 130 of the draft Bill provides that the Vesting Order shall be made only if the Court is satisfied that certain criteria are met and subject, if the Court thinks fit, to payment by the applicant of a sum of money to the owner by way of **compensation** for loss, defrayment of costs and expenses or otherwise.

Practitioners with any pending S.49 applications (or any adverse possession claims in relation to unregistered land) may wish to take steps to expedite same in advance of the introduction of any new law or procedures in this area.

The proposed new requirement for a court application and the possibility of being required to pay compensation will radically change the nature of adverse possession claims and the Conveyancing Committee would be greatly interested in hearing from practitioners with their views on these new proposals. Practitioners may also wish to make submissions to the Minister for Justice, Equality and Law Reform and/or to the Law Reform Commission.