



# Land Registration Act 2002

## 2002 CHAPTER 9

### PART 9

#### ADVERSE POSSESSION

#### 98 Defences

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

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*Changes to legislation: There are currently no known outstanding effects for the Land Registration Act 2002, Section 98. (See end of Document for details)*

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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.

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**Commencement Information**

- II** [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](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Land Registration Act 2002, Section 98.