In order to acquire an interest in land, certain formality requirements have to be satisfied. Legal estates and interests cannot, in the normal course, be acquired informally. This chapter explores one exception to this position: the law of adverse possession. A claim to adverse possession is a claim brought by a trespasser or squatter who has been in possession of another's land for a long period of time. Land law recognizes other rights arising after use over a protracted period — for example, easements by prescription — but adverse possession is quite different, mostly due to its effects. If successful, the trespasser or squatter becomes the legal owner of the land. The chapter discusses the basis for adverse possession; analysing a claim to adverse possession; establishing a claim to adverse possession; terminating or interrupting a period of adverse possession; the effect of adverse possession; adverse possession and leasehold land; criminalizing residential squatting and adverse possession and human rights.
4. Adverse Possession