

# Purchasing Crown Land: Process and Cost (Legal)

The ways that the Council can take ownership of this type of land are:

- (1) **Negotiated Purchase:** Direct negotiation with the Crown Estate to acquire land
- (2) **Bona Vacantia Process:** Acquisition of land from dissolved companies through formal application to the Bona Vacantia Division (BVD) of the Government Legal Department.
- (3) **Adverse Possession:** Obtaining of ownership by the uninterrupted use of land for 30 years without the owner's consent.
- (4) **Compulsory Purchase** generally cannot be used against the Crown

## (1) Negotiated Purchase Process

- **Title and Plans:** Accurate plans prepared and title information collated. There is likely to be a cost for plan preparation given these are unlikely to exist considering the status of the land.
- **Purchase price and costs:** A negotiated purchase requires a land valuation to establish the price which could range from a nominal fee to market value, plus our own legal and surveyor's costs. This work is not currently resourced and it is likely external support will be required), payment of the Crown's legal, surveyor and possibly valuation costs.
- **Timing:** this depends on agreement with the Crown on terms. The Crown may refuse to sell. If the land is unregistered the Crown would also need to register its legal title with the Land Registry first which is likely to increase the time taken to acquire the land.
- **Land of community benefit or land that is unsafe:** The Crown may look favourably on a land transfer that may benefit the community or land which is currently dangerous or unsafe, however this will be at its discretion and will be on a case by case basis.

## (2) Bona Vacantia Process

- **Title and Plans:** Accurate plans prepared and title information gathered. There is likely to be a cost for plan preparation given these are unlikely to exist considering the status of the land.
- **Purchase price and costs:** A minimum price of £1,000 per parcel, plus the BVD's legal surveying and possibly valuation fees. The Council will incur its own legal and surveyor costs. This work is not currently resourced and it is likely external support will be required.
- **Timing:** this depends on agreement with the BVD on terms. The BVD may refuse to sell.

- **Land of community benefit or land that is unsafe:** The BVD may look favourably on a land transfer that would benefit the community or for land which is currently dangerous or unsafe, however this will be at its discretion and will be on a case by case basis

### (3) Adverse Possession Process

- **Title and Plans:** Accurate plans prepared and title information gathered. There is likely to be a cost for plan preparation given these are unlikely to exist considering the status of the land.  
**Statutory declaration:** Application to the Land Registry demonstrating the uninterrupted use of the land, without the owner's consent, for at least 30 years.
- **Costs:** The Council will incur legal and surveyor costs. This work is not currently resourced and it is likely external support will be required.
- **Timing:** These applications can take the Land Registry months to years to process

### - Purchasing Non-Crown Land: Process and Cost (*Legal*)

There are several ways that the Council can take ownership of this type of land:

- (1) **Negotiated Purchase:** If the land is registered with the Land Registry, then direct negotiation with the owner to acquire land, with variable cost and timing depending on how quickly terms are agreed. This option can be used for unregistered land if we know the current owner.
- (2) **Adverse Possession:** Application to the Land Registry demonstrating the uninterrupted use of the land, without the owner's consent, for 10+ years if the land is registered, and 12 years if the land is unregistered. These applications can take the Land Registry months to years to process

#### (1) Negotiated Purchase

- **Title and Plans:** Accurate plans prepared and title information collated. There is likely to be a cost for plan preparation given these are unlikely to exist considering the status of the land.
- **Purchase price and costs:** A negotiated purchase requires a land valuation to establish the price which could range from a nominal fee to market value, plus the Council's legal, surveyor and possibly valuation fees costs. This work is not currently resourced and it is likely that external support will be required).
- **Compulsory Purchase:** While compulsory purchase is possible, we would not advise this route due to the cost and time involved

#### (2) Adverse Possession

- **Title and Plans:** Accurate plans prepared and title information gathered. There is likely to be a cost for plan preparation given these are unlikely to exist considering the status of the land.
- **Statutory declaration:** Application and statutory declaration to the Land Registry with strong evidence that the Council has had uninterrupted use of land for 10+ years without the owner's consent. The preparation of evidence will require legal and property resources that are not currently available. There is likely therefore to be a cost for external support.

### **Summary of expected costs**

Task	Cost of application
<b>Requesting title documents</b>	Minimum £14 (for x 1 Title Plan and x 1 Register). More may be required depending on the type of land.
<b>Additional historical deeds/mapping</b>	Variable
<b>Statutory declarations</b>	Officer time + possible legal drafting fees (if external support is required)
<b>Valuation</b>	Variable 000's+
<b>Minimum sale price</b>	Nil value - variable
<b>Registration Fees</b>	£20 to £1,105
<b>Legal and Surveyors ( external support ) and legal and surveyor costs for Crown/BVD/Seller</b>	Variable depending on the complexity Surveyor fees £75+ per hour Legal fees £175+ per hour