

BP v Buckler: Scope, Decided & Undecided

Version 1.0.0 · 2026-10-23

Editors of the Great House Farm Legal Wiki

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Page 772 of the Great House Farm Legal Wiki, carried over from the version last modified on 2026-10-21. The same page is published at research.bucklerfamily.estate, and this version is also a [PDF](#) in the wayback archive.

1 Release notes

1.1 This release (version 1.0.0)

- **2026-Oct-23** - Carried over to the docs library from Legal Wiki page 772 (last modified 2026-10-21 19:13:04 UTC). The page text, dates and references are as on the wiki. Links to wiki pages lead to the same page on research.bucklerfamily.estate; images are links to their files on the wiki.

1.2 Older versions

None yet.

2 Record

This material now lives at <https://fcg.bucklerfamily.estate/case/bp-v-buckler-scope-decided-undecided>.

Page ID: 772 · **Title:** BP v Buckler: Scope, Decided & Undecided · **Evidence status:** Not yet labelled — see the Editing Protocol · **Version:** 0.1.1 · [Editing Protocol](#)

This page separates the **holding in BP Properties Ltd v Buckler** from the wider ownership questions now being reconstructed from the title and historical records.

Controlling parcel correction — 9 October 2026. The family's established title case is that the 1877 arrangement took effect in 1928 and passed the full Parcel A to the Williams family: farmhouse/buildings, barn, stable and yard west of the house, garden, forest north of the house, and ground south-east later registered as VG41. Parcel B was the separate eastern agricultural fields; the 1939 agreement/plan depicts Parcel B only. Keep distinct the 1949–1953 unwritten agricultural tenancy, which the Court of Appeal treated as a protected periodic tenancy, from the family's contention that it did not extend to or make permissive the separate Parcel-A occupation. A further failed attempt to make Frederick a tenant is identified for 1954 (GHF-E182; original source pending). Mary (Nancy) Williams, formerly Buckler, said the title papers went missing in 1950–52 (witness statement c.1974, [Mary \(Nancy\) Williams testimony](#)). [SOURCE PENDING] On 4 July 1955 WGR seized the north forest and south-east green while enforcing possession of Parcel B under "whole farm" wording. Mary's later defence of the occupied house group did not narrow the full Parcel-A claim.

The primary title case and the alternative twelve-year limitation case from 1928 (potentially maturing by 1940 if legal requirements were met) are distinct. This page concerns the scope of the later judgment and legal routes—not whether the forest and green were taken.

Recorded court issue	Whether the occupation could amount to adverse possession in light of the possession history and the 1974 licence letters.
Recorded appeal point	The Wiki's appeal summary records the court's finding that the 1974 letters made the possession permissive whether or not Mary accepted them.
Documentary gap	The appeal page records: "No such documents were, however, ever produced." Mary (Nancy) Williams's c.1974 statement (Mary (Nancy) Williams testimony) says the title deed /papers went missing in 1950–52 and may have been removed from the farmhouse. Provenance and circumstances need to be stated as her testimony unless independently corroborated; non-production alone does not prove who removed papers or why.
Separate ownership question	How do the 1877/1928 full Parcel-A title case and the exact extent of the forest north and green south-east fit with the land descriptions and title instruments relied on by WGR/BP? The 1955/1986–87 possession chronology and the later registered-title chain are separate tests; do not assume the full title claim was either exhaustively tried or categorically never raised without checking pleadings and judgments.

2.1 1954 tenancy attempt, Frederick's intention and the 1987 title chronology

The family chronology identifies a separate 1954 attempt to make Frederick a tenant, treated by the family as an unsuccessful attempt to make Parcel-A occupation permissive. It is tracked at [GHF-E182](#); the original source, precise terms and proposed land are still pending. This event must not be merged with the 1949–1953 unwritten agricultural tenancy. Dillon LJ accepted that Frederick had a protected periodic tenancy despite no written agreement; the dispute is whether that tenancy's legal extent was Parcel B only and whether later actors used it to characterise Parcel-A occupation.

The published appeal judgment also needs a balanced reading of the judges' reasoning. Hollis J treated Frederick's apparent willingness to accept a tenancy as evidence against *animus possidendi*. Dillon LJ expressly disagreed with the trial judge's treatment of intention and held that Frederick and Mary were jointly in adverse possession of the farmhouse and garden from 2 February 1955. The appeal nevertheless failed because the 1962 possession proceedings remained enforceable and the 1974 letters made Mary a licensee for limitation purposes. This does not amount to a final adjudication of the full 1877 root-title claim.

The phrase that the result "might have been different" must be tied to its actual context. In the published appeal reasons, Dillon LJ was discussing the hypothetical effect of Mary expressly rejecting the 1974 letters and maintaining her claim; the passage should not be paraphrased as a judicial finding that a full trial of the underlying root title would have ended differently unless a separate source establishes that proposition.

A further chronology issue is material. The High Court decision was in July 1986; the Wiki's current HMLR reconstruction records WA231076 and WA240304 as separate live title records before the 2 February 1987 amalgamation application, while the Court of Appeal judgment followed in July 1987. The judgment's statement that BP had been registered proprietor of "the whole" farm since November 1982 therefore requires reconciliation with the registration files and plans. Two title numbers do not by themselves establish different ownership or a defect. The specific tests are the land within each title, the effect of amalgamation, whether the change was raised in the appeal, and what the judges and parties knew from the actual bundle.

Current status: this is a material chronology and evidential-framing issue for investigation, not proof of court error, procedural unfairness or judicial misconduct. The complete pleadings, trial record, appeal bundle and HMLR amalgamation file are needed to establish what was argued, what was decided and what information was available.

Earlier limitation and the 1955 execution footprint. The twelve-year period for recovery of land pre-dated 1940: section 1 of the [Real Property Limitation Act 1874](#) already prescribed twelve years. If the right to recover Parcel A accrued when possession became adverse by about 1928, the family's alternative case is that the former owner's right of action—and potentially the former title under the statutory regime—could have been extinguished by about 1940, subject to proof of all required conditions. If the period began only in 1940, twelve years would reach about 1952. The point is not a "second qualification"; the key question is whether one legally effective period completed.

Do not describe all post-1955 possession as Parcel B. The reported judgment says the 1955 order was for the "whole" farm, and execution took all parts except the farmhouse and garden. The family's current parcel model says that the enforcement took Parcel B and also the Parcel-A north forest and south-east green, while Mary retained the farmhouse/garden group. Dillon LJ's later adverse-possession analysis from February 1955 concerned that retained

house-and-garden group, which the family places within Parcel A. The central dispute is whether the 1955 order lawfully extended to each part despite the distinct parcel histories, and whether the earlier 1928–1940 alternative limitation case had already matured. The separate 1962 order against Frederick and Mary and the 1974 letters must be analysed as later legal events, not treated as an automatic answer to the earlier-period question.

Source-control note: the accessible published 1987 appeal report does not mention 1954. It reports a 10 October 1952 agents’ letter saying they did not propose to proceed with the letting, yet Dillon LJ nevertheless concluded Frederick had a protected periodic agricultural tenancy. The 1954 event remains a separate family-chronology lead at [GHF-E182](#) pending its own source.

2.2 Why the distinction is preserved

The correct parcel model treats Parcel A as the full 1877 house/quarrying estate, including the house/buildings, barn, stable and west-side yard, garden, north forest and south-east ground later registered as VG41. The farmhouse/garden is the occupied centre Mary retained, not the whole Parcel A. Parcel B is the separate eastern agricultural fields. A court’s possession/limitation decision may have consequences for later claims, but a “whole farm” description should not be treated by itself as proof that WGR had title to both parcels or that the full Parcel-A geometry was determined.

Research rule: every later statement about what the 1987 judgment established should be checked against the judgment itself and, where relevant, against the title register and conveyance evidence on the Wiki.

2.3 Judgment re-read and remedy separation — 16 October 2026

Conditional overriding-interest statement. Dillon LJ’s statement that, if Mary had acquired a valid title, it would have overridden BP’s registration is important to the direct title/registration question. It is conditional, not a finding of Mary’s ownership. The judgment did not turn the registration itself into proof of fraud and did not automatically reopen the appeal.

Separate legal routes. Keep (1) proof of the root title and exact parcel extent, (2) any register mistake and available alteration/rectification route, (3) statutory indemnity and limitation, and (4) any fraud-based challenge to the 1987 judgment as separate propositions. Under the 1925 Act as originally framed, section 83(11) included a six-year-from-registration proviso. The Land Registration Act 1997, section 2, replaced section 83 and removed that special proviso in favour of a knowledge-based cause-of-action rule; the current 2002 Act indemnity provision is Schedule 8 paragraph 8. That correction means 1983 alone is not the whole limitation calculation, but it does not prove a claim is in time or payable.

Estate authority. Dillon LJ recorded that no grant of representation to Mary’s estate had been obtained by the time of the 1987 appeal. That is a dated historical statement, not proof that no grant was ever issued later. Check the probate index and any later grant before identifying the proper personal representative or requesting confidential estate/client material.

Appeal solicitors. The judgment names Loosemores of Cardiff, acting through Robbins Olivey & Blake Lapthorn, for the appellant side; it names Linklaters & Paines for BP Properties. Masons/Pinsent Masons must remain a distinct, unconfirmed lead until a separate document ties that firm to BP’s title, registration or other litigation work. See [GHF-E141](#), [1983 first-registration analysis](#) and the [records-request plan](#).

2.4 Page version & change log

Current version: 0.1.1

Version	Date (UTC)	Editor (human or agent name)	Change	Source / evidence
0.1.1	2026-10-18T15:18Z	Sion’s Tab agent	Footer standardised; earlier log rows carried into this table; no content change	Editing Protocol, 18 Oct 2026

2 Record

0.1.0	2026-10-18T14:27:00+01:00	OpenAI-assisted maintenance agent (GPT-6)	Installed footer log and began SemVer tracking at 0.1.0; not a reconstruction of earlier revisions. CURRENT VERSION: 0.1.0.	Saved via WordPress API; public rendering not individually checked.
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Agents and editors: follow the [Editing Protocol](#).