

# James McAllister LL.M BSc(Hons) DipArb FRICS FCI Arb FFPWS

## Chartered Building Surveyor • Certified Commercial Mediator • Arbitrator

### Commercial Experience

- Acting as Appointed Surveyor in several hundred Awards under the Party Wall etc. Act 1996 and the London Building Acts (Amendment) Act 1939
- Drafting and service of several hundred Awards
- Acting as Third Surveyor
- Appearance in County Court and Magistrates' Court and advice to parties initiating legal proceedings
- Single Joint Expert

### Professional Qualifications & Memberships

- Fellow of the Royal Institution of Chartered Surveyors (FRICS)
- Fellow of the Chartered Institute of Arbitrators (FCI Arb)
- Fellow of the Faculty of Party Wall Surveyors (FFPWS)
- Individual member of the Civil Mediation Council (CMC)
- Certified Commercial Mediator

### Academic Qualifications

- BSc(Hons) Building Surveying [2:1] (University of West England, Bristol)
- LL.M Advanced Commercial Property Law [Distinction] (Northumbria University)
- Diploma in Arbitration (RICS)

### Areas of Expertise

- Party Walls & Neighbourly disputes
- Dilapidations

### Lecture Subject Areas

- Party Walls
- Dilapidations

### Contact:

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**James McAllister** is a Chartered Building Surveyor, Certified Commercial Mediator and Arbitrator specialising in Party Wall matters.

Having obtained a BSc(Hons) degree in Building Surveying in 1994, James went on to qualify as a Chartered Surveyor in 1996 and began specialising in Party Wall matters in 1997 when the Party Wall etc. Act 1996 came in to force. This has remained one of James' core disciplines since. James qualified as a Commercial Mediator in 2011 and became an individual member of the Civil Mediation Council (CMC) also in 2011. In 2013 James attained a distinction in his LL.M Master of Laws degree in Advanced Commercial Property Law at Northumbria University coming top of the course. In 2016 James qualified as an Arbitrator.



James holds professional memberships with the Royal Institution of Chartered Surveyors, the Chartered Institute of Arbitrators, the Civil Mediation Council and the Faculty of Party Wall Surveyors. He is also a member of the Pyramus & Thisbe Club.

Over his career James has gained a wealth of experience as a Chartered Building Surveyor at the frontline of Party Walls practice and procedure. He has acted as a Party Wall Surveyor under the Party Wall etc. Act 1996 since it came in to force on 1 July 1997, and before that, under the London Building Acts (Amendment) Act 1939 in respect of properties in the London area. He has drafted and served hundreds of Party Wall Awards and has successfully enforced his Awards for costs in the Magistrates' Court pursuant to section 17 of the Act on numerous occasions. In 2016 James was instrumental in the landmark High Court decision *The Queen on the Application of Farris Lane Developments Limited v Bristol Magistrates' Court* [2016] EWHC 982, which ultimately clarified the Party Wall etc. Act 1996 on the subject of determination and enforcement of Surveyors' costs in favour of the interpretation of the Act advanced by James who was the Interested Party. This decision has substantially widened the jurisdiction of Party Wall Surveyors in the determination and enforcement of Surveyors' costs under the Act and has now become law.

James is listed as a pre-qualified Third Surveyor by the Faculty of Party Wall Surveyors ([www.fpw.org.uk](http://www.fpw.org.uk)), having successfully completed specialist training for this role. James was made a Fellow of the Faculty of Party Wall Surveyors in 2009 and regularly acts as Third Surveyor in complex referrals.

James has acted independently as an Expert Witness in Party Wall and neighbourly disputes in accordance with Part 35 of the Civil Procedure Rules (CPR Part 35) and accepts appointments as Single Joint Expert (SJE) within this area of his expertise.

As an expert practitioner in the specialist fields of Party Walls and dilapidations, James is the founder and Managing Director of both **The Party Wall Consultancy** and its sister company, **The Dilapidations Consultancy**. He regularly writes articles on both subjects for a variety of online publications, professional bodies and peer-reviewed journals. In 2009 James appeared on BBC Radio 4 to discuss Party Wall matters and neighbourly disputes from a practitioner's viewpoint. James also lectures widely for Universities, Government Agencies and professional training providers enabling a detailed, yet accessible overview of the law behind the subject matter with the benefit of a practitioner's perspective. In 2016 James was appointed by one of the UK's leading Universities in real estate to write the syllabus content for Party Walls and dilapidations.

James is frequently appointed to provide pre-notification advice to Architects, Engineers, Developers and Local Authorities. As a recognised expert, James regularly advises other Chartered Surveyors and Solicitors. He is popular with clients in all sectors for his ability to provide both practical and strategic advice, which he then successfully applies to resolving disputes efficiently and effectively.