

The Party Wall Consultancy: Factsheet

The Party Wall etc. Act 1996

The Party Wall etc. Act 1996 came in to force on 1st July 1997 and governs the procedure and legal protocol to be followed when undertaking any works falling within the remit of the Act throughout England & Wales and applies to both residential and commercial property. This includes excavation for foundations within a specified distance from a neighbouring property and certain works affecting Party Walls and Party Fence Walls. It also concerns proposals to build a new wall at or astride the boundary ('the line of junction').

What is a Party Wall? In simple terms a wall that sits on the land of two owners and is therefore in shared ownership. This means that certain works, deemed to be 'notifiable' under the Act, will require the service of prior notice on the Adjoining Owner. The Act details the requisite notice periods applicable in each situation.

The Party Wall Consultancy

The Party Wall Consultancy is a niche practice of consultant Party Wall Surveyors specialising in Party Wall matters and associated issues arising under the Party Wall etc. Act 1996. This principally concerns fulfilling a statutory appointment under the Act to administer the resolution of 'disputes' arising between owners by way of an Award. Our consultants are Chartered Building Surveyors and Certified Commercial Mediators. We can act initially in the service of notices; in the event of a dispute, we can then act either as a jointly appointed 'Agreed Surveyor' for both parties, or as Building Owner's/Adjoining Owner's Surveyor in the event each party decides to appoint their own. We also act as Third Surveyor where pre-selected by the two appointed Surveyors. We are based in Bristol and Guildford, but fulfil appointments throughout London and the South of England. Further information and guidance is available via our website: www.partywallconsultancy.co.uk.



Building Owners:

If you are proposing to undertake works that are deemed 'notifiable' under the Act, you are required, by law, to serve prior notice upon your neighbour (the 'Adjoining Owner'). Notifiable works include:

- Works to build a wall at the line of junction
- Works to a Party Wall
- Works to a Party Fence Wall
- Adjacent Excavations - foundation excavations within 3 metres of a neighbouring property, or within 6 metres if the proposed foundations will break a 45 degree line taken from the base of the Adjoining Owner's foundations.

Notice must be served **one month** prior to the proposed commencement of works involving adjacent excavations, building at the line of junction or to party fence walls and **two months** prior to commencement of works to a Party Wall.

If the Adjoining Owner 'dissents' to notice or fails to respond within 14 days of the notice being served, then a 'dispute' is deemed to have arisen under the Act and an Agreed Surveyor or Surveyors must be appointed under Section 10 of the Act to resolve the dispute by way of an Award. This will become a legally binding document setting out the nature of the works, along with details as to which party is to pay for the works and any associated fees. The Award will usually also contain a Schedule of Condition to evidence the condition of the Adjoining Owner's property prior to commencement of any works for later referral. The Building Owner will be responsible for repair of any damage arising, or compensation. You must not commence notifiable works without serving prior notice as you may risk being served with an injunction to stop the works.

Adjoining Owners:

If you have been served with a notice under the Party Wall etc. Act 1996, it means that your neighbour (the 'Building Owner') proposes to undertake works which fall within the remit of the Act upon expiry of the notice. This could be construction of a new wall at the line of junction, works to raise, lower or rebuild a shared party fence wall or works affecting the party wall between your properties. Notice may also be served if they intend to excavate their own land to facilitate foundation construction where this falls within a specified distance from your property; Section 6 of the Act sets out the distances which define notifiability.

Upon receiving a notice you have **14 days** to either 'consent' to the proposals or 'dissent' (with the exception of notices served under Section 1(5) where a response is not needed). If you fail to respond within 14 days, this is known as 'statutory dissent'. Where dissent is communicated, a 'dispute' is deemed to have arisen, requiring resolution under Section 10 of the Act. This involves the appointment of an Agreed Surveyor or Surveyors and a resultant Party Wall Award. The Award should contain a detailed Schedule of Condition of your property prior to commencement of any 'notifiable' works in order to safeguard your interests in the event damage later occurs as a direct consequence of the works. Following service, and assuming no challenge is made in court within 14 days, the Award becomes legally binding. The Schedule of Condition will also serve as evidence of the existing condition of your property. If you suspect the Building Owner is carrying out notifiable works without having served prior notice, you may halt the works by way of an injunction, until such time the Act is followed; legal advice is recommended.

The
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Consultancy**

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Services

➤ Service of Notices

- Line of Junction Notice (Section 1)
- Party Structure Notice (Section 3)
- Adjacent Excavation Notice (Section 6)
- Counter Notices

➤ Appointment under Section 10

- Building Owner's Surveyor
- Adjoining Owner's Surveyor
- Agreed Surveyor
- Third Surveyor

➤ Schedules of Condition

- Preparation and Agreement of Schedules of Condition for Award engrossment

➤ General Advice

- Application of the Act
- Guidance and Interpretation
- Advice on 'notifiable' works
- Adjoining Owner's rights

➤ Boundary Dispute Advice & Resolution

➤ Mediation

Contact Us

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