

A Brief Guide to the Party Wall etc. Act 1996

What does the Act do?

The Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near adjoining structures.

To comply with the Act an Owner intending to carry out work of the kinds described in the Act must give Adjoining Owners notice of their intentions.

What works does the Act cover?

1. Works to a wall or structure separating two properties. (Party Structure Notice)
2. The construction of a new structure up to the boundary between two properties. (Line of Junction Notice)
3. The formation of foundations or other excavations close to the neighbours building/s. Notice under this section of the Act is required if works are within 3 metres and are deeper than the neighbours foundations and within 6 metres in some other cases. (Notice of Adjacent Excavation)

How do I inform the Adjoining Owner or owners?

In the first instance it is often best to discuss your planned work fully with the Adjoining Owners before you (or your appointed Party Wall Surveyor) give notice, in writing, about what you plan to do.

A notice must include the date, your name and address, the address of the building to be worked on, a full description of what you intend to do and when you are proposing to start.

Depending on the Notice you need to serve a period of at least two months needs to be allowed before the planned start date.

What if I cannot reach agreement with the Adjoining Owners?

If the Adjoining Owners either do not consent to the work or do not respond within 14 days of the Notice this is considered to be a dissent and a dispute will have arisen.

In the event of a dispute each owner must appoint a "Surveyor" or a "Agreed Surveyor" to deal with the matter. The Surveyor/s will then prepare a Party Wall Award.

What do I do if I receive a Party Wall Act notice from my neighbour?

If you receive a notice from your neighbour you should reply to it in writing within 14 days.

If you do not respond to a notice about an intended new wall built up to the line of junction, the work can commence after the one month notice period. Your neighbour may place any necessary footings and foundations under your land.

If you receive a notice about work to an existing party structure, or a notice about excavations, and you have not responded, in writing, within a period of 14 days from receipt of the notice, a dispute is regarded as having arisen.

Who do I contact if I require further assistance?

Nicholas Truelove BSc (Hons) MRICS of Elwell Taylor Chartered Surveyors 01245 292861 or n.truelove@elwelltaylor.co.uk

Our expertise in Party Wall issues combined with early consultation and a thorough approach will result in risks that can delay developments and incur costs are highlighted early. Elwell Taylor offer a pro-active service on how to deal with Party Wall matters.