



Party Wall Act Explained

The Party Wall Act Etc. 1996 (the Act) is intended to prevent or resolve disputes in relation to party walls, party structures, boundary walls and excavations near neighbouring buildings.

Types of work covered by the Act:

- Work that is to be carried out directly to an existing party wall or party structure, for example repairs, inserting a damp proof course, removing a chimney breast on a party wall, and demolishing or rebuilding any part of a joint wall;
- any new building next to the boundary line between two properties;
- any new building which is built over (astride) the boundary line between properties; and
- excavation within 3 or 6 metres of a neighbouring building or structure, although this depends on the depth of any new foundation.

There is a very useful booklet available from [GOV.UK](https://gov.uk) which contains explanatory diagrams to help understand what may or may not be covered.

The Building Owner and Adjoining Owner

The Building Owner (the BO) is the owner of the property who owns the property where the works are due to take place. It is advisable for the BO to discuss the proposed plans and alterations with the neighbour who is likely to be affected and show them any plans. These neighbours are referred to in the Act as the Adjoining Owner (AO).

Formalities Required by the Act

The BO is required to give written notice of the proposed works to the AO. The Act details the information which is required in this notice and a copy

can be found in the Document Centre. Plans should also be attached.

The Act sets out different notice periods for the BO to give the AO for the start of the work. This is dependent on the nature of the proposed work.

- For work on existing party walls, the notice must be served at least **two months** before the planned start date of the work.
- For the construction of a new wall next to or across the boundary line the notice must be served **one month** before the planned start of the works and
- for all excavations near the boundary line, the notice must be served at least **one month** before the planned start date of any works.

The notice is valid for one year from the date of service. This means if the work starts more than a year after the service of the notice a new notice will have to be prepared and served.

If work is commenced without having first followed the correct notice procedures, the adjoining owner could halt the work through a court injunction or seek another form of legal redress.

What the Adjoining Owner needs to do

Upon receipt of a notice, the AO can:

- Within 14 days agree in writing to the work being done; or
- send the BO a counter notice asking for additional work or for the work outlined to be changed. This must be done within 1 month but the BO should be told within 14 days that this is being done; or
- refuse or do nothing within 14 days in which case a dispute resolution procedure starts.

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When can the works start?

If the AO agrees to the work by providing written consent the work can start immediately.

If the AO does not agree or does not respond in any way, the dispute resolution process will automatically start. It may be worth the BO contacting the AO to find out what their intentions are which may avoid an ongoing dispute.

Who pays for the Works?

Where the proposed works are wholly for the benefit of the BO, such as a new extension to their existing property the cost will be paid by the BO.

If the proposed work is to repair a party wall that may have fallen into disrepair, the Act does provide that the cost can be shared. The amount will depend on the benefit that each party has from the party wall and if either party contributed to any damage or disrepair.

Dispute Resolution Procedure

If the two parties cannot reach an agreement, they should jointly appoint an agreed surveyor to draw up a 'party wall award'. Alternatively, each party can appoint their own independent surveyor, who will then work in collaboration to draw up the award together. The surveyors have to consider both parties' needs and agree to an award that is fair and impartial.

The party wall award is final and binding although can be appealed by either party within 14 days. The appeal must be made to a county court.

The award itself will set out the work to be completed, any additional work required and the condition of the adjoining property prior to the work starting. It may be a good idea for the AO to take their own photographs too.

Who pays the Surveyors Costs?

Generally, the surveyors' costs are to be paid by the BO. If, however, some or all of the work is required due to neglect or disrepair by the AO they may be required to pay a proportion of the costs to reflect their responsibility.

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