

The Party Wall etc Act 1996

The Party Wall etc Act came into effect from 1 September 1997 throughout England and Wales.

Any person planning to carry out building work which could affect the Party Wall, has certain duties. Listed below are answers to some of the commonly asked questions.

What is a party wall?

A Party Wall is a wall shared by two (or more) properties which is usually divided by the boundary line but can include a wall, solely on one property, where an adjoining building derives support from it. It could also include a free standing garden wall if it is built astride the boundary. Fences are not included in this definition.

What are the duties of the person carrying out the work?

You are legally obliged to give Notice and details of the proposed works which structurally affect the Party Wall or of any excavations close to the Wall to all adjoining owners. If work starts without first giving Notice the adjoining owner may seek redress through the courts. You must not cause unnecessary inconvenience and must compensate for any damage to buildings and property.

How long in advance must the notice be served?

At least two months before the planned start of work to the party Wall or one month if it is related to excavation work near to adjoining buildings. The Notice is valid for one year.

If your neighbour does not respond to the notice within 14 days a dispute is deemed to have arisen.

What constitutes work near adjoining buildings?

If you plan to excavate or construct foundations within 3 metres of an adjoining owners building where the work will go deeper than the neighbour's foundations.

If you are within 6 metres of a neighbouring owner's building and the work will cut a line drawn downwards at 45° from the bottom of the neighbour's foundations.

How do the neighbours reach agreement?

The best way of settling any differences is by friendly discussion and an agreement put in writing. If this is not possible neighbours can jointly appoint an "agreed surveyor" to draw up an award to suit both neighbours. Otherwise each neighbour will have to appoint their own surveyor and these two surveyors will nominate a third surveyor. The third surveyor will only be called if the first two cannot agree.

What if the neighbours cannot reach agreement?

If after discussing the proposals, agreement has not been reached a surveyor will have to be appointed. This should be a qualified person experienced in dealing with Party Wall matters. It is more likely that your neighbour will allow an “agreed surveyor” if that person is not connected with the design or supervision of your building work. An Institution such as the RICS* will supply you with a list of local surveyors. Surveyors appointed under the dispute procedure must act impartially, taking into account the interests of both owners. It is not a client/agent relationship.

Is the “award” final?

All the owners are bound by the “award” unless they appeal to the County Court within 14 days of its receipt.

Who pays?

The owner carrying out the work is expected to pay all reasonable costs.

What is the local authorities role in all this?

Where the works involve an application, the Building Control Section will carry out Inspections to ensure the work is structural sound and complies with the Building Regulations but cannot act on either neighbours behalf regarding this legislation.

What about access to neighbouring property?

Under the Act, neighbours must allow workmen and surveyors access to their land in so far as it relates to work in connection with the Party Wall. However, the adjoining owner must give 14 days notice of their intention to exercise these rights of entry if agreement hasn't already been reached.

What if entry is refused?

It is an offence, which can be prosecuted in the Magistrates Court, to refuse entry or obstruct someone who is entitled to enter under the Act.

What other permissions do I need?

Reaching agreement with your neighbour under the Party Wall etc Act does not remove the possible need for Planning Permission or Building Regulation Approval. Please check with London Borough of Enfield: Building Control on 020 8379 3629
Planning on 020 8379 3878.

Who enforces the Act?

The Party Wall etc Act 1996 is civil law between adjoining owners.

This information note is not an authoritative interpretation of the law and no substitute for the Act itself. Full details of the Act can be obtained from HMSO bookshops on 020 7873 9090.

Disclaimer: The Council's Building Control and Planning Services cannot give advice on the Act.

*RICS – Royal Institution of Chartered Surveyors is located at 12 Great George Street, Parliament Square, London, SW1P 3AD. Tel: 020 7222 7000.