



The Party Wall etc. Act 1996 relates to party walls that are on the boundaries between land / properties in separate ownerships. It lays down certain rights, which a Building owner can exercise in respect of works to a party wall and also in respect of excavations within six metres of an adjoining property. It also sets down certain inalienable rights which the Adjoining Owner cannot prevent the Building Owner from exercising.

Before a Building Owner can exercise any of the rights granted by the Act, a clearly defined legal process must be followed:

1. The Building owner must serve a formal notice on the Adjoining Owner(s) of the intention to execute the works. The notice must be served at least two months in advance except in the case of works necessary to comply with dangerous structures notices.
2. The Adjoining Owner(s) have to respond to the notice within fourteen days. The Adjoining Owner(s) can consent to the works or they may dissent to the works. If the Adjoining Owner(s) fail to respond within fourteen days then they are deemed to have dissented to the works and a dispute is deemed to have arisen.
3. If a dispute arises, both the Building and Adjoining Owners must appoint independent surveyors to resolve the dispute. The Act gives the surveyors statutory powers to resolve the dispute, and their duty is to ensure that the terms, conditions and rights granted by or contained within the Act are adhered to. The surveyors cannot bend or alter the requirements of the Act at the Building or Adjoining Owners request. The nature of the surveyors' appointment is personal rather than corporate and, once appointed the surveyors cannot be dismissed by either party although they may choose to withdraw from the appointment if they so wish.
4. Once appointed the surveyors will consider the works, satisfy themselves that they are in accordance with the rights granted within the Act and will publish their decision to each party in the form of a legally binding document called an Award.
5. The Award determines the time and manner in which the works may be executed.
6. The terms and conditions of the Award must be complied with by each party and cannot be challenged unless an Appeal is made to the County Court within fourteen days of publication.
7. Failure to comply with the requirements of an Award, or with the procedures laid down under the Act, will result in summary conviction of either the Building Owner or Adjoining Owner. It is important to note that it is the actual Building or Adjoining Owner who is liable for conviction and not any agent or contractor.
8. The costs of making the Award are to be borne by the Building Owner (including the Adjoining Owner's expenses/legal fees).

9. No work may commence until the Award has been published to each party.

The Party Wall etc. Act 1996 and related Statutory Instruments (SIs)

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Further Information:

<p>The Party Wall etc. Act 1996: explanatory booklet Product Code 02 BR 00862, 2002. Only available online Download FREE from: www.communities.gov.uk/documents/planningandbuilding/pdf/133214 English version www.communities.gov.uk/documents/planningandbuilding/pdf/133217 Welsh version</p>
<p>RICS Party Wall Helpline: 0870 333 1600</p> <p>The Royal Institution of Chartered Surveyors' helpline, which will put you in touch with a RICS member who will provide up to 30 minutes free advice on The Party Wall etc. Act 1996.</p>

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