

The Party Wall Act 1996

The Act came into force on 1st July 1997 and applies throughout England and Wales. The Act does not apply in Scotland or Northern Ireland. The Act provides a basis for preventing or resolving disputes relating to party walls, party structures, boundary walls and excavations near neighbouring properties.

Anyone intending to carry out work that is covered by the Act must give the adjoining neighbours written notice of their intentions. It even applies to Crown, government and local authority owned properties. Where the work surrounds an existing party wall (covered by section 2 of the Act) a notice must be given even if the work will not cross the centre line of the party wall.

In an ideal world, adjoining owners would happily agree to the works being proposed and things can proceed as planned. If there are any issues or points of concern arising then adjoining owners are to agree with the building owner proposing the works an alternative approach that is agreeable to both/all parties concerned. Common issues that arise between neighbours are timing of the works and the manner in which the works are to be carried out. It is always best to have any agreement with your adjoining neighbour in writing.

Where a dispute arises and if written consent has not been given by adjoining owners within 14 days of receiving a written notice from the building owner proposing the works, then the Act provides for the matter to be resolved by Surveyors in a procedure covered within the Act.

What does the Act cover?

- Various work that is going to be carried out directly to an existing party wall or party structure
- New building at or astride the boundary line between properties
- Excavation within 3 or 6 meters of a neighbouring building(s) or structure(s), depending on the depth of the dig or proposed foundations.

Work may fall within more than one of the above categories and involve different types of buildings and structures for example, houses, garages and office buildings.

What is the Act so important?

By law, anyone proposing works on or astride the boundary or on a party wall or carry out excavations adjacent to adjoining neighbouring buildings must give adjoining owners notice of their proposals.

This applies to both private owned property as well as government or local authority owned property.

Adjoining owners are considered to be joint owners of the entirety of a party wall rather than sole owner of part of the wall.

If work starts without a written notice being given, then an adjoining owner can seek to stop the work through a court injunction or seek other legal recompense.

If you are not sure whether or not the Act applies to your proposals, then you may wish to seek the correct professional advice from a Party Wall Surveyor.