Ministry of Housing, Communities & Local Government

Department for Levelling Up, Housing & Communities

Guidance

# The Party Wall etc Act 1996: explanatory booklet

Published 12 May 2016

**Applies to England and Wales**

Contents

Introduction

Part 1: Party Wall etc. Act 1996

Part 2: Building owners

New building on the boundary line between neighbouring pieces of land (Section 1 of the Act)

Excavation near neighbouring buildings (section 6 of the Act)

Part 3: Adjoining Owners/Occupiers

Part 4: Frequently asked questions

Part 5: Example Letters

Part 6: Further information

Appendix 1

Appendix 2

© Crown copyright 2016

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet

**Disclaimer**

The Ministry of Housing, Communities and Local Government is not able to comment on or intervene in individual cases and in any case we cannot provide a definitive interpretation of the law, as only the courts are able to do this. Consequently, any information provided by the department is informal only and is not binding on any person. You may therefore wish to seek your own legal advice on the matter.

# Introduction

**This booklet is not an authoritative interpretation of the law, but intended as a general guide.**

It aims to explain in simple terms how the Party Wall etc. Act 1996 ("the Act") may affect someone who either wishes to carry out work covered by the Act (the "Building Owner") or receives notification under the Act of proposed adjacent work (the "Adjoining Owner").

Under the Act, the word "owner" includes the person(s), company or other body:

- holding the freehold title
- holding a leasehold title for a period exceeding one year
- under contract to purchase such a freehold or leasehold title
- entitled to receive rents from the property

**There may therefore be more than one "owner" of a single property.**

This booklet is only about the Act, which is separate from planning or building regulations control. You must remember that reaching agreement with the Adjoining Owner or owners under the Act does not remove the possible need to apply for planning permission and/or to comply with building regulations procedures. Conversely, gaining planning permission or complying with the building regulations does not remove the need to comply with the Act where it is applicable.

If you intend to carry out building work which involves one of the following categories:

- building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property (section 1 of the Act)
- work on an existing party wall or party structure (see paragraph 3 below) or building against such a party wall or party structure (section 2 of the Act)

- excavating near a neighbouring building (section 6 of the Act)

you must find out whether that work falls within the Act. If it does, you must notify all Adjoining Owners.

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

# Part 1: Party Wall etc. Act 1996

## 1. What does the Act do?

**The Act came into force on 1 July 1997 and applies throughout England and Wales. (The Act does not apply to Scotland or Northern Ireland).**

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

Anyone intending to carry out work (anywhere in England and Wales) of the kinds described in the Act must give Adjoining Owners notice of their intentions. The Act applies even to Crown, government and local authority owned property.

**Where the intended work is to an existing party wall (section 2 of the Act) a notice must be given even where the work will not extend beyond the centre line of a party wall.**

**Note: A party wall may not necessarily have a boundary running through its centre line for the whole of its length but for only part of its length.**

It is often helpful in understanding the principles of the Act if owners think of themselves as joint owners of the whole of a party wall rather than the sole owner of half or part of it.

Adjoining Owners can agree with the Building Owner's proposals or reach agreement with the Building Owner on changes in the way the works are to be carried out, in their timing and manner. Where a dispute arises in relation to a new party wall or party fence wall under section 1, and where there is no written consent by the Adjoining Owner within fourteen days to a notice served in relation to an existing structure under section 2 or an excavation under section 6, the Act provides for the matter to be resolved by a surveyor or surveyors in a procedure for the resolution of disputes explained in paragraph 12 of this booklet.

## 2. What does the Act cover?

- Various work that is going to be carried out directly to an existing party wall or party structure (see paragraphs 4 to 20
- New building at or astride the boundary line between properties (see paragraphs 22 to 26
- Excavation within 3 or 6 metres of a neighbouring building(s) or structure(s), depending on the depth of the hole or proposed foundations (see paragraphs 28 to 30).

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.

If you are not sure whether the Act applies to the work that you are planning, you may wish to seek professional advice. Contact information for bodies that may be able to provide assistance can be found in Part 6 of this booklet. However, any advice given should not be seen as being endorsed by the Ministry of Housing, Communities and Local Government.

## 3. What is a party wall?

The Act recognises two main types of party wall.

**Party wall type A**

A wall is a “party wall” if it stands astride the boundary of land belonging to two (or more) different owners.

Such a wall:

- is part of one building (see diagram 1)
- or separates two (or more) buildings (see diagram 2)
- or consists of a “party fence wall” (see diagram 3)

A wall is a “**party fence wall**” if it is not part of a building, and stands astride the boundary line between lands of different owners and is used to separate those lands (for example a masonry garden wall). This does not include such things as wooden fences or hedges.

**Party wall type B**

A wall is also a “party wall” if it stands wholly on one owner’s land, but is used by two (or more) owners to separate their buildings (see diagram 4).

An example would be where one person has built the wall in the first place, and another has built their building up against it without constructing their own wall.

Only the part of the wall that does the separating is “party” - sections on either side or above are not “party”.

The Act also uses the expression “party structure”. This is a wider term, which could be a wall or floor partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances for example flats (see diagram 5).

Walls that are not Party Walls:

These may include boundary walls (a fence wall/garden wall built wholly on one owner’s land) and external walls (the wall of a building built up to but not astride the boundary).

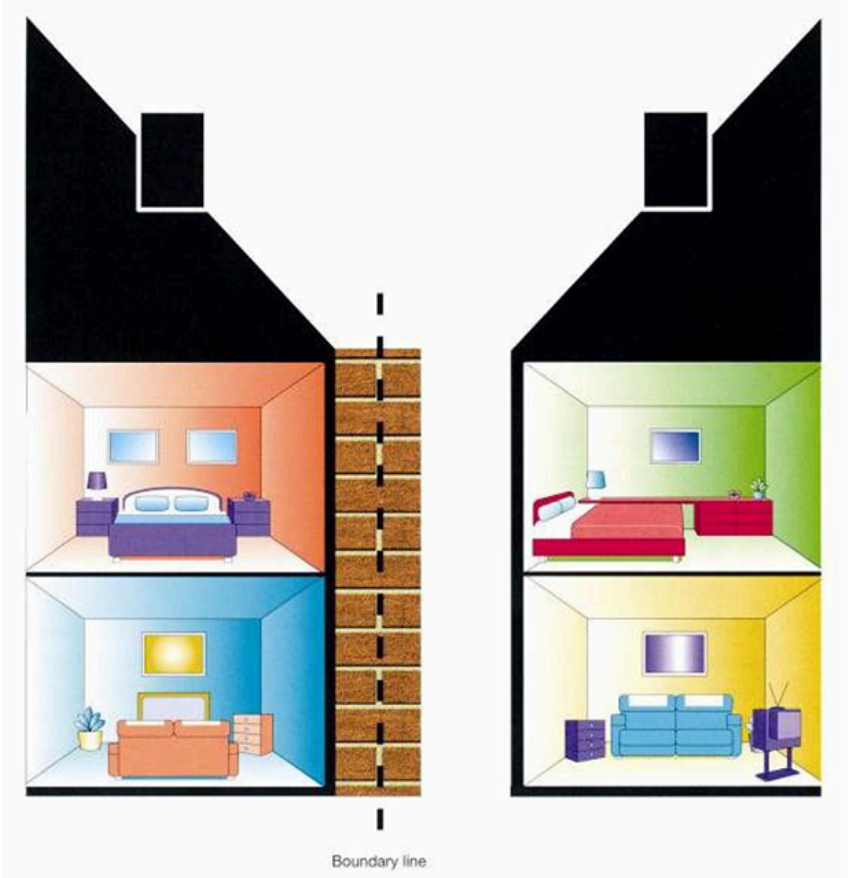



Diagram 1

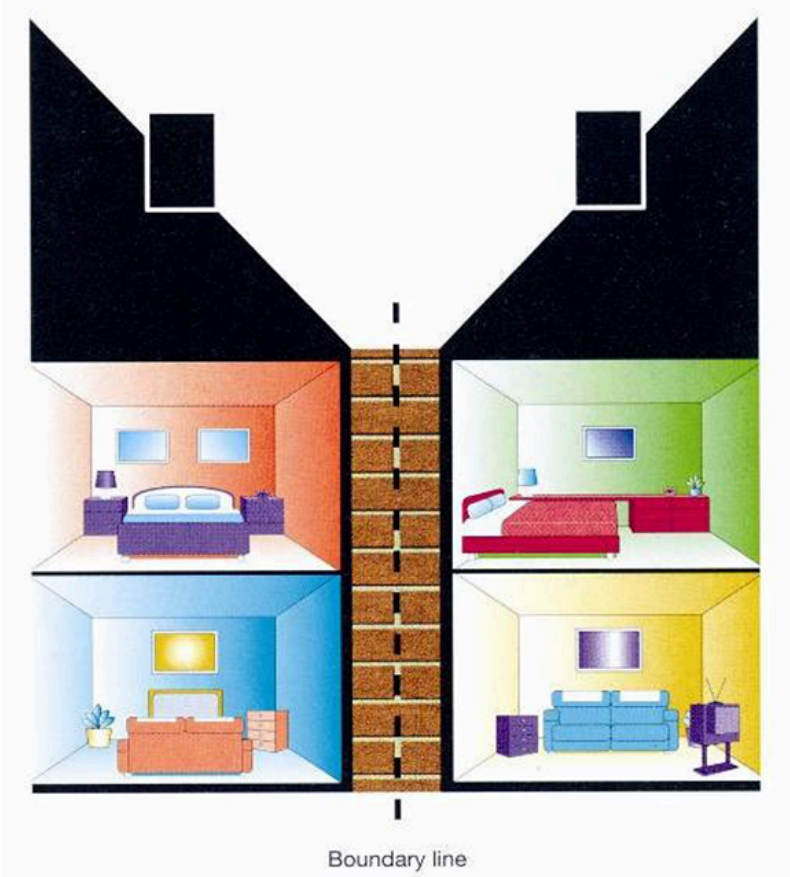



Diagram 2

Diagram 3

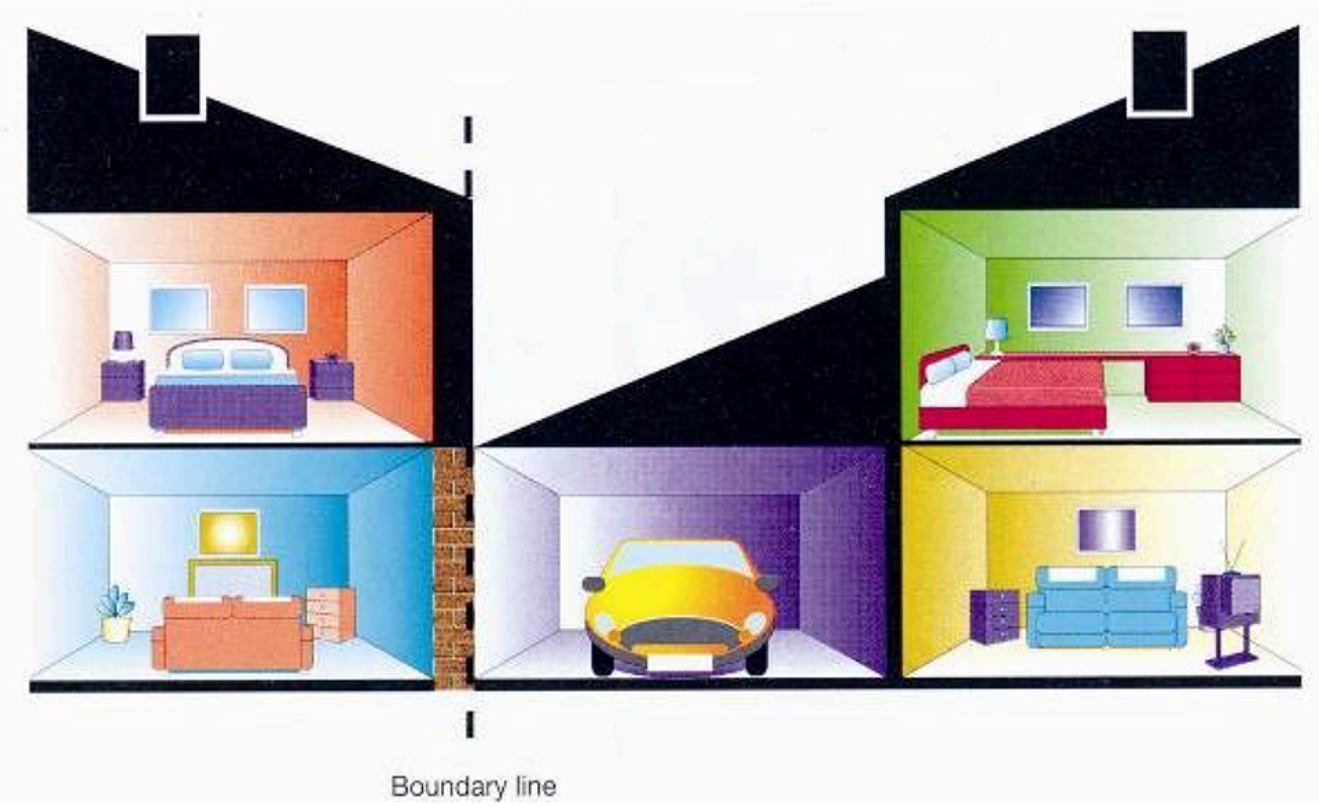



Diagram 4

Diagram 5

# Part 2: Building owners

Work on existing party walls (section 2 of the Act)

## 4. What are my rights under the Act if I want to do work on an existing party wall?

The Act provides a Building Owner, who wishes to carry out various sorts of work to an existing party wall, with additional rights going beyond ordinary common law rights.

Section 2 of the Act lists what work can be done. The most commonly used rights are:

- to repair a party wall
- to insert a damp proof course
- to underpin the whole thickness of a party wall (for example, to prevent settlement)
- to cut into a party wall to take the bearing of a beam (for example for a loft conversion)
- to raise the height of a party wall (for example, adding another storey)
- to extend a party wall downwards (for example, to form a basement)
- to demolish and rebuild a party wall (for example, if it is structurally defective)
- to underpin the whole thickness of a party wall (for example, to form a basement)
- to cut off projections from a party wall (or from an adjoining owner's boundary or external wall) if necessary to build a new wall adjacent to that wall (for example, removing a chimney breast)

## 5. What are my duties under the Act?

If you intend to carry out any of the works mentioned in section 2 of the Act (see paragraph 4 for the most common works), you must inform all Adjoining Owners - see paragraphs 7 and 8. You must not even cut into your own side of the wall without telling the Adjoining Owners of your intentions - but see paragraph 6.

The Act contains no enforcement procedures for failure to serve a notice. However, if you start work without having first given notice in the proper way, Adjoining Owners may seek to stop your work through a court injunction or seek other legal redress. An Adjoining Owner cannot stop someone from

exercising the rights given to them by the Act, but may be able to influence how and at what times the work is done - see paragraph 10.

The Act also says that a Building Owner must not cause unnecessary inconvenience. This is taken to mean inconvenience over and above that which will inevitably occur when such works are properly undertaken.

The Building Owner must provide temporary protection for adjacent buildings and property where necessary. The Building Owner is responsible for making good any damage caused by the works or must make payment in lieu of making good if the Adjoining Owner requests it.

Where party walls and structures are modified, repaired, or demolished and rebuilt (s.2(2)(a) and (b) of the Act) section 11(4) and (5) provides that the cost of the work shall be shared where the work is necessary on account of defect or want of repair, in proportion to the use each party makes of the structure or wall and the responsibility of each for the defect or want of repair concerned.

Where use is made of party walls previously built at the cost of the Adjoining Owner, the Act makes provision for a fair payment to be made to the Adjoining Owner.

## 6. What about things like putting up shelves or wall units, or installing recessed electric sockets, or removing and renewing plaster?

Some works on a party wall may be so minor that service of notice under the Act would be generally regarded as not necessary.

Things like:

- drilling into a party wall to fix plugs and screws for ordinary wall units or shelving
- cutting into a party wall to add or replace recessed electric wiring and sockets
- removing old plaster and replastering

may all be too minor to require a notice under the Act.

However, the key point is whether your planned work might have any possible consequences for the structural strength and support functions of the party wall as a whole, or cause damage to the Adjoining Owner’s side of the wall. If you are in doubt about whether your planned work requires a notice you might wish to seek advice from a qualified building professional.

## 7. Who counts as an “Adjoining Owner”?

Essentially, an Adjoining Owner is anyone who is an owner of land, buildings or rooms adjoining those of the building owner, which may include the local authority.

Also, for the purposes of section 6 of the Act a property shall be deemed to be adjoining if it is within the relevant distance even if it is nor actually adjoining.

The adjoining property may have a freehold owner, or a leasehold owner all of whom may be an ‘Adjoining Owner’ under the Act. Where there is more than one owner of the property, or more than one adjoining property, it is your duty to notify all Adjoining Owners.

## 8. How do I inform the Adjoining Owner or owners?

It is obviously best to discuss your planned work fully with the Adjoining Owners before you (or your professional adviser on your behalf) give notice, **in writing**, about what you plan to do. If you have already ironed out possible snags with your neighbours, this should mean that they will readily give consent in response to your notice. You do not need to appoint a professional adviser to give the notice on your behalf, however if you do you should satisfy yourself as to the experience and professional qualifications of your adviser.

Whilst there is no official form for giving notice under the Act, your notice will need to include the following details:

- your own name and address (joint owners must all be named, e.g. Mr A & Mrs B Owner)
- the address of the building to be worked on (this may be different from your main or current address)
- a full description of what you propose to do (it may be helpful to include plans, and you must do so in respect of excavation works, but you must still describe the works)
- when you propose to start (which must not be before the relevant notice period has elapsed)

The notice should be dated and it is advisable to include a clear statement that it is a notice under the provisions of the Act.

You may want to base your notice on Example Letter 1, set out in Part 5 of this booklet.

You may deliver the notice to the Adjoining Owner(s) in person, send it by post, or send it by email if the adjoining owner has stated a willingness to receive the

notice by email and has provided an email address. Alternatively, if you do not know the name of the owner and/or the property is rented out you may address the notice to “The Owner”, adding the address of the premises, and deliver it to a person on the premises, or, if the neighbouring property is empty, fix it to a conspicuous part of the premises.

## 9. How long in advance do I have to serve the notice?

At least **two months** before the planned starting date for work to the party wall. The Adjoining Owner may agree to allow works to start earlier but is not obliged to even when agreement on the works is reached. The notice is only valid for a year, so do not serve it too long before you wish to start.

## 10. What happens after I serve notice?

A person who receives a notice about intended work may:

- give his consent in writing, or
- refuse to consent to the works proposed (the dispute resolution procedure explained in paragraph 12 of this booklet then comes into play), or
- do nothing

If, after a period of 14 days from the service of your notice, the person receiving the notice has done nothing, a dispute is deemed to have arisen - see paragraphs 12 to 19.

As suggested in paragraph 8, your notice should not come as a surprise. If you have already ironed out possible snags with your neighbours, this should mean that they will more readily give consent in response to your notice.

It should be noted that where consent is given you are not relieved of your obligations under the Act, for example to avoid unnecessary inconvenience or to provide temporary protection for adjacent buildings and property where necessary. The notice of consent is simply confirmation that, at that time, there is nothing ‘in dispute’. Should a difference arise at a later date (for example in respect of damage caused) the procedure in paragraph 12 then comes into play.

## 11. What happens if I receive a counter-notice?

A person who receives notice about intended work may, within one month, give a counter-notice setting out what additional or modified work he would like to be carried out for his own benefit, and accompanied by all necessary particulars. A person who receives a notice, and intends to give a counter-notice, should however let the Building Owner know within 14 days.

If you receive a counter-notice you must respond to it within 14 days otherwise a dispute is deemed to have arisen - see paragraph 12.

## 12. What if I cannot reach agreement with the Adjoining Owners on the work to be done to the party wall?

The best way of settling any point of difference is by friendly discussion with your neighbour. Agreements should **always** be put in writing.

If you cannot reach agreement with the Adjoining Owners, the next best thing is to agree with them on appointing what the Act calls an “Agreed Surveyor” to draw up an “Award”. The surveyor must be a person agreed between the owners to act.

Alternatively, each owner can appoint a surveyor to draw up the award together. The two appointed surveyors will select a third surveyor (who would be called in only if the two appointed surveyors cannot agree or either of the owners or either surveyor calls upon the third surveyor to make an award).

In all cases, surveyors appointed or selected under the dispute resolution procedure of the Act must consider the interests and rights of both owners and draw up an award impartially.

Their duty is to resolve matters in dispute in a fair and practical way.

Where separate surveyors are appointed by each owner, the surveyors must liaise with their appointing owners and put forward the respective owners’ preferred outcome. However, beyond that the surveyors do not act as representatives for the respective owners. They must always act consistently with the terms of the Act to reach a fair and impartial award.

## 13. Who can I appoint as a surveyor in the event of a dispute?

The term “surveyor” under the Act can include any person who is not a party to the matter. This means that you can appoint almost anyone you like to act in

this capacity. However, the person should not have already been engaged to supervise the building work. The surveyor should also have a good knowledge of construction and of procedures under the Act. You cannot however act for yourself.

Some people are obviously more suitable than others. You may wish to look for a qualified building professional with some experience or knowledge of party wall matters - see Part 6, Further Information, at the end of this booklet.

## 14. What does the surveyor do?

The surveyor (or surveyors) will settle the matter by making an “award” (also known as a “party wall award”). This is a document which:

- sets out the work that will be carried out
- says when and how the work is to be carried out (for example to limit continuous periods of time when excessively noisy work can be carried out)
- specifies any additional work required (for example necessary protection to prevent damage)
- often contains a record of the condition of the adjoining property before the work begins (so that any damage to the adjoining land or buildings can be properly attributed and made good)
- allows access for the surveyor(s) to inspect the works while they’re going on as may be necessary (to see that they are in accordance with the award)

It is a good idea to keep a copy of the award with your property deeds when the works are completed.

## 15. Who pays the surveyor’s fees?

Usually the Building Owner will pay all costs associated with drawing up the award including the adjoining owner’s surveyor’s fees, if the works are solely for the Building Owner’s benefit.

However, in certain circumstances where work is necessary due to defect or need of repair the adjoining owner may have to pay costs. In these circumstances the costs are split based on the use each owner has of the structure or wall concerned and responsibility for the defect or need of repair if more than one owner makes use of the structure or wall concerned.

The surveyor (or surveyors) will decide who pays the fees for drawing up the award and for checking that the work has been carried out in accordance with

the award.

## 16. How much will a surveyor cost?

Surveyor's fees are a matter for individual surveyors. There are no set charges. It is for clients to negotiate fees with the surveyor(s).

The Act provides for surveyors to be paid the reasonable costs of drawing up an award. However, if the owner or the adjoining owner feels that a surveyor's costs are unreasonable they may ask for a breakdown of costs, e.g. the hourly rate and number of hours of time being charged for.

## 17. Is the surveyor's award final?

The Award is final and binding unless it is rescinded or modified by a county court on appeal. Each owner has 14 days from service of the award on them to appeal to the county court against the award.

An appeal should not be undertaken lightly, and an unsuccessful appellant may incur an award of costs against them. An owner considering an appeal may well wish to seek legal advice.

## 18. Who pays for the building works?

Your agreement with the Adjoining Owner, or the award in the event of a dispute, will set this out.

The general principle in the Act is that the Building Owner who initiated the work pays for it if the works are solely for his benefit.

However, there are cases where the Adjoining Owner should pay part of the expense of the works. This is set out in section 11 of the Act and is for the surveyor to determine. It covers for example:

- where work to a party wall is needed because of defects or lack of repair for which the Adjoining Owner may be responsible (in full or in part)
- where an Adjoining Owner requests that additional work should be done for his benefit

## 19. What happens if the neighbours won't cooperate?

If a dispute has arisen and the neighbouring owner refuses or fails to appoint a surveyor under the dispute resolution procedure, you will not be able to appoint an "agreed surveyor".

In these circumstances you can appoint a second surveyor on the neighbouring owner's behalf, so that the procedure can go ahead - see paragraphs 12 and 13. Your own surveyor will advise you on the appointment of a second surveyor on behalf of the Adjoining Owner.

## 20. What about access to neighbouring property?

Under the Act, an Adjoining Owner and/or occupier must, **when necessary**, let in your workmen and your own surveyor or designer etc., to carry out works in pursuance of the Act (but only for those works), and allow access to any surveyor appointed as part of the dispute resolution procedure.

You must give the Adjoining Owner and occupier notice of your intention to exercise these rights of entry. The Act says that 14 days' notice must be given, except in case of emergency. If access is necessary to carry out the notified works you may wish to include this requirement in the notice that you serve when seeking consent to carry out the works, so as to avoid any dispute in this respect at a later stage when work is underway.

It is an offence, which can be prosecuted in the magistrates' court, for the occupier or other person to refuse entry to or obstruct someone who is entitled to enter premises under the Act, if the first-mentioned person knows or has reasonable cause to believe that the latter person is entitled to be there.

If the adjoining property is closed (for example an unoccupied property) your workmen and your own surveyor or designer etc. may enter the premises by breaking open a fence or door, if they are accompanied by a police officer after following the Act's procedures.

You should discuss access for works with your neighbour. It is often in the best interests of the Adjoining Owner to allow access voluntarily to build a wall or to carry out works for which there is no statutory right of access, as this will allow a better finish to the side of the wall that they will see.

## 21. What rights do Adjoining Owners have?

Adjoining Owners' rights are described in Part 3 of this booklet. They include the right to:

- appoint a surveyor to resolve any dispute
- require reasonably necessary measures to be taken to protect their property from foreseeable damage and for their security
- not to be caused any unnecessary inconvenience
- be compensated for any loss or damage caused by relevant works
- ask for security for expenses before you start work under the Act so as to guard against the risk of being left in difficulties if you stop work at an inconvenient stage

# New building on the boundary line between neighbouring pieces of land (Section 1 of the Act)

## 22. What does the Act say if I want to build up against or astride the boundary line?

If you plan to build a party wall or party fence wall astride the boundary line, you must inform the Adjoining Owner by serving a notice - see paragraphs 7 and 8. You may want to base your notice on Example Letter 4. However, there is no right to build astride the boundary without your neighbour's consent in writing – seeparagraph 24.

You must also inform the Adjoining Owner by serving a notice if you plan to build a wall wholly on your own land but up against the boundary line. You may want to base your notice on Example Letter 6.

The Act contains no enforcement procedures for failure to serve a notice. However, if you start work without having first given notice in the proper way, Adjoining Owners may seek to stop your work through a court injunction or seek other legal redress.

## 23. How long in advance do I have to serve the notice?

At least **one month** before the planned starting date for building the wall. The notice is only valid for a year, so do not serve it too long before you wish to start.

## 24. What happens after I serve notice about building astride the boundary line?

If the Adjoining Owner consents within 14 days to the building of a new wall astride the boundary line, the work (as agreed) may go ahead. The expense of building the wall should be shared between the owners in proportion to the use of that wall made or to be made by each owner.

The consent must be by a notice **in writing**. It is strongly advisable that it should record details of the location of the wall, the allocation of costs and any other agreed terms.

If the Adjoining Owner does not consent **in writing** within 14 days to the proposed new party wall astride the boundary line, you will be obliged to build the wall wholly on your own land, and wholly at your own expense. You will have to compensate any Adjoining Owner for any damage to his property caused by the building of the wall, or the placing of footings and foundations under his land. There is no right to place “special foundations” (see Appendix A) under his land without his written consent.

You may start work one month after your notice was served, or earlier by agreement.

## 25. What happens after I serve notice about building up against the boundary line?

Unless your neighbour objects, you may start work one month after your notice was served.

The wall will be built wholly at your own expense and you will have to compensate any Adjoining Owner for any damage to his property caused by the building of the wall, or the placing of footings and foundations under his land. There is no right to place “special foundations” (see Appendix A) under his land without his written consent, and the placing of normal projecting foundations can only be done if it is necessary.

## 26. What happens if there is a disagreement with my neighbour?

If there is a disagreement about any work of the kinds covered in paragraphs 24 and 25, including any issue concerning compensation, the dispute is to be settled under the dispute procedure described in paragraphs 12 to 19.

The surveyor(s) can make a party wall award, but cannot decide a dispute concerning the location of the boundary (see paragraphs 42 and 43 in Part 4 of this booklet).

## 27. What about access to neighbouring property?

See paragraph 20.

# Excavation near neighbouring buildings (section 6 of the Act)

## 28. What does the Act say if I want to excavate near neighbouring buildings?

If you plan to:

- excavate, or excavate for and construct foundations for a new building or structure, within 3 metres of any part of a neighbouring owner's building or structure, where any part of that work will go deeper than the neighbour's foundations (see diagram 6); or
- excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of any part of a neighbouring owner's building or structure, where any part of that work will meet a line drawn downwards at 45° in the direction of the excavation from the bottom of the neighbour's foundations (see diagram 7)

you must inform the Adjoining Owner or owners by serving a notice - see paragraphs 7 and 8.

You may want to base your notice on Example Letter 8.

Note that, for the purposes of section 6 of the Act, “Adjoining Owners” may include any owners of buildings or structures within the distances mentioned above even if another owner’s land or building separates it from your proposed work.

The notice **must** state whether you propose to strengthen or safeguard the foundations of the building or structure belonging to the Adjoining Owner. Plans and sections showing the location and depth of the proposed excavation or foundation and the location of any proposed building or structure **must** also accompany the notice.

The Act contains no enforcement procedures for failure to serve a notice. However, if you start work without having first given notice in the proper way, Adjoining Owners may seek to stop your work through a court injunction or seek other legal redress.

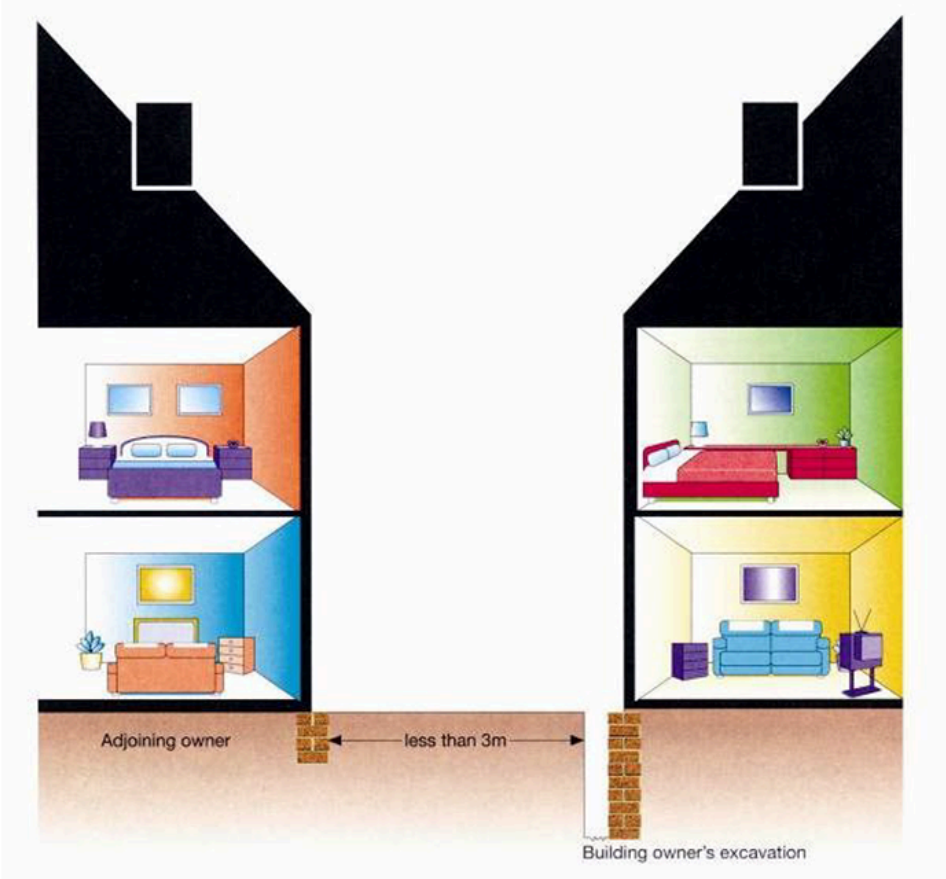



Diagram 6

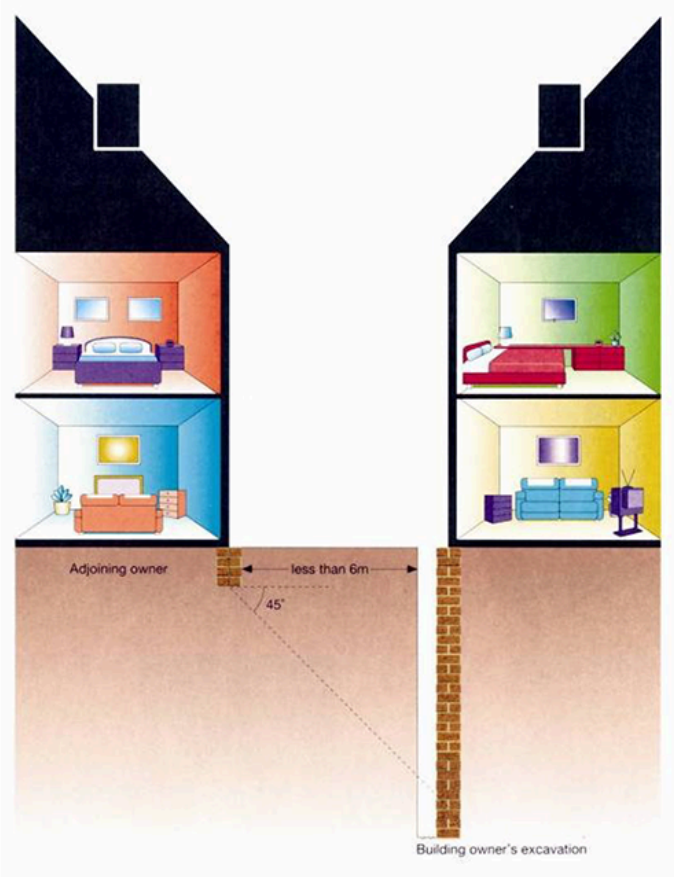



Diagram 7

## 29. How long in advance do I have to serve the notice?

At least **one month** before the planned starting date for the excavation. The notice is only valid for a year, so do not serve it too long before you wish to start.

## 30. What happens after I serve notice?

If the Adjoining Owner gives **written notice** within 14 days consenting to the proposed works, the work (as agreed) may go ahead.

If the Adjoining Owner does not respond, or objects to the proposed work, a dispute is regarded as having arisen - see paragraphs 12 to 19.

The Adjoining Owner may require you to underpin, strengthen or safeguard the foundations of his building or structure so far as may be necessary because of the work.

After the work has been completed, the Adjoining Owner may request particulars of the work, including plans and sections.

## 31. What about access to neighbouring property?

See paragraph 20.

# Part 3: Adjoining Owners/Occupiers

Adjoining Owners should note that the primary purpose of the Act is to facilitate development. In return for rights to carry out certain works, the Building Owner (the person having the work done) must notify you in advance. He is made legally responsible for putting right any damage caused by carrying out the works, even if the damage is caused by his contractor.

**You cannot stop someone from exercising the rights given to them by the Act, but you may be able to influence how and at what times the work is done.**

**If you do not respond to a notice from a Building Owner concerning work to an existing party structure or an excavation, you will be deemed to be in dispute with them. In this case and in the event of a dispute concerning a new wall at the boundary, if you refuse or fail to concur in the appointment of an agreed surveyor, or to appoint a surveyor of your own, the Building Owner will be able to appoint a second surveyor on your behalf so that the dispute resolution procedure can proceed without your co-operation.**

It is preferable that the owners reach agreement between themselves wherever possible without the need to activate the dispute resolution procedure.

You do not lose any of your rights by agreeing to the intended works described in the Building Owner's notice. Agreement to the intended works simply signifies that, at this point in time, there is nothing in dispute. If a dispute arises at a later date that cannot be resolved by agreement, say in respect of damage caused, you can then activate the dispute resolution procedure.

## 32. What does the Act say if my neighbour wants to carry out building work?

If your neighbour intends to carry out building work which involves one of the following categories:

- work on an existing wall or structure shared with another property (section 2 of the Act) - see paragraphs 4 to 21
- building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property (section 1 of the Act) - see paragraphs 22 to 27
- excavating near a neighbouring building (section 6 of the Act) - see paragraphs 28 to 31

they must notify you in writing before they start work- see paragraph 8, paragraph 22 and paragraph 28.

## 33. 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** of receiving it. You do not need to appoint a professional adviser to respond to the notice on your behalf.

You can consent to or disagree with what is proposed. You may want to base your reply on Example Letter 2 or 3 in Part 5 of this booklet, which you may have received with the notice. If you disagree with the proposal, and cannot resolve the matter between yourselves, the procedure for dealing with a dispute as explained in paragraphs 12 to 19 must be followed.

If you do not respond to a notice about an intended new wall built up to (but not astride) the line of junction, the work can commence after the one month notice period.

If you do not respond, **in writing**, within 14 days to a notice about an intended new wall built astride the line of junction (a party wall), the Building Owner must build the wall entirely on his own land. The work can commence after the one month notice period.

If you receive a notice about work to an existing party structure, or a notice about excavations within 3 or 6 metres of your foundations, and you have not responded, in writing, within a period of 14 days from receipt of the notice, a dispute is deemed to have arisen. The dispute procedure explained in paragraphs 12 to 19 then comes into play.

If you disagree with the work described in a notice under the Act it may be helpful to explain why. The Building Owner can then consider your objection

and perhaps amend his proposal. Agreement might then be reached, without the need to use the formal dispute resolution procedure.

## 34. What do I do if I believe my neighbour is about to start work and I have not received a Party Wall Act notice?

You should let your neighbour know (in writing) about the Act. You may wish to include the web link (https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance) to this booklet.

## 35. What do I do if my neighbour starts work and I have not received a Party Wall Act notice?

The Act contains no enforcement procedures for failure to serve a notice. However, if your neighbour or a builder carrying out work on your neighbour's behalf starts work, without having first given notice in the proper way, you may seek to stop the work through a court injunction or seek other legal redress. You may wish to take professional or legal advice before commencing such action.

## 36. What if I cannot reach agreement with my neighbour?

See paragraphs 12 - 19.

Where the proposed works are minor and/or not intrusive on your building or land, you may have only minor objections that you cannot agree or perhaps simply want some assurance that the correct procedures are followed.

In these circumstances, and particularly in residential circumstances where surveyor's fees would significantly increase the project costs, the appointment of an agreed surveyor to resolve the dispute is preferable, especially if the proposed surveyor is not involved in your neighbour's project.

## 37. What about access to my property?

See paragraph 20.

Even where you object to what your neighbour is building on his land, it may often be to your benefit to allow access, for example for scaffolding or to allow pointing of the wall, as the wall will probably be visually more acceptable if access is given.

## 38. As a neighbouring owner, what can I do to guard against the risk that the Building Owner may leave work unfinished?

If there is a risk that you will be left in difficulties if the Building Owner stops work at an inconvenient stage, you can request them, before he starts the notified work, to make available such security as is agreed (or if not agreed determined by the surveyor/s), which may be money or a bond or insurances, etc. that would allow you to restore the status quo if he fails to do so.

The money remains the Building Owner's throughout, but if, for example, you need to have a wall rebuilt, you, or more commonly the surveyors, can draw on that security to pay for the rebuilding.

This provision is usually reserved for particularly intrusive or complex works.

## 39. What can I do if the building becomes unsafe?

Incomplete work may make a building unsafe and therefore dangerous. Any concerns about dangerous buildings should be raised with the local authority building control department.

Concerns about health and safety may also be raised with the local authority building control department or the Health and Safety Executive (HSE).

## 40. What about excessive noise from the work being carried out?

You should contact your local authority environmental department who have powers under the Environmental Protection Act 1990 and the Control of Pollution Act 1974 to deal with matters of noise and other potential nuisance, such as dust and deposits from construction sites.

## 41. What about excessive noise after the work has been completed, for example if a lift or heating system has been installed?

See paragraph 40.

# Part 4: Frequently asked questions

## 42. Does the Act change who owns the party wall?

No. The Act does not change the ownership of any wall, nor does it change the position of any boundary. Boundaries can still run through the centre of a wall, so that each owner may technically own half of a wall. However, it may help in understanding the principles of the Act if owners consider themselves joint owners of the whole of a party wall rather than the sole owner of half or part of it.

The Act sets out what rights an owner has in relation to works to a party wall and what he is obliged to do before he can exercise those rights.

## 43. Can the Act be used to resolve a boundary dispute?

No. The Act does not contain any provision that could be used to settle a boundary line dispute.

Such disputes can be resolved through the courts or through alternative dispute resolution procedures (which may be simpler, quicker and cheaper), for example mediation, decision by an independent expert or arbitration.

## 44. Does the Act supersede other legal rights including common law rights?

Common Law rights are restricted by this Act only to the extent that the Act would take precedence on any matter for which it makes provision and only

when the correct notices have been given and the procedures correctly followed.

Any other rights, easements or covenants are not affected.

## 45. Who serves the Notice and how much notice should be given?

The Building Owner who wants to start work covered by the Act must give Adjoining Owners notice of their intentions. Generally, the notice should be given at least two months before the work is due to start or one month for new party walls or structures, and any excavation.

## 46. Can I send the Notice and/or other documents required under the Act by email?

Notices and other documents required under the Act may be served by delivering them in person, sending them by post, or sending them by email if the recipient has agreed to receive them by email, has not withdrawn that statement and has provided an email address to send the documents to.

## 47. Does the Building Owner have to wait for the full one or two months after serving a notice before starting work?

Yes, unless the Adjoining Owner agrees, in writing, to the work starting earlier than as stated in the notice.

## 48. What happens if a Building Owner does not serve a notice as required under the Act?

If the requirements of the Act are not followed, as with most property law matters (e.g. boundary disputes) it is a civil matter for the parties involved to resolve.

Where work has begun without notice being given, an adjoining owner can seek to stop the work through a court injunction.

## 49. What if an Adjoining Owner ignores the Notice?

For proposed work under section 2 (existing party walls and structures) and section 6 (excavation and construction) of the Act, if the adjoining owner does not respond after 14 days of being served a notice it would be considered a dispute has arisen.

For proposed work under section 1 (new building on line of junction) if the adjoining owner does not respond after 14 days of being served a notice the building owner may only build the new wall at his own expense and as an external wall wholly within his own land.

## 50. What happens if a dispute arises?

Both owners need to agree on an ‘Agreed Surveyor’ to produce an ‘Award’. Alternatively, each owner can appoint a surveyor to draw up an award together. A third surveyor is selected in case the two appointed surveyors cannot agree. The surveyors appointed and selected must consider the interests and rights of both owners.

## 51. What is a Party Wall Award?

It is a legal document that sets out the works to be carried out and how they are to be carried out. The surveyor/s will decide who pays the costs in producing the award and for any necessary checking that the work has been carried out according to the award.

## 52. What happens if I do not agree with what my appointed surveyor is doing?

You are unable to rescind his appointment, but you can approach the Third Surveyor to resolve the matter for you. However, if you have chosen to have just the one surveyor called ‘Agreed Surveyor’, then there is no Third Surveyor

to call upon. This is why you should take care in selecting a surveyor and more particularly as to whether you just need the one ‘Agreed Surveyor’.

## 53. If there is no dispute does a surveyor need to be appointed?

No. If no dispute arises there is no requirement under the Act to appoint a surveyor.

## 54. What can I do if I am not happy with the conduct of a party wall surveyor?

Concerns about the conduct of a surveyor can be raised with the Citizens Advice consumer service and/or the trading standards body for the area concerned. Contact details can be found at: http://www.citizensadvice.org.uk/ (http://www.citizensadvice.org.uk/).

If the surveyor is a member of a professional body, such as the Royal Institute of Chartered Surveyors (RICS), the relevant professional body can also be contacted to find out about the complaints procedures they have in place. If the surveyor is from a firm that has joined the Ombudsman Services a complaint may be raised with them.

Note: The above remedies are appropriate where you wish to dispute the way a surveyor(s) has carried out his task, but not where you are simply unhappy about the conclusions of the surveyor.

## 55. Can I build a new Party Wall astride a boundary?

Only if the Adjoining Owner agrees. If not you must build the wall wholly on your own land.

## 56. Can I use the Act to resolve my concerns over the work being carried out by my neighbour?

The Act contains no enforcement procedures. It is advisable to raise your concerns with the owner of the property first. Where surveyor/s prepare an Award they will endeavour to ensure your concerns are addressed in the way in which the works are carried out. If you cannot resolve the issues raised you may be able to seek redress through the civil courts. If either of the parties wishes to dispute the Award, they may appeal to the county court against the Award within 14 days, beginning with the day on which the award is served on them.

## 57. I have planning permission and building regulations approval - do I still have to go through the procedures in the Act?

The Act is separate from planning or building regulations control. Therefore, even if a building owner has planning permission and/or building regulations approval, they should still go through the proper procedures with their adjoining owners under the Act. However, not all work covered by the Act will require planning permission and/or building regulations approval.

## 58. Why didn’t the local authority tell me about the Party Wall Act?

Many local authorities inform those seeking planning permission or building regulations approval of the Party Wall Act as a matter of good practice but there is no requirement for them to do so.

## 59. What can be done if my neighbour’s work causes damage to my property but the work is not covered by the Act?

If work is not covered by the Act, at common law an owner has the right not to have his property damaged by someone else, and where a property is interfered with as a necessary part of the work to a neighbouring property they have the right for it to be put back in good condition. If a building owner does not put right any damage caused, the adjoining owner has the option of taking legal action to enforce their rights. The adjoining owner would need to be able to prove that they have suffered damage or loss. Anyone considering taking

legal action is strongly advised to seek their own legal advice before taking any action.

### 60. If I sell my house do I have to inform the purchaser that there has been a notice and/or dispute under the Act?

The property information forms, which are completed by the seller as part of the conveyancing process may include questions on the Act including whether there has been a dispute.

# Part 5: Example Letters

Example Letter 1 - Party Structure Notice, works under section 2 of the Act

Example Letter 2 - Positive acknowledgement of Party Structure Notice

Example Letter 3 - Negative acknowledgement of Party Structure Notice

Example Letter 4 - Line of Junction Notice - new wall astride the boundary, section 1(2) of the Act

Example Letter 5 - Acknowledgement of Line of Junction Notice - new wall astride the boundary

Example Letter 6 - Line of Junction Notice - new wall wholly on your land, section 1(5) of the Act

Example Letter 7 - Acknowledgement of Line of Junction Notice - new wall wholly on your land

Example Letter 8 - 3 or 6 metre Notice, section 6 of the Act, adjacent excavation or construction

Example Letter 9 - Positive acknowledgement of 3 or 6 metre Notice

Example Letter 10 - Negative acknowledgement of 3 or 6 metre Notice

## Notes on completing example letters

Where work covers more than one section of the Act the example letters may be combined so that all the information required under the Act is provided in one letter.

Where alternatives appear (e.g. I/we), you should write only the applicable option.

Where italics appear in the text of the sample letters, you should refer to the following notes for guidance:

1. Building Owner - This is the owner of the premises where the work is proposed. If the property is owned in joint names both or all names must be given in the notice.

2. Building Owner's main address - This is your main correspondence address and may be different to Building Owner's building as at note 3.

3. Building Owner's building - this is the address of the premises where the work is proposed.

4. Adjoining Owner - If possible give the neighbour's full name/s. If you do not know the name write "The Owner"

5. Adjoining Owner's main address -

If the Adjoining Owner does not live at the premises e.g. a landlord, the address will be the owner's main address.

If the Adjoining Owner is an owner-occupier or if you do not know who is the owner this will be the address adjacent to your premises - i.e. the Adjoining Owner's building as note 6.

6. Adjoining Owner's building - this is the address of the premises adjacent to that where the work is proposed.

7. Date - This is the date your notice is posted or served. You should always date your letter, as this will avoid confusion as to when notice was served.

8. Title - If known give the full name/s, otherwise write "Sir or Madam".

9. Explanatory booklet - It is recommended that you provide the web link (https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls) for this booklet to your neighbour so that they know why you have written to them.

10. Date of works - This must be after the end of the notice period, which for Party Structure Notices is two months and for Line of Junction and 3 or 6-metre Notices is one month. If you do not know exactly when your works will start you may wish to add "or thereafter".

11. You may wish to start earlier than the one-month or two-month notice period but can only do so with your neighbour's written agreement. You may wish to add "or sooner with your written agreement".

12. Attached letter - It is recommended you prepare a letter for your neighbour to use - based on example letters 2 and 3 for Party Structure Notices, 5 or 7 for Line of Junction Notice or 9 and 10 for 3/6 Metre Notices.

13. Agreed Surveyor's name - It is recommended that you give the name, address and telephone number of the person you propose to use as the 'agreed surveyor'. However, there is no requirement to appoint surveyor(s) unless a dispute arises. If an agreed surveyor's details are not provided the relevant sentence(s) may be deleted or you may wish to replace with 'details of agreed surveyor to be advised if a dispute arises'.

14. Email address - If you are content to receive notices and documents required under the Act by email you will need to confirm your willingness to do so and provide details of your email address. Notices and documents required under the Act can only be sent by email if the recipient states agreement to this, and has not withdrawn that agreement.

15. Building Owner's signature - Remember to sign the notice. All joint owners should sign unless one is authorized to sign for all joint owners. It is recommended you also print your name.

16. (Line of Junction Notice) Description of the wall - Describe the new wall you intend to build - for example height, length, materials etc. You might wish to add further information for your neighbour's benefit - for example 'forming part of a single storey extension' or include drawings.

17. (Party Structure Notice) Description of the works Give full details of the works you propose to carry out that affect the party structure or the adjacent building. If special foundations, defined in section 20 of the Act, are proposed, under section 3(1)(b) then there is a need for plans, sections and details of construction. In cases that do not involve special foundations you still might wish to include drawings for your neighbour's benefit if they are available but this is not essential if works are properly and fully described.

18. (3/6 Metre Notice)

Description of the excavation and works - a simple description such as "excavate to lay drainage/foundations" will suffice if the drawings clearly show what is proposed.

Drawings it is a requirement of the Act that drawings are provided showing the depth of the proposed excavations and the location of any proposed building or structure. It is also advisable for the drawings to show the position of the adjoining building in relation to the excavations.

Safeguarding the Adjoining Owner's foundations - you are required to tell the Adjoining Owner whether you intend to underpin or otherwise strengthen or safeguard the foundations of his building or structure.

19. (3/6 Metre Negative Acknowledgement)

Specific concerns – There is no obligation to set out what your objections are but it is likely to help resolve matters if you include this.

## Example letter 1 – Party Structure Notice

To Adjoining Owner [see note 4]
Of Adjoining Owner's main address [see note 5]

Date [see note 7]
Dear title [see note 8]

**The Party Wall etc Act 1996 Notice of proposed works under section 2 of the Act - Party Structure Notice.**

As the owner/s of Building Owner's building [see note 3] which is adjacent to your premises at Adjoining Owner's building [see note 6] I/we Building Owner [see note 1] of Building Owner's main address [See note 2] notify you that in accordance with our rights under section 2 of the Party Wall etc Act 1996 I/we intend to carry out building works.

[**Only if applicable add** - Further information about the Act can be found in the explanatory booklet available to download from: https://www.gov.uk/party-wall-etc-act-1996-guidance.] [See note 9]

The proposed works are: description of the works [see note 17]

The proposed works do / do not involve special foundations, [Only if applicable, see note 17 add - and accordingly I attach the relevant plans, sections and details of construction]

I/we intend to start works on date of works [see note 10] [if you want to start within the 2 month notice period add - or on the earlier date of [date] with your written agreement - see note 11]

If you are content for the works to go ahead as proposed please complete, sign and return the attached letter [See note 12] within 14 days of receiving this letter.

If you do not confirm in writing that you are content for the work to go ahead as proposed we will be 'in dispute' under the Act.

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an ‘Agreed Surveyor’?
If the answer is yes I suggest using Agreed Surveyor’s name [See note 13] but would be happy to receive your alternative proposal.
If the answer is no, please let me know whom you would appoint as your surveyor.

[Only if you are willing to send further notices and documents to the adjoining owner by email add:] If you are willing to receive further notices and documents required under the Act from me/us by email from [email address] could you confirm your willingness to do so and provide details of your email address (See note 14].

Yours sincerely

Building Owner’s signature/s [See note 15]

## Example letter 2 - Positive Acknowledgement of Party Structure Notice

To Building Owner [see note 1]
Of Building Owner’s main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Party Structure Notice**

As Adjoining Owner/s under the Act of Adjoining Owner’s building [see note 6] and having received notice dated date [see note 7] in respect of proposed works at Building Owner’s building [see note 3] and without prejudice to any of my/our rights under the Act,

I am / We are content for the works set out in your notice to go ahead as proposed.

[Only if the proposed works involve special foundations add:]
I/We Adjoining Owner give/withhold consent to the special foundations.

[**Only if proposing to start work before the 2 month notice period has expired add:**]
I/We Adjoining Owner am/are * Delete as appropriate content* / not content* for you to start work on the earlier date of [date]

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ **Date:** _____
Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

## Example letter 3 - Negative Acknowledgement of Party Structure Notice

To Building Owner [see note 1]
Of Building Owner's main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Party Structure Notice**

As Adjoining Owner/s under the Act of Adjoining Owner's building [see note 6] and having received notice/s dated date [see note 7] in respect of proposed works at Building Owner's building [see note 3] and without prejudice to any of my/our rights under the Act,

I am / we are not content for the works set out in your notice to go ahead as proposed.

[Only if you wish to add - My/Our objections are:]

If you are still intending to go ahead with work - *** As we are now in dispute under the Act, I/we concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor

*** As we are now in dispute under the Act, I/we do not agree with your proposal for agreed surveyor and if you intend to go ahead with the work I/we propose

_____ Insert Surveyor's name
_____ and contact details

as an alternative to act as agreed surveyor or as my/our surveyor if you do not concur.

*** As we are now in dispute under the Act, if you intend to go ahead with the work, I/we shall be appointing:

_____ Insert Surveyor's name
_____ and contact details to act as my/our surveyor.

*** Delete two of the three options as appropriate.

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ **Date:** _____
Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

## Example letter 4 - Line of Junction Notice - new wall astride the boundary

To Adjoining Owner [see note 4]
Of Adjoining Owner's main address [see note 5]

Date [see note 7]
Dear title [see note 8]

**The Party Wall etc Act 1996 Notice of proposed works under section 1(2) of the Act - Line of Junction Notice.**

As the owner/s of Building Owner's building [see note 3] which is adjacent to your premises at Adjoining Owner's building [see note 6] I/we Building Owner [see note 1] of Building Owner's main address [see note 2] notify you that in accordance with our rights under section 1 of the Party Wall etc Act 1996 I/we intend to build at the Line of Junction between our properties.

[**Only if applicable add** - Further information about the Act can be found in the explanatory booklet available to download from: https://www.gov.uk/party-wall-etc-act-1996-guidance.] [See note 9]

I/we would, with your written permission, like to build a new wall as a party wall astride the boundary. If you are content for me/us to build a party wall astride the boundary please complete, sign and return the attached letter [see note 12] within 14 days. If I/we do not receive your written permission or you dissent the wall will be built wholly on my/our own land up to the boundary line

The proposed works are: description of the wall [see note 15]

I/we intend to start works on date of works [see note 10] [if you want to start within the 1 month notice period add - or on the earlier date of [date] with your written agreement - see note 11]

[**Only if applicable add** - Under the right given by section 1(6) of the Party Wall etc Act it is intended to put projecting foundations under your land.]

[**Only if applicable add** - Under section 7(4) of the Party Wall etc Act with your written permission, I wish to lay special foundations extending under your land.]

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'? If the answer is yes I suggest using Agreed Surveyor's name [See note 13] but would be happy to receive your alternative proposal. If the answer is no, please let me know whom you would appoint as your surveyor.

[Only if you are willing to send further notices and documents to the adjoining owner by email add:] If you are willing to receive further notices and documents required under the Act from me/us by email from [email address] could you confirm your willingness to do so and provide details of your email address (See note 14].

Yours sincerely

Building Owner's signature/s [See note 14]

## Example letter 5 - Acknowledgement of Line of Junction Notice - new wall astride the boundary

To Building Owner [see note 1]
Of Building Owner's main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Notice – Section 1(2) of the Act**

As Adjoining Owner/s under the Act of Adjoining Owner's building [see note 6] and having received notice/s dated date [see note 7] in respect of proposed works at Building Owner's building [see note 3] and without prejudice to any of my/our rights under the Act,

I/We Adjoining Owner am/are: * Delete as appropriate

Content* / Not content* for you to build a party wall astride the boundary between our properties as proposed in your notice.

[**Only if proposing to lay projecting special foundation add:**]
Content* / Not content* for you to place special foundations on our land [see note 10]

[**Only if proposing to start work before the 1 month notice period has expired add:**]
Content* / Not content* for you to start work on the earlier date of [date].

In the event of a dispute arising under the Act: *** Delete 2 of the 3 options as appropriate.

*** I/we would concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor if required.

*** I/we would not agree with your proposal for agreed surveyor and would propose

_____ Insert Surveyor's name
_____ and contact details

as an alternative to act as agreed surveyor or as my/our surveyor if required.

*** I/we would appointing:
_____ Insert Surveyor's name
_____ and contact details

to act as my/our surveyor if required.

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ Date: _____
**Name:** _____ Print name/s

Please note all joint owners should sign. Please also print your name/s and date the letter.

## Example letter 6 - Line of Junction Notice - new wall wholly on your own land

To Adjoining Owner [see note 4]
Of Adjoining Owner's main address [see note 5]

Date [see note 7]
Dear title [see note 8]

**The Party Wall etc Act 1996 Notice of proposed works under section 1(5) of the Act - Line of Junction Notice.**

As the owner/s of Building Owner's building [see note 3] which is adjacent to your premises at Adjoining Owner's building [see note 6] I/we Building Owner [see note 1] of Building Owner's main address [see note 2] notify you that in accordance with our rights under section 1 of the Party Wall etc Act 1996 I/we intend to build at the Line of Junction between our properties.

[**Only if applicable add** - Further information about the Act can be found in the explanatory booklet available to download from: https://www.gov.uk/party-wall-etc-act-1996-guidance.] [See note 9]

The new wall will be built wholly on my/our own land up to the boundary line

The proposed works are: description of the wall [see note 15]

[**Only if applicable add** - Under the right given by section 1(6) of the Party Wall etc Act it is intended to put projecting foundations under your land.]

[**Only if applicable add** - Under section 7(4) of the Party Wall etc Act with your written permission, I wish to lay special foundations extending under your land.]

I/we intend to start works on date of works [see note 10] [if you want to start within the 1 month notice period add - or on the earlier date of [date] with your written agreement - see note 11]

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'?
If the answer is yes I suggest using Agreed Surveyor's name [See note 13] but would be happy to receive your alternative proposal.
If the answer is no, please let me know whom you would appoint as your surveyor.

[Only if you are willing to send further notices and documents to the adjoining owner by email add:] If you are willing to receive further notices and documents required under the Act from me/us by email from [email address] could you confirm your willingness to do so and provide details of your email address (See note 14].

Yours sincerely

Building Owner's signature/s [See note 14]

# Example letter 7 - Acknowledgement of Line of Junction Notice - new wall wholly on your own land

**N.B. An acknowledgement is not essential for a wall wholly on your own land unless you intend to lay special foundations on the Adjoining Owner's land or if you want to start before the end of the notice period.**

To Building Owner [see note 1]
Of Building Owner's main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Notice – Section 1(5) of the Act**

As Adjoining Owner/s under the Act of Adjoining Owner's building [see note 6] and having received notice/s dated date [see note 7] in respect of proposed works at Building Owner's building [see note 3] and without prejudice to any of my/our rights under the Act,

I/We Adjoining Owner am/are: * Delete as appropriate

[**Only if proposing to lay projecting special foundation add:**] Content* / Not content* for you to place special foundations on our land

[**Only if proposing to start work before the 1 month notice period has expired add:**] Content* / Not content* for you to start work on the earlier date of [date].

In the event of a dispute arising under the Act: *** Delete 2 of the 3 options as appropriate.

*** I/we would concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor if required.

*** I/we would not agree with your proposal for agreed surveyor and would propose

_____ Insert Surveyor's name
_____ and contact details
as an alternative to act as agreed surveyor or as my/our surveyor if required.

*** I/we would appointing:

_____ Insert Surveyor's name
_____ and contact details
to act as my/our surveyor if required.

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not

content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ Date: ____
**Name:** _____ Print Name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

## Example letter 8 - 3/6 Metre Notice

To Adjoining Owner [see note 4]
Of Adjoining Owner's main address [see note 5]

Date [see note 7]
Dear [see note 8]

The Party Wall etc Act 1996 Notice of proposed works under section 6 of the Act - Excavation and construction. As the owner/s of Building Owner's building [see note 3] which is adjacent to your premises at Adjoining Owner's building [see note 6] I/we Building Owner [see note 1] of Building Owner's main address [See note 2] notify you that in accordance with our rights under
**Add either** [section 6(1) of the Party Wall etc. Act 1996 that I/we intend to build within 3 metres of your building and to a lower level than the bottom of your foundations by carrying out the building works detailed below.]
**Or add** [section 6(2) of the Party Wall etc. Act 1996 that I intend to build within 6 metres of your building and to a level below a line drawn at 45° downwards towards my adjacent land from the bottom of your foundations by carrying out the works detailed below.]

[**Only if applicable add** - Further information about the Act can be found in the explanatory booklet available to download from: https://www.gov.uk/party-wall-etc-act-1996-guidance.] [See note 9]

The proposed works are: description of the excavation and works [see note 17]

The accompanying plans and sections show the site of the proposed building and the excavation depth proposed. [see note 17]

I/we do* / do not* propose to underpin or otherwise strengthen in order to safeguard the foundations of your property. [see note 17]

I/we intend to start works on date of works [see note 10] [if you want to start within the 1 month notice period add - or on the earlier date of [date] with your

written agreement - see note 11]

If you are content for the works to go ahead as proposed please complete, sign and return the attached letter [See note 12] within 14 days of receiving this letter.

If you do not confirm in writing that you are content for the work to go ahead as proposed we will be ‘in dispute’ under the Act.

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an ‘Agreed Surveyor’? If yes I suggest using Agreed Surveyor’s name [See note 13] but would be happy to receive your alternative proposal. If no, please let me know whom you would appoint as your surveyor.

[Only if you are willing to send further notices and documents to the adjoining owner by email add:] If you are willing to receive further notices and documents required under the Act from me/us by email from [email address] could you confirm your willingness to do so and provide details of your email address (See note 14].

Yours sincerely

Building Owner’s signature/s [See note 14]

## Example letter 9 - Positive Acknowledgement of 3/6 Metre Notice

To Building Owner [see note 1]
Of Building Owner’s main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Notice – Section 6 of the Act**

As Adjoining Owner/s under the Act of Adjoining Owner’s building [see note 6] and having received notice/s dated date [see note 7] in respect of proposed works at Building Owner’s building [see note 3] and without prejudice to any of my/our rights under the Act,

I am / We are content for the works set out in your notice to go ahead as proposed.

[**Only if proposing to start work before the 1 month notice period has expired add:**
I/We Adjoining Owner am/are * Delete as appropriate content* / not content* for you to start work on the earlier date of [date].]

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

## Example letter 10 – Negative Acknowledgement of 3/6 Metre Notice

To Building Owner [see note 1]
Of Building Owner's main address [see note 2]

**The Party Wall etc Act 1996 Acknowledgment of Notice – Section 6 of the Act**

As Adjoining Owner/s under the Act of Adjoining Owner's building [see note 6] and having received notice/s dated date [see note 7] in respect of proposed works at Building Owner's building [see note 3] and without prejudice to any of my/our rights under the Act,

I/we are not content for the works set out in your notice to go ahead as proposed.

A dispute may be avoided if you amend your proposals to address my specific concern/s, which is/are [if applicable see note 18]:

*** As we are now in dispute under the Act, if you intend to carry out the work, I/we concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor.

*** As we are now in dispute under the Act, if you intend to carry out the work, I/we do not agree with your proposal for agreed surveyor and propose

**_____ Insert Surveyor's name**
_____ and contact details
as an alternative to act as agreed surveyor or as my/our surveyor if you do not concur.

*** As we are now in dispute under the Act, if you intend to carry out the work, I/we shall be appointing:

**_____ Insert Surveyor's name**
_____ and contact details
to act as my/our surveyor.

*** Delete two of the three options as appropriate.

[Only if the Building Owner has stated a willingness to send further notices and documents required under the Act by email add:] I am/ We are content/not content to receive further notices and documents required under the Act by email. [If content add – My/Our email address is: [email address] see note 14].

Yours sincerely

Signed: _____ **Date:** _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

# Part 6: Further information

If you are not sure whether the Act applies to the work that you are planning, you should seek professional advice. The bodies listed below may be able to provide assistance however any advice given should not be seen as being endorsed by the Ministry of Housing, Communities and Local Government.

**Faculty of Party Wall Surveyors (FPWS)**
P.O.Box 86, Rye, TN31 9BN
Tel: 01424 883300
Fax: 01424 883300
E-mail: enq@fpws.org.uk
Website: www.fpws.org.uk (https://fpws.org.uk/)

The Faculty is an educational body concerned with party wall matters and is dedicated to providing the public with an understanding of the Act. The Faculty runs an advice line and has a list of members in all areas to assist you in party wall matters. It can usually provide you with a party wall surveyor in your area.

**The Pyramus & Thisbe Society**
Administration Office, Rathdale House, 30 Back Road, Rathfriland, Newry BT34 5QF
Tel: 028 4063 2082

E-mail: info@pyramusandthisbesociety.org
Website: The Pyramus & Thisbe Society (https://pyramusandthisbesociety.org/)

The Society is a non-profit making body of professional people from various disciplines. The object of the Society is to promote, maintain, improve and advance the education, standards of practice and awareness of members in matters relating to Party Walls and allied subjects especially those governed by the Party Wall etc. Act 1996.

The Society can put you in contact with local members who are willing to provide general and informal advice about the Act and can provide you with names of appropriately qualified surveyors in your area throughout England and Wales.

**The Royal Institution of Chartered Surveyors (RICS)**
Contact Centre Team
Tel: 02476 868 555
Fax: 020 7334 3811
E-mail: contactrics@rics.org
Website: www.rics.org (https://www.rics.org/uk/)

**Chartered Association of Building Engineers (CABE)**
Lutyens House, Billing Brook Road, Weston Favell, Northampton, NN3 8NW
Tel: 01604 404121
Website: www.cbuilde.com (https://cbuilde.com)

**Chartered Institute of Architectural Technologists (CIAT)**
397 City Road, London EC1V 1NH
Tel: 020 7278 2206
E-mail: info@ciat.org.uk
Website: www.ciat.org.uk (https://architecturaltechnology.com/)

**The Royal Institute of British Architects (RIBA)**
RIBA Client Services, 66 Portland Place, London, W1N 4AD
Tel: 020 7307 3700
Fax: 020 7436 9112
E-mail: clients@inst.riba.org
Website: www.architecture.com (https://www.architecture.com/)

Please note RIBA does not provide advice regarding party wall matters to members of the public but can provide a list of architects who can for a fee provide professional advice regarding party wall matters or act as party wall surveyors.

The Act and related Statutory Instruments
The Party Wall etc. Act 1996 published by HMSO, ISBN 0-10-544096-5

The Party Wall etc. Act 1996 (Commencement) Order 1997 (SI 1997/670 (c.24))

published by TSO, ISBN 011-064-2139

The Party Wall etc. Act 1996 (Repeal of Local Enactments) Order 1997 (SI 1997/671)
published by TSO, ISBN 011-064-2120

Copies of the above documents are also available from the legislation website at: http://www.legislation.gov.uk (http://www.legislation.gov.uk).

# Appendix 1

## Simple definitions

### Adjoining Owner

This is the person or company who is the freeholder or leaseholder of the adjoining property. Also for the purposes of section 6 of the Act, a property shall be deemed to be adjoining if it is within the relevant distance even if it is not actually adjoining.

### Award

An Award is a legal document prepared by the surveyor(s) and basically has four parts.

1. The sections of the Act that are applicable and the names and addresses of all the parties concerned. 2. The description of the works to be undertaken. 3. The duties and rights of the two owners. 4. The conclusion with signatures and dates.

An Award should confine itself to the work relating to the Notices but may include matters arising out of or incidental to the dispute. For example if the Notice relates to section 6 of the Act which only relates to excavation work then such matters as the wall that is built upon the foundations are irrelevant.

It should not include matters relating to any easements, covenants or restrictions, personal matters between the parties or anything unrelated to the intended works.

### Building Control Body

Local authority or approved inspector

**Building Owner**

This is the person or company that is proposing to undertake the works and is either the freeholder or has a lease for longer than one year.

**Line of Junction**

This is simply another name for boundary. It is the meeting point or junction of land or properties in different ownerships.

**Notices**

A Notice is simply the Building Owner informing the Adjoining Owner the works he proposes to undertake. There are some guidance Notices in Part V of this booklet that may be used together with guidance replies. However a Notice may be in the form of a simple letter but for a Notice to be valid it needs to contain the following:

1. The name and address of the Building Owner.
2. A description of the proposed works.
3. The date when the works will start.

Section 1 of the Act concerning works on the Line of Junction requires a notice period of one month.

Section 2 of the Act concerning works to a Party Wall requires two months notice.

Section 6 of the Act concerning excavating near to the Adjoining Owner's property requires one month's notice.

The Act says that it is the duty of the Building Owner to serve the Notice but very often this is done by a surveyor acting on his behalf, providing that he has been given written authority by the Building Owner to do so.

When a Notice is served the Adjoining Owner is expected to reply within 14 days, and if he does not do so then it is taken that he dissents to the work and Party Wall Surveyors are appointed to resolve the dispute.

However it must be noted that the Building Owner and Adjoining Owner may come to any agreement they so choose at any stage and this is to be accepted by the surveyors.

**Party Structure**

This is a wider term, which could be a wall or partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances such as flats. See diagram 5.

**Party Fence Wall**

This is a dividing wall between the two properties that is not part of a building such as a garden wall, but it does not include a timber fence. See diagram 3.

**Party Wall**

This is a wall that is commonly shared between Owners. See diagrams 1, 2 and 4.

**Party Wall Surveyor**

This is the person that is appointed by the Building Owner or Adjoining Owner to resolve the dispute between the parties. (The parties being the Building Owner and Adjoining Owner)

Anyone may be a party wall surveyor except either of the owners who are not allowed to act for themselves. It is however usual to appoint surveyors who are experienced in the workings of the Act, and professional bodies that deal with this are given in part 6 of this guide. They will give you names of party wall surveyors in your area.

Each party may appoint their own chosen surveyor or each party may agree to use the same surveyor. In such a case the surveyor is simply known as the ‘Agreed Surveyor’.

**Schedule of Condition**

This is simply taking a record of the condition of the Adjoining Owner’s property before the work starts. It is usually done by describing the walls, floors and ceilings, or indeed any other parts that may be affected by the works such as the garden fence or planting, in writing. These notes are usually supported by photographs. Recording a Schedule of Condition is not a requirement of the Act but it is most prudent to do so and Party Wall Surveyors would advise this.

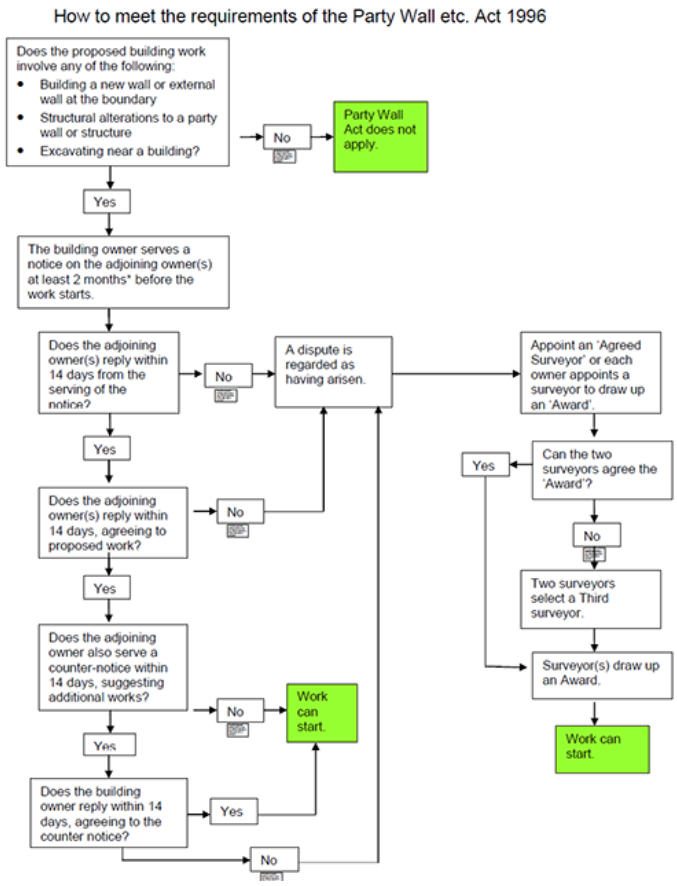
If however an Adjoining Owner does not wish this to be done then an Award may be drawn up without it, but in the event that damage occurs it may be difficult to prove that the damage is attributable to the works. It is therefore highly advised that such a record is made.

**Special foundations**

These are foundations in which an assemblage of beams or rods is employed for the purpose of distributing any load.

# Appendix 2

# How to meet the requirements of the Party Wall etc. Act 1996




Appendix 2

**Plain text version of the flowchart:**

Does the proposed building work involve any of the following:

- Building a new wall or external wall at the boundary
- Structural alterations to a party wall or structure
- Excavating near a building

No: Party Wall Act does not apply.

Yes: The building owner serves a notice on the adjoining owner(s) at least 2 months* before the work starts.

* one month for new party walls or structures at boundaries, or for any excavation

Does the adjoining owner(s) reply within 14 days from the serving of the notice, or reply within 14 days agreeing to proposed work?

No: A dispute is regarded as having arisen. Appoint an ‘Agreed Surveyor’ or each owner appoints a surveyor to draw up an ‘Award’.

If the 2 surveyors do not agree the ‘Award’, they select a third surveyor. The surveyors draw up an Award, then work can start. [Flowchart ends]

Yes: Does the adjoining owner also serve a counter-notice within 14 days, suggesting additional works?

If no, work can start [Flowchart ends]

Does the building owner reply within 14 days, agreeing to the counter notice?

If yes, work can start [Flowchart ends]

If no: A dispute is regarded as having arisen. Appoint an ‘Agreed Surveyor’ or each owner appoints a surveyor to draw up an ‘Award’. If the 2 surveyors do not agree the ‘Award’, they select a third surveyor. The surveyors draw up an Award, then work can start. [Flowchart ends]

OGL

All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright