Party Wall etc. Act 1996

1996 CHAPTER 40

An Act to make provision in respect of party walls, and excavation and construction in proximity to certain buildings or structures; and for connected purposes. [18th July 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Modifications etc. (not altering text)

C1 Act: powers transferred (1.7.1999) by virtue of S.I. 1999/672, art. 2, **Sch. 1**

C2 Act modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 7**

C3 Act modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), **Sch. 23 para. 7**

Construction and repair of walls on line of junction

1 New building on line of junction.

(1) This section shall have effect where lands of different owners adjoin and—

(a) are not built on at the line of junction; or

(b) are built on at the line of junction only to the extent of a boundary wall (not being a party fence wall or the external wall of a building),

and either owner is about to build on any part of the line of junction.

(2) If a building owner desires to build a party wall or party fence wall on the line of junction he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.

(3) If, having been served with notice described in subsection (2), an adjoining owner serves on the building owner a notice indicating his consent to the building of a party wall or party fence wall—

(a) the wall shall be built half on the land of each of the two owners or in such other position as may be agreed between the two owners; and

(b) the expense of building the wall shall be from time to time defrayed by the two owners in such proportion as has regard to the use made or to be made of the wall by each of them and to the cost of labour and materials prevailing at the time when that use is made by each owner respectively.

(4) If, having been served with notice described in subsection (2), an adjoining owner does not consent under this subsection to the building of a party wall or party fence wall, the building owner may only build the wall—

(a) at his own expense; and

(b) as an external wall or a fence wall, as the case may be, placed wholly on his own land,

and consent under this subsection is consent by a notice served within the period of fourteen days beginning with the day on which the notice described in subsection (2) is served.

(5) If the building owner desires to build on the line of junction a wall placed wholly on his own land he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.

(6) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall have the right, at any time in the period which—

(a) begins one month after the day on which the notice mentioned in the subsection concerned was served, and

(b) ends twelve months after that day,

to place below the level of the land of the adjoining owner such projecting footings and foundations as are necessary for the construction of the wall.

(7) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall do so at his own expense and shall compensate any adjoining owner and any adjoining occupier for any damage to his property occasioned by—

(a) the building of the wall;

(b) the placing of any footings or foundations placed in accordance with subsection (6).

(8) Where any dispute arises under this section between the building owner and any adjoining owner or occupier it is to be determined in accordance with section 10.

Modifications etc. (not altering text)

C4 S. 1(2)(5) modified (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 17(1)**

C5 S. 1(2)(5)(6) excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 6(1)(2)**

C6 S. 1(2)(5) modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 2**

C7 S. 1(2) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 2**
C8 S. 1(5) modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 2**
C9 S. 1(6) restricted (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 17(2)**
C10 S. 1(6) restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 3**
C11 S. 1(6) restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 3**

2 Repair etc. of party wall: rights of owner.

(1) This section applies where lands of different owners adjoin and at the line of junction the said lands are built on or a boundary wall, being a party fence wall or the external wall of a building, has been erected.

(2) A building owner shall have the following rights—

(a) to underpin, thicken or raise a party structure, a party fence wall, or an external wall which belongs to the building owner and is built against a party structure or party fence wall;

(b) to make good, repair, or demolish and rebuild, a party structure or party fence wall in a case where such work is necessary on account of defect or want of repair of the structure or wall;

(c) to demolish a partition which separates buildings belonging to different owners but does not conform with statutory requirements and to build instead a party wall which does so conform;

(d) in the case of buildings connected by arches or structures over public ways or over passages belonging to other persons, to demolish the whole or part of such buildings, arches or structures which do not conform with statutory requirements and to rebuild them so that they do so conform;

(e) to demolish a party structure which is of insufficient strength or height for the purposes of any intended building of the building owner and to rebuild it of sufficient strength or height for the said purposes (including rebuilding to a lesser height or thickness where the rebuilt structure is of sufficient strength and height for the purposes of any adjoining owner);

(f) to cut into a party structure for any purpose (which may be or include the purpose of inserting a damp proof course);

(g) to cut away from a party wall, party fence wall, external wall or boundary wall any footing or any projecting chimney breast, jamb or flue, or other projection on or over the land of the building owner in order to erect, raise or underpin any such wall or for any other purpose;

(h) to cut away or demolish parts of any wall or building of an adjoining owner overhanging the land of the building owner or overhanging a party wall, to the extent that it is necessary to cut away or demolish the parts to enable a vertical wall to be erected or raised against the wall or building of the adjoining owner;

(j) to cut into the wall of an adjoining owner's building in order to insert a flashing or other weather-proofing of a wall erected against that wall;

(k) to execute any other necessary works incidental to the connection of a party structure with the premises adjoining it;

(l) to raise a party fence wall, or to raise such a wall for use as a party wall, and to demolish a party fence wall and rebuild it as a party fence wall or as a party wall;

(m) subject to the provisions of section 11(7), to reduce, or to demolish and rebuild, a party wall or party fence wall to—

(i) a height of not less than two metres where the wall is not used by an adjoining owner to any greater extent than a boundary wall; or

(ii) a height currently enclosed upon by the building of an adjoining owner;

(n) to expose a party wall or party structure hitherto enclosed subject to providing adequate weathering.

(3) Where work mentioned in paragraph (a) of subsection (2) is not necessary on account of defect or want of repair of the structure or wall concerned, the right falling within that paragraph is exercisable—

(a) subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and

(b) where the work is to a party structure or external wall, subject to carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;

and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure or external wall.

(4) The right falling within subsection (2)(e) is exercisable subject to—

(a) making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and

(b) carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;

and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure.

(5) Any right falling within subsection (2)(f), (g) or (h) is exercisable subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations.

(6) The right falling within subsection (2)(j) is exercisable subject to making good all damage occasioned by the work to the wall of the adjoining owner's building.

(7) The right falling within subsection (2)(m) is exercisable subject to—

(a) reconstructing any parapet or replacing an existing parapet with another one; or

(b) constructing a parapet where one is needed but did not exist before.

(8) For the purposes of this section a building or structure which was erected before the day on which this Act was passed shall be deemed to conform with statutory requirements if it conforms with the statutes regulating buildings or structures on the date on which it was erected.

Modifications etc. (not altering text)

C12 S. 2 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 17(2)**

C13 S. 2 excluded (24.9.2014) by The Thames Water Utilities Limited (Thames Tideway Tunnel) Order 2014 (S.I. 2014/2384), art. 1, **Sch. 19 Pt. 1 para. 6(2)**

C14 S. 2 restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 3**

C15 S. 2 restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 3**

3 Party structure notices.

(1) Before exercising any right conferred on him by section 2 a building owner shall serve on any adjoining owner a notice (in this Act referred to as a "party structure notice") stating—

(a) the name and address of the building owner;

(b) the nature and particulars of the proposed work including, in cases where the building owner proposes to construct special foundations, plans, sections and details of construction of the special foundations together with reasonable particulars of the loads to be carried thereby; and

(c) the date on which the proposed work will begin.

(2) A party structure notice shall—

(a) be served at least two months before the date on which the proposed work will begin;

(b) cease to have effect if the work to which it relates—

(i) has not begun within the period of twelve months beginning with the day on which the notice is served; and

(ii) is not prosecuted with due diligence.

(3) Nothing in this section shall—

(a) prevent a building owner from exercising with the consent in writing of the adjoining owners and of the adjoining occupiers any right conferred on him by section 2; or

(b) require a building owner to serve any party structure notice before complying with any notice served under any statutory provisions relating to dangerous or neglected structures.

Modifications etc. (not altering text)

C16 S. 3 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 4**

C17 S. 3 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 4**

4 Counter notices.

(1) An adjoining owner may, having been served with a party structure notice serve on the building owner a notice (in this Act referred to as a "counter notice") setting out—

(a) in respect of a party fence wall or party structure, a requirement that the building owner build in or on the wall or structure to which the notice relates such chimney copings, breasts, jambs or flues, or such piers or recesses or other like works, as may reasonably be required for the convenience of the adjoining owner;

(b) in respect of special foundations to which the adjoining owner consents under section 7(4) below, a requirement that the special foundations—

(i) be placed at a specified greater depth than that proposed by the building owner; or

(ii) be constructed of sufficient strength to bear the load to be carried by columns of any intended building of the adjoining owner,

or both.

(2) A counter notice shall—

(a) specify the works required by the notice to be executed and shall be accompanied by plans, sections and particulars of such works; and

(b) be served within the period of one month beginning with the day on which the party structure notice is served.

(3) A building owner on whom a counter notice has been served shall comply with the requirements of the counter notice unless the execution of the works required by the counter notice would—

(a) be injurious to him;

(b) cause unnecessary inconvenience to him; or

(c) cause unnecessary delay in the execution of the works pursuant to the party structure notice.

5 Disputes arising under sections 3 and 4.

If an owner on whom a party structure notice or a counter notice has been served does not serve a notice indicating his consent to it within the period of fourteen days beginning with the day on which the party structure notice or counter notice was served, he shall be deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties.

Adjacent excavation and construction

6 Adjacent excavation and construction.

(1) This section applies where—

(a) a building owner proposes to excavate, or excavate for and erect a building or structure, within a distance of three metres measured horizontally from any part of a building or structure of an adjoining owner; and

(b) any part of the proposed excavation, building or structure will within those three metres extend to a lower level than the level of the bottom of the foundations of the building or structure of the adjoining owner.

(2) This section also applies where—

(a) a building owner proposes to excavate, or excavate for and erect a building or structure, within a distance of six metres measured horizontally from any part of a building or structure of an adjoining owner; and

(b) any part of the proposed excavation, building or structure will within those six metres meet a plane drawn downwards in the direction of the excavation, building or structure of the building owner at an angle of forty-five degrees to the horizontal from the line formed by the intersection of the plane of the level of the bottom of the foundations of the building or structure of the adjoining owner with the plane of the external face of the external wall of the building or structure of the adjoining owner.

(3) The building owner may, and if required by the adjoining owner shall, at his own expense underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner so far as may be necessary.

(4) Where the buildings or structures of different owners are within the respective distances mentioned in subsections (1) and (2) the owners of those buildings or structures shall be deemed to be adjoining owners for the purposes of this section.

(5) In any case where this section applies the building owner shall, at least one month before beginning to excavate, or excavate for and erect a building or structure, serve on the adjoining owner a notice indicating his proposals and stating whether he proposes to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner.

(6) The notice referred to in subsection (5) shall be accompanied by plans and sections showing—

(a) the site and depth of any excavation the building owner proposes to make;

(b) if he proposes to erect a building or structure, its site.

(7) If an owner on whom a notice referred to in subsection (5) has been served does not serve a notice indicating his consent to it within the period of fourteen days beginning with the day on which the notice referred to in subsection (5) was served, he shall be deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties.

(8) The notice referred to in subsection (5) shall cease to have effect if the work to which the notice relates—

(a) has not begun within the period of twelve months beginning with the day on which the notice was served; and

(b) is not prosecuted with due diligence.

(9) On completion of any work executed in pursuance of this section the building owner shall if so requested by the adjoining owner supply him with particulars including plans and sections of the work.

(10) Nothing in this section shall relieve the building owner from any liability to which he would otherwise be subject for injury to any adjoining owner or any adjoining occupier by reason of work executed by him.

Modifications etc. (not altering text)

C18 S. 6 excluded (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 17(3)**

C19 S. 6 excluded (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 5**

C20 S. 6 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 6**

C21 S. 6 excluded (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 5**

C22 S. 6 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 6**

Rights etc.

7 Compensation etc.

(1) A building owner shall not exercise any right conferred on him by this Act in such a manner or at such time as to cause unnecessary inconvenience to any adjoining owner or to any adjoining occupier.

(2) The building owner shall compensate any adjoining owner and any adjoining occupier for any loss or damage which may result to any of them by reason of any work executed in pursuance of this Act.

(3) Where a building owner in exercising any right conferred on him by this Act lays open any part of the adjoining land or building he shall at his own expense make and maintain so long as may be necessary a proper hoarding, shoring or fans or temporary construction for the protection of the adjoining land or building and the security of any adjoining occupier.

(4) Nothing in this Act shall authorise the building owner to place special foundations on land of an adjoining owner without his previous consent in writing.

(5) Any works executed in pursuance of this Act shall—

(a) comply with the provisions of statutory requirements; and

(b) be executed in accordance with such plans, sections and particulars as may be agreed between the owners or in the event of dispute determined in accordance with section 10;

and no deviation shall be made from those plans, sections and particulars except such as may be agreed between the owners (or surveyors acting on their behalf) or in the event of dispute determined in accordance with section 10.

8 Rights of entry.

(1) A building owner, his servants, agents and workmen may during usual working hours enter and remain on any land or premises for the purpose of executing any work in pursuance of this Act and may remove any furniture or fittings or take any other action necessary for that purpose.

(2) If the premises are closed, the building owner, his agents and workmen may, if accompanied by a constable or other police officer, break open any fences or doors in order to enter the premises.

(3) No land or premises may be entered by any person under subsection (1) unless the building owner serves on the owner and the occupier of the land or premises—

(a) in case of emergency, such notice of the intention to enter as may be reasonably practicable;

(b) in any other case, such notice of the intention to enter as complies with subsection (4).

(4) Notice complies with this subsection if it is served in a period of not less than fourteen days ending with the day of the proposed entry.

(5) A surveyor appointed or selected under section 10 may during usual working hours enter and remain on any land or premises for the purpose of carrying out the object for which he is appointed or selected.

(6) No land or premises may be entered by a surveyor under subsection (5) unless the building owner who is a party to the dispute concerned serves on the owner and the occupier of the land or premises—

(a) in case of emergency, such notice of the intention to enter as may be reasonably practicable;

(b) in any other case, such notice of the intention to enter as complies with subsection (4).

9 Easements.

Nothing in this Act shall—

(a) authorise any interference with an easement of light or other easements in or relating to a party wall; or

(b) prejudicially affect any right of any person to preserve or restore any right or other thing in or connected with a party wall in case of the party wall being pulled down or rebuilt.

Resolution of disputes

10 Resolution of disputes.

(1) Where a dispute arises or is deemed to have arisen between a building owner and an adjoining owner in respect of any matter connected with any work to which this Act relates either—

(a) both parties shall concur in the appointment of one surveyor (in this section referred to as an "agreed surveyor"); or

(b) each party shall appoint a surveyor and the two surveyors so appointed shall forthwith select a third surveyor (all of whom are in this section referred to as "the three surveyors").

(2) All appointments and selections made under this section shall be in writing and shall not be rescinded by either party.

(3) If an agreed surveyor—

(a) refuses to act;

(b) neglects to act for a period of ten days beginning with the day on which either party serves a request on him;

(c) dies before the dispute is settled; or

(d) becomes or deems himself incapable of acting,

the proceedings for settling such dispute shall begin *de novo*.

(4) If either party to the dispute—

(a) refuses to appoint a surveyor under subsection (1)(b), or

(b) neglects to appoint a surveyor under subsection (1)(b) for a period of ten days beginning with the day on which the other party serves a request on him,

the other party may make the appointment on his behalf.

(5) If, before the dispute is settled, a surveyor appointed under paragraph (b) of subsection (1) by a party to the dispute dies, or becomes or deems himself incapable of acting, the party who appointed him may appoint another surveyor in his place with the same power and authority.

(6) If a surveyor—

(a) appointed under paragraph (b) of subsection (1) by a party to the dispute; or

(b) appointed under subsection (4) or (5),

refuses to act effectively, the surveyor of the other party may proceed to act *ex parte* and anything so done by him shall be as effectual as if he had been an agreed surveyor.

(7) If a surveyor—

(a) appointed under paragraph (b) of subsection (1) by a party to the dispute; or

(b) appointed under subsection (4) or (5),

neglects to act effectively for a period of ten days beginning with the day on which either party or the surveyor of the other party serves a request on him, the surveyor of the other party may proceed to act *ex parte* in respect of the subject matter of the request and anything so done by him shall be as effectual as if he had been an agreed surveyor.

(8) If either surveyor appointed under subsection (1)(b) by a party to the dispute refuses to select a third surveyor under subsection (1) or (9), or neglects to do so for a period of ten days beginning with the day on which the other surveyor serves a request on him—

(a) the appointing officer; or

(b) in cases where the relevant appointing officer or his employer is a party to the dispute, the Secretary of State,

may on the application of either surveyor select a third surveyor who shall have the same power and authority as if he had been selected under subsection (1) or subsection (9).

(9) If a third surveyor selected under subsection (1)(b)—

(a) refuses to act;

(b) neglects to act for a period of ten days beginning with the day on which either party or the surveyor appointed by either party serves a request on him; or

(c) dies, or becomes or deems himself incapable of acting, before the dispute is settled,

the other two of the three surveyors shall forthwith select another surveyor in his place with the same power and authority.

(10) The agreed surveyor or as the case may be the three surveyors or any two of them shall settle by award any matter—

(a) which is connected with any work to which this Act relates, and

(b) which is in dispute between the building owner and the adjoining owner.

(11) Either of the parties or either of the surveyors appointed by the parties may call upon the third surveyor selected in pursuance of this section to determine the disputed matters and he shall make the necessary award.

(12) An award may determine—

(a) the right to execute any work;

(b) the time and manner of executing any work; and

(c) any other matter arising out of or incidental to the dispute including the costs of making the award;

but any period appointed by the award for executing any work shall not unless otherwise agreed between the building owner and the adjoining owner begin to run until after the expiration of the period prescribed by this Act for service of the notice in respect of which the dispute arises or is deemed to have arisen.

(13) The reasonable costs incurred in—

(a) making or obtaining an award under this section;

(b) reasonable inspections of work to which the award relates; and

(c) any other matter arising out of the dispute,

shall be paid by such of the parties as the surveyor or surveyors making the award determine.

(14) Where the surveyors appointed by the parties make an award the surveyors shall serve it forthwith on the parties.

(15) Where an award is made by the third surveyor—

(a) he shall, after payment of the costs of the award, serve it forthwith on the parties or their appointed surveyors; and

(b) if it is served on their appointed surveyors, they shall serve it forthwith on the parties.

(16) The award shall be conclusive and shall not except as provided by this section be questioned in any court.

(17) Either of the parties to the dispute may, within the period of fourteen days beginning with the day on which an award made under this section is served on him, appeal to the county court against the award and the county court may—

(a) rescind the award or modify it in such manner as the court thinks fit; and

(b) make such order as to costs as the court thinks fit.

Expenses

11 Expenses.

(1) Except as provided under this section expenses of work under this Act shall be defrayed by the building owner.

(2) Any dispute as to responsibility for expenses shall be settled as provided in section 10.

(3) An expense mentioned in section 1(3)(b) shall be defrayed as there mentioned.

(4) Where work is carried out in exercise of the right mentioned in section 2(2)(a), and the work is necessary on account of defect or want of repair of the structure or wall concerned, the expenses shall be defrayed by the building owner and the adjoining owner in such proportion as has regard to—

(a) the use which the owners respectively make or may make of the structure or wall concerned; and

(b) responsibility for the defect or want of repair concerned, if more than one owner makes use of the structure or wall concerned.

(5) Where work is carried out in exercise of the right mentioned in section 2(2)(b) the expenses shall be defrayed by the building owner and the adjoining owner in such proportion as has regard to—

(a) the use which the owners respectively make or may make of the structure or wall concerned; and

(b) responsibility for the defect or want of repair concerned, if more than one owner makes use of the structure or wall concerned.

(6) Where the adjoining premises are laid open in exercise of the right mentioned in section 2(2)(e) a fair allowance in respect of disturbance and inconvenience shall be paid by the building owner to the adjoining owner or occupier.

(7) Where a building owner proposes to reduce the height of a party wall or party fence wall under section 2(2)(m) the adjoining owner may serve a counter notice under section 4 requiring the building owner to maintain the existing height of the wall, and in such case the adjoining owner shall pay to the building owner a due proportion of the cost of the wall so far as it exceeds—

(a) two metres in height; or

(b) the height currently enclosed upon by the building of the adjoining owner.

(8) Where the building owner is required to make good damage under this Act the adjoining owner has a right to require that the expenses of such making good be determined in accordance with section 10 and paid to him in lieu of the carrying out of work to make the damage good.

(9) Where—

(a) works are carried out, and

(b) some of the works are carried out at the request of the adjoining owner or in pursuance of a requirement made by him,

he shall defray the expenses of carrying out the works requested or required by him.

(10) Where—

(a) consent in writing has been given to the construction of special foundations on land of an adjoining owner; and

(b) the adjoining owner erects any building or structure and its cost is found to be increased by reason of the existence of the said foundations,

the owner of the building to which the said foundations belong shall, on receiving an account with any necessary invoices and other supporting documents within the period of two months beginning with the day of the completion of the work by the adjoining owner, repay to the adjoining owner so much of the cost as is due to the existence of the said foundations.

(11) Where use is subsequently made by the adjoining owner of work carried out solely at the expense of the building owner the adjoining owner shall pay a due proportion of the expenses incurred by the building owner in carrying out that work; and for this purpose he shall be taken to have incurred expenses calculated by reference to what the cost of the work would be if it were carried out at the time when that subsequent use is made.

12 Security for expenses.

(1) An adjoining owner may serve a notice requiring the building owner before he begins any work in the exercise of the rights conferred by this Act to give such security as may be agreed between the owners or in the event of dispute determined in accordance with section 10.

(2) Where—

(a) in the exercise of the rights conferred by this Act an adjoining owner requires the building owner to carry out any work the expenses of which are to be defrayed in whole or in part by the adjoining owner; or

(b) an adjoining owner serves a notice on the building owner under subsection (1),

the building owner may before beginning the work to which the requirement or notice relates serve a notice on the adjoining owner requiring him to give such security as may be agreed between the owners or in the event of dispute determined in accordance with section 10.

(3) If within the period of one month beginning with—

(a) the day on which a notice is served under subsection (2); or

(b) in the event of dispute, the date of the determination by the surveyor or surveyors,

the adjoining owner does not comply with the notice or the determination, the requirement or notice by him to which the building owner's notice under that subsection relates shall cease to have effect.

13 Account for work carried out.

(1) Within the period of two months beginning with the day of the completion of any work executed by a building owner of which the expenses are to be wholly or partially defrayed by an adjoining owner in accordance with section 11 the building owner shall serve on the adjoining owner an account in writing showing—

(a) particulars and expenses of the work; and

(b) any deductions to which the adjoining owner or any other person is entitled in respect of old materials or otherwise;

and in preparing the account the work shall be estimated and valued at fair average rates and prices according to the nature of the work, the locality and the cost of labour and materials prevailing at the time when the work is executed.

(2) Within the period of one month beginning with the day of service of the said account the adjoining owner may serve on the building owner a notice stating any objection he may have thereto and thereupon a dispute shall be deemed to have arisen between the parties.

(3) If within that period of one month the adjoining owner does not serve notice under subsection (2) he shall be deemed to have no objection to the account.

Modifications etc. (not altering text)

C23 S. 13 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 8**

C24 S. 13 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 8**

14 Settlement of account.

(1) All expenses to be defrayed by an adjoining owner in accordance with an account served under section 13 shall be paid by the adjoining owner.

(2) Until an adjoining owner pays to the building owner such expenses as aforesaid the property in any works executed under this Act to which the expenses relate shall be vested solely in the building owner.

Modifications etc. (not altering text)

C25 S. 14 modified (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 8**

C26 S. 14 modified (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 8**

Miscellaneous

15 Service of notices etc.

(1) A notice or other document required or authorised to be served under this Act may be served on a person—

(a) by delivering it to him in person;

(b) by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom; or

(c) in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

[F1(1A) A notice or other document required or authorised to be served under this Act may also be served on a person ("the recipient") by means of an electronic communication, but only if—

(a) the recipient has stated a willingness to receive the notice or document by means of an electronic communication,

(b) the statement has not been withdrawn, and

(c) the notice or document was transmitted to an electronic address specified by the recipient.

(1B) A statement under subsection (1A) may be withdrawn by giving a notice to the person to whom the statement was made.

(1C) For the purposes of subsection (1A)—

"electronic address" includes any number or address used for the purposes of receiving electronic communications;

"electronic communication" means an electronic communication within the meaning of the Electronic Communications Act 2000; and

"specified" means specified in a statement made for the purposes of subsection (1A).**]**

(2) In the case of a notice or other document required or authorised to be served under this Act on a person as owner of premises, it may alternatively be served by—

(a) addressing it "the owner" of the premises (naming them), and

(b) delivering it to a person on the premises or, if no person to whom it can be delivered is found there, fixing it to a conspicuous part of the premises.

Textual Amendments

F1 S. 15(1A)-(1C) inserted (6.4.2016) by The Party Wall etc. Act 1996 (Electronic Communications) Order 2016 (S.I. 2016/335), arts. 1(1), **2**

16 Offences.

(1) If—

(a) an occupier of land or premises refuses to permit a person to do anything which he is entitled to do with regard to the land or premises under section 8(1) or (5); and

(b) the occupier knows or has reasonable cause to believe that the person is so entitled,

the occupier is guilty of an offence.

(2) If—

(a) a person hinders or obstructs a person in attempting to do anything which he is entitled to do with regard to land or premises under section 8(1) or (5); and

(b) the first-mentioned person knows or has reasonable cause to believe that the other person is so entitled,

the first-mentioned person is guilty of an offence.

(3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.

17 Recovery of sums.

Any sum payable in pursuance of this Act (otherwise than by way of fine) shall be recoverable summarily as a civil debt.

18 Exception in case of Temples etc.

(1) This Act shall not apply to land which is situated in inner London and in which there is an interest belonging to—

(a) the Honourable Society of the Inner Temple,

(b) the Honourable Society of the Middle Temple,

(c) the Honourable Society of Lincoln's Inn, or

(d) the Honourable Society of Gray's Inn.

(2) The reference in subsection (1) to inner London is to Greater London other than the outer London boroughs.

19 The Crown.

(1) This Act shall apply to land in which there is—

(a) an interest belonging to Her Majesty in right of the Crown,

(b) an interest belonging to a government department, or

(c) an interest held in trust for Her Majesty for the purposes of any such department.

(2) This Act shall apply to—

(a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster;

(b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.

20 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

"adjoining owner" and "adjoining occupier" respectively mean any owner and any occupier of land, buildings, storeys or rooms adjoining those of the building owner and for the purposes only of section 6 within the distances specified in that section;

"appointing officer" means the person appointed under this Act by the local authority to make such appointments as are required under section 10(8);

"building owner" means an owner of land who is desirous of exercising rights under this Act;

"foundation", in relation to a wall, means the solid ground or artificially formed support resting on solid ground on which the wall rests;

"owner" includes—

(a) a person in receipt of, or entitled to receive, the whole or part of the rents or profits of land;

(b) a person in possession of land, otherwise than as a mortgagee or as a tenant from year to year or for a lesser term or as a tenant at will;

(c) a purchaser of an interest in land under a contract for purchase or under an agreement for a lease, otherwise than under an agreement for a tenancy from year to year or for a lesser term;

"party fence wall" means a wall (not being part of a building) which stands on lands of different owners and is used or constructed to be used for separating such adjoining lands, but does not include a wall constructed on the land of one owner the artificially formed support of which projects into the land of another owner;

"party structure" means a party wall and also a floor partition or other structure separating buildings or parts of buildings approached solely by separate staircases or separate entrances;

"party wall" means—

(a) a wall which forms part of a building and stands on lands of different owners to a greater extent than the projection of any artificially formed support on which the wall rests; and

(b) so much of a wall not being a wall referred to in paragraph (a) above as separates buildings belonging to different owners;

"special foundations" means foundations in which an assemblage of beams or rods is employed for the purpose of distributing any load; and

"surveyor" means any person not being a party to the matter appointed or selected under section 10 to determine disputes in accordance with the procedures set out in this Act.

21 Other statutory provisions.

(1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Act.

(2) An order under subsection (1) may—

(a) contain such savings or transitional provisions as the Secretary of State thinks fit;

(b) make different provision for different purposes.

(3) The power to make an order under subsection (1) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

General

22 Short title, commencement and extent.

(1) This Act may be cited as the Party Wall etc. Act 1996.

(2) This Act shall come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.

(3) An order under subsection (2) may—

(a) contain such savings or transitional provisions as the Secretary of State thinks fit;

(b) make different provision for different purposes.

(4) This Act extends to England and Wales only.

Subordinate Legislation Made

P1 S. 22 power fully exercised (6.3.1997): 1.7.1997 appointed for whole Act by S.I. 1997/670.

Changes to legislation:
There are currently no known outstanding effects for the Party Wall etc. Act 1996.