

What is a party wall?

A party wall is an existing wall or structure shared with an adjoining property e.g. the common wall between two terrace houses.

The Party Wall Act 1996

The party wall act 1996 came into force in 1997 and gives rights and responsibilities to both parties whether the party is doing the work or is a neighbour of the party doing the work. The party wall act does not negate the need for planning permission or building regulation approval and in the same way building regulation approval does not negate the need for a party wall agreement. Whenever you carry out work which may affect your neighbours, it is always best to reach a friendly agreement rather than resort to the law. It is always best to discuss any intended works with your neighbour taking into consideration any comments they may have and then preparing or amending the agreement before officially serving notice.

Agreement from adjoining owners must be gained in writing.

What are my duties?

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

How long in advance do I have to serve notice?

You should serve the notice as early as possible giving the other party reasonable time to respond. The notice is valid for one year.

What if I cannot reach agreement with my neighbour?

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

Whom should I appoint?

If you have discussed the proposals with your neighbour but not reached agreement, a surveyor will have to be appointed. This should be a qualified person experienced in party wall matters. It is more likely that your neighbour will allow an "agreed surveyor" if that person is not connected with the design or supervision of your building work. An Institution such as the Royal Institution of Chartered Surveyors will supply you with a list of local surveyors.

Who pays?

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

What should the notice include?

- Names of owner's of property undertaking work.
- Address of the property at which work is being undertaken.
- Names of all the owners of the adjoining property
- A brief description of the work being undertaken.
- The proposed start date of the work.
- A clear statement that the notice is being served under the Party Wall Act 1996.
- The date that the notice is being served.