

The Party Wall Act 1996

Your Guide

Legislation is now in place for building owners and adjoining owners (neighbours) to observe and discharge certain responsibilities when construction takes place on or near a Party or boundary wall. This is a very short overview of the general process required and should only be taken as a guide. You are advised to read the DTLR guide booklet on the subject before any further action is taken. It must be remembered that any works on or near a 'Party Wall' including internal alterations will be likely to require a written neighbour agreement under the Act.

The Act's purpose is to encourage building owners to discuss and agree the intended building works with the neighbour to reduce the amount of disputes taken to court. This Party Wall legislation is not part of the Councils responsibility and does not have any link to the Planning and Building Regulation processes. This is Civil Legislation where the neighbour or the building owner can take Court action against infringements etc. For the owner intending to carry out the building works it is a requirement that you obtain written approval from the affected neighbour(s). This normally involves a simple letter to them referenced 'Party Wall Notice' explaining your intended works, how it will affect them together with a copy of the drawings requesting their written approval within 14 days.

If you are on good terms with your neighbours then their written consent will normally be forthcoming providing the works are not anti-social.

If the neighbours feel that they are unable to agree to the works without the benefit of professional advice then they will probably wish to engage their own ' Party Wall Surveyor' and this is where it can get really complicated and costly as there are set procedures and timings that must be followed. The building owner implementing the works will also have to pay for the neighbour's surveyor's fees.

For more precise information on what exactly your duties are and what works require Party Wall Agreements etc under the Act then you should read the D.O.E explanatory guide booklet - product code 97 PBD 008 available from H.M Stationary office.

As a owner or adjoining owner you cannot act on your own behalf with respect to the boundary/party wall issues.