

The Party Wall etc Act was introduced in 1996, and sets out what work a building owner is, and is not, entitled to do in the vicinity of a boundary, and what an adjoining owner is entitled to require.

The Act also provides strict timetables and set procedures, so that works can be progressed without undue delay, whilst ensuring that the interests of all parties are protected.

Where building works are proposed which fall within the scope of the Act, the formal procedures of the Act need to be instigated at an early stage. Failure to follow the correct procedures entails a risk that works may be delayed, and significant costs may be incurred in the event that the works are challenged by an adjoining owner.

BCAL can act as the party wall surveyors for either or both parties, and offer a cost-effective and fast method of protecting all parties, whilst complying fully with the Party Wall Act.

The Party Wall Act defines the rights of a person (referred to as the 'building owner') wishing to cut into a party wall or to excavate for new foundations within three metres of an adjoining structure. The neighbour(s) that either share ownership of the party wall or are within three metres of the new excavations, are referred to as the 'adjoining owner(s)'. Both parties may appoint a party wall surveyor if the building work is subject to the Party Wall Act. If deep foundations or piling is required, then the 6m rule may apply.

Party Wall Notices

Once you have served a party wall notice upon your neighbour, he has 14 days in which to respond in writing. If he dissents from the party wall notice or does not respond to you within the 14 days, then a difference is deemed to have arisen between the parties. This means that both you and your neighbour must appoint party wall surveyors under section 10 of the Party Wall Act. You can either jointly agree upon a single party wall surveyor, or you can each appoint different party wall surveyors.

Party Wall Award

The party wall surveyors will prepare a fair and impartial party wall award which will deal with the right to execute the party wall works, the time and manner of executing any party wall work, and any other matter that arises between the parties connected to the party wall works. In all normal circumstances, the party wall surveyors will prepare a report (called a 'schedule of condition') of the neighbouring property before works start, in order to protect the interests of both parties in the event of a later claim for damages.

Party Wall Costs

Usually the building owner proposing the works will pay all party wall costs associated with drawing up the party wall award, if the works are solely for his benefit. Where a difference is deemed to have arisen, and before the party wall surveyors produce the party wall award, both parties may jointly agree to settle any outstanding matters between them without the need for an award. In this case, the building owner will usually still be liable for all reasonable party wall costs incurred up to the date where the parties notify the party wall surveyors of their intentions.

