



## Party Wall Guide

### What is the Party Wall Act?

The Party Wall etc. Act 1996 provides the framework for preventing or resolving disputes in relation to party walls, party structures, boundary walls, and excavations within 3 metres of neighbouring buildings.

Anyone intending to carry out work (in England & Wales), of the kinds described in the Act, must serve Adjoining Owners notice of their intentions. The Act applies to all properties, regardless of ownership.

Proposed works have to be described, detailed as to how & when they will be undertaken, additional protection measures specified, and details of the conditions of adjoining property detailed (Schedule of Conditions report). (See our guide [Party Wall Act 1996 – Explanatory Booklet](#))

### Party Walls and Ownership

#### Party Walls:

Type A (Party Wall): A wall is a Party Wall if it stands astride the boundary of land belonging to two or more different owners. Whilst this extends to garden walls, it does not include garden fences or hedges. Examples include a wall that is part of a building, or separates two or more buildings, or consists of a party wall fence.

Type B (Party Structure): 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. An example is where one person has built the wall in the first place, and another has built their building up against it, but without creating their own wall. This can also be a wall, floor or other structure separating buildings (or parts of), served by separate stairs or entrances (e.g. flats).

#### Building Owners & Adjoining Owners:

The Act makes provision for both the Building Owner and Adjoining Owner, and both have different obligations and duties to comply with. If the Building Owner intends to carry out work to their building or structure, then they must comply with the Act.

The Building Owner is the person / company/ other body who holds the freehold, leasehold, or entitled to receive rent from that property.

The Adjoining Owner is the owner / freeholder / leaseholder of land, buildings or rooms, adjoining those of the Building Owner. There may be more than one Adjoining Owner.

### Our Advice

The Act is a legal requirement. However, whilst there are no enforcement procedures for failure to serve notice, the Building Owner may be served a Court Injunction, or suffer other legal redress. Projects have been known to have stopped for several years whilst matters are resolved.

- Clients should seek professional guidance as soon as possible, certainly before starting work.
- Sometimes an Initial Notice (if agreed by all parties), is all that is required to comply with the Act.
- A full Party Wall Agreement (or Award), may be necessary if a dispute arises from the Initial Notice.
- Comply with the Act – do not put yourself at risk.