

BASIC OUTLINE OF THE PARTY WALL PROCESS

10.04.24

A	What is the purpose of the Act.	<p>You wish to build an extension or convert your loft, or dig out a basement, or do works that will affect your neighbour(s). Under the provisions of the Party Wall etc. Act 1996, the precise nature of works may require you to serve a Notice of your neighbour(s).</p> <p>Typically, a Notice under Section 1 and Section 6 for the extension which is built close to the boundary. A Section 3 Notice for the loft conversion, and certainly a Section 3 and Section 6 Notice for the basement works.</p>
B	Who are parties: the building owner and the adjoining owner.	<p>The building owner is the person or entity proposing to carry out the works, and the adjoining owner is the owner affected by the works being carried out. There may be more than one adjoining owner affected by the works, including Leaseholders and tenants with a tenancy agreement of more than 12 months.</p> <p>The Notice should state the name and address of the building owner carrying out the works and be signed and dated by them or their agents / appointed surveyor. The Notice should be addressed to the adjoining owner, their details may be obtained through Land Registry records. The Notice can also be served address to the "Owner" or "Registered Owner", if there are no records of their names from Land Registry records.</p>
C	What type of notices are served.	<p>The Act is triggered when a Notice is served by the building owner proposing to carry out works. There are typically three types of Notices that are usually served:</p>

		<p>Section 1 – Line of junction – for works close to the boundary, where there is no built structure. Fences are not included as built structures. This Notice should be served 1 month before work is due to commence.</p> <p>Section 3 – Party structure Notice – for works or repairs affecting a party wall, or party fence wall, and can also be applied to a floor, in terms flats above and below apartments in a block, which belong to different owners. This Notice should be served 2 months before work is due to commence.</p> <p>Section 6 – Excavation Notice – for excavations works for the permanent placement of new foundations, footings, drainage inspection chambers, which are within 3.0m or 6.0m of a built structure, but deeper or lower than the existing foundations of the affected structure: houses, garages, boundary walls etc. This Notice should be served 1 month before work is due to commence and should include a detailed drawing of the proposed foundation design.</p>
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<p>D</p>	<p>How to respond to a notice</p>	<p>Upon receipt of a party wall Notice, the adjoining owner is required to respond within 14 days. (it may take longer for them to respond). They can respond in the following ways:</p> <ol style="list-style-type: none"> 1. Consent to the notice – The building owner can start work immediately. 2. Consent with a schedule of condition – the building owner can start works after they have recorded a schedule of condition of the adjoining owner’s property. 3. Dissent – but concur to the appoint of the building owner’s surveyor to act as the Agreed Surveyor. 4. Dissent – but appoint their own surveyor to act for them. Their fees are typically paid by the building owner, and their fees should be reasonable and proportionate.
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E	The timeframe to respond to a notice	<p>Different requirements apply to each Notice. The adjoining owner should read carefully and respond in writing, as necessary.</p> <p>Section 1 Notice – if this is a 1(5) notice, there is usually no need to reply, as the building owner can proceed after 1 month but can only build exclusively on their own land.</p> <p>Section 3 Notice and Section 6 Notice– the adjoining owner should respond within 14 days, otherwise they are deemed to have “Dissented”, and will likely receive a 10-day letter requesting they appoint a party wall surveyor, or the building owner has the right after 10 days to appoint an independent party wall surveyor on their behalf, so that an Award can be prepared and served before the works commence.</p>
F	What happens when the adjoining owner consents	<p>If the adjoining owner consents – this allows the building owner to start the works, without needing a party wall award. The adjoining owner would be wise to request a schedule of conditions is prepared for their property, to safeguard any potential risk of damage from the works.</p>
G	What happens if the adjoining owner dissents and appoints their own surveyor.	<p>If the adjoining owner “Dissents” and appoints their own party wall surveyor, their surveyor will work with the building owner’s surveyor to prepare the party wall award and serve them on the two owners. The surveyors are independent, and their role is to interpret and follow the Act.</p> <p>Typically, their fees are paid by the building owner who is proposing to carry out the works. The adjoining owner can also choose to concur in the appointment of one surveyor to act “fairly and impartially” for both parties. This is known as the Agreed Surveyor.</p>

H	What is a schedule of condition	<p>The schedule of condition is a written and photographic record of the relevant parts of the adjoining owner's property or structure, which is likely to be affected by the works. It is prepared by the appointed surveyors.</p> <p>It is used as good practice to safeguard the adjoining owner's property from the risk associated with the proposed works and can be referred to in cases where a potential claim for damage or defects may occur.</p>
J	What is a party wall Award	<p>The Award is a legal document and records the dispute resolution or agreement for the notifiable works carried out by the building owner which affects the adjoining owner. It is prepared and signed by the surveyors and served upon the building owner and adjoining owner(s).</p> <p>The Award is served before work can commence. Both owners have the right to appeal an Award at the county court, under Section 10 (17), 14 days after the award has been served upon them. They are advised to seek advice before taking this action. There is also a party wall mediation scheme available to both owners to further assist with disputes after an award has been served.</p> <p>https://www.partywallmediation.co.uk/what-is-mediation/</p>
K	Other useful information	<p>Please refer to the government guidelines in the link below if you require additional information:</p> <p>https://www.gov.uk/government/publications/preventing-and-resolving-disputes-in-relation-to-party-walls/the-party-wall-etc-act-1996-explanatory-booklet</p>