



# Party Wall etc. Act 1996

## 1996 CHAPTER 40

### *Construction and repair of walls on line of junction*

#### **1 New building on line of junction**

- (1) This section shall have effect where lands of different owners adjoin and—
  - (a) are not built on at the line of junction; or
  - (b) are built on at the line of junction only to the extent of a boundary wall (not being a party fence wall or the external wall of a building),and either owner is about to build on any part of the line of junction.
- (2) If a building owner desires to build a party wall or party fence wall on the line of junction he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.
- (3) If, having been served with notice described in subsection (2), an adjoining owner serves on the building owner a notice indicating his consent to the building of a party wall or party fence wall—
  - (a) the wall shall be built half on the land of each of the two owners or in such other position as may be agreed between the two owners; and
  - (b) the expense of building the wall shall be from time to time defrayed by the two owners in such proportion as has regard to the use made or to be made of the wall by each of them and to the cost of labour and materials prevailing at the time when that use is made by each owner respectively.
- (4) If, having been served with notice described in subsection (2), an adjoining owner does not consent under this subsection to the building of a party wall or party fence wall, the building owner may only build the wall—
  - (a) at his own expense; and
  - (b) as an external wall or a fence wall, as the case may be, placed wholly on his own land,

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*Status: This is the original version (as it was originally enacted).*

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and consent under this subsection is consent by a notice served within the period of fourteen days beginning with the day on which the notice described in subsection (2) is served.

- (5) If the building owner desires to build on the line of junction a wall placed wholly on his own land he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.
- (6) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall have the right, at any time in the period which—
  - (a) begins one month after the day on which the notice mentioned in the subsection concerned was served, and
  - (b) ends twelve months after that day,to place below the level of the land of the adjoining owner such projecting footings and foundations as are necessary for the construction of the wall.
- (7) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall do so at his own expense and shall compensate any adjoining owner and any adjoining occupier for any damage to his property occasioned by—
  - (a) the building of the wall;
  - (b) the placing of any footings or foundations placed in accordance with subsection (6).
- (8) Where any dispute arises under this section between the building owner and any adjoining owner or occupier it is to be determined in accordance with section 10.

## **2 Repair etc. of party wall: rights of owner**

- (1) This section applies where lands of different owners adjoin and at the line of junction the said lands are built on or a boundary wall, being a party fence wall or the external wall of a building, has been erected.
- (2) A building owner shall have the following rights—
  - (a) to underpin, thicken or raise a party structure, a party fence wall, or an external wall which belongs to the building owner and is built against a party structure or party fence wall;
  - (b) to make good, repair, or demolish and rebuild, a party structure or party fence wall in a case where such work is necessary on account of defect or want of repair of the structure or wall;
  - (c) to demolish a partition which separates buildings belonging to different owners but does not conform with statutory requirements and to build instead a party wall which does so conform;
  - (d) in the case of buildings connected by arches or structures over public ways or over passages belonging to other persons, to demolish the whole or part of such buildings, arches or structures which do not conform with statutory requirements and to rebuild them so that they do so conform;
  - (e) to demolish a party structure which is of insufficient strength or height for the purposes of any intended building of the building owner and to rebuild it of sufficient strength or height for the said purposes (including rebuilding to a

lesser height or thickness where the rebuilt structure is of sufficient strength and height for the purposes of any adjoining owner);

- (f) to cut into a party structure for any purpose (which may be or include the purpose of inserting a damp proof course);
  - (g) to cut away from a party wall, party fence wall, external wall or boundary wall any footing or any projecting chimney breast, jamb or flue, or other projection on or over the land of the building owner in order to erect, raise or underpin any such wall or for any other purpose;
  - (h) to cut away or demolish parts of any wall or building of an adjoining owner overhanging the land of the building owner or overhanging a party wall, to the extent that it is necessary to cut away or demolish the parts to enable a vertical wall to be erected or raised against the wall or building of the adjoining owner;
  - (j) to cut into the wall of an adjoining owner's building in order to insert a flashing or other weather-proofing of a wall erected against that wall;
  - (k) to execute any other necessary works incidental to the connection of a party structure with the premises adjoining it;
  - (l) to raise a party fence wall, or to raise such a wall for use as a party wall, and to demolish a party fence wall and rebuild it as a party fence wall or as a party wall;
  - (m) subject to the provisions of section 11(7), to reduce, or to demolish and rebuild, a party wall or party fence wall to—
    - (i) a height of not less than two metres where the wall is not used by an adjoining owner to any greater extent than a boundary wall; or
    - (ii) a height currently enclosed upon by the building of an adjoining owner;
  - (n) to expose a party wall or party structure hitherto enclosed subject to providing adequate weathering.
- (3) Where work mentioned in paragraph (a) of subsection (2) is not necessary on account of defect or want of repair of the structure or wall concerned, the right falling within that paragraph is exercisable—
- (a) subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and
  - (b) where the work is to a party structure or external wall, subject to carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;

and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure or external wall.

- (4) The right falling within subsection (2)(e) is exercisable subject to—
- (a) making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and
  - (b) carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;

and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure.

- (5) Any right falling within subsection (2)(f), (g) or (h) is exercisable subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations.
- (6) The right falling within subsection (2)(j) is exercisable subject to making good all damage occasioned by the work to the wall of the adjoining owner's building.
- (7) The right falling within subsection (2)(m) is exercisable subject to—
  - (a) reconstructing any parapet or replacing an existing parapet with another one; or
  - (b) constructing a parapet where one is needed but did not exist before.
- (8) For the purposes of this section a building or structure which was erected before the day on which this Act was passed shall be deemed to conform with statutory requirements if it conforms with the statutes regulating buildings or structures on the date on which it was erected.

### **3 Party structure notices**

- (1) Before exercising any right conferred on him by section 2 a building owner shall serve on any adjoining owner a notice (in this Act referred to as a "party structure notice") stating—
  - (a) the name and address of the building owner;
  - (b) the nature and particulars of the proposed work including, in cases where the building owner proposes to construct special foundations, plans, sections and details of construction of the special foundations together with reasonable particulars of the loads to be carried thereby; and
  - (c) the date on which the proposed work will begin.
- (2) A party structure notice shall—
  - (a) be served at least two months before the date on which the proposed work will begin;
  - (b) cease to have effect if the work to which it relates—
    - (i) has not begun within the period of twelve months beginning with the day on which the notice is served; and
    - (ii) is not prosecuted with due diligence.
- (3) Nothing in this section shall—
  - (a) prevent a building owner from exercising with the consent in writing of the adjoining owners and of the adjoining occupiers any right conferred on him by section 2; or
  - (b) require a building owner to serve any party structure notice before complying with any notice served under any statutory provisions relating to dangerous or neglected structures.

### **4 Counter notices**

- (1) An adjoining owner may, having been served with a party structure notice serve on the building owner a notice (in this Act referred to as a "counter notice") setting out—
  - (a) in respect of a party fence wall or party structure, a requirement that the building owner build in or on the wall or structure to which the notice relates

such chimney copings, breasts, jambs or flues, or such piers or recesses or other like works, as may reasonably be required for the convenience of the adjoining owner;

- (b) in respect of special foundations to which the adjoining owner consents under section 7(4) below, a requirement that the special foundations—
    - (i) be placed at a specified greater depth than that proposed by the building owner; or
    - (ii) be constructed of sufficient strength to bear the load to be carried by columns of any intended building of the adjoining owner,or both.
- (2) A counter notice shall—
- (a) specify the works required by the notice to be executed and shall be accompanied by plans, sections and particulars of such works; and
  - (b) be served within the period of one month beginning with the day on which the party structure notice is served.
- (3) A building owner on whom a counter notice has been served shall comply with the requirements of the counter notice unless the execution of the works required by the counter notice would—
- (a) be injurious to him;
  - (b) cause unnecessary inconvenience to him; or
  - (c) cause unnecessary delay in the execution of the works pursuant to the party structure notice.

## **5 Disputes arising under sections 3 and 4**

If an owner on whom a party structure notice or a counter notice has been served does not serve a notice indicating his consent to it within the period of fourteen days beginning with the day on which the party structure notice or counter notice was served, he shall be deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties.