

## PARTY WALL ACT 1996

This overview is intended to introduce to you the Party Wall Act 1996, and is not a statement of the law. The Council does not administer or enforce the Act, and details provided here are solely for assistance.

### YOU ARE REMINDED OF THE NEED TO SEEK PROFESSIONAL ADVICE IF FURTHER INFORMATION IS REQUIRED

If you intend to carry out building work which involves:

- work on an existing wall shared with another property
- building on the boundary with a neighbouring property
- excavating near an adjoining building

You must find out whether that work falls within the scope of the Party Wall Act 1996. The Act recognises two main types of party wall.

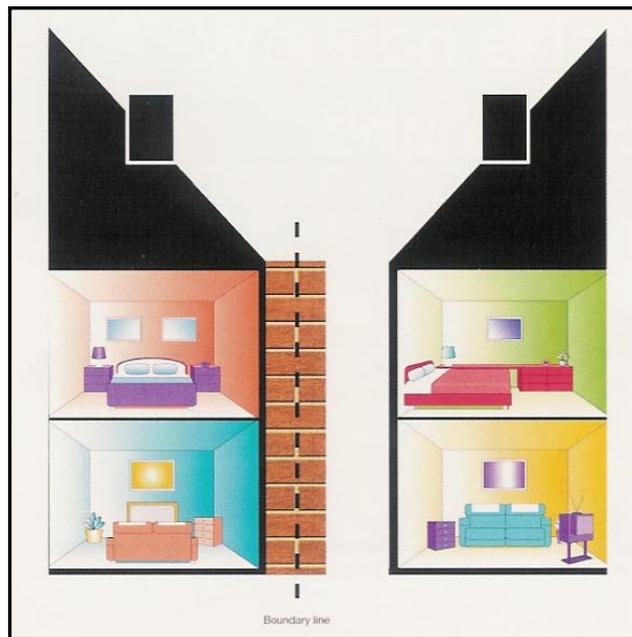
#### Party Wall Type (a)

A wall is a “party wall” if it stands astride the boundary of land belonging to two (or more) different owners.

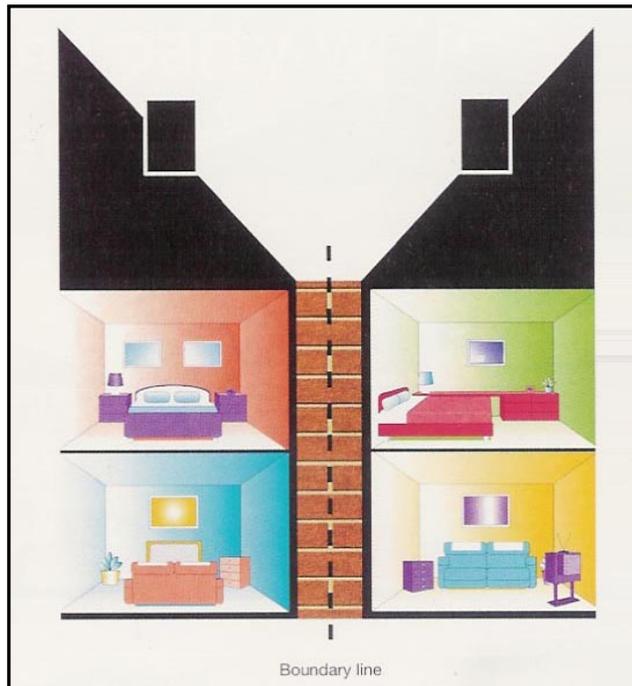
Such a wall:

- is part of one building (diag. 1)
- separates two (or more) buildings (diag. 2)
- consists of a “party fence wall” (diag. 3)

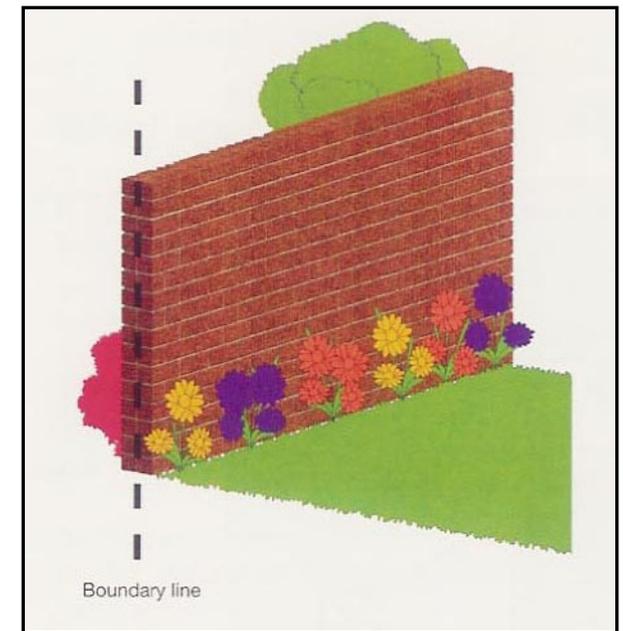
A wall is a “party fence wall” if it is not part of a building, and stands astride the boundary line between lands of different owners and is used to separate those lands (for example a garden wall). This does not include things such as wooden fences.



Diag. 1



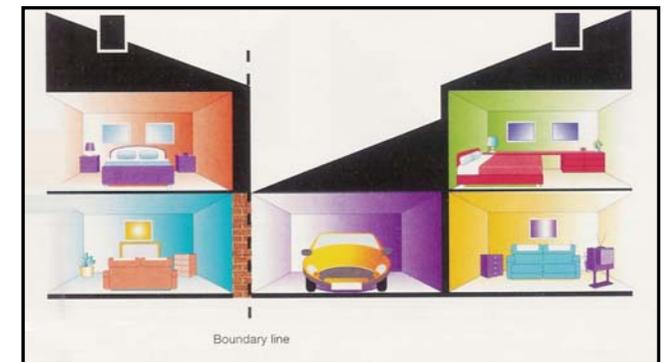
Diag. 2



Diag. 3

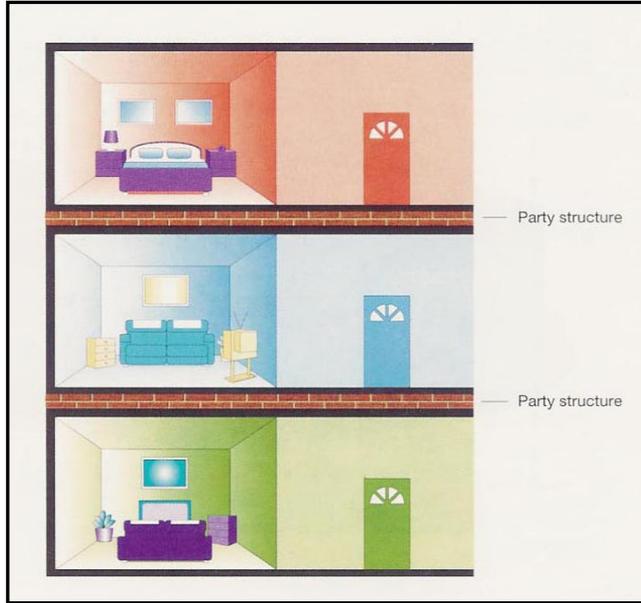
#### Party Wall Type (b)

A wall is also a “party wall” if it stands wholly on one owner’s land, but it is used by two (or more) owners to separate their buildings (diag. 4). An example would be where one person has built the wall in the first place, and another has abutted their building up against it without constructing their own wall.



Diag. 4

The Act also uses the expression “party structure”. This is a wider term, which could be a wall or floor partition or other structure separating buildings or parts of buildings approached by separate staircases or entrances (for example flats) – see diag. 5.



The Party Wall Act introduces a framework by which disputes can be resolved. Anyone who proposes to undertake work, which may be affected by the Party Wall Act, must give adjoining owners notice of their intentions. The notice applies even when the work will not go beyond the centre line of the division of the properties. The Act also provides, where there are disputes over this work, for the resolution of the disputes.

### What do you have to do?

Before carrying out works which are controlled by this Act, you must:-

- serve notices on adjoining owners, detailing the work, at least two months before commencing the work;
- wait to receive consent, which must be given within 14 days otherwise a dispute is deemed to have arisen (see below). In giving consent, the adjoining owners can ask for other works to be carried out. Usually the cost of extra works is borne by the adjoining owner although sometimes the costs can be shared.

### What happens if there is a dispute?

The parties can each appoint a surveyor to represent them, or they can agree to appoint one surveyor to settle things, ('The Agreed Surveyor'). For more detailed guidance, see the Government publication: "The Party Wall etc. Act 1996: Explanatory Booklet". Remember, any permission the Council may give you to carry out works does not remove the legal requirement for you to comply with the Party Wall Act.

Further advice can be obtained from:

Planning Services  
Building Control Section  
Seaclose Offices  
Fairlee Road  
NEWPORT  
Isle of Wight  
PO30 2QS

☎: 01983 823580

E-mail: [building.control@iow.gov.uk](mailto:building.control@iow.gov.uk)

Website: [www.iwight.com/buildingcontrol](http://www.iwight.com/buildingcontrol)

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## BUILDING CONTROL

ADVISORY NOTE BC17

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PLANNING SERVICES