

Book Review

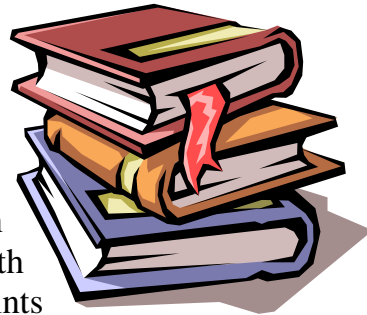
A Practical Manuel For Party Wall Surveyors

Author: John Anstey
Publishers: RICS Books

If you would like to talk to a chartered surveyor about party walls, schedules of conditions, structural surveys or building surveys on the property or any disputes that you may have with the builders, boundary disputes, etc, then please do not hesitate to contact us on 0800 298 5424 for a friendly chat.

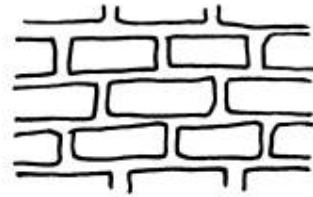
Overview

A small, very readable offering from John Anstey. In case you don't know, John Anstey was one of the most prolific writers of his time. There are some excellent articles that are still available on back issues of structural survey magazines. This book, A Practical Manuel For Party wall Surveyors, is written in a very chatty, almost conversationalist style with several examples. We would comment that basic points are looked at in detail, or it is probably more correct to say specific issues are looked at in detail from a very practical viewpoint. We certainly feel like it is a voice of experience on Party Wall Acts! The book was first published, we believe, in the year 2000 and would perhaps now benefit from being updated. We believe that the original book was finished by Graham North, a partner of John Anstey, after his untimely death. So it would seem that Graham North should do a further revision.



Format

Many short chapters, which are often interspersed with real life assumed examples. We say assumed as they may of course just be articles to illustrate the point within the book. There are also many examples of letters and notices and a fair few black and white sketches. We found the party wall definitions, including sketches at the end of the book, very useful.



Readability

Very readable, chatty style from John Anstey. Our only complain would perhaps be it does mention the 1939 Act a little bit too often. Whilst we appreciate the importance of the previous Party Wall Acts, to many surveyors today it is almost irrelevant. We will caveat that, of course, by saying that as long as you appreciate that many of the court cases and the case law that we now use to some of the grey areas in party wall matters happened when the 1939 Act was in place.

A Practical Manual For Party Wall Surveyors

Chapters (albeit that they are relatively short, some of them not being than a page or so long)

- Chapter 1: Taking instructions
- Chapter 2: Tracing ownership.
- Chapter 3: Establishing what works are included.
- Chapter 4: Serving Notice.
- Chapter 5: Checking a Notice received (and sending any counter Notices).
- Chapter 6: Obtaining/giving consent.
- Chapter 7: Appointing surveyors.
- Chapter 8: Selecting the third surveyor.

- Chapter 9: The Schedule of Condition.
- Chapter 10: Communications.
- Chapter 11: Change of ownership
- Chapter 12: The extent of the surveyor's authority.
- Chapter 13: The Award.
- Chapter 14: Third surveyors and appeals.
- Chapter 15: Fees and expenses.
- Chapter 16: The progress of the work
- Appendix One: Definitions
- Appendix Two: Further reading and information

Sample Chapters

We couldn't resist giving you our thoughts on some of the many chapters.

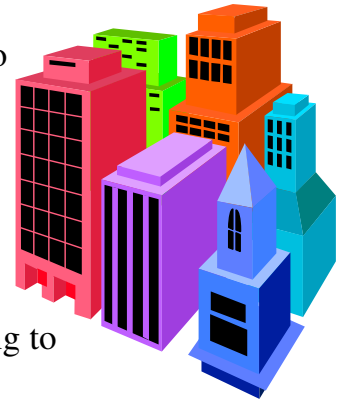
Chapter 1: Taking Instructions.

In a nutshell, John Anstey says that when you appoint a party wall surveyor (as a building owner) it should be in writing to give authority to deal with the party wall matters and know what the building owner has in mind with regard to the party wall works. It also makes a very valid point that if you are the party wall surveyor you should check that it is the true building owner. The example John Anstey gives specifies the letter to the party wall surveyor giving authority by the building owner (to "sign, serve and receive any notices", etc) a standard letter given to the building owner prepared by the party wall surveyor. The RICS, the Pyramus and Thisbe Club (also known as the P&C Club) and the Faculty of Party Wall Surveyors, all offer such letters and we are sure that companies do the same.



Chapter 2: Tracing ownership

In summary, it says that domestic is not normally too hard, with the exception of blocks of flats, whereas commercial properties can be more difficult; try talking to the managing agent it may help, it may not. It makes excellent recommendations that any letters to the adjoining owners by the building owner's party wall surveyor should always ask do they know of any other owners, as of course a case is not valid unless it is talking to the correct adjoining owners.



Chapter 3: Establishing what works are included

The difficulty of three and six metre notices is that the surveyor can't see how deep the next door neighbour's foundations are. He needs to either use his skill and judgement on the type/age and era of construction or talk to a local authority or excavate. The comments that are handy would probably not be considered as excavation under the Party Wall Act, whereas anything more would. He also discusses the interesting scenario of where a vertical extension takes place, for example adding a fourth floor to a third storey building, should an "unofficial" notice be served? He answers the question with it very much depends upon how it will affect others. If it does, the answer is yes.

Chapter 4: Serving Notice

This recommends a informal(ish) approach for domestic situations and a standard form of approach for commercial properties. It talks about various instances, but in particular the three metre notice, where you just need to measure the distance and the six metre notice, where you need to take the 45 degree angle from the bottom of the adjoining owner's foundations. It also gives the hint that rather than saying a specific date to advise that work will start in one or two months, so if the date of the work does slide there is no need to issue a new letter. There are some good black and white sketches and some good standard notice documents, although we personally use the RICS standard document notices.

Chapter 5: Checking if Notice is received (and sending any counter notices)

Adjoining owners party wall surveyor to check, also discusses the importance of security of expenses and the importance of appointing a third surveyor as soon as possible.

Chapter 6: Obtaining/giving consent

A general chapter that mentions that domestic should be a more personal service and commercial more formal. It also explores the possibility of an agreed party wall surveyor being appointed in the domestic situation.

Chapter 7: Appointing surveyors

This makes the very valid point that without a disagreement there isn't a party wall surveyor and also that the building owner cannot select the third surveyor as an agreed surveyor.



Chapter 8: Selecting the third surveyor

It explains the system of the first and second party wall surveyors selecting the third surveyor. This should be carried out as soon as possible, normally from a list of three, before there are any disputes!

Chapter 9: Schedule of Condition

This discusses various different ways of preparing a schedule of condition and also who should prepare it. This is usually the building owner's party wall surveyor, with it being checked by the adjoining owner's party wall surveyor. It emphasises the importance of recording cracks vary carefully.

Chapter 10: Communications

Good sound general advice. It also mentions the tricky topic of the party wall surveyor appointing an expert engineer to give further advice and just points out that the party wall surveyor's engineer is not there to redesign the project.

Chapter 11: Change of ownership

Chapter 12: The extent of the surveyor's authority.

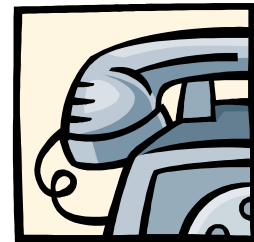
Chapter 13: The Award.

Makes the point of what an Award normally has in it. It advises that the Award usually starts with a recital (of people and events):

- The building owner and address
- The building owner's surveyor named in full
- The adjoining owner(s)
- The adjoining owner(s) surveyor named in full
- Date and type of originating notice (very important because without this notice there is no party wall proceedings. The notice will include the proposed works, which is very important as the award can only deal with the matters set out in this nature.

Chapter 14: Third surveyors and appeals.

Makes the point that it is up to the third surveyor himself to decide how to proceed, sometimes with an informal phone call. It advises of the procedure that John Anstey used to use. If you can just imagine this; he calls the two surveyors to his office to thrash out clearly (and in comfort) what the issues are and he makes an accompanied site visit, after which they have a further discussion to establish the issues clearly. He advised each surveyor to send in a submission setting out what they would like him to award. These are then forwarded onto both surveyors. He makes the quip that being in possession of all the arguments he then tosses a coin! Though he does comment that in some cases it is as likely a way as any to get it right.



John Anstey would then draft his award with all, in his terms, the usual preambles about notices, owners, addresses, etc, and then sets out the way forward. He then advises that the surveyors can have his award once they have paid his fees! He strongly advises against saying which side will bear the brunt of his fees or the award, explaining that one party is usually more concerned about the outcome than another.

Chapter 15: Fees and expenses, and Chapter 16: The progress of the work.

We will leave these for you to find out about.

Review Upon Reflection

For such a short book, with relatively short chapters, we did find that lots of good points had been made and even upon a second reading further points of interest can be identified. Perhaps a few sketches or photos would be more apt for today, together with an update of what's happened since it was written.

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If you have a commercial property and would like Dilapidations Help then please visit our www.DilapsHelp.com website and for Disputes and anything else relating to party wall matters please go to our Disputes Help website www.DisputesHelp.com.

We hope you found the article of use and if you have any experiences that you feel should be added to this article that would benefit others, or you feel that some of the information that we have put is wrong then please do not hesitate to contact us (we are only human).

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