

# Party Walls From The Case In Point Series

**Author:** Sarah Hannaford  
and Jessica Stephens  
**Publishers:** RICS Books

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

## Overview

A party wall book, most definitely written from the legal point of view. This is probably due to both Sarah Hannaford and Jessica Stephens being called to The Bar in 1989 and 2001, respectively, and according to the information on the back of the book, specialising in construction and engineering law. Having said that, it doesn't mean it has been written in a way that is only for those with a law background. We certainly found it very useful in a way that other books on party walls that we have read do not cover, and perhaps it could be argued that the other books are too practical and do not look at the legal aspects properly, which after all are very important.



This book very much blends the party wall process around the legal cases that have arisen from it and in fact each chapter has a considerable number of legal cases, demonstrating relevant points from that chapter. We would certainly say it is for the party wall surveyor that has a good working knowledge of the party wall process and perhaps now and again needs further guidance and direction with regard to a specific issue.

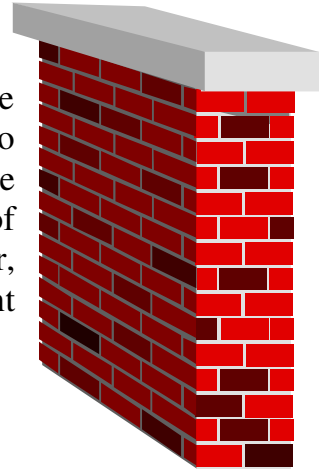


It makes good reference to previous Acts, not only the London Building Acts of 1894, 1930 and 1939, but also The Bristol Improvement Acts of 1940 and 1947.

The book we reviewed was from 2004.

### **Format**

Each chapter starts with an introduction and some background information and then quickly moves onto the relevant legal cases that have shaped this area. The table of cases at the start is very handy, providing of course you know the case you are looking for, otherwise you can, of course, then refer to the relevant chapter and read until you do find the relevant case.



### **Readability**

Very readable, but in small chunks; although we have read the book in one go. We actually found it more use when we have had specific issues, looking at the relevant chapters. We also believe that some knowledge of the Party Wall etc Act 1996 would certainly be beneficial and we wouldn't class this as a beginners book in party walls.

### **Chapters**

Preface.

Introduction.

List of Acts and abbreviations.

Table of cases.

Chapter 1: Application of the Party Wall etc Act 1996

Chapter 2: Notices and owners.

Chapter 3: Disputes resolution.

Chapter 4: Awards, affect, enforcement and challenge.

Chapter 5: Payment for the works

Chapter 6: Ancillary rights and obligations of the owners and occupiers.

Chapter 7: The role and liability of party wall surveyors.

Chapter 8: Remedies for failure to comply with the 1996 Act.

Chapter 9: Change of ownership.

Chapter 10: Common law of support, tradition and modern and the 1996 Act.

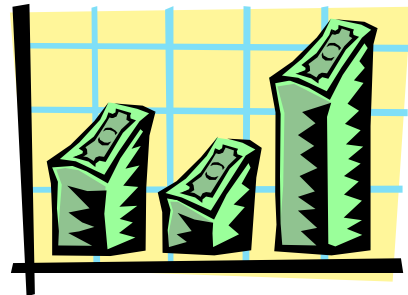
Index.

Each chapter and each section (well almost each section) are individually numbered, which can be handy when needing to make a reference of something to come to.

### **Sample Chapter**

Chapter 5: Payment for the works

This section starts with the definition of the term expenses and the general rule being that the building owner pays. It then goes through the exceptions, dividing quite nicely between section 1 work and section 2 works (if you don't know the difference between section 1 works and section 2 works then this is perhaps good guidance for you picking up a different book on party walls before you read this one, although having said that section 1 works and section 2 works are defined earlier in the book). It also looks at counter notices and subsequent use of work and then moves on to various case history, such as Stone and Hastie 1903, Mason -v- Fulham Corporation 1910, Spicers and Sons Ltd -v- Troup 1912 and J. Jarvis & Sons Ltd -v- Barker 1956 and Reading -v- Barnard 1827. As many of you will appreciate, and probably those that the book is aimed at, many of these case laws relate to Acts prior to the Party Wall etc Act 1996, such as the London Building Acts (amended) 1939.



It also talks about special rules for special foundations. If you are not aware what special foundations are then this book certainly explains them in detail and we would refer you to our comments in the Review Upon Reflection.

### **Review Upon Reflection**

We believe that this is a very useful book and would be a good read for the experienced party wall practitioner and a more difficult read for someone that is new to it, or a student. Nevertheless, it is worth the effort.

If you need help and advise with regard to party wall matters and want a further chat please call 0800 298 5424 or if you want information on structural surveys, building surveys, engineers reports, specific defects report, structural surveys, home buyers reports or any other property matters please give us a call. Please note we are independent chartered surveyors.

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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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