

# **With the Party Wall Act etc 1996 time waits for no-one, be they the building owner or the adjoining owner for a Section 2 Party Wall Notice**

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.

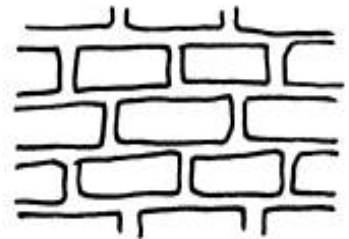
## **The Party Wall etc Act 1996**

We feel that one of the very best things about The Party Wall etc Act 1996 is that it sets out time limits in which the parties involved (the building owner and the adjoining owner or owners and their respective party wall surveyors) need to act. This practice, with regard to the Party Wall Act, are given time limits for whoever makes it one of the best parts of the Act and it does mean that the party has rights that are time limited, which means they can proceed on regardless of whether you get a response or no response.

## **Working on existing party walls, Section 2 of the Party Wall etc Act 1996**

Please see our other article on party walls if you wish to have a definition of what a party wall is.

The building owner gets additional rights going beyond ordinary common law when working on an existing party wall if all adjoining owners are given notice in writing following a specific format, giving at least two month's notice.



### **Specific format for a party wall notice**

The specific format for a party wall notice is that it must include:-

1. The building owner's name and address
2. The address of the building to be worked upon
3. A full description of what work is proposed, drawings may be helpful, there may be a method statement.
4. When the work is proposed to start
5. Finally, of course, you need to date and sign it.

We should add that the notice is only valid for one year, therefore you shouldn't serve it too far in advance, although, in our experience, with domestic properties party wall matters tend to be very much a last minute thing.

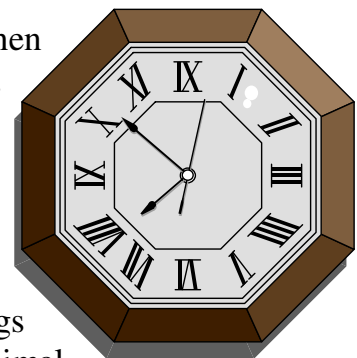
### **Adjoining owner's 14 day response, three options**

The adjoining owner or adjoining owners can respond in one of three ways:-

1. Give consent in writing within 14 days
2. Give dissent in writing within 14 days
3. Do nothing within 14 days!

### **14 days has gone by, what happens next?**

If after 14 days the adjoining owner(s) has done nothing then a dispute is regarded as having arisen. We would, however, make the point that you really should have been round to see the adjoining owner or the adjoining owners surveyors just to establish what is likely to happen before it happens! We are very keen on "cups of tea" meetings, we find particularly with domestic situations, but also with commercial it is a really good way to take things forward without misunderstandings or minimal misunderstandings.



### **One month notice required**

An adjoining owner or their agent (note we haven't said a party wall surveyor) who receives a notice may within month serve a counter-notice, setting out additions or modifications which they wish to have carried out. In turn, the adjoining owner(s) who receive such a notice do need to advise within 14 days that they are going to give a counter-notice.

### **Building owner's 14 days response to the counter-notice served against them**

Equally, if a counter-notice is received from the adjoining owner the building owner has to respond within 14 days.

### **Independent chartered building surveyors expert advice**

If you truly do want an independent expert opinion from a chartered surveyor to specialise in party wall work please contact us on 0800 298 5424 for a chartered surveyor to give you a call back. We are also happy to carry out third surveyor work. If you require a structural survey, a schedule of condition, a dilapidations report, specific defects report, home buyers reports or any other property matters please contact us.

If you have a commercial property, be it leasehold or freehold, then you may wish to look at our Dilaps Website at [www.DilapsHelp.com](http://www.DilapsHelp.com) and for Disputes and anything else relating to party wall matters please go to our Disputes Help website [www.DisputesHelp.com](http://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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