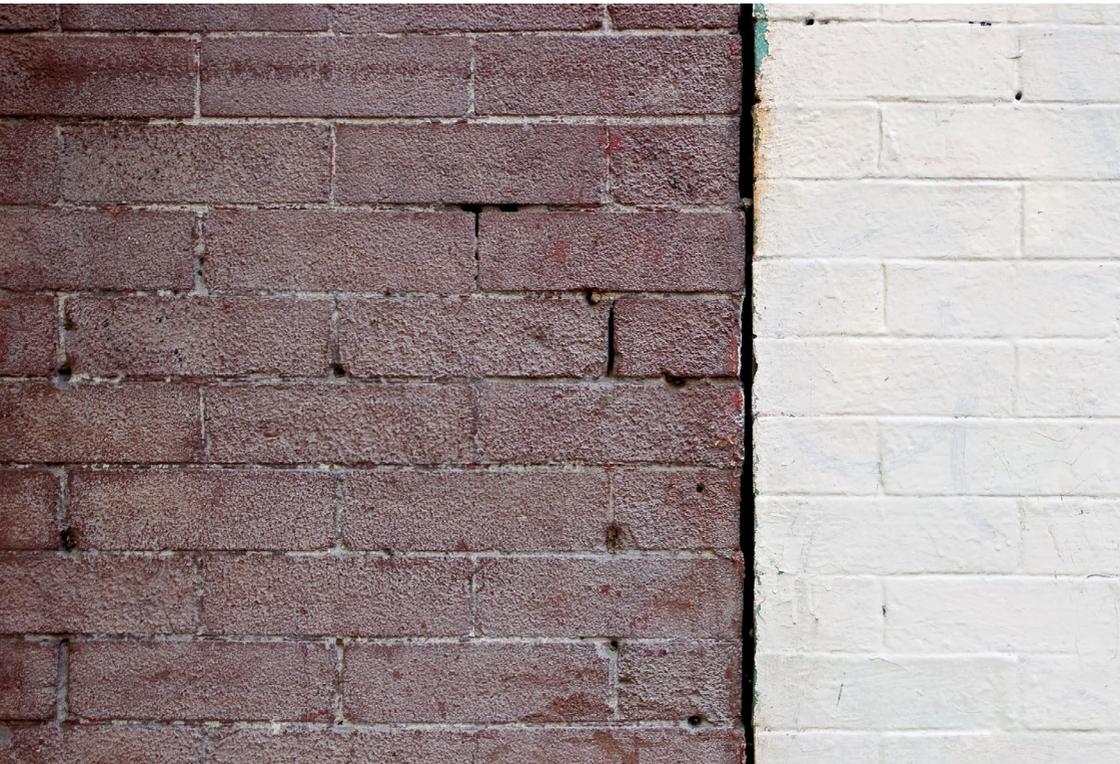




A clear, impartial guide to
Party walls



In association with



rics.org/consumerguides

Contents

| | |
|---------------------------------------|---|
| Introduction..... | 3 |
| What is a party wall? | 4 |
| The Party Wall etc Act | 4 |
| What is covered by the Act? | 5 |
| What is not covered by the Act? | 5 |
| What do I have to do? | 5 |
| What if there's a dispute? | 5 |
| What is not covered by the Act? | 5 |
| Free RICS guides | 6 |
| Further information..... | 7 |
| Find a Surveyor | 7 |

Introduction

This leaflet tells you about party walls (the walls you share with your neighbours). It's been written by RICS and offers help and advice to homeowners and landlords who are unsure of their rights and responsibilities.

Ask your solicitor for an Official Copy of the Land Registry title plan.

The government issues a more detailed 'Explanatory Booklet' about the Party Wall etc Act 1996 which is available free of charge by calling **0870 1226 236** or online at: **www.gov.uk/government/publications/party-wall-act-1996-guidance**

Please note party wall legislation does not exist in Scotland and Northern Ireland. If you live in Northern Ireland or Scotland and are concerned about party wall matters, an RICS member practising in your region will be able to advise you.

What is a party wall?

If you live in a semi-detached or terrace house you share a wall (or walls) with your neighbour – that wall is known as a party wall.

Party walls usually separate buildings belonging to different owners but could include garden walls built astride a boundary – known as party fence walls.

Where a wall separates two different size buildings often only the part that is used by both properties is a party wall, the rest belongs to the person or persons on whose land it stands.

The Party Wall etc Act

Since the Party Wall etc Act 1996 came into force, homeowners in England and Wales have had a procedure to follow when building work involves a party wall or party fence wall, some excavations close to neighbouring buildings, and new walls at boundaries.

The Act permits owners to carry out certain specific works, including work to the full thickness of a party wall, whilst at the same time protecting the interests of anyone else who might be affected by that work.

The Act is designed to avoid or minimise disputes by making sure property owners notify their neighbours in advance of certain proposed works. The Act requires that where the adjoining owner does not 'agree' in writing to the works a surveyor or surveyors will determine the time and way in which those works are carried out.



What is covered by the Act?

There are some things that you can only do to a party wall after notifying your neighbour and either with the written agreement of the neighbour or with a Party Wall Award prepared by a surveyor/s. Such works include:

- cutting into a wall to take the bearing of a beam, for example for a loft conversion
- inserting a damp proof course, even if only to your own side of a party wall
- raising a party wall and, if necessary, cutting off any objects preventing this from happening
- demolishing and rebuilding a party wall
- underpinning a party wall or part of a party wall
- weathering the junction of adjoining walls or buildings by cutting a flashing into an adjoining building
- excavating foundations within three metres of a neighbour's structure and lower than its foundations
- excavating foundations within six metres of a neighbour's structure and below a line drawn down at 45° from the bottom of its foundations.

You must also notify your neighbour if you propose to build a new wall on the line of junction [boundary] between two properties.



What is not covered by the Act?

The Act relates only to certain specific types of work and is permissive in nature. It is not just another way to object to or try to prevent your neighbour's works nor is it intended to be applied to everyday minor jobs that do not affect the structural integrity or loading of a party wall, such as:

- fixing plug sockets
- screwing in wall units or shelving
- adding or replacing electrical wiring or sockets
- replastering your walls.

What do I have to do?

If you intend to do any of these things, you must give written notice to your neighbours at least two months before starting any party wall works or one month for 'line of junction' or excavation works.

Where there is more than one owner of the neighbouring property, or more than one adjoining property, you must notify all of them, thus if a tenant or leaseholder occupies the building next door you will need to tell the landlord as well as the occupier.

If you are doing structural work to a party wall, or works affecting a ceiling or floor, you will have to give written notice to any adjoining owners and occupiers living above or below your property.

If possible, talk to your neighbours in detail about the work you want to do before giving them written notice. If you can sort out any potential problems in advance, they should give you written agreement in response to your notice.

Before you start the specific works you must either have your neighbour's written agreement to the proposed works or appoint a surveyor to prepare a Party Wall Award in respect of them.



What if there's a dispute?

Where written agreement is not given, within 14 days of the notice, the solution the Act provides is for both parties to appoint an 'agreed surveyor' who will act impartially or each owner appoints a surveyor. The surveyor/s will draw up a document called an 'Award'.

This details the work to be carried out, when and how it will be done and usually records the condition of the relevant part of adjoining property before work begins. It may also grant access to both properties so that the works can be safely carried out and the surveyor/s can inspect work in progress.

The Award will determine who pays for the work if this is in dispute. Generally, the building owner who started the work pays for all expenses of work and the reasonable costs, but these will be apportioned between the owners where appropriate.



Free RICS guides

RICS has a range of free guides available for the property issues listed here.

Development issues

Compulsory purchase
Home extensions

Home hazards

Dilapidations
Flooding
Japanese knotweed
Subsidence

Neighbour issues

Boundary disputes
Party walls
Right to light

Residential

Buying a home
Buying and selling art and antiques at auction
Home surveys
Letting a property
Property auctions
Renting a property
Selling a home

Further information

We hope this guide is useful to you. If you'd like to know more about party walls, or how RICS can help, please contact us.

Visit our website

[rics.org/consumerguides](https://www.rics.org/consumerguides)

alternatively email

contactrics@rics.org or call the RICS Contact Centre **02476 868 555**

Consumer helplines

RICS offers telephone helplines giving you 30 minutes of free advice on:

- Boundary disputes
- Party walls
- Compulsory purchase.

Just call **02476 868 555** and you will be put in touch with an RICS member local to you, willing to provide a free 30 minute initial consultation. Lines are open

0830 –1730 [GMT], Monday to Friday.

Find a Surveyor

Contact us if you want to find independent, impartial advice from a qualified professional with good local knowledge.

Look out for firms that are 'Regulated by RICS'. Estate agents and surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

To find an RICS firm in your area visit

www.ricsfirms.com

alternatively email

contactrics@rics.org or call the RICS Contact Centre **02476 868 555**



Promoting excellence
in party wall practice
since 1974



**RECOGNISED
AUTHORITY ON
PARTY WALL ISSUES
FOR OVER
40 YEARS**



Pyramus & Thisbe Club



Find a Party Wall Professional
www.partywalls.org.uk



Confidence through professional standards

RICS promotes and enforces the highest professional qualifications and standards in the development and management of land, real estate, construction and infrastructure. Our name promises the consistent delivery of standards – bringing confidence to the markets we serve.

We accredit 118,000 professionals and any individual or firm registered with RICS is subject to our quality assurance. Their expertise covers property, asset valuation and real estate management; the costing and leadership of construction projects; the development of infrastructure; and the management of natural resources, such as mining, farms and woodland. From environmental assessments and building controls to negotiating land rights in an emerging economy; if our members are involved the same professional standards and ethics apply.

We believe that standards underpin effective markets. With up to seventy per cent of the world's wealth bound up in land and real estate, our sector is vital to economic development, helping to support stable, sustainable investment and growth around the globe.

With offices covering the major political and financial centres of the world, our market presence means we are ideally placed to influence policy and embed professional standards. We work at a cross-governmental level, delivering international standards that will support a safe and vibrant marketplace in land, real estate, construction and infrastructure, for the benefit of all.

We are proud of our reputation and we guard it fiercely, so clients who work with an RICS professional can have confidence in the quality and ethics of the services they receive.

United Kingdom RICS HQ

t +44 [0]24 7686 8555
f +44 [0]20 7334 3811
contactrics@rics.org

Media enquiries
pressoffice@rics.org

Africa

t +27 11 467 2857
f +27 86 514 0655
ricsafrica@rics.org

North Asia

t +852 2537 7117
f +852 2537 2756
ricsasia@rics.org

Ireland

t +353 1 644 5500
f +353 1 661 1797
ricsireland@rics.org

Americas

t +1 212 847 7400
f +1 212 847 7401
ricsamericas@rics.org

ASEAN

t +65 6635 4242
f +65 6635 4244
ricssingapore@rics.org

Europe

[excluding UK and Ireland]
t +32 2 733 10 19
f +32 2 742 97 48
ricseurope@rics.org

South America

t +55 11 2925 0068
ricsbrasil@rics.org

Japan

t +81 3 5532 8813
f +81 3 5532 8814
ricsjapan@rics.org

Middle East

t +971 4 446 2808
f +971 4 427 2498
ricsmenea@rics.org

Oceania

t +61 2 9216 2333
f +61 2 9232 5591
info@rics.org.au

South Asia

t +91 124 459 5400
f +91 124 459 5402
ricsindia@rics.org