

Tayross Associates Building & Party Wall Surveyors

An introductory guide to the
Party Wall etc. Act 1996



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CIOB

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professionalism
worldwide

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Introduction

As a CIOB Chartered Building Company our code of practice emphasises:

1. Maintaining transparency

We act with honesty, efficiency and integrity to promote healthy neighbourly relationships where possible.

2. Promoting professionalism and integrity in construction

We aim to deliver the highest possible service levels at all times, informing Building Owners and Adjoining Owners of their rights under the Party Wall etc. Act 1996 and advising them of best practice.

3. Quality of service and value for money

We provide a fair fixed fee service, using our extensive building surveying experience to advise Building Owners on Party Wall cost control measures.

What our clients say

We pride ourselves on providing a high level of customer service for each and every project, which is shown by our review pages on Google & Trustpilot and also by our amount of return clients and client recommendations.

We are currently 5 star rated on both Google and Trustpilot with 96% of our clients rating us 'Excellent'.

Below are a few of the kind words our clients have said about us.

★★★★★ 3 months ago

Great service from Enrico, Carl and Abbie. The team were quick to respond to our questions, and made the whole process of getting party wall agreements in place for our loft conversion simple and painless. I would have no hesitation in recommending Tayross.

★★★★★ a year ago - 

Carl, Enrico, and Abbie @ Tayross Associates Ltd, provided excellent Service, they assisted us for our Party Wall Agreement with our neighbours before and after our building works. They were easy to deal with, and quick to deal with any queries, We have already passed on their details to Friends and Family, who have also used them. Great work, and Thanks for assisting us. Good luck in the future Guys.



26 Jul 2017

Excellent service

Excellent service

Thank you so much for your help in support especially with a very difficult neighbor. You made the entire process for us so easy, as you have taken it completely off us. We can highly recommend working with you.



Party Wall etc. Act 1996

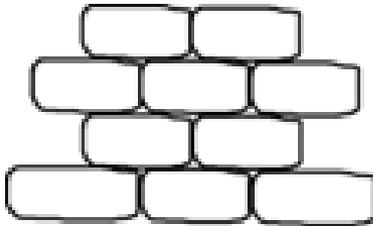
CHAPTER 40

ARRANGEMENT OF SECTIONS

- Section
1. *New building on line of junction.*
 2. *Repair etc. of party wall: rights of owners.*
- Construction and repair of walls on line of junction
Party structure notices
Counter notices
Disputes arising

Party Wall etc. Act 1996

- The Party Wall etc. Act 1996 came into force on 1st July 1997 and only applies to England and Wales. It offers measures to prevent and resolve disputes between neighbours over building work taking place near to, or affecting party walls and boundaries.
- The Building Owner is the individual or company carrying out the building works. The Adjoining Owner is the individual or company adjoining the building works.
- It is the Building Owner's statutory duty to inform the Adjoining Owner in writing of the proposed building works which fall under the scope of the Party Wall etc. Act 1996.



The Act Covers the following works:

- Various works being carried out to a party wall, party fence wall or party structure.
- A new building on or astride the boundary line between two or more properties.
- Excavations within 3m or 6m of the Adjoining Owner's foundations and to a lower depth.



What is a Party Wall?

A Party Wall separates buildings belonging to two (or more) different owners and can include garden walls built astride a boundary.

There are four classifications:

1) Party Wall Type A

- The wall is part of one building.
- The wall separates two or more buildings.
- The wall is a party fence wall.

2) Party Wall Type B

- The wall sits on the land of one owner but is being used by two (or more) owners to separate their buildings. In this instance, it is only the separating part that is deemed a Party Wall.

3) Party Structure

- A structure which separates two (or more) properties, such as a wall or floor partition.

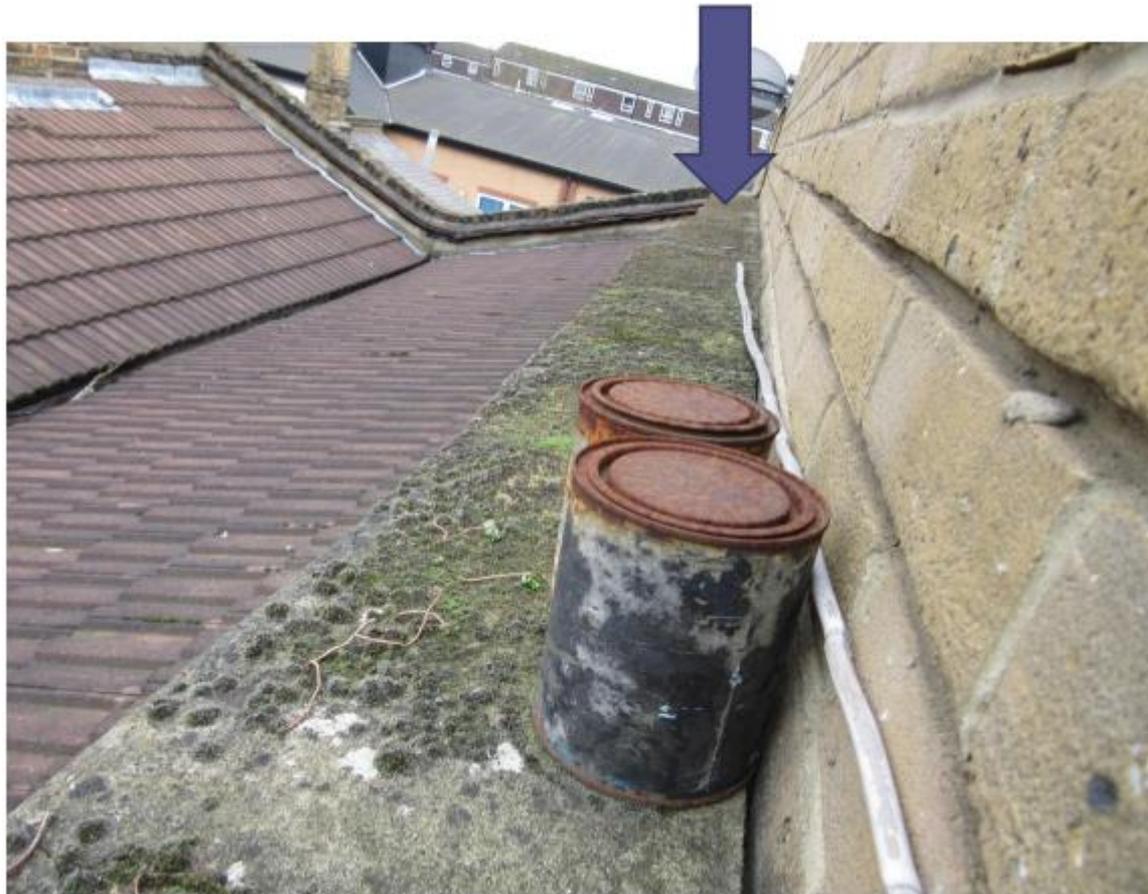
4) Party Fence Wall

- A wall which sits astride a boundary, separating land belong to two or more owners.

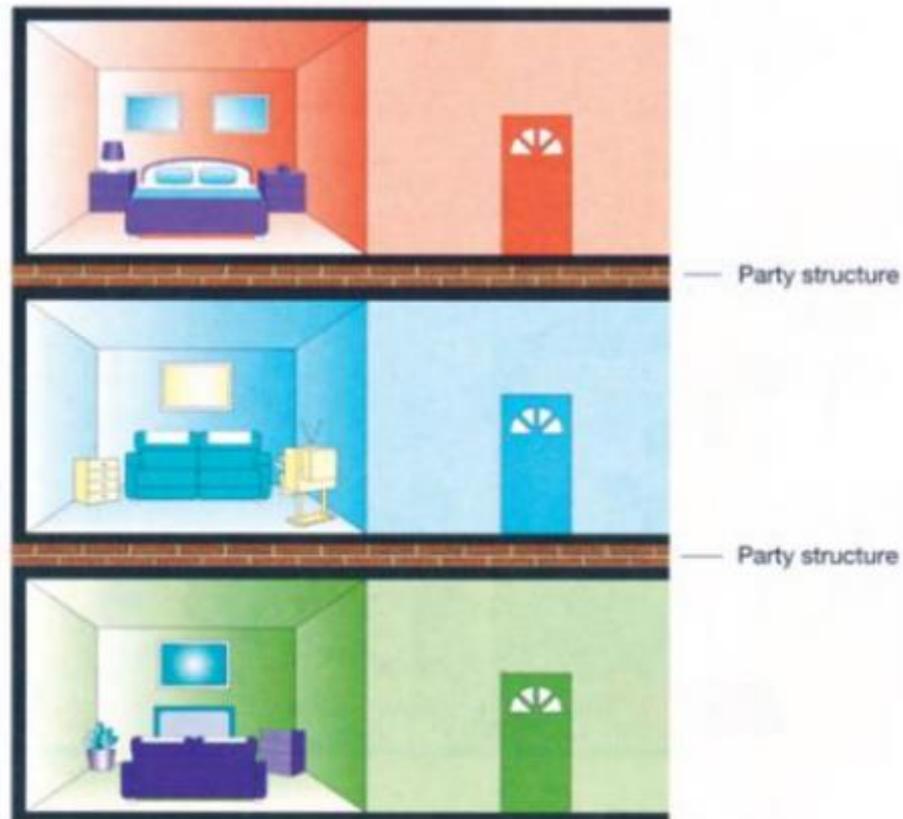
Party Wall Type A [Examples]



Party Wall Type B [Example]



Party Structure [Example]



Party Fence Wall [Example]



Party Wall Flow Chart

The proposed works involve:

- Building on the line of junction (boundary)
- Works to the party wall
- YES Excavation within 3m of 6m from an adjoining structure

NO → **COMMENCE BUILDING WORKS**

↓ YES
The Building Owner must serve a Party Wall Notice on the Adjoining Owner.

The Adjoining Owner consents to the work (we recommend that a Schedule of Condition is carried out).

COMMENCE WORKS

The Adjoining Owner agrees to use one Surveyor (Agreed Surveyor).

The Adjoining Owner dissents to the works and a dispute arises under the Act. To be resolved with a Party Wall Award.

The Building Owner and Adjoining Owner appoint different Surveyors.

Both Surveyors or the Agreed Surveyor visit the Adjoining Owners property and carry out a Schedule of Condition.

Both Surveyors or Agreed Surveyor agree and issue a Party Wall Award.

The Two Surveyors can refer the matter to the Third Surveyor if they cannot agree the Award.

COMMENCE PARTY WALL WORKS

The Building Owner or Adjoining Owner can appeal the contents of the Award within 14 days.

Party Wall Notices

A Party Wall Notice is sent by the Building Owner to the Adjoining Owner and includes a description of the proposed works, where the works are taking place, the relevant drawings and the date of service.

The Party Wall Notice should display the following:

- State the name and address of the Building Owner and Adjoining Owner.
- The nature and particulars of the proposed works with plans (and foundation sections if serving a Section 6 notice)
- Display a date of service.
- Outline when the notifiable works will take place.

FACULTY OF PARTY WALL SURVEYORS

THREE METRE/SIX METRE NOTICE
Party Wall etc. Act 1996 (Section 6)



To: _____ (Adjoining Owner)
of _____

*I/We _____ (Building Owner)
of _____

as Building Owner(s) of the land and premises known as _____

which adjoins your premises known as _____

*I/We hereby serve you with NOTICE as required under Section 6 (5) that

*In accordance with Section 6(1)(2)

it is intended to excavate and build within *3/6 metres of your building and to a lower level than the bottom of your foundations, by carrying out the undermentioned works as detailed below, after the expiration of one month from the service of this notice.

*It is proposed to underpin or otherwise strengthen the foundations of your building or structure to safeguard them.
or
*It is not proposed to underpin or otherwise strengthen the foundations of your building or structure, but it is proposed to safeguard them.

The accompanying plans and sections show the site and the excavation depth proposed, and the intended works are:

*I/we propose to commence works after the expiration of one month from the date of this notice or earlier if you agree.

If the Adjoining Owner does not within fourteen days from the service of this Notice express his consent to the work defined therein, in accordance with the Act, Section 6(7), he shall be deemed to have dissented. Under Section 10 of the Act both parties shall agree in the appointment of one Surveyor or each party shall appoint a surveyor.

*I/we hereby appoint
of _____
to act as *my/our surveyor..

Signed _____
Dated this _____

Authorised to sign on behalf of the Building Owner(s)

* Delete as appropriate

© FPWS Three/SixMetre.Notice. 09.01

Party Wall Awards

A Party Wall Award is a legal document between the Building Owner and Adjoining Owner outlining the Building Owner's responsibilities to protect the Adjoining Owner's property from damage throughout the course of the party wall related works. It typically includes the relevant drawings for the project and the schedule of condition.

An Award is needed if an Adjoining Owner dissents to a Party Wall Notice and can be agreed by an 'Agreed Surveyor' or Two Surveyors.

Example of a clause in a Party Wall Award:

"If the party wall is found to be less than 225mm thick, the Two Surveyors are to be notified immediately prior to inserting any beams into the party wall. Ensure that no vibration which may be prejudicial to the Adjoining Owners' premises usual contents or usual use thereof is caused by the works. No works to which this Award relates shall be permitted to the party wall with powered percussion tools."

Schedule of Condition

A Schedule of Condition (SOC) records the condition of the Adjoining Owner's property prior to starting the party wall works. The Schedule of Condition is limited to areas of the property which may be affected by the works. The Schedule of Condition is typically carried out by the Building Owner's Surveyor in the presence of the Adjoining Owner's Surveyor, or by the Agreed Surveyor acting alone.

There are a number of ways to carry out a Schedule of Condition, however most Party Wall Surveyors will take photos and record specific defects with a Dictaphone. The findings are then presented in tabular form or the pictures annotated, like the picture on the right.

If the Adjoining Owner has consented to the works, they will receive a copy of the Schedule of Condition (if requested). Alternatively, if the Adjoining Owner has dissented to the works they will receive a copy of this Schedule of Condition appended to the Party Wall Award.

SCHEDULE OF CONDITION

PHOTOGRAPH	LOCATION	DESCRIPTION	CONDITION <i>(Refer to photographs for further comments)</i>
02-03	Flat 4 entrances.	Painted plaster walls and painted timber frame.	Slight separation between the partition wall and door frame, approx. width <1mm.
04	Stair case descending from top floor.	General view of the stair case descending from top floor.	Photo for reference purposes, more held on file.
05-08	Staircase flank wall.	Painted plaster.	Vertical crack extending from the ceiling junction down past the wall mounted light, approx. width <1mm and approx. length 1m.
09	Top floor staircase (ceiling).	Same as above.	Two water marks extending from the sky light.
10	Top floor staircase (ceiling).	Same as above.	Slight separation at the frame junction, approx. width <1mm.
11	Flat 5 partition wall.	Same as above.	Vertical ragged crack extending from the bannister for approx. 400mm, approx. width <1mm.
12	Flat 5 partition wall (ceiling).	Same as above.	Ragged separation at the ceiling junction, approx. width <1mm.
13	Descending from top floor (flank wall).	General view of the flank wall descending from the top floor.	Photo for reference purposes, more held on file.
14	First floor (flank wall).	Painted plaster.	Ragged separation at the drop beam and column junctions, approx. width <1mm.
15	First floor (flank wall).	Same as above.	Intermittent vertical separation from the skirting towards the ceiling, approx. width <1mm.
16	First floor (flank wall/ceiling junction).	Same as above.	Ragged tapering separation at the flank wall/drop beam junction, approx. width <1mm.
17	Ground floor (flank wall).	General view of the ground floor flank wall.	Photo for reference purposes, more held on file.
18-19	Flat 1 entrance.	Painted plaster walls and painted timber frame.	Ragged separation at the door opening, approx. width <1mm.
20	Car port.	General view of the car port.	Photo for reference purposes, more held on file.

Surveyor's fees

Under the Act, the Building Owner is responsible for paying the Adjoining Owner's Surveyor's fees.

Where fees are deemed to be unreasonable, the matter can be referred to the Third Surveyor for his determination.

Surveyors fees cannot hold up the service of a Party Wall Award.

Use an experienced local Party Wall Surveyor so that your fees don't get out of control.



Frequently Asked Questions

Building Owner questions:

- **How long does the Party Wall process take?**

On average 6 weeks, though it really depends on the nature of the works, if the correct information is in place and if there are other surveyors in the picture. The more information you can provide about your project to your Party Wall Surveyor at the start, the better.

- **My neighbour hasn't responded to my Party Wall Notice. What now?**

It's not unusual for neighbours not to respond to Party Wall Notices within 14 days, so don't worry. Fortunately, the Act has measures in place for neighbours who don't respond and the first action would be to serve a Section 10(4) Notice, giving your neighbour a further 10 days to reply. This is best served by an experienced Party Wall Surveyor.

- **Do I have to wait to receive planning permission before serving a Party Wall Notice?**

The short answer to this is no. Party Wall agreements are separate from planning permission.

Adjoining Owner questions:

- **If I dissent to the works does that mean I can stop the works from going ahead?**

The Party Wall etc. Act 1996 is an enabling Act, so dissenting to the works cannot stop the works from going ahead.

- **I've received letters from various Party Wall Surveyors pitching their services. What do I do?**

With the increasing awareness of the Party Wall Act, we hear this all too often from Adjoining Owners. At the outset, only appoint one of these Surveyors if you have actually received a Party Wall Notice and before you go ahead with the appointment, make sure they belong to a Party Wall body or are at least Chartered. It is also advisable to ask for a copy of their terms and conditions to ensure that you won't be liable for any fees.

- **My neighbour has started building works without giving me a Party Wall Notice. What do I do?**

If you suspect that you should be notified under the Party Wall Act, then contact an experienced Party Wall Surveyor to double check and let your neighbour know that you require a Party Wall Notice. Failing this, you could obtain an injunction.

Contact us today

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