

NEW BUILDING ON THE BOUNDARY LINE BETWEEN NEIGHBOURING PIECES OF LAND (SECTION 1 OF THE ACT)

20

What does the Act say if I want to build up against or astride the boundary line?

If you plan to build a party wall or party fence wall astride the boundary line, you must inform the Adjoining Owner by serving a notice - see paragraphs 7 and 8. You may want to base your notice on Example Letter 4. However, there is no right to build astride the boundary without your neighbour's agreement in writing - see paragraph 22.

You must also inform the Adjoining Owner by serving a notice if you plan to build a wall wholly on your own land but up against the boundary line. You may want to base your notice on Example Letter 6.

The Act contains no enforcement procedures for failure to serve a notice. However, if you start work without having first given notice in the proper way, Adjoining Owners may seek to stop your work through a court injunction or seek other legal redress.

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How long in advance do I have to serve the notice?

At least **one month** before the planned starting date for building the wall. The notice is only valid for a year, so do not serve it too long before you wish to start.

22

What happens after I serve notice about building astride the boundary line?

If the Adjoining Owner agrees within 14 days to the building of a new wall astride the boundary line, the work (as agreed) may go ahead. The expense of building the wall may be shared between the owners where the benefits and use of that wall will be shared.

The agreement must be **in writing** and should record details of the location of the wall, the allocation of costs and any other agreed conditions.

If the Adjoining Owner does not agree, **in writing**, within 14 days, to the proposed new wall astride the boundary line, you must build the wall wholly on your own land, and wholly at your own expense. However, you have a right to place necessary footings for the new wall under your neighbour's land – see paragraph 23 - subject to compensating for any damage caused by building the wall or laying the foundations. There is no right to place reinforced concrete under your neighbour's land without their express written consent.

You may start work one month after your notice was served.

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What happens after I serve notice about building up against the boundary line?

Unless your neighbour objects, you may start work one month after your notice was served. You have the right to place footings and foundations extending under the Adjoining Owner's land. However, there is no right to place reinforced concrete foundations under your neighbour's land without their express written consent.

The wall will be built wholly at your own expense and you will have to compensate any Adjoining Owner for any damage to his property caused by the building of the wall, or the placing of footings and foundations under his land.

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What happens if there is a disagreement with my neighbour?

If there is a disagreement about any work of the kinds covered in paragraphs 22 and 23, including compensation, the dispute can be settled under the procedure described in paragraphs 11 to 17.

The surveyor(s) can assist the owners in reaching agreement but cannot decide who is right if the boundary location is in dispute (see paragraphs 37 and 38 in Part 4 of this booklet).

25

What about access to neighbouring property?

See paragraph 18.

EXCAVATION NEAR NEIGHBOURING BUILDINGS (SECTION 6 OF THE ACT)

26

What does the Act say if I want to excavate near neighbouring buildings?

If you plan to:

- excavate, or excavate and construct foundations for a new building or structure, within 3 metres of a neighbouring owner's building or structure, where that work will go deeper than the neighbour's foundations (see diagram 6); or
- excavate, or excavate for and construct foundations for a new building or structure, within 6 metres of a neighbouring owner's building or structure, where that work will cut a line drawn downwards at 45° from the bottom of the neighbour's foundations (see diagram 7)

you must inform the Adjoining Owner or owners by serving a notice - see paragraphs 7 and 8.

You may want to base your notice on Example Letter 8.

Note that, for the purposes of section 6 of the Act, "Adjoining Owners" may include your next-but-one neighbour if they have foundations within 6 metres.

The notice **must** state whether you propose to strengthen or safeguard the foundations of the building or structure belonging to the Adjoining Owner. Plans and sections showing the location and depth of the proposed excavation or foundation and the location of any proposed building **must** also accompany the notice.

The Act contains no enforcement procedures for failure to serve a notice. However, if you start work without having first given notice in the proper way, Adjoining Owners may seek to stop your work through a court injunction or seek other legal redress.

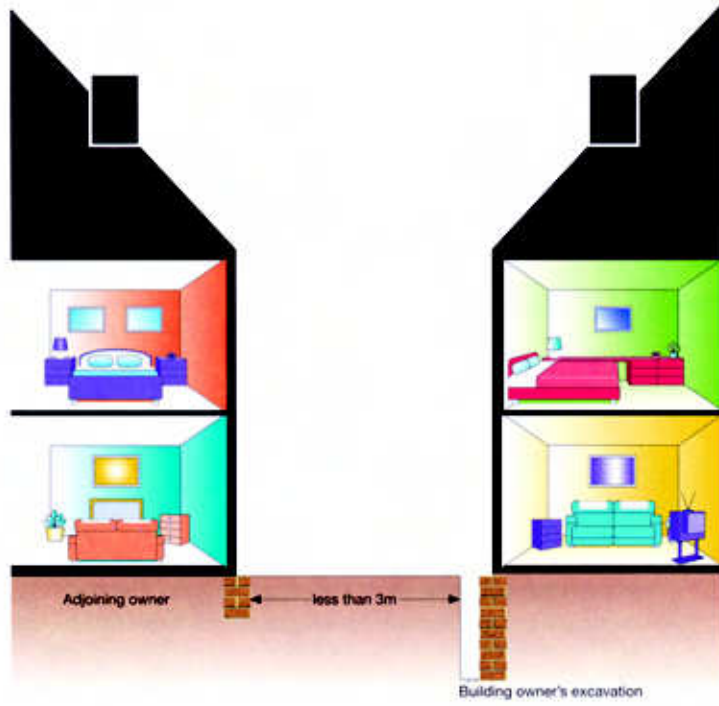


Diagram 6

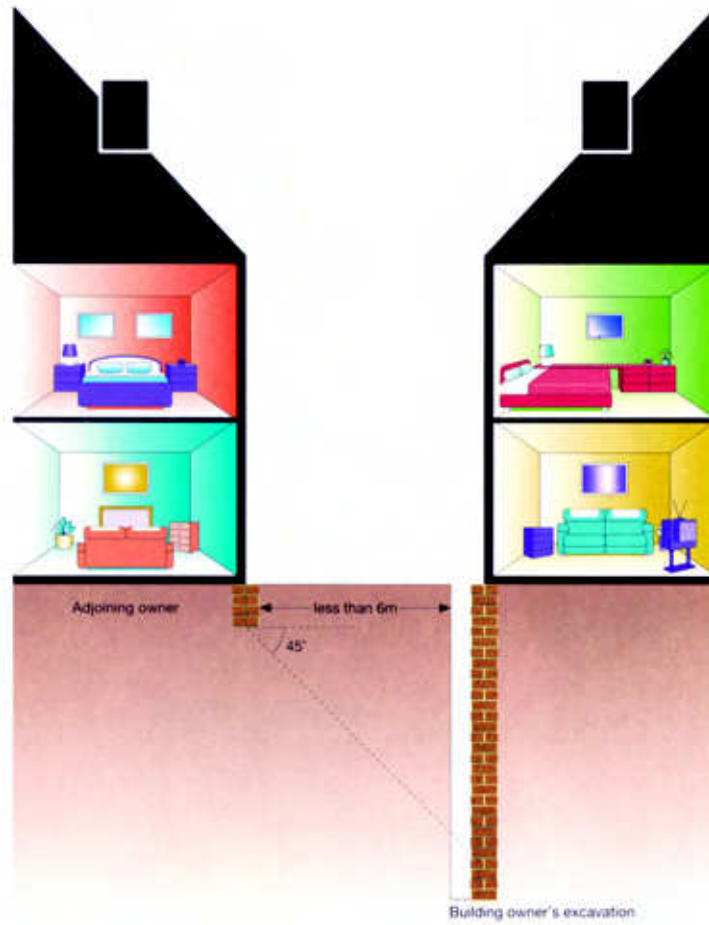


Diagram 7

27

How long in advance do I have to serve the notice?

At least **one month** before the planned starting date for the excavation. The notice is only valid for a year, so do not serve it too long before you wish to start.

28

What happens after I serve notice?

If the Adjoining Owner gives **written notice** within 14 days agreeing to the proposed works, the work (as agreed) may go ahead. If the Adjoining Owner does not respond, or objects to the proposed work, a dispute is regarded as having arisen - see paragraphs 11 to 17.

After the work has been completed, the Adjoining Owner may request particulars of the work, including plans and sections.

29

What about access to neighbouring property?

See paragraph 18.

PART 3:

Adjoining Owners/Occupiers

Adjoining Owners should note that the primary purpose of the Act is to facilitate development. In return for rights to carry out certain works, the Building Owner (the person having the work done) must notify you in advance. He is made legally responsible for putting right any damage caused by carrying out the works, even if the damage is caused by his contractor.

You cannot stop someone from exercising the rights given to them by the Act, but you may be able to influence how and at what times the work is done.

If you refuse to respond to a notice from a Building Owner, he will be able to appoint a second surveyor on your behalf so that the dispute resolution procedure can proceed without your co-operation

It is preferable that the owners reach agreement between themselves wherever possible without the need to activate the dispute resolution procedure. You do not lose subsequent rights by agreeing to the intended works described in the Building Owner's notice. Agreement to the intended works simply signifies that, *at this point in time*, there is nothing in dispute. If a dispute arises at a later date, say in respect of damage caused, you can activate the dispute resolution procedure.

30

What does the Act say if my neighbour wants to carry out building work?

If your neighbour intends to carry out building work which involves one of the following categories:

- work on an existing wall or structure shared with another property (section 2 of the Act) - see paragraphs 4 to 18
- building a free standing wall or a wall of a building up to or astride the boundary with a neighbouring property (section 1 of the Act) - see paragraphs 19 to 24; or
- excavating near a neighbouring building (section 6 of the Act) - see paragraphs 25 to 28;

they must notify you in writing before they start work see paragraph 8, 20 and 26.

31

What do I do if I receive a Party Wall Act notice from my neighbour?

If you receive a notice from your neighbour you should **reply to it in writing within 14 days** of receiving it. You do not need to appoint a professional adviser to respond to the notice on your behalf.

You can agree or disagree with what is proposed. You may want to base your reply on Example Letter 2 or 3 in Part 5 of this booklet, which you may have received with the notice.

If you do not respond to a notice about an intended new wall built up to (but not astride) the line of junction, the work can commence after the one month notice period. The Building Owner may place any necessary footings and foundations under your land (but not reinforced concrete foundations without your prior written consent).

If you do not respond, **in writing**, within 14 days to a notice about an intended new wall built astride the line of junction, the Building Owner must build the wall entirely on his own land. The work can commence after the one month notice period. The Building Owner may place any necessary footings and foundations under your land (but not reinforced concrete foundations without your prior written consent).

If you receive a notice about work to an existing party structure, or a notice about excavations within 3 or 6 metres of your foundations, and you have not responded, **in writing**, within a period of 14 days from receipt of the notice, a dispute is regarded as having arisen. The procedure explained in paragraphs 11 to 15 then formally comes into play.

If you disagree with the work described in a notice under the Act you should explain why. The Building Owner can then consider your objection and perhaps amend his proposal. Agreement might then be reached, without the need to use the formal dispute resolution procedure.

32

What do I do if I believe my neighbour is about to start work and I have not received a Party Wall Act notice?

You should let your neighbour know (in writing) about the Act. You may wish to send him a copy of this booklet.

33

What do I do if my neighbour starts work and I have not received a Party Wall Act notice?

The Act contains no enforcement procedures for failure to serve a notice. However, if your neighbour starts work without having first given notice in the proper way, you may seek to stop the work through a court injunction or seek other legal redress. You may wish to take professional legal advice before commencing such action.

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What if I cannot reach agreement with my neighbour?

See paragraphs 11 - 17.

Where the proposed works are minor and/or not intrusive on your building or land, you may have only minor objections that you cannot agree or perhaps simply want some assurance that the correct procedures are followed.

In these circumstances, and particularly in residential circumstances where surveyors fees would significantly increase the project costs, the appointment of an agreed surveyor to resolve the dispute is preferable, especially so if the proposed surveyor is not otherwise involved in your neighbour's project.

35

What about access to my property?

See paragraph 18.

Even where you object to what your neighbour is building on his land, it is often to your benefit to allow access, for example for scaffolding or to allow pointing of the wall, as the wall will probably be visually more acceptable if access is given.

36

As a neighbouring owner, what can I do to guard against the risk that the Building Owner may leave work unfinished?

If there is a risk that you will be left in difficulties if the Building Owner stops work at an inconvenient stage, you can ask him, before he starts work, to make available an amount of money that would allow you to restore the status quo if he fails to do so.

The money remains his throughout, but if, for example, you need to have a wall rebuilt, you, or more commonly the surveyors, can draw on that security to pay for the rebuilding.

This provision is usually reserved for particularly intrusive or complex works.



Frequently Asked Questions

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Does the Act change who owns the party wall?

No. The Act does not change the ownership of any wall, nor does it change the position of any boundary. Boundaries can still run through the centre of a wall, so that each owner may technically own half of a wall. However, it may help in understanding the principles of the Act if owners consider themselves joint owners of the whole of a party wall rather than the sole owner of half or part of it.

The Act sets out what rights an owner has in relation to works to a party wall and what he is obliged to do before he can exercise those rights.

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Can the Act be used to resolve a boundary dispute?

No. The Act does not contain any provision that could be used to settle a boundary line dispute. Such disputes can be resolved through the courts or through alternative dispute resolution procedures (which may be simpler, quicker and cheaper), for example mediation, decision by an independent expert or arbitration.

39

Does the Act supersede common law rights?

Yes, but only in relation to works covered by the Act, and only when the correct notices have been given and the procedures correctly followed.

40

Does the Building Owner have to wait for the full one or two months after serving a notice before starting work?

No, so long as the Adjoining Owner agrees, **in writing**, to the work starting earlier than as stated in the notice.

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What can be done to weather proof a narrow gap formed where a person is building on his own land alongside the external wall (e.g. an earlier back garden extension built up to the Adjoining Owner's side of the boundary line)?

It is good practice to prevent debris collecting in (or animals entering) the small gap between two adjacent independent structures and the Act allows for any works "incidental to the connection of a structure with the premises adjoining it". There are several proprietary products that can effectively seal the gap between two buildings without having to cut into or permanently fix to either building. The Building Owner erecting the second structure would usually carry out this work.

PART 5:

Example Letters

- Example Letter 1 – Party Structure Notice
- Example Letter 2 – Positive acknowledgement of Party Structure Notice
- Example Letter 3 – Negative acknowledgement of Party Structure Notice
- Example Letter 4 – Line of Junction Notice – new wall astride the boundary
- Example Letter 5 – Acknowledgement of Line of Junction Notice - new wall astride the boundary
- Example Letter 6 – Line of Junction Notice – new wall wholly on your land
- Example Letter 7 – Acknowledgement of Line of Junction Notice - new wall wholly on your land
- Example Letter 8 – 3 or 6 metre Notice
- Example Letter 9 – Positive acknowledgement of 3 or 6 metre Notice
- Example Letter 10 – Negative acknowledgement of 3 or 6 metre Notice

NOTES ON COMPLETING SAMPLE LETTERS

Where alternatives appear (e.g. I/we), you should write **only** the applicable option.

Where *italics* appear, you should refer to the following notes for guidance:

- 1 *Building Owner* – This is the owner of the premises where the work is proposed. If the property is owned in joint names both or all names must be given in the notice.
- 2 *Building Owner's main address* – This is your main correspondence address and may be different to *Building Owner's building* as at note 3.
- 3 *Building Owner's building* – this is the address of the premises where the work is proposed.
- 4 *Adjoining Owner* - If possible give the neighbour's full name/s. If you do not know the name write "The Owner"
- 5 *Adjoining Owner's main address* –
If the *Adjoining Owner* does not live at the premises e.g. a landlord, the address will be the owner's main address.
If the *Adjoining Owner* is an owner-occupier or if you do not know who is the owner this will be the address adjacent to your premises – i.e. the *Adjoining Owner's building* as note 6.
- 6 *Adjoining Owner's building* - this is the address of the premises adjacent to that where the work is proposed.

- 7 *Date* – This is the date your notice is posted or served. You should always date your letter, as this will avoid confusion as to when notice was served.
- 8 *Title* - If known give the full name/s, otherwise write "Sir or Madam".
- 9 *Explanatory booklet* - It is recommended that you provide a copy of this booklet to your neighbour so that they know why you have written to them.
- 10 *Date of works* – This **must** be after the end of the notice period, which for Party Structure Notices is two months and for Line of Junction and 3 or 6-metre Notices is one month. If you do not know exactly when your works will start you may wish to add "or thereafter".
- 11 You may wish to start earlier than the one-month or two-month notice period but can only do so with your neighbour's written agreement. You may wish to add "or sooner with your written agreement".
- 12 *Attached letter* - It is recommended you prepare a letter for your neighbour to use - based on example letters 2 and 3 for Party Structure Notices, 5 or 7 for Line of Junction Notice or 9 and 10 for 3/6 Metre Notices.
- 13 *Agreed Surveyor's name* - It is recommended that you give the name, address and telephone number of the person you propose to use as the 'agreed surveyor'.
- 14 *Building Owner's signature* - Remember to sign the notice. All joint owners should sign unless one is authorized to sign for all joint owners. It is recommended you also print your name.
- 15 *(Line of Junction Notice) Description of the wall* – Describe the wall you intend to build - for example height, length, materials etc. You might wish to add further information for your neighbour's benefit – for example 'forming part of a single storey extension' or include drawings.
- 16 *(Party Structure Notice) Description of the works* "Give full details of the works " you propose to carry out that affect the party structure or the adjacent building. If special foundations are proposed, section 3(1)(b) then there is a need for plans, sections and details of construction. In cases that do not involve special foundation you still might wish to include drawings for your neighbour's benefit if they are available but this is not essential if works are properly described.
- 17 *(3/6 metre Notice)*

Description of the excavation and works. - A simple description such as "excavate to lay drainage/foundations" will suffice if the drawings clearly show what is proposed.

Drawings. – It is a requirement of the Act that drawings are provided showing the depth of the proposed excavations and the location of any proposed building or structure. It is also advisable for the drawings to show the position of the adjoining building in relation to the excavations.

Safeguarding the Adjoining Owner's foundations. – You are required to tell the Adjoining Owner whether you intend to underpin or otherwise strengthen or safeguard the foundations of his building or structure.

Example letter 1 – Party Structure Notice.

To *Adjoining Owner* [see note 4]
Of *Adjoining Owner's main address* [see note 5]

Date [see note 7]
Dear *title* [see note 8]

The Party Wall etc Act 1996 Notice of proposed works – Party Structure Notice.

As the owner/s of *Building Owner's building* [see note 3] which is adjacent to your premises at *Adjoining Owner's building* [see note 6] I/we *Building Owner* [see note 1] of *Building Owner's main address* [See note 2] notify you that in accordance with our rights under section 2 of the Party Wall etc Act 1996 I/we intend to carry out building works.

[Only if applicable add – The enclosed explanatory booklet provides more information about the Act.] [See note 9]

The proposed works are: *description of the works* [see note 16]

The proposed works *do / do not* involve special foundations, [*Only if applicable, see note 16 add* - and as such I attach the relevant plans, sections and details of construction]

I/we intend to start works on *date of works* [see note 10] [*if you want to start within the 2 month notice period add* - or on the earlier date of [date] with your written agreement - see note 11]

If you are content for the works to go ahead as proposed please complete, sign and return the attached letter [See note 12] within 14 days of receiving this letter.

If you do not confirm in writing that you are content for the work to go ahead as proposed we will be 'in dispute' under the Act.

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'?

If the answer is yes I suggest using *Agreed Surveyor's name* [See note 13] but would be happy to receive your alternative proposal.

If the answer is no, please let me know whom you would appoint as your surveyor.

Yours sincerely

Building Owner's signature/s [See note 14]

Example letter 2 – Positive Acknowledgement of Party Structure Notice.

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I am / We are content for the works set out in your notice to go ahead as proposed.

[*Only if the proposed works involve special foundations add:*]

I/We *Adjoining Owner* give/withhold consent to the special foundations.

[**Only if proposing to start work before the 2 month notice period has expired add:**]

I/We *Adjoining Owner* am/are * Delete as appropriate
content* / not content* for you to start work on the earlier date of [date]

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

Example letter 3 – Negative Acknowledgement of Party Structure Notice.

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice/s dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I am / we are not content for the works set out in your notice to go ahead as proposed.

My/Our objections are:

*** As we are now in dispute under the Act, I/we concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor.

*** As we are now in dispute under the Act, I/we do not agree with your proposal for agreed surveyor and propose

_____ Insert Surveyor's name
_____ and contact details

as an alternative to act as agreed surveyor or as my/our surveyor if you do not concur.

*** As we are now in dispute under the Act, I/we shall be appointing:

_____ Insert Surveyor's name
_____ and contact details

to act as my/our surveyor.

*** Delete two of the three options as appropriate.

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

Example letter 4 – Line of Junction Notice – new wall astride the boundary

To *Adjoining Owner* [see note 4]
Of *Adjoining Owner's main address* [see note 5]

Date [see note 7]
Dear *title* [see note 8]

The Party Wall etc Act 1996 Notice of proposed works – Line of Junction Notice.

As the owner/s of *Building Owner's building* [see note 3] which is adjacent to your premises at *Adjoining Owner's building* [see note 6] I/we *Building Owner* [see note 1] of *Building Owner's main address* [see note 2] notify you that in accordance with our rights under section 1 of the Party Wall etc Act 1996 I/we intend to build at the Line of Junction between our properties.

[Only if applicable add – The enclosed explanatory booklet provides more information about the Act.] [See note 9]

I/we would, with your written permission, like to build a new wall as a party wall astride the boundary. If you are content for me/us to build a party wall astride the boundary please complete, sign and return the attached letter [see note 12] within 14 days. If I/we do not receive your written permission or you dissent the wall will be built wholly on my/our own land up to the boundary line

The proposed works are: *description of the wall* [see note 15]

I/we intend to start works on *date of works* [see note 10] [*if you want to start within the 1 month notice period add* - or on the earlier date of [date] with your written agreement - see note 11]

[Only if applicable add – Under the right given by section 1(6) of the Party Wall etc Act it is intended to put projecting foundations under your land.]

[Only if applicable add – Under section 7(4) of the Party Wall etc Act with your written permission, I wish to lay special foundations extending under your land.]

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'?

If the answer is yes I suggest using *Agreed Surveyor's name* [See note 13] but would be happy to receive your alternative proposal.

If the answer is no, please let me know whom you would appoint as your surveyor.

Yours sincerely

Building Owner's signature/s [See note 14]

Example letter 5 – Acknowledgement of Line of Junction Notice. New wall astride the boundary

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice/s dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I/We *Adjoining Owner* am/are: * Delete as appropriate

Content* / Not content* for you to build a party wall astride the boundary between our properties as proposed in your notice.

[Only if proposing to lay projecting special foundation add:]

Content* / Not content* for you to place special foundations on our land [see note 10]

[Only if proposing to start work before the 1 month notice period has expired add:]

Content* / Not content* for you to start work on the earlier date of [date].

In the event of a dispute arising under the Act: *** Delete 2 of the 3 options as appropriate.

*** I/we would concur in the appointment of *Agreed Surveyor's name* [see note 13] to act as agreed surveyor if required.

*** I/we would not agree with your proposal for agreed surveyor and would propose

_____ Insert Surveyor's name
_____ and contact details
as an alternative to act as agreed surveyor or as my/our surveyor if required.

*** I/we would appointing:

_____ Insert Surveyor's name
_____ and contact details
to act as my/our surveyor if required.

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

Example letter 6 – Line of Junction Notice – new wall wholly on your own land.

To *Adjoining Owner* [see note 4]
Of *Adjoining Owner's main address* [see note 5]

Date [see note 7]
Dear *title* [see note 8]

The Party Wall etc Act 1996 Notice of proposed works – Line of Junction Notice.

As the owner/s of *Building Owner's building* [see note 3] which is adjacent to your premises at *Adjoining Owner's building* [see note 6] I/we *Building Owner* [see note 1] of *Building Owner's main address* [see note 2] notify you that in accordance with our rights under section 1 of the Party Wall etc Act 1996 I/we intend to build at the Line of Junction between our properties.

[Only if applicable add – The enclosed explanatory booklet provides more information about the Act.] [See note 9]

The new wall will be built wholly on my/our own land up to the boundary line

The proposed works are: *description of the wall* [see note 15]

[Only if applicable add – Under the right given by section 1(6) of the Party Wall etc Act it is intended to put projecting foundations under your land.]

[Only if applicable add – Under section 7(4) of the Party Wall etc Act with your written permission, I wish to lay special foundations extending under your land.]

I/we intend to start works on *date of works* [see note 10] *[if you want to start within the 1 month notice period add* - or on the earlier date of [date] with your written agreement - see note 11]

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'?

If the answer is yes I suggest using *Agreed Surveyor's name* [See note 13] but would be happy to receive your alternative proposal.

If the answer is no, please let me know whom you would appoint as your surveyor.

Yours sincerely

Building Owner's signature/s [See note 14]

Example letter 7 –Acknowledgement of Line of Junction Notice. New wall wholly on your own land

N.B. An acknowledgement is not essential for a wall wholly on your own land unless you intend to lay special foundations on the Adjoining Owner's land or if you want to start before the end of the notice period.

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice/s dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I/We *Adjoining Owner* am/are: * Delete as appropriate

[Only if proposing to lay projecting special foundation add:]

Content* / Not content* for you to place special foundations on our land

[Only if proposing to start work before the 1 month notice period has expired add:]

Content* / Not content* for you to start work on the earlier date of [date].

In the event of a dispute arising under the Act: *** Delete 2 of the 3 options as appropriate.

*** I/we would concur in the appointment of *Agreed Surveyor's name* [see note 13] to act as agreed surveyor if required.

*** I/we would not agree with your proposal for agreed surveyor and would propose

_____ Insert Surveyor's name
_____ and contact details
as an alternative to act as agreed surveyor or as my/our surveyor if required.

*** I/we would appointing:

_____ Insert Surveyor's name
_____ and contact details
to act as my/our surveyor if required.

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print Name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

Example letter 8 – 3/6 Metre Notice.

To *Adjoining Owner* [see note 1]
Of *Adjoining Owner's main address* [see note 2]

Date [see note 3]
Dear [see note 4]

The Party Wall etc Act 1996 Notice of proposed works – Party Structure Notice.

As the owner/s of *Building Owner's building* [see note 5] which is adjacent to your premises at *Adjoining Owner's building* [see note 6] I/we *Building Owner* [see note 7] of *Building Owner's main address* [See note 8] notify you that in accordance with our rights under

Add either [section 6(1) of the Party Wall etc. Act 1996 that I/we intend to build within 3 metres of your building and to a lower level than the bottom of your foundations by carrying out the building works detailed below.]

Or add [section 6(2) of the Party Wall etc. Act 1996 that I intend to build within 6 metres of your building and to a lower level than the bottom of your foundations (measured by a 45° line) by carrying out the works detailed below.]

[Only if applicable add – The enclosed explanatory booklet provides more information about the Act.] [See note 9]

The proposed works are: *description of the excavation and works* [see note 17]

The accompanying plans and sections show the site of the proposed building and the excavation depth proposed. [see note 17]

I/we do* / do not* propose to underpin or otherwise strengthen in order to safeguard the foundations of your property. [see note 17]

I/we intend to start works on *date of works* [see note 10] *[if you want to start within the 1 month notice period add - or on the earlier date of [date] with your written agreement - see note 11]*

If you are content for the works to go ahead as proposed please complete, sign and return the attached letter [See note 12] within 14 days of receiving this letter.

If you do not confirm in writing that you are content for the work to go ahead as proposed we will be 'in dispute' under the Act.

In the event of any dispute between us under the Act, would you be willing to agree to the appointment of an 'Agreed Surveyor'? If yes I suggest using *Agreed Surveyor's name* [See note 13] but would be happy to receive your alternative proposal. If no, please let me know whom you would appoint as your surveyor.

Yours sincerely

Building Owner's/s'signature/s [See note 14]

Example letter 9 – Positive Acknowledgement of 3/6 Metre Notice.

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice/s dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I am / We are content for the works set out in your notice to go ahead as proposed.

[Only if proposing to start work before the 1 month notice period has expired add:
I/We Adjoining Owner am/are * Delete as appropriate
content* / not content* for you to start work on the earlier date of [date].]

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

Example letter 10 – Negative Acknowledgement of 3/6 Metre Notice.

To *Building Owner* [see note 1]
Of *Building Owner's main address* [see note 2]

The Party Wall etc Act 1996 Acknowledgment of Notice

As Adjoining Owner/s under the Act of *Adjoining Owner's building* [see note 6] and having received notice/s dated *date* [see note 7] in respect of proposed works at *Building Owner's building* [see note 3] and without prejudice to any of my/our rights under the Act,

I/we are not content for the works set out in your notice to go ahead as proposed.

My/Our objections are:

*** As we are now in dispute under the Act, I/we concur in the appointment of Agreed Surveyor's name [see note 13] to act as agreed surveyor.

*** As we are now in dispute under the Act, I/we do not agree with your proposal for agreed surveyor and propose

_____ Insert Surveyor's name
_____ and contact details
as an alternative to act as agreed surveyor or as my/our surveyor if you do not concur.

*** As we are now in dispute under the Act, I/we shall be appointing:

_____ Insert Surveyor's name
_____ and contact details
to act as my/our surveyor.

*** Delete two of the three options as appropriate.

Yours sincerely

Signed: _____ Date: _____

Name: _____ Print name/s

Please note all joint owners should sign.
Please also print your name/s and date the letter.

PART 6:

Further Information

If you are not sure whether the Act applies to the work that you are planning, you should seek professional advice.

The following is a body of people from various disciplines with a specific interest in party wall matters and the Party Wall etc. Act 1996. They can usually put you in contact with local members who are generally willing to provide general and informal advice about the Act. (Any advice given should not be seen as being endorsed by the Department for Communities and Local Government).

The Pyramus & Thisbe Club

Rathdale House, 30 Back Road, Rathfriland BT34 5QF
Tel: 028 4063 2082
Fax: 028 4063 2083
E-mail: p&t@rathdale.globalnet.co.uk
Web-site: <http://www.partywalls.org.uk/>

The following professional bodies are willing to provide general and informal advice about the Act. (Any advice given should not be seen as being endorsed by the Department for Communities and Local Government)

The Association of Building Engineers (ABE)

Private Practice Register, Lutyens House, Billing Brook Road, Weston Favell, Northampton, NN3 8NW
Tel: 01604 404121
Fax: 01604 784220

The Royal Institution of Chartered Surveyors (RICS)

Technical Services Unit,
12 Great George Street, London, SW1P 3AD
Tel: 0870 333 1600
E-mail: contactrics@rics.org

The following bodies hold lists of their members who may be willing to provide professional advice or act as a "surveyor" under the Act. (Any advice given should not be seen as being endorsed by the Department for Communities and Local Government.)

The Association of Building Engineers (ABE)

Private Practice Register, Lutyens House, Billing Brook Road, Weston Favell, Northampton, NN3 8NW
Tel: 01604 404121
Fax: 01604 784220

Faculty of Party Wall Surveyors (FPWS)

P.O. Box 86, Rye, TN31 9BN
Tel: 01424 883300
Fax: 01424 883300
E-mail: enq@fpws.org.uk
Web-site: www.fpws.org.uk

British Institute of Architectural Technologists (BIAT)

397 City Road, London, EC1V 1NH
Tel: 020 7278 2206
Fax: 020 7837 3194
E-mail: info@biat.org.uk
Web-site: www.biat.org.uk

The Pyramus & Thisbe Club

Rathdale House, 30 Back Road, Rathfriland. BT34 5QF
Tel: 028 4063 2082
Fax: 028 4063 2083
E-mail: p&t@rathdale.globalnet.co.uk
Web-site: <http://www.partywalls.org.uk/>

The Royal Institute of British Architects (RIBA)

RIBA Client Services, 66 Portland Place, London, W1N 4AD
Tel: 020 7307 3700
Fax: 020 7436 9112

The Royal Institution of Chartered Surveyors (RICS)

Contact Centre, 12 Great George Street, London, SW1P 3AD
Tel: 0870 333 1600
E-mail: contactrics@rics.org

Further copies of this booklet are available, free of charge, from:

Communities Free Literature

Tel: 0300 123 1124
Fax: 0300 123 1125
E-mail: product@communities.gsi.gov.uk

The Act and related Statutory Instruments

The Party Wall etc. Act 1996
published by HMSO, ISBN 0-10-544096-5, £3.80
The Party Wall etc. Act 1996 (Commencement) Order 1997 (SI 1997/670 (c.24))
published by TSO, ISBN 011-064-2139, £0.65
The Party Wall etc. Act 1996 (Repeal of Local Enactments) Order 1997 (SI 1997/671)
published by TSO, ISBN 011-064-2120, £1.10

Other publications

The Department for Communities and Local Government is aware of (but does not necessarily endorse) the following publications:

"The Party Wall Act Explained"

published by The Pyramus & Thisbe Club, ISBN 0-9520704-1-3, £15.00

"Party Walls & What To Do With Them"

(fourth edition), published by RICS Books, ISBN 085-406-7868, £14.95

"Party Walls: The New Law" published by Jordans, ISBN 0-85308-401-7, £30.00.

NOTES

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This document is also available on the Communities website:
<http://www.communities.gov.uk/partywall-1996>

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