

# Tayross Associates

## *Pinner based Building & Party Wall Surveyors*



An introductory guide to the  
Party Wall etc. Act 1996

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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

*"I have been extremely happy with your services and the way you dealt with my difficult neighbour."* – **Ms Ellis, London**

*"Carl and the team here were really excellent: went beyond the call of duty by stepping in at short notice and overseeing things to the satisfaction of all parties. Highly recommended. A very reassuring presence."* – **Mr MacMillan, London**

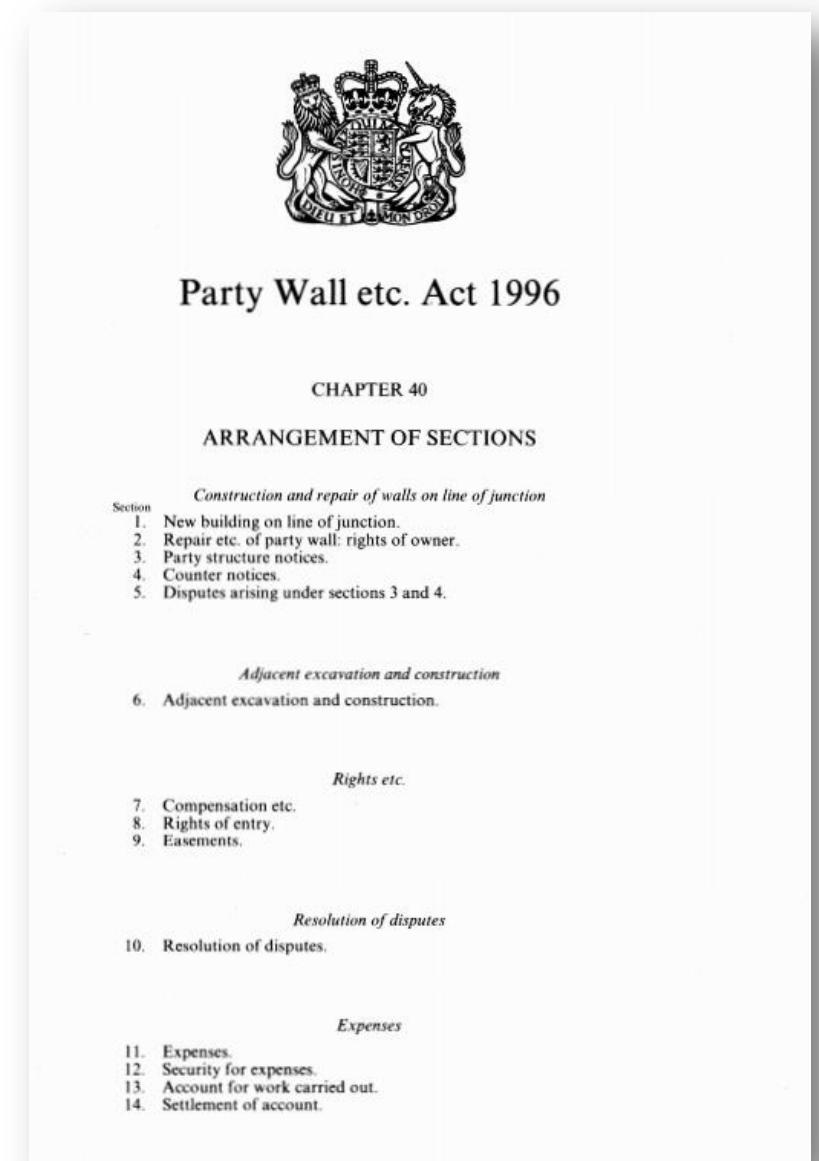
*"Carl, Enrico, and Abbie @ Tayross Associates Ltd, provided excellent Service, they assisted us for our Party Wall Agreement with our neighbours before and after our building works. They were easy to deal with, and quick to deal with any queries, We have already passed on their details to Friends and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

# The Party Wall etc. Act 1996

- The Party Wall etc. Act 1996 came into force on 1<sup>st</sup> 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:

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



The first page of the Party Wall etc. Act 1996.

# 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.

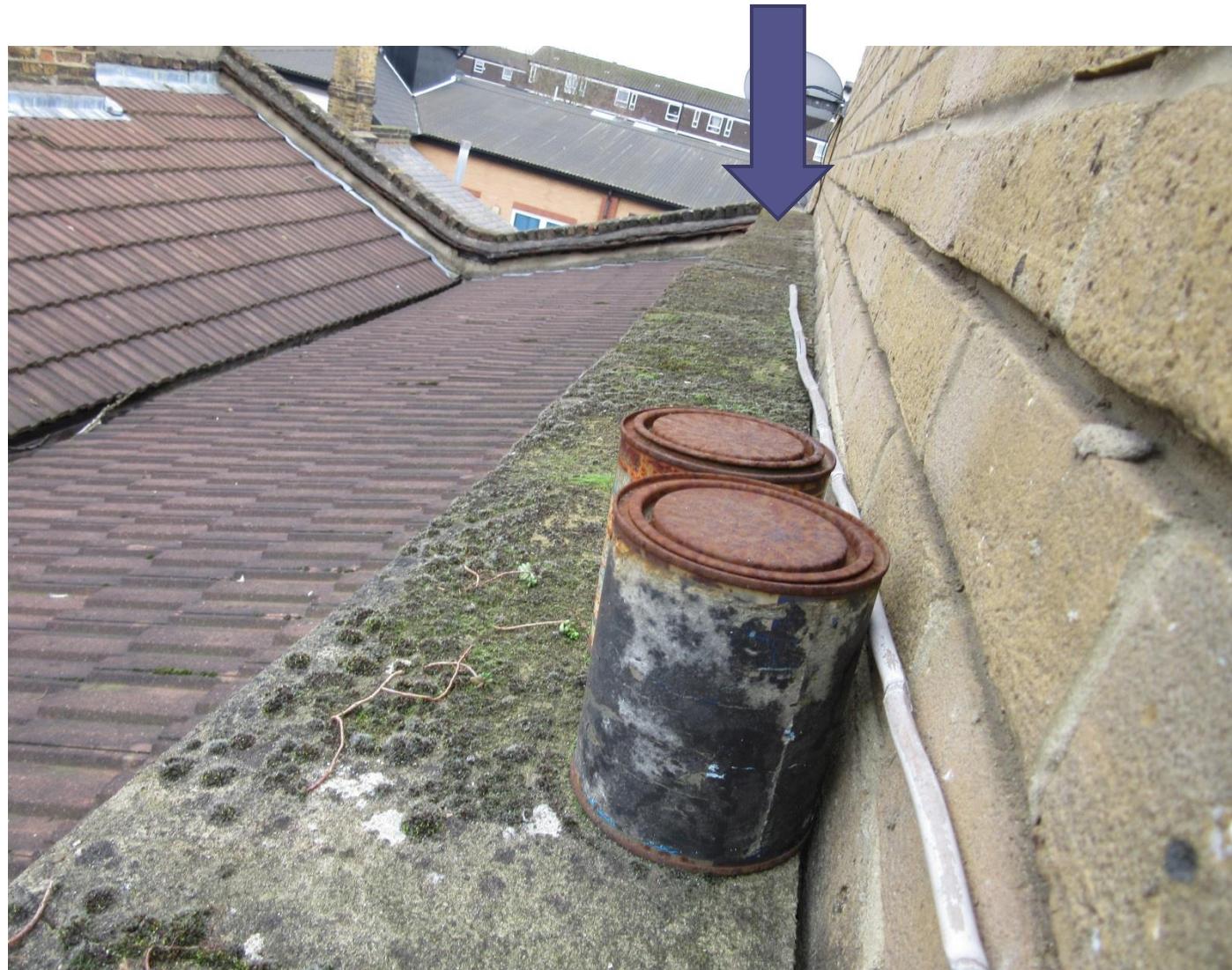


# Party Wall Type A [Examples]



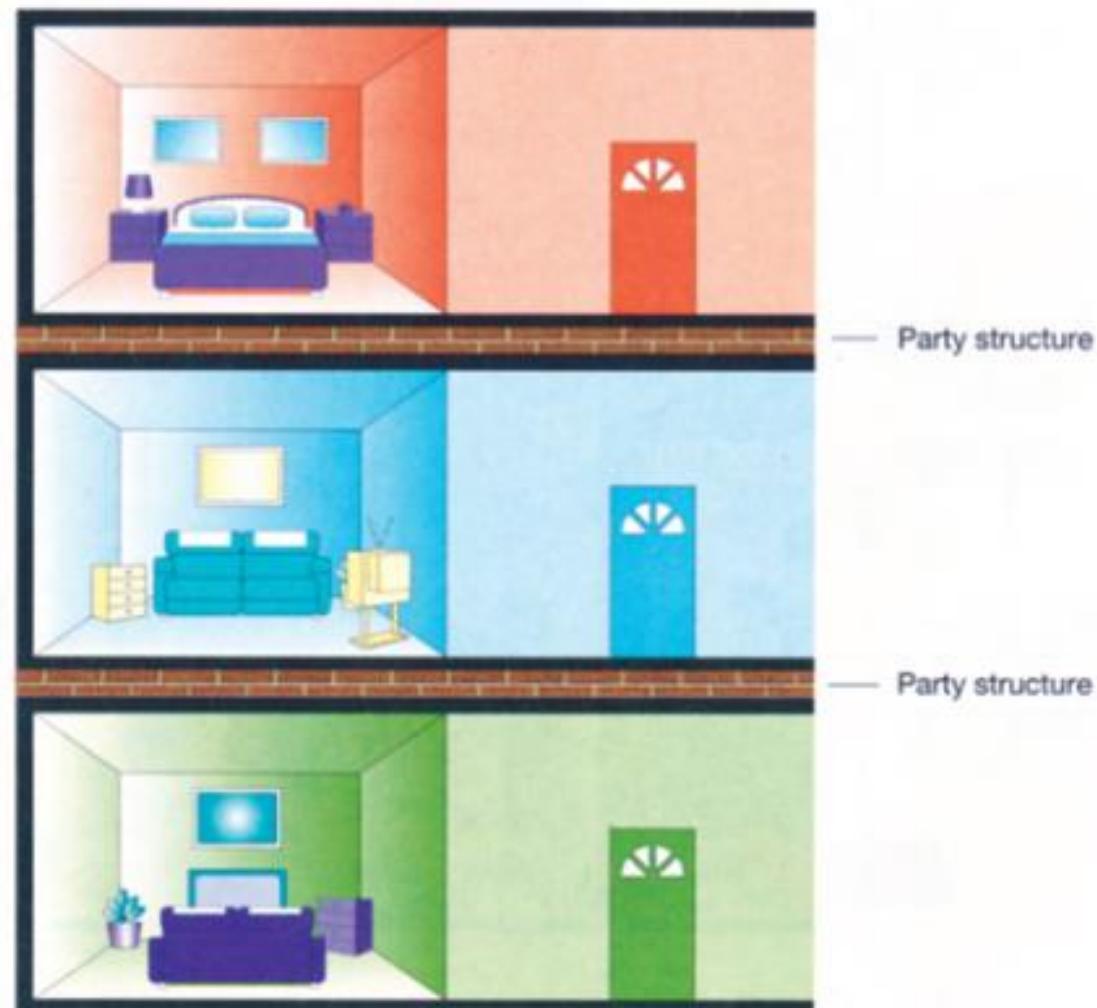
*Examples of type A party walls..*

# Party Wall Type B [Example]



*An example of a type b party wall.*

# Party Structure [Example]



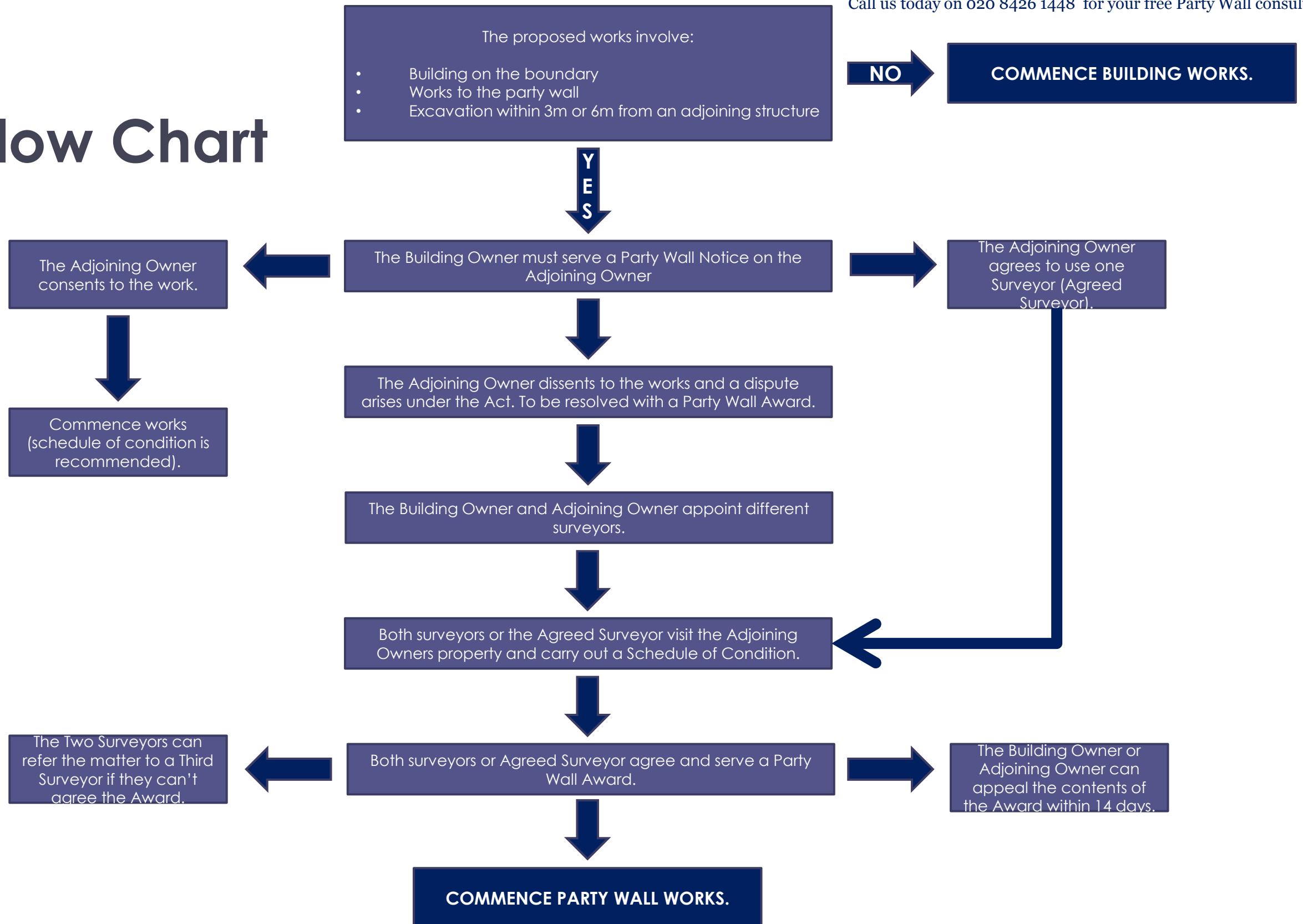
*An example of a party structure. Image courtesy of Communities and Local Government.*

# Party Fence Wall [Example]



*An example of a party fence wall.*

# Flow Chart



# 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:

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

[Click here to see an example of a Party Wall Notice which you can use.](#) However, please note that we always recommend seeking the advice of a qualified Party Wall Surveyor to ensure notice validity.

**FACULTY OF PARTY WALL SURVEYORS**

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



To:  
of \_\_\_\_\_ (Adjoining Owner)

\*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

*A typical party wall notice.*

# 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."*

**AWARD**  
under the provisions of the  
Party Wall etc. Act 1996

Between  
[BUILDING OWNER'S NAME]  
*(Building Owner)*

And  
[ADJOINING OWNER'S NAME]  
*(Adjoining Owners)*

in the matter of  
[BUILDING OWNER'S ADDRESS]  
*(Building Owner's Property)*

And  
[ADJOINING OWNER'S ADDRESS]  
*(Adjoining Owners' Property)*

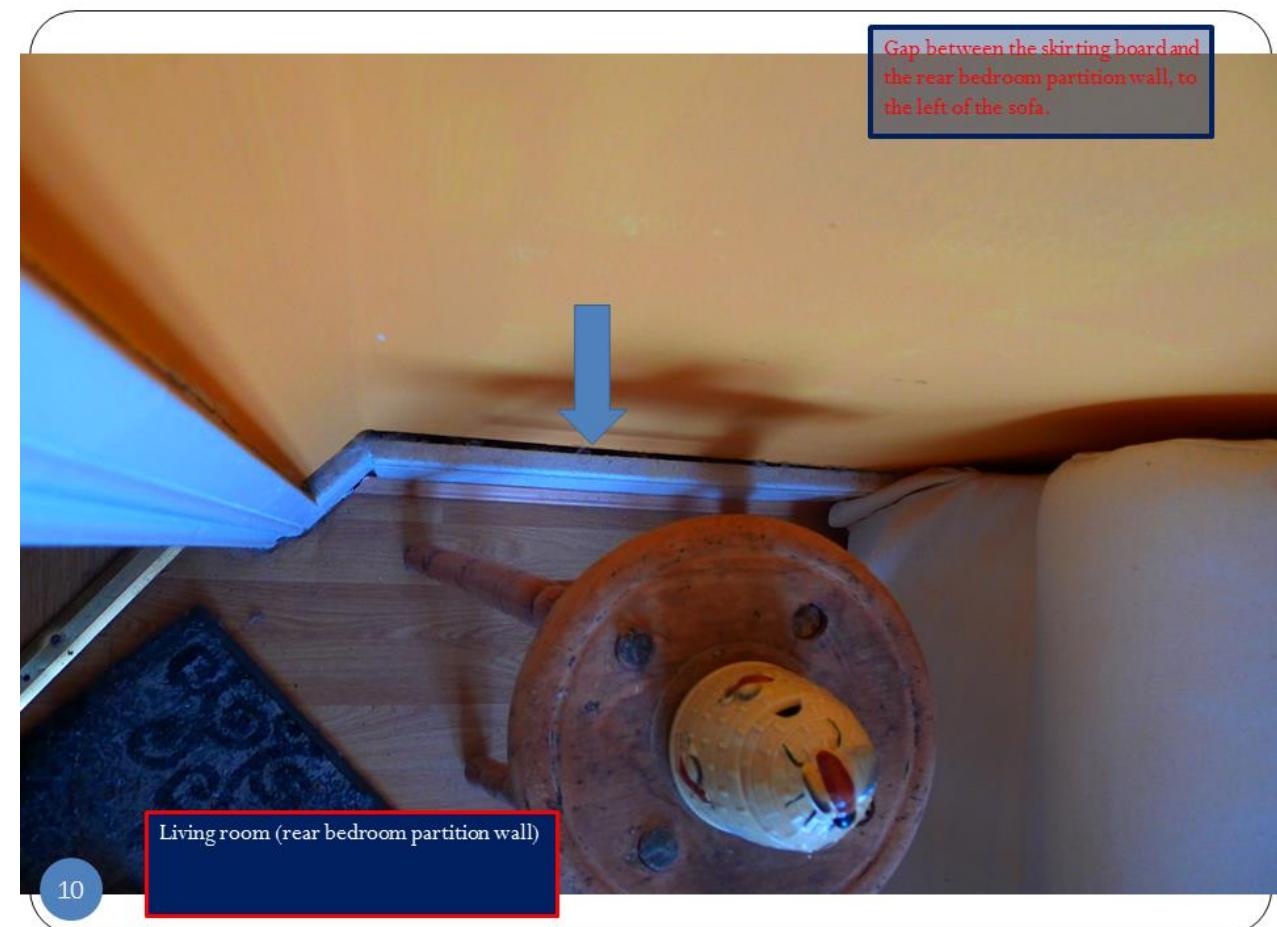
*A typical cover page for a Party Wall Award.*

# 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 along.

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.



*Our Schedules of Condition contain annotated photos so that they can be easily understood by property owners.*

# Surveyor's fees

Under the Act, the Building Owner is responsible for paying the Adjoining Owner's Surveyor's fees. **At Tayross Associates we offer fixed Party Wall fees so that Building Owners can budget accordingly.**

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 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

## Points of contact:

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