

WHAT ARE THE DUTIES OF PARTY WALL SURVEYORS?

The surveyors act in a similar, though not identical manner to arbitrators, and therefore must produce an 'award'. An award regulates the way in which the works are to be conducted as well as dealing with any other related incidental matters such as costs and compensation. The award is a legally binding document. Accordingly, the surveyors should provide a service that for the most part is impartial. Whilst they should be receptive to their appointing owner's wishes, the usual relationship between client and professional advisor does not apply. A party wall surveyor's remit is strictly limited to those matters governed by the Act. Consequently, their primary duty is to ensure that the Act's requirements are administered properly, efficiently, and fairly. Once an award has been produced, the surveyor may choose to inspect the works during their course to see they are being properly carried out, and/or at their completion check for any damage to the adjoining owner's property.



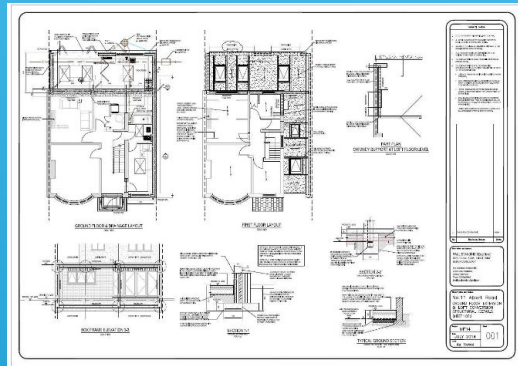
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WHAT IS A PARTY WALL?

Party walls are walls used by more than one 'owner'. The dividing wall between two houses is the most obvious example. Floors between flats are 'party structures' and boundary walls can be 'party fence walls'.

WHAT BUILDINGS ARE COVERED BY THE ACT?

All types of buildings are covered - residential; commercial and industrial. If you share a party wall, party structure or a party fence wall with another person you may be governed by the provisions of this Act if you or your neighbour carry out works to that structure



NEED ADVICE?

DO YOU INTEND TO CARRY OUT WORK

Call us for free advice
01375 293046

46 Morley Hill, Corringham, Essex, SS17 8HZ

N.B. Failure to comply with this legislation may result in the works being unlawful. If you are unsure you should seek professional advice.



The Party Wall etc Act. 1996

Important information **you must know**

Are you or your neighbour intending on carrying out any of the following.

- Having an extension
- Taking out chimney breasts on the Party Wall.
- Having a loft conversion.
- Carrying out works to a Party Wall
- Digging within 3 to 6 metres of your neighbours property.



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What is the Party Wall etc. Act 1996 all about!

The Act was brought into effect on 1st July 1997 and with a very few exceptions affects virtually every property in England and Wales.

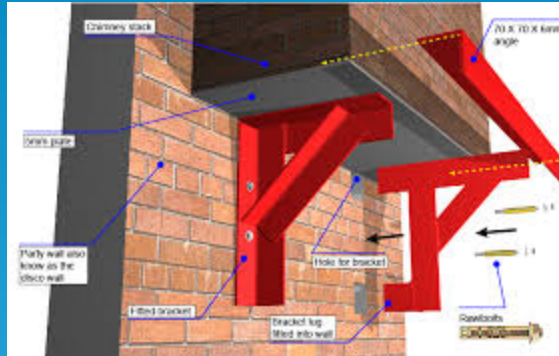
The Act is intended to enable development whilst **protecting adjoining owners** and occupiers. It places obligations on the owner who wishes to undertake such development to notify his/her neighbours in writing of what is proposed. If necessary, the Act then provides statutory procedures for appointing surveyors.

The building owner carrying out the work **must** serve a valid Party Wall Notice on their adjoining neighbour or neighbours within 3m, if they intend to digging to a lower depth than their neighbours foundations or cut into the party wall.

Types of notice to be served

- Line of junction notice.
This is used if you intend on building a new wall on the line of junction (Boundary line).
- Party structure notice.
This is if you intend on working on the Party Wall i.e., cutting into the party wall to insert steel beams, inserting weather flashing, damp proofing etc
- An excavation notice.
This is if you intend on digging within 3 metres of your neighbours property down to a depth below their foundations.

Before commencing any building work e.g. a loft conversion or an extension, you should check to see if the Party Wall Act applies.



What to do if you receive a notice

If you are an Adjoining Owner and you receive a notice under the Party Wall etc. Act 1996, you will have 14 days to carefully consider how to safeguard your interests. If you do not respond or appoint a surveyor within this time period a further 10 day notice will be served, requesting that you do. The following three options are available to an Adjoining Owner upon receipt of a Notice:

Option 1: **Consent to the Notice:** If an Adjoining Owner is satisfied that there will be no damage or consequences to his/her property, then he/she may consent to the Notice and the Building Owner will be able to proceed with his/her proposed work without an Award being necessary.

Option 2: **Dissent to the Notice and concur in the appointment of an Agreed Surveyor:** If the Adjoining Owner is happy for a single surveyor to represent both parties' interests, then he/she will act impartially to draw up an Award.

Option 3: **Dissent to the Notice and appoint your own surveyor:** The Adjoining Owner's Surveyor will liaise

with the Building Owner's Surveyor and will prepare an award authorising the proposed works.



WHAT IF THE ADJOINING OWNER DOES NOT AGREE OR FAILS TO RESPOND?

If an adjoining owner does not agree to the notice or does not reply to a notice within 14 days of receipt then he is deemed to have dissented and a statutory 'dispute' arises.

WHAT HAPPENS IF A DISPUTE ARISES?

Each owner must appoint a party wall surveyor to act for them individually, or agree on a single surveyor to act for both owners called the agreed surveyor.

The surveyor or surveyors will then carry out the following:

- A schedule of condition (condition survey) of the adjoining owners property. Noting any cracks or defects in the property before work starts.
- The Award (legal agreement) is then produced listing the works and any special requirements needed for a safe build and then served on the owners of the properties.
- Work can then start.
- All owners then have 14 days from service of the award to appeal the Award in a county court.

