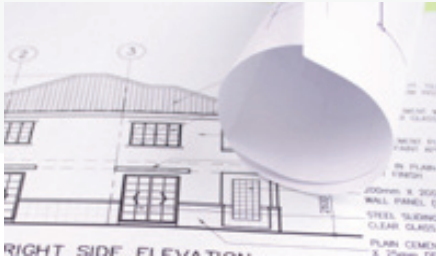


## Party Walls – The Facts

TALUS's building surveyors provide professional expertise in the potentially litigious areas of party walls and boundaries.



Party walls and boundaries of ownership generate strong feelings and are notoriously ill defined.

This fact sheet provides a resume of the notices required to be served under the Party Wall etc. Act, 1996 and the party wall surveying services offered by Talus.

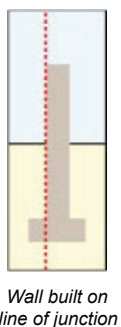
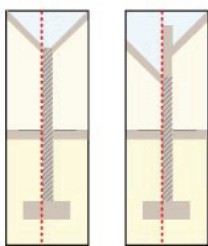
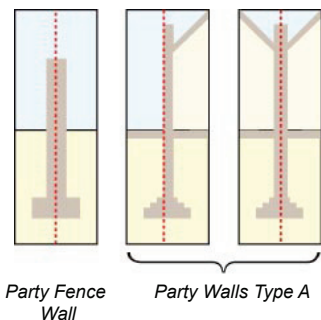
### The Party Wall etc. Act, 1996

The Party Wall etc. Act, 1996 (the Act) came into effect on 1 June 1997 throughout England and Wales. If you intend to carry out building work, which involves the following, you must find out if it is covered by the scope of the Act:

- work to an existing wall shared with another property (a party wall)
- building on the boundary with a neighbouring property
- excavating near neighbouring properties.

If the work does involve the above, you must serve the correct statutory notice on all those defined by the Act as adjoining owners.

To determine if you do need to serve notice, or determine which notice is required, it is advisable to seek our professional advice.



### What Notices do you need to serve?

#### What is a 'Party Structure Notice'?

When the intention is to carry out works on a party wall, party floor or party fence wall separating two premises, a notice outlining the works will have to be served. By service of this notice, the building owner has the right to underpin, thicken or raise a party wall, make good, repair, demolish or rebuild a party wall if it becomes necessary due to its condition or because a stronger or higher wall is now required. This type of notice has a two month statutory period, however, in all cases, times can be changed by agreement.

#### What is a 'Line of Junction Notice'?

The Act allows a building owner, by the service of a 'Line of Junction Notice' to build up to the line of junction (the boundary) and to place projecting footings and foundations as necessary on the adjoining owners' land. Typically this would otherwise be trespass but the Act provides the statutory authority to undertake such works. However, this is subject to the caveat of 'special foundations' that excludes reinforced foundations unless consent in writing is obtained.

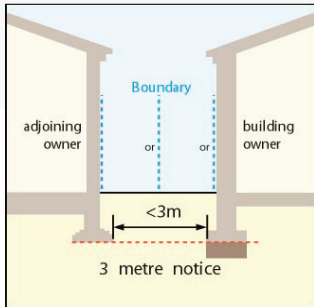
This type of notice has a one month statutory period unless the adjoining owner agrees in writing.



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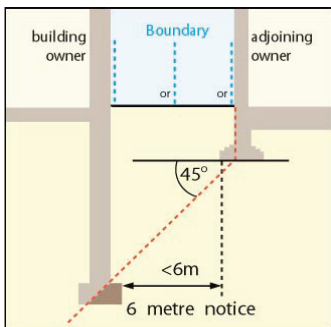
## Party Walls – The Facts cont'd



### What is a 'Three Metre Notice'?

When it is intended to excavate and build within three metres of an existing building and to a lower level than the base of its foundations, a notice of intended works will have to be served called a 'Three Metre Notice'.

The adjoining owner must consent to the works set out within the three metre notice and the party structure notice within 14 days, otherwise a 'dispute' is deemed to have arisen and the adjoining owner must appoint a surveyor.



### What is a 'Six Metre Notice'?

When it is intended to excavate and build within six metres of an existing building and the building owners' new foundations intersect a 45° line emanating from the base of the adjoining owners' existing foundations, in line with the face of the flank wall, a notice of intended works called a 'Six Metre Notice' will have to be served. Like the three metre notice, consent must be received within 14 days, or a dispute is deemed to have arisen.

If the building owner intends to employ piled foundations then the adjoining owner but-one may also require a notice if the 45° line from their foundations is also intersected.

Three and six metre notices have a one month statutory period, unless the adjoining owner agrees in writing.

### The Services

The following services can be undertaken by Talus in relation to party wall matters (this is not a restrictive list):

#### Building Owner Appointment

Scrutiny of proposals to assess implications in relation to the Party Wall etc. Act, 1996, ascertainment of the number of adjoining owners as defined by the Act, service of the necessary notices, preparation of schedules of condition, schedules of record photographs and award documentation, agreement of the award with the adjoining owner's surveyor(s), construction stage monitoring of works, post completion signing off works and assessment of damage claims.

#### Adjoining Owner Appointment

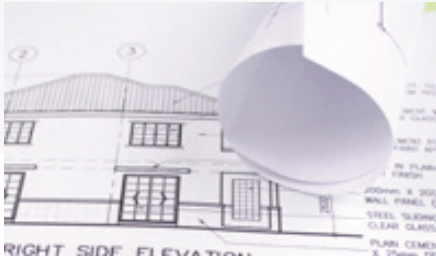
Scrutiny of party wall notices to assess the scope of the works and validity of the notice, service of counter notices as necessary, agreement of award documentation with appointing owner, construction stage monitoring of works to ensure compliance with the award, post completion signing off negotiations and the presentation of damage claims.



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## Party Walls – The Facts cont'd



### Main Contractor Appointment

Negotiation of party wall awards on behalf of the main contractor to facilitate a programmed start on site, advice on contractor's design proposals for design + construct procurement, pre-construction stage schedules of condition, schedules of record photographs, video schedules, construction stage monitoring of works and signing off negotiations.

### Party Wall Impact Assessments

Assessment of schemes for implications with regard to the Party Wall etc. Act, 1996 and advice on avoiding/limiting those areas of the works which require notice.

### Schedules of Condition

Preparation of schedules of condition, schedules of record photographs and/or video schedules to provide pre-construction stage building records.

### Programme Advice

Assessment of the proposed works to ascertain programme impact for compliance with the Act, advice on the provision and co-ordination of design information and preparation of Microsoft Project programmes as required.

### Experience

Talus's experience in party wall advice and services has developed over many years of appointments under the old legislation of the London Building Acts (Amendment) Act 1939 and the Party Wall etc. Act, 1996.

Clients of James Hopkins have included:

- Ability Group
- AXA Real Estate Investment
- Barratt Homes
- Berkeley Homes
- Buckingham Securities Ltd
- Foxtons Ltd
- Genesis Housing Group
- The Guinness Trust
- Hyde Housing Group
- Laing Homes SW Thames
- London Borough of Southwark
- Metropolitan Housing Trust
- The Moran Group
- Notting Hill Housing Trust
- Octavia Housing and Care
- One Housing Group
- Peabody Trust
- Pirin Plc
- Presentation Housing Association
- Rydon Construction Ltd
- Servite Houses/Veridian
- Simons Developments Ltd
- Targetfollow Group Ltd
- The Thornsett Group
- William Davis Ltd



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## Party Walls – The Facts cont'd

For more information contact:



James Hopkins  
(Managing Director)  
BSc (Hons) MSc MRICS MCI Arb  
MCI OB MAPM MFPWS

Talus Partnership Limited  
44 Richmond Avenue  
Wimbledon  
London SW20 8LA

Tel: 020 8286 0315  
Fax: 020 8543 4357  
Mobile: 07803 288047

Email:  
jhopkins@taluspartnership.co.uk

Web: [www.taluspartnership.co.uk](http://www.taluspartnership.co.uk)

### **Why You Should Use Talus**

Qualified and experienced personnel

Depth and range of experience in all aspects of construction

Repeat order work from Clients demonstrates the high quality of our service

Wide experience on all types of projects

Expertise in fast-track agreement of awards to facilitate design + build procurement programmes

Quality assurance accreditation

Extensive resources available

Highly respected by a wide range of Clients

Continual research and development of the service

We can also provide advice in relation to scaffold licences and crane over sail licences

Extensive experience of acting as Building Owner's and Adjoining Owner's Surveyor on a large number of party wall commissions