
Peters Associates

Consulting Structural and Civil Engineers

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PARTY WALL ADVICE THE PARTY WALL ETC. ACT 1996

A Summary of the Act

The **Party Wall etc Act 1996** came into force on 1st July 1997 throughout England and Wales based on the legislation and procedures well established in London. The Act applies where it is intended to carry out construction work on, or adjacent to your neighbour's property. Its objective is to assist the construction process through the creation of a formal agreement between adjacent property owners regarding the nature of the work and its execution.

The Act provides owners of buildings with certain rights and obligations to other owners in relation to party walls and similar structures.

The Act introduces new terminology, such as the following:

- Building Owner - the person who initiates the construction work.
- Adjoining Owner - the person affected by the construction work.
- Party Wall Surveyor - the person appointed to resolve a party wall matter. He may be "agreed" (acting for both parties) or acting for his appointing owners only.
- Formal Notices - these are used to ensure that the procedure does not become protracted, i.e. each notice is to be acted upon within a set timescale.
- Party Wall Award - the formal document that defines the rights and obligations agreed by the party wall surveyor(s) in accordance with the Act.

If your construction project is immediately adjacent to existing buildings, walls and structures, that are not in your ownership, you are now required by law to conform to **The Party Wall Act**. Any excavations within 6m and to a depth below the existing foundations of a neighbouring property come under the Act.

Peters Associates' Role

With experience gained in London and in Yorkshire, PETERS ASSOCIATES (RIPON) LTD are able to offer the professional expertise required to act as your Party Wall Surveyor.

Whilst there are general construction and programme matters to be considered when reaching an agreement under the Act, party walls commonly form part of a building's structure. Any work carried out on, or in the vicinity of the party wall or a boundary wall is therefore likely to have an effect on structure. The role of the party wall surveyor may be fulfilled by professionals from various construction disciplines, but they are often not able to comment upon structural matters.

As structural and civil engineers, PETERS ASSOCIATES (RIPON) LTD provide both the technical expertise and party wall knowledge to reach an agreement under the Act without recourse to other professional advice and further costs.

The Act sets out various formal notices and procedures which must be followed in order to achieve compliance. PETERS ASSOCIATES (RIPON) LTD are conversant with the subtleties of the Act ensuring that your party wall needs are fully met.

Where you find yourself as an Adjoining Owner in receipt of a formal notice from your neighbour, we are also able to act on your behalf so that your rights are protected and that your neighbour complies with his obligations under the Act.

Financial Implications of the Act

As a Building Owner intending to carry out building work, under the Act you are required to obtain your neighbour's agreement to the construction works either by direct consent or by achieving a formal award. The costs associated in reaching an agreement are generally borne by the Building Owner.

Failure to address the issues raised by the Act is an offence and can lead to injunctions being served by the Adjoining Owner with resultant unnecessary delays and cost to your particular construction project.

The Next Step

The Party Wall etc Act is a piece of legislation which must be complied with where applicable to construction projects, and we are aware of the increasing costs in obtaining professional advice for your construction work.

From our experience acting as party wall surveyors, we are able to agree an Award under the Act. We can minimize costs by acting as a party wall surveyor who also possesses the relevant structural engineering expertise fundamental to many party wall matters.

We are also able to act as structural engineers, advising other Party Wall Surveyors in agreeing an Award.

We would be pleased to offer initial advice on how best to proceed in resolving any party wall matter, please do not hesitate to contact us.

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