

Party walls

This checklist highlights the key features of the law that governs work on a party wall. It summarises the steps for existing walls, new walls and excavation works. It also explains the consequences of failing to follow the correct procedures.

What is a party wall?

The most recognisable party wall is a wall that forms part of a building owner's building and stands on a boundary between the building owner's land and the land of an adjoining owner. However, party structures can also include garden walls, vertical or horizontal walls, and floors or ceilings between flats and maisonettes.

The building owner must give notice

The building owner must give notice to all adjoining owners of any planned works. The notice requirements will depend on the type of work that is being undertaken. For example, a notice may be required for excavation works up to six metres from the property's boundary.

	Existing walls	New walls	Excavation
Notice required	2 months.	1 month.	1 month.
Counter-notice	Within 1 month.	N/A	Within 14 days.
Content of counter-notice	Adjoining owner seeks additional works.	N/A	Adjoining owner seeks foundations to be strengthened.
Agreement	Carry out works.	Build wall on boundary.	Begin excavation.
Dispute	Refer to surveyors.	Build the wall on the building owner's land or refer to surveyors.	Refer to surveyors.
Security for expenses	Adjoining owner must serve notice on the building owner if security is required.		

Appoint party wall surveyors	Parties elect to appoint an agreed party wall surveyor, or separate party wall surveyors who then agree on the appointment of a third party wall surveyor.		
A party wall award provides	<ul style="list-style-type: none"> • The right to execute works. • Details of the timing and manner of those works. • Which owner is liable for the costs of the award. If these are shared, in what proportion. • Which owner is liable for the expenses of the works. If these are shared in what proportion. • The amount of security for expenses (if any). 		
Costs of award	The party wall surveyor will decide who is liable for the expenses and seek payment before serving the award on the parties.		
Appeal	Either party may appeal to the court within 14 days of the service of the award.		
Written consent	Written consent is always needed for sinking special foundations on the adjoining owner's land.		
Right of entry	14 days' notice should be given by the building owner to the adjoining owner, except in emergencies.		
Execution of the works	Carry out works diligently within 12 months of the date of the notice.	Build wall on building owner's land unless agreed to build on boundary.	Carry out works diligently within 12 months of the date of the notice.
Serve an account	The building owner must serve an account within 2 months of the completion of the works, if the adjoining owner is liable for part of the expenses.		
Payments	The property in all works remains vested in the building owner until the adjoining owner settles its share of the expenses.		

Consequences of failing to follow the correct statutory procedures

Failure to serve a notice

A building owner will be in breach of the statutory procedure if they:

- Fail to serve a notice.
- Fail to serve the right notice.
- Serve the notice on the wrong recipient.

In most cases a failure to serve notice on an adjoining owner can be resolved by the building owner stopping the work and following the correct procedures. However, where necessary, there are legal remedies that are available to the adjoining owner:

- **Injunction.** If a building owner persistently refuses to follow the correct procedure the adjoining owner may seek an injunction. An injunction is a court order that, if granted, will prohibit the building owner from continuing the building work.
- **Claiming compensation.** In some instances an injunction will not be appropriate (for example, where the building owner's works have already reached completion). In this situation, the adjoining owner may bring court proceedings against the building owner and seek compensation (damages) for their failure to serve a notice.

Failure to appoint a surveyor

If one party will not consent to the appointment of an agreed party wall surveyor, but fails to appoint a party wall surveyor of their own, then the other party can make an appointment on their behalf.

Right of access: refusal to give access

If a person is entitled to carry out work and has given 14 days' notice of the proposed entry, it is an offence for an adjoining owner to:

- Refuse a person access to land to carry out work.
- Obstruct a person from carrying out work.

A building owner and his agents may (with police assistance) break open any fences or doors that prevent the building owner from exercising his right of access to adjoining land to carry out works.

Building owner goes beyond the remit of the party wall surveyor's decision

If a building owner goes beyond the remit of the party wall surveyor's decision and causes loss or damage by carrying out works, the building owner may be sued for damages.