



Party Wall etc. Act 1996

1996 CHAPTER 40

Construction and repair of walls on line of junction

1 New building on line of junction.

- (1) This section shall have effect where lands of different owners adjoin and—
 - (a) are not built on at the line of junction; or
 - (b) are built on at the line of junction only to the extent of a boundary wall (not being a party fence wall or the external wall of a building),and either owner is about to build on any part of the line of junction.
- (2) If a building owner desires to build a party wall or party fence wall on the line of junction he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.
- (3) If, having been served with notice described in subsection (2), an adjoining owner serves on the building owner a notice indicating his consent to the building of a party wall or party fence wall—
 - (a) the wall shall be built half on the land of each of the two owners or in such other position as may be agreed between the two owners; and
 - (b) the expense of building the wall shall be from time to time defrayed by the two owners in such proportion as has regard to the use made or to be made of the wall by each of them and to the cost of labour and materials prevailing at the time when that use is made by each owner respectively.
- (4) If, having been served with notice described in subsection (2), an adjoining owner does not consent under this subsection to the building of a party wall or party fence wall, the building owner may only build the wall—
 - (a) at his own expense; and
 - (b) as an external wall or a fence wall, as the case may be, placed wholly on his own land,

Changes to legislation: There are currently no known outstanding effects for the Party Wall etc. Act 1996, Section 1. (See end of Document for details)

and consent under this subsection is consent by a notice served within the period of fourteen days beginning with the day on which the notice described in subsection (2) is served.

- (5) If the building owner desires to build on the line of junction a wall placed wholly on his own land he shall, at least one month before he intends the building work to start, serve on any adjoining owner a notice which indicates his desire to build and describes the intended wall.
- (6) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall have the right, at any time in the period which—
 - (a) begins one month after the day on which the notice mentioned in the subsection concerned was served, and
 - (b) ends twelve months after that day,
 to place below the level of the land of the adjoining owner such projecting footings and foundations as are necessary for the construction of the wall.
- (7) Where the building owner builds a wall wholly on his own land in accordance with subsection (4) or (5) he shall do so at his own expense and shall compensate any adjoining owner and any adjoining occupier for any damage to his property occasioned by—
 - (a) the building of the wall;
 - (b) the placing of any footings or foundations placed in accordance with subsection (6).
- (8) Where any dispute arises under this section between the building owner and any adjoining owner or occupier it is to be determined in accordance with section 10.

Modifications etc. (not altering text)

- C1** S. 1(2)(5) modified (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. 40, **Sch. 14 para. 17(1)**
- C2** S. 1(2)(5)(6) excluded (24.9.2014) by [The Thames Water Utilities Limited \(Thames Tideway Tunnel\) Order 2014 \(S.I. 2014/2384\)](#), art. 1, **Sch. 19 Pt. 1 para. 6(1)(2)**
- C3** S. 1(2)(5) modified (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 23 para. 2**
- C4** S. 1(2) modified (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 23 para. 2**
- C5** S. 1(5) modified (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 23 para. 2**
- C6** S. 1(6) restricted (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), s. 40, **Sch. 14 para. 17(2)**
- C7** S. 1(6) restricted (23.2.2017) by [High Speed Rail \(London - West Midlands\) Act 2017 \(c. 7\)](#), s. 70(1), **Sch. 23 para. 3**
- C8** S. 1(6) restricted (11.2.2021) by [High Speed Rail \(West Midlands - Crewe\) Act 2021 \(c. 2\)](#), s. 64(1), **Sch. 23 para. 3**

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