



# Party Wall etc. Act 1996

## 1996 CHAPTER 40

### *Expenses*

#### **11 Expenses**

- (1) Except as provided under this section expenses of work under this Act shall be defrayed by the building owner.
- (2) Any dispute as to responsibility for expenses shall be settled as provided in section 10.
- (3) An expense mentioned in section 1(3)(b) shall be defrayed as there mentioned.
- (4) Where work is carried out in exercise of the right mentioned in section 2(2)(a), and the work is necessary on account of defect or want of repair of the structure or wall concerned, the expenses shall be defrayed by the building owner and the adjoining owner in such proportion as has regard to—
  - (a) the use which the owners respectively make or may make of the structure or wall concerned; and
  - (b) responsibility for the defect or want of repair concerned, if more than one owner makes use of the structure or wall concerned.
- (5) Where work is carried out in exercise of the right mentioned in section 2(2)(b) the expenses shall be defrayed by the building owner and the adjoining owner in such proportion as has regard to—
  - (a) the use which the owners respectively make or may make of the structure or wall concerned; and
  - (b) responsibility for the defect or want of repair concerned, if more than one owner makes use of the structure or wall concerned.
- (6) Where the adjoining premises are laid open in exercise of the right mentioned in section 2(2)(e) a fair allowance in respect of disturbance and inconvenience shall be paid by the building owner to the adjoining owner or occupier.
- (7) Where a building owner proposes to reduce the height of a party wall or party fence wall under section 2(2)(m) the adjoining owner may serve a counter notice under section 4 requiring the building owner to maintain the existing height of the wall, and

in such case the adjoining owner shall pay to the building owner a due proportion of the cost of the wall so far as it exceeds—

- (a) two metres in height; or
- (b) the height currently enclosed upon by the building of the adjoining owner.

(8) Where the building owner is required to make good damage under this Act the adjoining owner has a right to require that the expenses of such making good be determined in accordance with section 10 and paid to him in lieu of the carrying out of work to make the damage good.

(9) Where—

- (a) works are carried out, and
- (b) some of the works are carried out at the request of the adjoining owner or in pursuance of a requirement made by him,

he shall defray the expenses of carrying out the works requested or required by him.

(10) Where—

- (a) consent in writing has been given to the construction of special foundations on land of an adjoining owner; and
- (b) the adjoining owner erects any building or structure and its cost is found to be increased by reason of the existence of the said foundations,

the owner of the building to which the said foundations belong shall, on receiving an account with any necessary invoices and other supporting documents within the period of two months beginning with the day of the completion of the work by the adjoining owner, repay to the adjoining owner so much of the cost as is due to the existence of the said foundations.

(11) Where use is subsequently made by the adjoining owner of work carried out solely at the expense of the building owner the adjoining owner shall pay a due proportion of the expenses incurred by the building owner in carrying out that work; and for this purpose he shall be taken to have incurred expenses calculated by reference to what the cost of the work would be if it were carried out at the time when that subsequent use is made.