



# Party Wall etc. Act 1996

## 1996 CHAPTER 40

### *Construction and repair of walls on line of junction*

#### **2 Repair etc. of party wall: rights of owner.**

- (1) This section applies where lands of different owners adjoin and at the line of junction the said lands are built on or a boundary wall, being a party fence wall or the external wall of a building, has been erected.
- (2) A building owner shall have the following rights—
  - (a) to underpin, thicken or raise a party structure, a party fence wall, or an external wall which belongs to the building owner and is built against a party structure or party fence wall;
  - (b) to make good, repair, or demolish and rebuild, a party structure or party fence wall in a case where such work is necessary on account of defect or want of repair of the structure or wall;
  - (c) to demolish a partition which separates buildings belonging to different owners but does not conform with statutory requirements and to build instead a party wall which does so conform;
  - (d) in the case of buildings connected by arches or structures over public ways or over passages belonging to other persons, to demolish the whole or part of such buildings, arches or structures which do not conform with statutory requirements and to rebuild them so that they do so conform;
  - (e) to demolish a party structure which is of insufficient strength or height for the purposes of any intended building of the building owner and to rebuild it of sufficient strength or height for the said purposes (including rebuilding to a lesser height or thickness where the rebuilt structure is of sufficient strength and height for the purposes of any adjoining owner);
  - (f) to cut into a party structure for any purpose (which may be or include the purpose of inserting a damp proof course);
  - (g) to cut away from a party wall, party fence wall, external wall or boundary wall any footing or any projecting chimney breast, jamb or flue, or other projection on or over the land of the building owner in order to erect, raise or underpin any such wall or for any other purpose;

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*Changes to legislation: There are currently no known outstanding effects for the Party Wall etc. Act 1996, Section 2. (See end of Document for details)*

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- (h) to cut away or demolish parts of any wall or building of an adjoining owner overhanging the land of the building owner or overhanging a party wall, to the extent that it is necessary to cut away or demolish the parts to enable a vertical wall to be erected or raised against the wall or building of the adjoining owner;
  - (j) to cut into the wall of an adjoining owner's building in order to insert a flashing or other weather-proofing of a wall erected against that wall;
  - (k) to execute any other necessary works incidental to the connection of a party structure with the premises adjoining it;
  - (l) to raise a party fence wall, or to raise such a wall for use as a party wall, and to demolish a party fence wall and rebuild it as a party fence wall or as a party wall;
  - (m) subject to the provisions of section 11(7), to reduce, or to demolish and rebuild, a party wall or party fence wall to—
    - (i) a height of not less than two metres where the wall is not used by an adjoining owner to any greater extent than a boundary wall; or
    - (ii) a height currently enclosed upon by the building of an adjoining owner;
  - (n) to expose a party wall or party structure hitherto enclosed subject to providing adequate weathering.
- (3) Where work mentioned in paragraph (a) of subsection (2) is not necessary on account of defect or want of repair of the structure or wall concerned, the right falling within that paragraph is exercisable—
- (a) subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and
  - (b) where the work is to a party structure or external wall, subject to carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;
- and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure or external wall.
- (4) The right falling within subsection (2)(e) is exercisable subject to—
- (a) making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations; and
  - (b) carrying any relevant flues and chimney stacks up to such a height and in such materials as may be agreed between the building owner and the adjoining owner concerned or, in the event of dispute, determined in accordance with section 10;
- and relevant flues and chimney stacks are those which belong to an adjoining owner and either form part of or rest on or against the party structure.
- (5) Any right falling within subsection (2)(f), (g) or (h) is exercisable subject to making good all damage occasioned by the work to the adjoining premises or to their internal furnishings and decorations.
- (6) The right falling within subsection (2)(j) is exercisable subject to making good all damage occasioned by the work to the wall of the adjoining owner's building.
- (7) The right falling within subsection (2)(m) is exercisable subject to—
- (a) reconstructing any parapet or replacing an existing parapet with another one; or

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- (b) constructing a parapet where one is needed but did not exist before.
- (8) For the purposes of this section a building or structure which was erected before the day on which this Act was passed shall be deemed to conform with statutory requirements if it conforms with the statutes regulating buildings or structures on the date on which it was erected.

**Modifications etc. (not altering text)**

- C1** S. 2 restricted (22.7.2008) by Crossrail Act 2008 (c. 18), s. 40, **Sch. 14 para. 17(2)**
- C2** S. 2 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(2)**
- C3** S. 2 restricted (23.2.2017) by High Speed Rail (London - West Midlands) Act 2017 (c. 7), s. 70(1), **Sch. 23 para. 3**
- C4** S. 2 restricted (11.2.2021) by High Speed Rail (West Midlands - Crewe) Act 2021 (c. 2), s. 64(1), **Sch. 23 para. 3**

**Changes to legislation:**

There are currently no known outstanding effects for the Party Wall etc. Act 1996, Section 2.