

SCHEDULES

SCHEDULE 23

PARTY WALLS ETC

- 6 (1) Where—
- (a) a building owner (within the meaning of the 1996 Act) serves a notice under section 6(5) of that Act, and
 - (b) the building or structure of the adjoining owner (within the meaning of that Act) referred to in that provision is a building or structure—
 - (i) erected for Phase One purposes, or
 - (ii) situated on land held by the Secretary of State or the nominated undertaker for the purposes of the nominated undertaker's undertaking under this Act,
- section 6 of that Act has effect as if it were subject to the following modifications.
- (2) Those modifications are—
- (a) that subsection (3) is omitted, and
 - (b) the substitution for subsections (6) and (7) of—
 - “(6) The notice referred to in subsection (5) (“the proposals notice”)—
 - (a) shall be accompanied by plans and sections showing—
 - (i) the site and depth of any excavation the building owner proposes to make;
 - (ii) if he proposes to erect a building or structure, its site; and
 - (b) where the notice includes a proposal to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner, shall—
 - (i) include a detailed description of those works; and
 - (ii) specify the building owner's programme for carrying them out.
- (6A) The adjoining owner may serve a notice on the building owner consenting to the proposals notice.
- (6B) Where the proposals include the carrying out of works mentioned in subsection (6)(b), the consent notice served under subsection (6A) must state whether the adjoining owner—
- (a) is to carry out those works himself, or
 - (b) requires the works to be carried out by the building owner.
- (7) If an owner on whom a proposals notice has been served does not serve a consent notice within the period of 14 days beginning with the day on which the proposals notice was served, he shall be

Status: This is the original version (as it was originally enacted).

deemed to have dissented from the notice and a dispute shall be deemed to have arisen between the parties.

- (7A) Works to underpin or otherwise strengthen or safeguard the foundations of the building or structure of the adjoining owner (whether proposed in the proposals notice or otherwise) are to be carried out by the adjoining owner, unless the building owner is required to carry them out—
- (a) by virtue of a requirement within subsection (6B)(b), or
 - (b) where a dispute is deemed to have arisen between the parties in relation to any matter, by a notice served by the adjoining owner on the building owner within the period of 14 days beginning with—
 - (i) the day on which the parties settle the dispute, or
 - (ii) the day on which an award is made under section 10 in relation to the dispute.
- (7B) The works (whether carried out by the adjoining owner or the building owner) are to be carried out—
- (a) at the building owner’s expense, and
 - (b) in accordance with the description and programme agreed by the parties (whether by virtue of a consent notice or in connection with the settlement of any dispute) or determined in accordance with section 10 (in the case of a dispute in relation to which an award is made under that section).”