



# Party Wall etc. Act 1996

## 1996 CHAPTER 40

### *Miscellaneous*

#### **15 Service of notices etc.**

- (1) A notice or other document required or authorised to be served under this Act may be served on a person—
- by delivering it to him in person;
  - by sending it by post to him at his usual or last-known residence or place of business in the United Kingdom; or
  - in the case of a body corporate, by delivering it to the secretary or clerk of the body corporate at its registered or principal office or sending it by post to the secretary or clerk of that body corporate at that office.

[<sup>F1</sup>(1A) A notice or other document required or authorised to be served under this Act may also be served on a person (“the recipient”) by means of an electronic communication, but only if—

- the recipient has stated a willingness to receive the notice or document by means of an electronic communication,
- the statement has not been withdrawn, and
- the notice or document was transmitted to an electronic address specified by the recipient.

(1B) A statement under subsection (1A) may be withdrawn by giving a notice to the person to whom the statement was made.

(1C) For the purposes of subsection (1A)—

“electronic address” includes any number or address used for the purposes of receiving electronic communications;

“electronic communication” means an electronic communication within the meaning of the Electronic Communications Act 2000; and

“specified” means specified in a statement made for the purposes of subsection (1A).]

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

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- (2) In the case of a notice or other document required or authorised to be served under this Act on a person as owner of premises, it may alternatively be served by—
- (a) addressing it “the owner” of the premises (naming them), and
  - (b) delivering it to a person on the premises or, if no person to whom it can be delivered is found there, fixing it to a conspicuous part of the premises.

#### Textual Amendments

- F1** S. 15(1A)-(1C) inserted (6.4.2016) by [The Party Wall etc. Act 1996 \(Electronic Communications\) Order 2016 \(S.I. 2016/335\)](#), arts. 1(1), 2

## 16 Offences.

- (1) If—
- (a) an occupier of land or premises refuses to permit a person to do anything which he is entitled to do with regard to the land or premises under section 8(1) or (5); and
  - (b) the occupier knows or has reasonable cause to believe that the person is so entitled,
- the occupier is guilty of an offence.
- (2) If—
- (a) a person hinders or obstructs a person in attempting to do anything which he is entitled to do with regard to land or premises under section 8(1) or (5); and
  - (b) the first-mentioned person knows or has reasonable cause to believe that the other person is so entitled,
- the first-mentioned person is guilty of an offence.
- (3) A person guilty of an offence under subsection (1) or (2) is liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale.

## 17 Recovery of sums.

Any sum payable in pursuance of this Act (otherwise than by way of fine) shall be recoverable summarily as a civil debt.

## 18 Exception in case of Temples etc.

- (1) This Act shall not apply to land which is situated in inner London and in which there is an interest belonging to—
- (a) the Honourable Society of the Inner Temple,
  - (b) the Honourable Society of the Middle Temple,
  - (c) the Honourable Society of Lincoln’s Inn, or
  - (d) the Honourable Society of Gray’s Inn.
- (2) The reference in subsection (1) to inner London is to Greater London other than the outer London boroughs.

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## 19 The Crown.

- (1) This Act shall apply to land in which there is—
- (a) an interest belonging to Her Majesty in right of the Crown,
  - (b) an interest belonging to a government department, or
  - (c) an interest held in trust for Her Majesty for the purposes of any such department.
- (2) This Act shall apply to—
- (a) land which is vested in, but not occupied by, Her Majesty in right of the Duchy of Lancaster;
  - (b) land which is vested in, but not occupied by, the possessor for the time being of the Duchy of Cornwall.

## 20 Interpretation.

In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them—

“adjoining owner” and “adjoining occupier” respectively mean any owner and any occupier of land, buildings, storeys or rooms adjoining those of the building owner and for the purposes only of section 6 within the distances specified in that section;

“appointing officer” means the person appointed under this Act by the local authority to make such appointments as are required under section 10(8);

“building owner” means an owner of land who is desirous of exercising rights under this Act;

“foundation”, in relation to a wall, means the solid ground or artificially formed support resting on solid ground on which the wall rests;

“owner” includes—

- (a) a person in receipt of, or entitled to receive, the whole or part of the rents or profits of land;
- (b) a person in possession of land, otherwise than as a mortgagee or as a tenant from year to year or for a lesser term or as a tenant at will;
- (c) a purchaser of an interest in land under a contract for purchase or under an agreement for a lease, otherwise than under an agreement for a tenancy from year to year or for a lesser term;

“party fence wall” means a wall (not being part of a building) which stands on lands of different owners and is used or constructed to be used for separating such adjoining lands, but does not include a wall constructed on the land of one owner the artificially formed support of which projects into the land of another owner;

“party structure” means a party wall and also a floor partition or other structure separating buildings or parts of buildings approached solely by separate staircases or separate entrances;

“party wall” means—

- (a) a wall which forms part of a building and stands on lands of different owners to a greater extent than the projection of any artificially formed support on which the wall rests; and
- (b) so much of a wall not being a wall referred to in paragraph (a) above as separates buildings belonging to different owners;

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“special foundations” means foundations in which an assemblage of beams or rods is employed for the purpose of distributing any load; and

“surveyor” means any person not being a party to the matter appointed or selected under section 10 to determine disputes in accordance with the procedures set out in this Act.

## **21 Other statutory provisions.**

- (1) The Secretary of State may by order amend or repeal any provision of a private or local Act passed before or in the same session as this Act, if it appears to him necessary or expedient to do so in consequence of this Act.
- (2) An order under subsection (1) may—
  - (a) contain such savings or transitional provisions as the Secretary of State thinks fit;
  - (b) make different provision for different purposes.
- (3) The power to make an order under subsection (1) shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

**Changes to legislation:**

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