

THE SERVICE OF PARTY WALL NOTICES

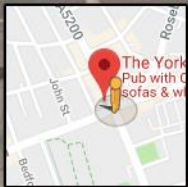
Tom Weekes QC
Landmark Chambers

124 A5200

London, England

Google, Inc.

Street View - Feb 2018



Google

Section 15 of the Party Wall etc. Act 1996:



“(1) A notice or other document required or authorised to be served under this Act may be served on a person –

- a) by delivering it to him in person;
- b) by sending it by post to him at his usual or last-known residence or place or business in the United Kingdom; or
- c) 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.

Section 15 of the Party Wall etc. Act 1996:



- (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.”

Section 3(1):

- “Before exercising any right conferred on him by section 2 a building owner shall serve on any adjoining owner [a “party structure notice”].”

Schofield

CHARTERED BUILDING SURVEYORS

- Goulandris v Knight [2018] 1 WLR 3345.



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Section 8 of the Electronic Communications Act 2000 allows the Minister to modify legislation:



“...for the purpose of authorising or facilitating the use of electronic communications.”

Article 2(1) of the Party Wall etc Act 1996 (Electronic Communications) Order 2016 (SI 2016/335):



Subsection (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:

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- b) the statement has not been withdrawn, and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

Department for Communities and Local Government's The Party Wall etc. Act 1996 (Electronic Communications) Order 2015: Final Impact Assessment:



“...currently the Act does not allow for notices to be served electronically; they can only be delivered in person or by post.”