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as at 12 November 2018

Public Authorities (Party Wall) Empowering Act 1919

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An Act to empower public authorities having leasing powers to enter into party wall agreements

1 Short Title

This Act may be cited as the Public Authorities (Party Wall) Empowering Act 1919.

2 Interpretation

In this Act, if not inconsistent with the context,—

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint. See the notes at the end of this reprint for further details.

This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

public authority means and includes His Majesty (in respect of any lands vested in His Majesty), and any leasing authority as defined by the Public Bodies Leases Act 1969, and any incorporated public or local body upon which powers of granting leases of land are conferred by statute

wall means a wall (other than a wall constructed wholly of wood) which, with respect to any line forming the boundary of land vested in fee in a public authority or any line forming the boundary between sectional subdivisions of such land, stands, or is intended to be erected so as to stand,—

(a) so that the middle line of such wall coincides with such boundary line; or

(b) so that any part of such wall stands on one side of such boundary line and another part of such wall on the other side of such boundary line; or

(c) so that the outer line of such wall coincides with such boundary line, if the wall is so constructed as to provide support for a wall erected or which may be erected immediately adjacent to but on the other side of such line:

party wall means a wall which has been erected or is proposed to be erected in accordance with an agreement in writing of persons having any estate or interest in the lands separated by the boundary line.

Section 2 **public authority**: amended, on 1 January 1970, pursuant to section 28(1)(a) of the Public Bodies Leases Act 1969 (1969 No 141).

3 Power of public authorities to enter into party wall agreements

(1) A public authority may—

(a) enter into or join in and become bound in respect of its freehold estate by any agreement duly executed or confirmed by it relating to a party wall or the erection or maintenance thereof, and may from time to time in like manner vary any such agreement; and

(b) out of its revenues contribute to the erection, maintenance, or renewal of a party wall; and

(c) grant such easements or rights in, over, and upon the strips of land upon which a party wall stands, or is intended to stand, as to the public authority seems necessary or expedient.

(2) Every agreement under this section may be registered under the Deeds Registration Act 1908 or the Land Transfer Act 2017, as the case may be.

Section 3(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

4 Leases subject to party wall agreements

(1) Every lease granted by a public authority of lands any part whereof is subject to a party wall agreement entered into or confirmed by such public authority shall be read subject to such agreement, and the estate or interest of the lessee

in the lands shall be limited by such agreement and by the grant of any easement or right in respect of the party wall.

(2) This section applies to leases heretofore granted by a public authority in all cases where the lessee has been an original party to or has confirmed the party wall agreement.

5 Rights of renewal subject to party wall agreements

(1) Every right of renewal conferred upon any lessee in respect of any lease, whether heretofore granted or hereafter to be granted by a public authority, shall be subject to any party wall agreement executed or confirmed by the public authority, whether the lessee exercising the right of renewal has or has not been a party to or confirmed the party wall agreement; and every lease granted from time to time by a public authority in pursuance of any such right of renewal shall be subject to, and the tenant shall be required to comply with, the terms of the party wall agreement.

(2) **Right of renewal** in this section means any provision, statutory or otherwise, conferring upon a tenant of a public authority a right, absolute or limited, either to a grant of a further term of years in the demised lands or to compensation for improvements, or imposing upon the public authority the duty to submit to competition, by auction or tender, the grant of a new term of years in the demised premises, with any provisions as to improvements or otherwise in favour of the tenant under an expiring or expired lease.

Reprint notes

1 General

This is a reprint of the Public Authorities (Party Wall) Empowering Act 1919 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 About this reprint

This reprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 Amendments incorporated in this reprint

Land Transfer Act 2017 (2017 No 30): section 250

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