

The Faculty of Party Wall Surveyors



FPWS



CODE OF CONDUCT

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Published 1 February 2024

Introduction

This Code of Conduct for Members of the Faculty of Party Wall Surveyors is made pursuant to Bye-Law 4.9.4.

This Code of Conduct shall apply to all conduct after the date of adoption of this Code on the 1st of February 2024 and is not retrospective. Conduct prior to the 1st of February 2024 shall be governed by previous Code of Conducts dated 12 August 2020 and July 2017.

The purpose of this Code of Conduct is to:

- (i) set out the standards of professional and ethical conduct and practice expected from Members of the Faculty in order to maintain public confidence in the profession; and
- (ii) enforce compliance with the Bye-laws and Regulations of the Faculty.

Failure to comply with this Code of Conduct may render a member liable to disciplinary action by the Faculty's Professional Standards Department and in accordance with Bye-Law 4.9.

The Faculty also publishes Guidance on the Code of Conduct. Members are expected to have regard to the Guidance. Failure to follow either the spirit or the letter of the Guidance is a factor that may be considered in any disciplinary proceedings for breach of this Code of Conduct.

Rules 1, 2, 6 and 7 of this Code of Conduct, the overarching provision, applies to all members at all times, including retired members who chose to use the postnominals "RetMFPWS" or "RetFFPWS".

All other Rules of this Code of Conduct shall apply to all members at any time when they are acting, or purporting to act, in connection with any matter pertaining to the Party Wall etc. Act 1996 ("the Act") and/or their appointment or selection as a surveyor under section 10 of the Act.

Save for Rules 1, 2, 6 and 7 this Code of Conduct does not apply to any member's other areas of professional practice outside of party wall work as mentioned above.

Interpretation:

‘Act’: means the Party Wall etc. Act 1996.

‘Member’: means all Members and Fellows of the Faculty, and for the avoidance of doubt includes Honorary Members, Honorary Fellows, Associates, Affiliates, Students and retired members of the Faculty where appropriate.

‘Faculty’’: means The Faculty of Party Wall Surveyors.

CODE OF CONDUCT Rule 1: Overarching Provision

Members shall conduct themselves at all times in a manner that befits their professional status and membership of the Faculty, and shall not engage in behaviour that may reasonably be regarded as prejudicial to the interests of the Faculty or its other members or which might tend to bring the name of the Faculty into disrepute.

CODE OF CONDUCT Rule 2: Compliance with Faculty Rules

Members shall comply with all Bye-Laws and published Guidance of the Faculty, where applicable.

CODE OF CONDUCT Rule 3: Ethical Behaviour

- (1) Members shall act with honesty and integrity and shall avoid, so far as is reasonably possible, conflicts of interest at all times.
- (2) In carrying out their statutory functions under section 10 of the Act, Members shall act impartially and shall not undertake and charge for work that is not reasonably necessary for the resolution of the parties’ disputes.
- (3) Members shall, at all times, respect and maintain all owners’ and occupiers’ confidentiality and privacy as necessary, and insofar as is practically possible.

CODE OF CONDUCT Rule 4: Competence

- (1) Members shall carry out their work with due skill, care and diligence and with proper regard for the professional and technical standards expected of them as competent party wall surveyors.
- (2) Members must only undertake professional work in respect of which they are competent.

CODE OF CONDUCT Rule 5: Service Standards

- (1) Members shall undertake their professional work fairly, with courtesy and respect, with proper regard for the standards of service expected of them, and in a timely manner.
- (2) When undertaking their functions under the Act members shall work with other surveyors in a spirit of impartial collaboration to promote the purposes of the Act and the resolution of disputes under it.
- (3) Members shall, where appropriate, promptly discharge any invoice from a creditor instructed by the member in relation to party wall work.

CODE OF CONDUCT Rule 6: Notification

Members shall, within 28 days of a final determination, notify the Faculty:

- (1) if convicted of a relevant criminal offence;
- (2) of any complaint or disciplinary action relating to their professional activities;
- (3) if they become bankrupt;
- (4) if they or their company enter into insolvency proceedings;
- (5) if they are disqualified as a company director or charity trustee; or
- (6) if they become the subject of any court or tribunal judgment against them, either individually or against any company of which they are a director.

CODE OF CONDUCT Rule 7: Co-operation

Members shall, in a timely fashion:

- (1) fully co-operate with any servant, agent or employee of the Faculty;
- (2) respond to any reasonable enquiry made by or on behalf of the Faculty;
- (3) provide any information or documentation reasonably requested in the manner and form requested and
- (4) Pay annual subscriptions and any other sums due to the Faculty promptly upon demand.

CODE OF CONDUCT Rule 8: Continuing Professional Development

All Members (excepting Honorary Members and retired members) shall ensure that they keep their knowledge of party wall law, procedure and best practice up to date and shall undertake continuing professional development (“CPD”) in accordance with the Faculty’s requirements.

Last updated: 1 February 2024