



From mountain to sea

# Empty Homes/ Responsibility to Maintain



Everyone is legally responsible to ensure that there is no harm caused to others as a result of what they do (or fail to do). This extends to things that a person has control over - such as a property. This is the Scottish Law of Delict. So, where someone has suffered a loss due to another person's negligence then the negligent person may have to compensate that person for their injury or damage.

This duty of care extends to you as a property owner, so if, for example, part of a building that you own collapses and injures a person or their property, then if it can be proved this was due to your negligence, you could be held legally responsible to compensate that person for their losses.

Please remember that ultimately it is your responsibility to take reasonable care to avoid doing something – or not doing something – which you can reasonably foresee are likely to injure someone. The consequences of not doing so could be tragic - and costly

If you have any queries about your legal obligations and rights relating to your property, you should consult your solicitor. If you don't have one please refer to the information below about how to access independent legal and financial advice.

## **How to access Independent Legal and Financial Advice**

### **Summary**

This guide outlines some of the sources of independent financial and legal advice for owners and potential purchasers of empty homes. This leaflet aims to advise on where information can be found.

### **Law Society of Scotland**

Information on finding a solicitor who can help with property matters can be found at The Law Society of Scotland. The society's website states "You don't need to find yourself in a court case to be involved with the law. It's something that we all need to navigate from time to time, whether we're buying or selling a home, setting up a new business or making a will. Fortunately there are expert guides on hand to put you in the picture". The link to the website is <http://www.lawscot.org.uk/for-the-public/>

### **Citizens Advice Bureau**

The Citizens Advice Bureau help people resolve their legal, money and other problems by providing free, independent and confidential advice. Whilst they cannot provide extensive legal advice on property matters, they can signpost people on to providers who can assist. For general information, or to find out where the local office is, look online at <https://www.citizensadvice.org.uk/scotland/>

### **Scottish Legal Aid Board**

Many property matters are not eligible for Legal Aid, however, if there are civil matters involved they may qualify for Legal Aid. The website is: <http://www.slab.org.uk/>

### **Inherited property**

If an owner has acquired a property through inheritance, and they are the executor of the estate, they may need to apply for Confirmation of the Estate by applying to the Sheriff Court. There is information online about the process at <https://bereavementadvice.org/topics/probate-and-legal/%20confirmation-in-scotland>

### **Money Advice Scotland**

Money Advice Scotland is the national umbrella organisation which promotes the development of free, independent, impartial and confidential debt advice. To find an advisor go online at <http://www.moneyadvicescotland.org.uk/>

### **Credit Unions**

The Scottish League of Credit Unions website details the contact details of the various Unions throughout Scotland. The link is: <https://www.scottishcu.org/our-credit-unions>  
Other areas have Credit Unions and you will need to search the web for the relevant organisation.

### **Legal terms**

A Glossary and definition of Scottish Land Law Terms is available online at <http://www.lawscot.org.uk/for-the-public/>

✉ **Contact Aberdeenshire Council if you have an empty home and would like further advice:** [emptyhomes@aberdeenshire.gov.uk](mailto:emptyhomes@aberdeenshire.gov.uk)

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