



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 described in Scots Law as Delict (otherwise known in England and other jurisdictions as the Law of Tort). Where someone has suffered a loss due to another person's action or negligence, the negligent person may have to compensate the injured person for loss/harm suffered.

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

Please remember that ultimately it is your responsibility to take reasonable care. You should avoid any action or omission from which injury to others is likely or reasonably foreseeable. The consequences of not doing so could be tragic - and costly.

Inherited property

Liability for injury/damage may rest with whoever has control of the building in the absence of clear ownership. This could include simply the estate of a deceased owner and/or an “uninfert” proprietor (where ownership will/should pass but has not yet been formally completed).

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

[Bereavement Advice - Probate and Legal - Confirmation in Scotland](#)

How to access independent legal advice

If you have any queries about your legal obligations and rights relating to your empty property, you should consult your solicitor. If you don't have one, please refer to the information below which outlines some sources of independent legal advice.

The 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 [For the public | Law Society of Scotland \(lawscot.org.uk\)](http://lawscot.org.uk)

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 [Citizens Advice 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: [Scottish Legal Aid Board \(slab.org.uk\)](http://slab.org.uk)

How to access independent financial advice

Maintaining an empty property can be expensive. Below are some sources of information regarding financial advice.

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 [Money Advice Scotland](#)

Credit Unions

A credit union is a financial co-operative which provides savings, loans and a range of services to its members. It is owned and controlled by the members.

Find Your Credit Union is a website which explains more about what credit unions are and helps you find one in your area, and which suits you: [Find Your Credit Union](#)

The Scottish League of Credit Unions is another site which details the contact details of the various Unions throughout Scotland [Scottish League of Credit Unions \(slcu.coop\)](#)

Other areas have Credit Unions, and you will need to search the web for the relevant organisation.

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

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