Statutory Nuisance Flowchart

- The bank may be held as responsible where the property is being

- Where an owner has died, there may be no one to serve the notice on and you may need to appeal to the Sheriff

- Even if the nuisance has abated, if it is likely to reoccur the LA should be able to issue an abatement order to ensure it doesn't happen again

Court to get the LA to act

repossessed

Start Report the nuisance The Local Authority is in breach of their to the Local Authority. obligations under Part 79 (1) of the Do they investigate? Environmental Protection Act 1990 to investigate complaints Yes Not every ill-effect of an empty home will Gather evidence of the issue over time; Do the LA find the photos, receipts, calls and letters sent, be considered a nuisance. Do you have issue to be a No evidence of the impact the issues are neighbour statements. Build a case and statutory nuisance? keep environmental health informed. having (monetary cost or other impact) Report the issue to Environmental Health again when you have more evidence. Yes Yes You can appeal the LA's decision and - Some issues will be a matter Do the LA know who request they rectify the issue instead of Other for the police; insecure buildings, the owner of the the owner by appealing to the Sheriff Court under section 82 of the Act . options trespassing, vandalism. property is? Reporting these issues to the police can help bolster your case that a statutory nuisance exists - Smoke should always be Further reported to the fire service, and a info smell of gas should be reported to the Gas Emergency Service - Keeping a record of any issues The LA should - Notice must be served on a LA that with dates, times and pictures if issue an you intend to take them to Sheriff possible can help to document abatement notice Court to appeal their decision issues even before a statutory on the person nuisance is present - This is usually required 21 days in responsible for the advance but can be as few as three in nuisance (likely the some circumstances owner). If this is not complied with, - Notice must be served in writing the owner will have - The Local Authority have a right to be committed an heard at the Sheriff Court, but if the offence and can be nuisance is found to exist the court can require them to fix it and then recoup the costs from the responsible person themselves Further info - Owners are usually the responsible



partnership