

# Spanish Legal Department



# Services

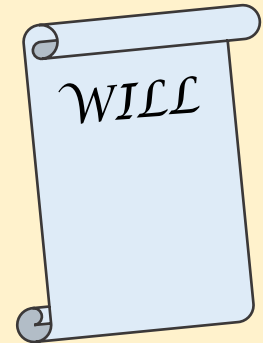
Although property transactions are the main source of work undertaken by the firm's Spanish legal team, assistance and legal representation is also provided in relation to:-

- Civil and Commercial Litigation
- Incorporation of Spanish Companies
- Wills and Advice on inheritance
- Buying and Selling of real property
- Residency and Tax Matters
- Rental Agreements
- Personal Injury



# Wills & Inheritance Tax

It is advisable for foreign nationals owning property in Spain to make a Spanish Will to dispose of their Spanish assets. This will simplify legal formalities in Spain for the beneficiaries and ensure that the assets are distributed in accordance with the testator's wishes. A Will can be provided both in Spanish and in the language of the testator. It is executed in the presence of a Notary and subsequently registered at the Central Will Registry in Madrid.



Inheritance tax is payable under Spanish law and there are six different tax bands applicable to the various beneficiaries of an estate depending on the relationship held between the deceased and the beneficiaries. Those beneficiaries who are not related to the deceased are penalised under the succession laws by applying multipliers to the tax rate applicable.

# Personal Injury

You may suffer a personal injury in a variety of circumstances and may need to consider the consequences and implications in Spanish Law. The most common cause is a traffic accident but falls in public places, medical negligence and assaults are also matters for consideration.

According to statistics published by the relevant traffic authorities many traffic accidents occur every year on Spanish roads.

Our Spanish legal department provides clients with a full legal service in relation to claims against insurance companies, public and private clinics and individuals. We have wide experience dealing with insurance companies and with doctors in order to obtain medical reports and successful awards.

# Purchasing a Property

Upon reaching an agreement to purchase a property, a deposit of 10% of the purchase price is usually paid as part of an initial agreement which must contain essential information related to the transaction to include a provision on entitlement to a refund of the deposit should the terms of the subsequent purchase agreement not be approved and accepted by the purchaser.

Completion of the purchase takes place at the Notary's office when the title deed (Escritura) is issued. The costs involved relate to the following :-

- Andalucía: Transfer tax is 6%-10% in relation to resale properties and dependant on the value of the property
- Notarial and Land Registry fees based on a professional sliding scale dependent on the price of the property
- Legal fees



# Rentals in Spain

It is advisable to ensure that the terms of the intended rental agreement are valid and enforceable according to the Spanish law applicable and that one is able to rely on it if it has to be tested in a Court of Law.

A contract should ensure that it creates no misunderstandings with regards to the obligation of either party to pay the taxes and dues attached to the property (e.g. supplies of electricity & water, telephone, annual real estate tax & service charges) and it should also establish all the guarantees afforded by law.

In the event of non-payment of rent, possession of the property by the Landlord could only be obtained pursuant to a Court Order following successful court proceedings.

A prospective Tenant should ensure that the person who is letting the property has good title to it. For such purpose the lawyer should undertake the relevant title search at the Land Registry in Spain. The lawyer should confirm that all covenants contained in the rental agreement are according to law. The rental agreement should be in Spanish or in bilingual double columns.

# Contact Us

Attias & Levy is one of the leading law firms in Gibraltar. We have a dedicated Spanish legal team who attend to your every need and ensure that all transactions are carried out quickly, efficiently and effectively.

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