



Airdrie-Bathgate Railway and Linked Improvements Act 2007

2007 asp 19

PART 2

LAND

Compensation

22 Disregard of certain interests and improvements

- (1) In assessing any compensation payable on the acquisition from any person of any land under this Act, the tribunal shall not take into account—
- (a) any interest in land; or
 - (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land, if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.
- (2) In subsection (1) “relevant land” means—
- (a) the land acquired from the person concerned; or
 - (b) any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made, directly or indirectly concerned.

23 Set-off of betterment against compensation

- (1) In determining the amount of compensation or purchase money payable to any person in respect of an interest in land acquired under this Act in a case where—
- (a) the person has an interest in any other land contiguous with or adjacent to the land so acquired; and
 - (b) the value of the person’s interest in any such contiguous or adjacent land is enhanced by reason of the works authorised by this Act or any of them,

the amount of the enhancement in value shall be set off against the compensation or purchase money.

- (2) For the purposes of this section any reduction in expenditure that would have been required in order to comply with an obligation under any enactment with respect to any land is to be treated as an enhancement in the value of an interest in the land.

24 Application of legislation relating to certificates of appropriate alternative development

Section 30(2)(a) of the 1963 Act (which defines the circumstances in which an interest in land is to be taken as an interest to be acquired by an authority possessing compulsory purchase powers) shall have effect in relation to any compulsory purchase authorised by this Act as if for the words “either House of Parliament relating to petitions for private bills” there were substituted the words “the Scottish Parliament”.

25 No double recovery

Compensation shall not be payable in respect of the same matter both under this Act and under any other enactment, any contract or any rule of law.