



# Forth Crossing Act 2011

## 2011 asp 2

### PART 6

#### COMPENSATION

#### 54 Compensation: entering and using land temporarily

- (1) A person with an interest in land is entitled to compensation from Ministers for any loss, or any disturbance in that person's enjoyment of such land, arising as a result of—
  - (a) Ministers entering land under section 37 or 38,
  - (b) Ministers taking action under section 41 in pursuance of such entry, or
  - (c) the operation of section 37(3) or 46 in relation to that land.
- (2) Any dispute about—
  - (a) a person's entitlement to compensation, or
  - (b) the amount of the compensation,is to be determined by the Lands Tribunal.
- (3) Such a dispute is, where temporary possession of land is taken under section 37, to be determined in accordance with the 1963 Act as if it were a question of disputed compensation for the compulsory acquisition of land (and sections 8, 9, 11 and 12 of the 1963 Act accordingly have effect in relation to such a dispute so far as applicable and subject to any necessary modifications).
- (4) In assessing such compensation, account must be taken of—
  - (a) the fact that entry is taken for a temporary period only, and
  - (b) whether any action taken under section 41 will have a permanent or temporary effect.
- (5) Any compensation payable under this section does not affect liability to pay compensation for loss arising from the Forth Crossing works under—
  - (a) section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 (c.33) (as incorporated by section 21), or
  - (b) any other enactment,

but compensation is not payable for the same matter under this section and that other enactment.