

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.

Changes to legislation: There are currently no known outstanding effects for the Forth Crossing Act 2011, Section 54. (See end of Document for details)

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Commencement Information

II [S. 54](#) in force at 3.2.2011 by [S.S.I. 2011/38](#), art. 2, **Sch.**

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