



Waverley Railway (Scotland) Act 2006

2006 asp 13

PART 2

LAND

Compensation

18 Disregard of certain interests and improvements

- (1) In assessing the compensation (if any) 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) above “relevant land” means the land acquired from the person concerned or 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.

19 Set-off of betterment against compensation

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.

Status: This is the original version (as it was originally enacted).

20 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.