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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 199**

**The Transport and Works (Scotland) Act 2007  
(Access to Land on Application) Order 2008**

**Compensation**

**11.**—(1) Where in the exercise of the power of entry of an applicant—

- (a) damage is caused to land or corporeal moveables; and
- (b) that damage has not been made good by the applicant,

any person having an interest in the land or moveables may recover compensation in respect of that damage from that applicant.

(2) Where in consequence of the exercise of the power of entry of an applicant any person is disturbed in their enjoyment of land or corporeal moveables, that person may recover compensation from that applicant in respect of the disturbance.

(3) Any dispute as to the amount of any compensation payable by virtue of this article shall be referred to and determined by the Lands Tribunal for Scotland.

(4) Sections 9 and 11 of the Land Compensation (Scotland) Act 1963 (procedure on reference to the Lands Tribunal and expenses)<sup>(1)</sup> shall apply in relation to the determination of any such dispute as if—

- (a) the reference in section 9(1) of that Act to section 8 of that Act was a reference to paragraph (3);
- (b) in section 9(3) of that Act the words from “except that” to the end were omitted; and
- (c) references in section 11 of that Act to the acquiring authority were references to the applicant.

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(1) 1963 c. 51; section 9 was amended by the Local Government, Planning and Land Act 1980 (c. 65), Schedule 33, paragraph 7(2).