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SCOTTISH STATUTORY INSTRUMENTS

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**2010 No. 188**

**The Network Rail (Waverley Steps) Order 2010**

**PART 3**

**ACQUISITION AND POSSESSION OF LAND**

*Compensation*

**Disregard of certain interests and improvements**

**20.**—(1) In assessing any compensation payable to any person under this Order in respect of land (including any servitude, right or obligation such as is referred to in article 15, 16 or 17) or the use of land, 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 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 alteration was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) “relevant land” means—

- (a) the land or other thing acquired from the person concerned;
- (b) the land of which temporary possession has been taken from the person concerned; or
- (c) any other land with which that person is, or was at the time when the building was erected, the works executed or the alteration made, directly or indirectly concerned.

**Set-off of betterment against compensation**

**21.**—(1) In determining the amount of compensation or purchase money payable to any person in respect of an interest in land acquired under this Order 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 Order 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 article 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 the interest in the land.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**No double recovery**

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