

These notes relate to the Forth Crossing Act 2011 (asp 2) which received Royal Assent on 20 January 2011

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Compensation

Section 49 – Matters to be ignored when assessing compensation

168. This section addresses the situation where a land owner does something with the deliberate purpose of seeking to obtain compensation or increased compensation. This principle has been put in statutory form by paragraph 7 of Schedule 2 to the Acquisition of [Land \(Authorisation Procedure\) \(Scotland\) Act 1947 \(c.42\)](#) and applies to the compulsory acquisition of roads under the Roads (Scotland) Act 1984. A provision is required under the Act so that this principle is consistently applied. Accordingly, under subsection (1) the Lands Tribunal for Scotland, when making any determination on compensation, must not take into account either the creation of an interest in land or any land value enhancement if they are satisfied that the purpose of that interest or enhancement was to obtain compensation or increased compensation. These provisions are precedented.¹
169. Subsection (2) provides a definition of “land value enhancement”.

¹ See section 22 of the [Edinburgh Airport Rail Link Act 2007 \(asp 16\)](#) and section 17 of the [Glasgow Airport Rail Link 2007 \(asp 1\)](#).