

FORTH CROSSING ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Compensation

Section 54 – Compensation: entering and using land temporarily

182. This section also reaffirms the general principle of compensation for interests being affected in circumstances where a person with an interest in land suffers loss or disturbance as a consequence of the Scottish Ministers entering or using land temporarily. Subsection (1) provides for compensation to be payable where entry is taken to land under **sections 37 or 38**; where, having taken such entry, Ministers use the land in terms of **section 41**; or where leases are extinguished (**section 37(3)**) or rights or burdens are suspended during such entry (**section 46**).
183. Subsections (2) and (3) make provision as to how a dispute regarding compensation is to be determined and subsection (4) sets out what factors are to be taken into account in assessing compensation.
184. Subsection (5) ensures that compensation payable under **section 54** does not preclude compensation being paid for loss or damage arising as a result of the Forth Crossing works under section 6 of the 1845 Railways Act or any other enactment as long as a person is not compensated for the same thing twice.