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STATUTORY INSTRUMENTS

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**2022 No. 1067**

The Network Rail (Huddersfield to Westtown  
(Dewsbury) Improvements) Order 2022

PART 3

ACQUISITION AND POSSESSION OF LAND

*Powers of acquisition*

*Compensation*

**Set-off for enhancement in value of retained land**

**38.**—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal must set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised works.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil), or the imposition of restrictive or other covenants, under this Order, the tribunal must set off against the value of the rights so acquired or restrictive or other covenants imposed—

- (a) any increase in the value of the land over which the new rights are required or restrictive or other covenants are imposed; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised works.

(3) The 1961 Act has effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.