**The Pointe Gourde rule and its effect on expropriation for economic development**

In expropriation cases, the compensation question often occupies centre stage, and the way it is resolved largely influences the perceived legitimacy of the interference. In case the expropriation order itself, or the development project it forms part of, affects the value of the taken land, the question of compensation becomes particularly tricky. Many jurisdictions employ so-called ``elimination rules’’ in such cases, to ensure that changes in value due to the expropriation scheme are disregarded. The policy reasons, consequences, and concrete applications of such rules all depend heavily on the context of interference. In this paper, I consider UK and Norwegian law, and I focus particularly on situations when the expropriating party stands to gain commercially from the acquisition. The policy reasons for elimination rules become less clear in such situations, and it has been argued that mechanisms for benefit sharing should be used instead. For a concrete example of such a mechanism, I look to recent case law on expropriation for commercial hydropower in Norway, developed by the district ``appraisal courts’’, special judicial bodies that rely largely on the discretion of lay people. I discuss how the Norwegian Supreme Court has partly confirmed and partly rejected the new approach. In particular, I note how they have applied an elimination rule similar to what is known as the ``Pointe Gourde’’ rule in common law, to reject benefit sharing for some case types that the appraisal courts have judged differently. I analyse these developments against the recent debate on the Pointe Gourde rule in the UK, arguing that the rule is often inappropriate when expropriation benefits a commercial scheme.