



# Channel Tunnel Act 1987

## 1987 CHAPTER 53

### PART III

#### STATUS, OPERATION AND REGULATION OF THE TUNNEL SYSTEM

##### *Intergovernmental supervision of construction and operation*

#### **17 Supervision by Intergovernmental Commission and Safety Authority.**

- (1) Any person authorised by a supervisory body to exercise the powers under this section for the purpose of the performance by that body of any of their functions under the Treaty (referred to below in this section as an authorised person) shall have the powers conferred by subsection (3) below, subject to any conditions or limitations in the instrument by which he is so authorised.
- (2) An authorised person shall, if so required when exercising or seeking to exercise any of the powers conferred by subsection (3) below, produce his instrument of authority or a duly authenticated copy of it.
- (3) The powers of an authorised person under this subsection are the following—
  - (a) at any reasonable time (or, in a situation which in his opinion is or may be dangerous, at any time) to enter the tunnel system or any premises, place or vehicle in the tunnel system for the purpose of carrying out any inspection, examination or investigation with respect to any matter concerning the construction or operation of that system;
  - (b) to take in connection with any such inspection, examination or investigation samples of any articles or substances found in any premises, place or vehicle in the tunnel system and of the atmosphere in or in the vicinity of any such premises, place or vehicle;
  - (c) in the case of any article or substance which is so found and which appears to him to have caused or be likely to cause danger to health or safety, to cause it to be dismantled or subjected to any process or test (but not so as to damage or destroy it unless this is in the circumstances necessary for the performance

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**Changes to legislation:** *There are currently no known outstanding effects for the Channel Tunnel Act 1987.*  
*Cross Heading: Intergovernmental supervision of construction and operation. (See end of Document for details)*

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- of any function under the Treaty of the supervisory body by whom he is authorised);
- (d) in the case of any such article or substance, to take possession of it and detain it for so long as is necessary for all or any of the following purposes—
- (i) to examine it and to do anything which he has the power to do under paragraph (c) above;
  - (ii) to ensure that it is not tampered with before his examination of it is completed;
  - (iii) to ensure that it is available for use as evidence in any legal proceedings;
- (e) to require any person whom he has reasonable cause to believe to be able to give any information relevant to any inspection, examination or investigation with respect to any matter concerning the construction or operation of the tunnel system to answer such questions as the authorised person thinks fit to ask;
- (f) to require the production of, inspect and take copies of any entry in, any books or documents which it is necessary for him to see for the purposes of any such inspection, examination or investigation; and
- (g) to require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as are necessary to enable the authorised person to exercise any of the powers conferred on him by this section.
- (4) Without prejudice to subsection (3)(g) above, it shall be the duty of the Concessionaires or, where the Concessionaires for the time being are two or more persons, of each of them, and of their servants and agents, to afford to an authorised person such facilities and assistance as are necessary to enable him to exercise any of those powers.
- (5) For the purpose of the performance of any of their functions under the Treaty, a supervisory body may give directions to any person with respect to any matter concerning the construction or operation of the tunnel system.
- (6) Directions given by a supervisory body under subsection (5) above shall be given in writing.
- (7) It is an offence for any person, without reasonable excuse—
- (a) to refuse or fail to comply with a requirement made by an authorised person under this section;
  - (b) to refuse or fail to afford to an authorised person any facilities or assistance that person is required to afford to the authorised person under subsection (4) above; or
  - (c) to refuse or fail to comply with a direction given by a supervisory body under subsection (5) above.
- (8) It is an offence for any person intentionally to obstruct an authorised person in the exercise of his powers under this section.
- (9) A person who commits an offence under this section shall be liable on summary conviction to a fine not exceeding the statutory maximum or, on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.

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- (10) Proceedings for an offence under this section shall not be brought in England and Wales except by or with the consent of the Director of Public Prosecutions or in Northern Ireland except by or with the consent of the Director of Public Prosecutions for Northern Ireland.
- (11) References in this section to a supervisory body are references to the Intergovernmental Commission or the Safety Authority; but in relation to the powers of the Safety Authority and a person authorised by that authority references in this section to matters concerning the construction or operation of the tunnel system shall be read as limited to such matters so far as they affect health or safety.

## **18 Intergovernmental Commission and Safety Authority: supplementary.**

- (1) For the purposes of all legal proceedings—
- (a) any instrument of authority, direction or certificate purporting to be issued by the Intergovernmental Commission or by the Safety Authority; and
  - (b) any other thing purporting to be done by or on behalf of that Commission or Authority;
- shall be taken as having been so issued or done without proof that the instrument, direction, certificate or other thing was validly issued or done in accordance with the Treaty or any procedure adopted by that Commission or Authority in pursuance of the Treaty.
- (2) For the purposes of all legal proceedings, anything purporting to be done on behalf of that Commission or Authority by a person authorised to do it by that Commission or Authority shall be taken as having been so done without proof of the authorisation of the person by whom it purports to be done.
- (3) Evidence of any direction or certificate issued by the Intergovernmental Commission or by the Safety Authority may be given in any legal proceedings by production of a copy—
- (a) which purports to be a copy of a direction or certificate so issued; and
  - (b) on which is endorsed a statement purporting to be signed by a person authorised to do so by that Commission or Authority that it is a copy of a direction or certificate so issued and that the copy is a true copy of that direction or certificate.
- (4) Any such statement, and any other document purporting to be signed by a person authorised to do so by that Commission or Authority, shall be taken for the purposes of all legal proceedings as having been signed by the person purporting to sign it without proof of that person's handwriting.
- (5) Any legal proceedings may be brought by and against that Commission or Authority under the name by which it was established by the Treaty.

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