
STATUTORY INSTRUMENTS

1993 No. 1813

The Channel Tunnel (International Arrangements) Order 1993

Citation and commencement

1. This Order may be cited as the Channel Tunnel (International Arrangements) Order 1993 and shall come into force on the date on which the Protocol between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic Concerning Frontier Controls and Policing, Co-operation in Criminal Justice, Public Safety and Mutual Assistance Relating to the Channel Fixed Link enters into force. That date will be notified in the London, Edinburgh and Belfast Gazettes.

Interpretation

2.—(1) In this Order, except for the purpose of construing the international articles, and in any enactment as applied by it with modifications, any expression for which there is an entry in the first column of Schedule 1 has the meaning given against it in the second column.

(2) In this Order “the authorised purposes” means—

- (a) purposes for which provision is authorised by any of paragraphs (a), (d) and (g), and
- (b) purposes connected with any matter in relation to or with respect to or for regulating which provision is authorised by any of paragraphs (c), (e), (f) and (h),

of section 11(1) of the Channel Tunnel Act 1987.

(3) In this Order “the international articles” means the provisions set out in Schedule 2 (being Articles or parts of Articles of the Protocol mentioned in article 1 above); and in the international articles the expression “the Fixed Link” shall for the purposes of this Order be taken to have the same meaning as is given to “the tunnel system” by section 1(7) of the Channel Tunnel Act 1987.

Application of international articles

3.—(1) The international articles shall have the force of law in the United Kingdom—

- (a) within the tunnel system,
- (b) within a control zone, and
- (c) elsewhere for the authorised purposes only.

(2) Without prejudice to paragraph (1) officers belonging to the French Republic shall to the extent specified in the international articles have rights and obligations and powers to carry out functions in the United Kingdom.

(3) For the purpose of giving full effect to Article 34 of the international articles (accommodation, etc., for authorities of adjoining State) the appropriate Minister may by written notice require any occupier or person concerned with the management of a terminal control point to provide such accommodation, installations and equipment as may be necessary to satisfy requirements determined under Article 33 of the Protocol mentioned in article 1 above (which requires the competent authorities of the two States to determine their respective requirements in consultation with one another).

Application of enactments

4.—(1) All frontier control enactments shall for the purpose of enabling officers belonging to the United Kingdom to carry out frontier controls extend to France within a control zone.

(2) Data used or processed in a control zone in France, in connection with his responsibilities or duties, by a person who by virtue of section 38 of the Data Protection Act 1984⁽¹⁾ (“the 1984 Act”) falls to be treated for the purposes of the 1984 Act as a servant of a government department, or of a chief officer or other person or authority mentioned in subsection (3) of that section, shall be treated—

- (a) for the purposes of section 39(1) of the 1984 Act, as being held in the United Kingdom, and
- (b) for the purposes of section 39(5), as being used or intended to be used in the United Kingdom,

and the 1984 Act shall accordingly apply to the data.

(3) Data used or processed in a control zone in the United Kingdom, in connection with his responsibilities or duties, by an officer belonging to the French Republic shall be treated—

- (a) for the purposes of section 39(1) of the 1984 Act, as being held outside the United Kingdom, and
- (b) for the purposes of section 39(5), as not being used or intended to be used in the United Kingdom,

and the 1984 Act shall accordingly not apply to the data.

Application of criminal law

5.—(1) Any act or omission which—

- (a) takes place outside the United Kingdom in a control zone, and
- (b) would, if taking place in England, constitute an offence under a frontier control enactment,

shall be treated for the purposes of that enactment as taking place in England.

(2) Any jurisdiction conferred by virtue of paragraph (1) on any court is without prejudice to any jurisdiction exercisable apart from this article by that or any other court.

(3) Where it is proposed to institute proceedings in respect of an alleged offence in any court and a question as to the court’s jurisdiction arises under Article 38(2)(a) of the international articles, it shall be presumed, unless the contrary is proved, that the court has jurisdiction by virtue of that Article.

Powers of officers and supplementary controls

6. Schedule 3 (which contains in Part I provision as to powers exercisable by constables and other officers and in Part II provision for meeting obligations under Article 25 of the Protocol mentioned in article 1 above concerning the prevention of animals from straying into the Fixed Link) shall have effect.

Enactments modified

7.—(1) Without prejudice to the generality of articles 4(1) and 5(1), the frontier control enactments mentioned in Schedule 4 shall—

- (a) in their application to France by virtue of article 4(1), and
- (b) in their application to the United Kingdom—
 - (i) within the tunnel system, and

(1) 1984 c. 35.

(ii) elsewhere for the authorised purposes,

have effect with the modifications set out in Schedule 4.

(2) Subject to paragraph (3), within a control zone and on trains within the tunnel system section 54(3) of the Firearms Act 1968(2) (application to Crown servants) shall have effect as if the reference to a member of a police force included a reference to an officer belonging to the French Republic exercising functions as mentioned in Article 28(2) of the international articles.

(3) As respects officers exercising their functions in a control zone paragraph (2) applies only to the agreed number of specified officers mentioned in Article 28(2)(b) of the international articles.

Amendments of enactments and instruments

8.—(1) The enactments mentioned in Part I of Schedule 5 shall have effect subject to the amendments there specified.

(2) The instruments mentioned in Part II of Schedule 5 shall have effect subject to the amendments there specified.

Repeals and revocations

9.—(1) The enactments mentioned in Part I of Schedule 6 are repealed to the extent there specified.

(2) The Orders mentioned in Part II of Schedule 6 are revoked to the extent there specified.

7th July 1993

Mackay of Clashfern, C.

Home Office
8th July 1993

Michael Howard
One of Her Majesty's Principal Secretaries of
State

8th July 1993

Brian Mawhinney
Minister of State
Department of Health

14th July 1993

Gillian Shephard
Minister of Agriculture, Fisheries and Food

16th July 1993

Martin Bronn
Commissioner of Customs and Excise