
STATUTORY INSTRUMENTS

2003 No. 2834

TRANSPORT

RAILWAYS

**The Channel Tunnel Rail Link (Nomination)
(Amendment) (No. 2) Order 2003**

Made - - - - *3rd November 2003*

Coming into force - - *4th November 2003*

The Secretary of State, in exercise of the powers conferred upon him by section 34(1) and (4) of the Channel Tunnel Rail Link Act 1996⁽¹⁾ hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Channel Tunnel Rail Link (Nomination) (Amendment) (No. 2) Order 2003 and shall come into force on 4th November 2003.

Interpretation

2. In this Order “the Nomination Order” means the Channel Tunnel Rail Link (Nomination) Order 1999⁽²⁾.

Amendment of nominated undertaker appointment

3. In article 3(2) and (3) of the Nomination Order, for “Union Railways (South) Limited” there shall be substituted “CTRL (UK) Limited”.

Revocations and supplementary, incidental and consequential provisions

4. There shall be substituted for article 4(7) of the Nomination Order the following:

“(7) In this article “the relevant transferee” means—

- (a) Union Railways (North) Limited in relation to any purpose or matter connected with or relating to the northern works; and

(1) 1996 c. 61.
(2) S.I. 1999/391, amended by S.I. 2003/2306.

- (b) on or before 4th November 2003, Union Railways (South) Limited in relation to any purpose or matter connected with or relating to the southern works or the shared works, or both.”.

5. After article 4(7) of the Nomination Order there shall be inserted the following:

“5.—(1) On the relevant date there shall transfer to the relevant transferee all rights conferred by the Act, and all liabilities, duties and obligations imposed by or arising under the Act, which, immediately before that date, were the rights, liabilities, duties or obligations of Union Railways (South) Limited so far as concerns any purpose or matter connected with or relating to the shared works or (as the case may be) the southern works.

(2) All legal and other proceedings pending on the relevant date may be amended in such manner as may be necessary or proper in consequence of paragraph (1), and any cause of action or proceeding pending or existing on that day by or against Union Railways (South) Limited may be continued, prosecuted or enforced by or against the relevant transferee.

(3) Where, before the relevant date—

- (a) any notice or other document has been given by or to Union Railways (South) Limited under the Act in connection with or in relation to the shared works or (as the case may be) the southern works, or
- (b) any request for consent or approval has been made (whether or not it has been determined) or other thing done by Union Railways (South) Limited under the Act in connection with or relating to those works,

it shall have effect as if given by or to, made or done by or determined in respect of the relevant transferee.

(4) Nothing in paragraphs (1) to (3) shall have the effect, as between Union Railways (North) Limited, Union Railways (South) Limited and CTRL (UK) Limited, of overriding any agreement made between them (whether before or after the relevant date) concerning the apportionment between any of them of responsibility for liabilities or the exercise of rights which transfer under paragraph (1), including any agreement as to the making of payments or the indemnification of one by another.

(5) In this article “the relevant transferee” means CTRL (UK) Limited in relation to any purpose or matter connected with or relating to the shared works or the southern works, or both.

(6) In this article “the relevant date” means 4th November 2003.”.

Signed by Authority of the Secretary of State for Transport

3rd November 2003

Tony McNulty
Parliamentary Under Secretary of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Channel Tunnel Rail Link (Nomination) Order 1999 (S.I.1999/391, amended by S.I. 2003/2306) to specify CTRL (UK) Limited as the nominated undertaker in place of Union Railways (South) Limited for the purpose of providing infrastructure services in relation to the part of the rail link between Fawkham Junction, Kent, and the Channel Tunnel.

This Order further amends the nomination Order to transfer rights and liabilities of Union Railways (South) Limited under the Channel Tunnel Rail Link Act 1996 in relation to the specified parts of the rail link to CTRL (UK) Limited.