
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Channel Tunnel (International Arrangements) Order 1993 (“the principal Order”), to give effect to material provisions (“the supplementary articles”) of the Additional Protocol mentioned in article 1(2) of this Order. Those provisions supplement the provisions of the international articles set out in Schedule 2 to the principal Order, being provisions of the Protocol (“the Sangatte Protocol”) mentioned in article 1 of that Order to which it gives effect. The system of juxtaposed frontier controls set up under the Sangatte Protocol is supplemented by the Additional Protocol, under which supplementary control zones are accorded to France in the United Kingdom, and to the United Kingdom in France, for the purposes of the carrying out, respectively, of French and United Kingdom immigration controls.

Article 3(3) of this Order inserts a new article 3A in the principal Order which gives the supplementary articles the force of law in the United Kingdom within such a supplementary control zone. The new article 3A provides that French officers responsible for immigration controls may go about their business in the United Kingdom, and ensures that they can be provided with the necessary facilities. Article 3(4), by inserting a new paragraph (1B) in article 4 of the principal Order, extends enactments containing provision relating to immigration controls to any supplementary control zone accorded to the United Kingdom in France. Article 3(5) and (6) amend article 4(2) and (3) of the principal Order, to take account of the repeal of the Data Protection Act 1984 (c. 35) and the enactment of the Data Protection Act 1998 (c. 29). Article 3(7) extends to a supplementary control zone in France the provisions of article 5(1) of the principal Order concerning English criminal jurisdiction in a control zone, in so far as the conduct constitutes an offence under an enactment containing provision relating to immigration controls.

Article 3(8) inserts a new article 5A in the principal Order which would permit United Kingdom immigration officers in a supplementary control zone in France to exercise their functions in relation to all persons seeking to board a through train to the United Kingdom. Article 3(10) and (11) extend the provisions of article 7(2) and (3) of the principal Order, relating to the carriage of firearms by French officers, to such officers exercising functions under the supplementary articles.

Article 4(1) makes additions to the definitions contained in Schedule 1 to the principal Order, and article 4(2) inserts a new Schedule 2A setting out the supplementary articles.

Article 5 extends to a supplementary control zone in France provisions in Schedule 3 to the principal Order which relate to immigration officers' powers of arrest in France, and amends those provisions to include the power of arrest given by section 28A(1) of the Immigration Act 1971 (c. 77), in addition to the power given by section 28A(3) (the provisions of which were formerly contained in section 25(3)).

Articles 6 and 7 make further consequential modifications of the provisions of the Immigration Act 1971 (and of delegated legislation) which are modified by Schedule 4 to the principal Order. In addition, article 6(4) and (5) amend paragraph 1(11)(e) and (ea) of Schedule 4, to give immigration officers the power to examine a person who has arrived in the United Kingdom after already having been examined in a supplementary control zone.