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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order gives qualified effect in United Kingdom law to material provisions (set out in Schedule 2) of the Protocol mentioned in article 1. Those provisions (“the international articles”) are by article 3(1) given the force of law in the United Kingdom within, and for the purposes specified in article 2(2) outside, the tunnel system as defined in the Channel Tunnel Act 1987 and the control zone accorded to France by the international articles (“the French control zone”); article 3(2) affirms that French officers may to the extent specified in the international articles go about their business (essentially, the operation of French frontier controls as defined in the international articles) in the United Kingdom, and article 3(3) ensures that they can be provided with the necessary facilities. Article 4(1), by extending relevant enactments to the control zone accorded to the United Kingdom in France (“the United Kingdom control zone”), performs the corresponding operation for British officers working there. Article 4(2) and (3) alters the application of the Data Protection Act 1984 so that related computer operations carried out by British officers in the United Kingdom control zone are, but French computer operations in the French control zone are not, subject to that Act.

Article 5(1) and (2) extends English criminal jurisdiction to conduct in the United Kingdom control zone which, if taking place in England, would constitute an offence under a frontier control enactment as defined in Schedule 1. Article 5(3) creates a presumption as to jurisdiction over offences committed in the tunnel system where it is uncertain on which side of the frontier they were committed.

Articles 6, 7(1), 8 and 9 give effect, respectively, to Schedules 3, 4, 5 and 6. Article 7(2) and (3) modifies the Firearms Act 1968 (c. 27) so as to implement rights to carry arms accorded by the international articles to French officers.

The definitions in Schedule 1 are of expressions of which some occur both in the body of the Order and in enactments as modified by the Order, some only in the latter (see article 2(1)).

The international articles referred to above are set out in Schedule 2.

In Part I of Schedule 3, paragraph 1 enables constables and customs officers to assist French officers by taking into temporary custody persons arrested by the latter in the French control zone. Paragraph 2 extends powers of arrest to the United Kingdom control zone; paragraph 3 authorises the detention there of persons arrested, so far as permitted by the international articles, and contains provision as to their treatment while detained. Paragraphs 4 to 6 contain provision as to the determination of national jurisdiction in certain cases and related provision as to the treatment of persons in custody.

Part II of Schedule 3 implements obligations assumed by the United Kingdom to make provision to prevent animals from straying into the Fixed Link and to require the tunnel Concessionaires to take all appropriate measures (corresponding obligations are assumed by France).

Schedule 4, with article 7(1), modifies the Immigration Act 1971 (c. 77) (“the 1971 Act”), the Public Health (Control of Disease) Act 1984 (c. 22) and the Prevention of Terrorism (Temporary Provisions) Act 1989 (c. 4) (“the 1989 Act”) in their Channel Tunnel application, adapting to rail traffic passing through the tunnel system control provisions framed in terms of movements by sea and air.

In Part I of Schedule 5 the amendments to the 1971 Act and the 1989 Act, with the partial repeals in Part I of Schedule 6, cancel amendments made to those Acts by the Channel Tunnel (Fire Services, Immigration and Prevention of Terrorism) Order 1990 (S.I.1990/2227). The amendment to the Animal Health Act 1981 (c. 22) is consequential upon provision made in Part II of Schedule 5,

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which amends a number of instruments, in particular the Channel Tunnel (Customs and Excise) Order 1990 (S.I.1990/2167). The effect of that Order as amended is to adapt provisions of the Customs and Excise Management Act 1979 (c. 2) to Channel Tunnel rail traffic.

The revocations in Part II of Schedule 6 are of provisions which have become spent or have been replaced as a result of provision made in this Order.