

1999 No. 391

TRANSPORT

RAILWAYS

The Channel Tunnel Rail Link (Nomination) Order 1999

Made - - - - 18th February 1999

Coming into force 19th February 1999

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred by section 34(1) and (4) of the Channel Tunnel Rail Link Act 1996^(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Channel Tunnel Rail Link (Nomination) Order 1999, and shall come into force on the day after the day on which it is made.

Interpretation

2. In this Order—

“the Act” means the Channel Tunnel Rail Link Act 1996;

“Eurostar” means Eurostar (U.K.) Limited;

“the excluded works” means such parts of the works authorised by Part I of the Act as are comprised within the description of the Thameslink Completion Works set out in the Schedule to this Order;

“the northern works” means the following works so far as not falling within the excluded works—

- (a) Works Nos. 1 (including 1A, 1AA, 1B, 1BB, 1C, 1CC, 1D, 1DD, 1EE, 1FF, 1GG, 1HH, 1JJ, and 1K), 2, 2A, 2AA, 2B, 2BB, 2C, 2D, 2E, 3, 3B, 3C, 3D, 3E, 4B, 5A, 5B, 5C, 5D, 5D(1), 5D(2), 5EE, 5F, 5F(1), 5G, 5H, 5Q, 5Q(1), 5J, 5K, 5LL, 5N, 5P, 6, 6A, 6B, 6C, 6D, 6E, 6E(1), 6F, 6G, 6H, 6J, 7, 8, 8E, 8G, 8H, 8J, 8K, 8L, 8P(3), 8P(4), 8Q, 8R, 8S, 8T, 8U(4), 8U(6), 8U(7), 8U(8), 8U(9), 8U(10), 8U(11), 8U(12), 8U(13), 9, 9B, 9C, 9D, 9F(1), 9F(2), 10A, 10B, 10C, 10D, 10E, 10(F), 10F(1), 10G, 10H, 10J, 10J(1), 10J(2), 10K, 10N, 10Q, 10R, 10R(1), 10R(2), 10S(1), 10S(2), 10T(1), 10T(3), 10T(4), 10T(6), 10T(7), 10T(8), 19, 19A, 22, 22A, 22B, 22C, 22D, 22E, 22F, 22G, 22H(1), 22H(2), 22J, 23, 23A, 23B(1), 23B(2), 23B(3), 23C (comprising 23C(1), 23C(2), 23C(3), 23C(4), 23C(5)) and 23D,

- (b) such parts of the works comprised within works Nos. 4A, 4J, 4K, 4L or 5R as are indicated in blue on the drawings marked “The Channel Tunnel Rail Link (Nomination) Order 1999; drawing no. 1” and “The Channel Tunnel Rail Link (Nomination) Order 1999; drawing no. 2”, signed by authority of the Secretary of State for the Environment, Transport and the Regions, dated 18th February 1999 and deposited in the Information Centre, Department of the Environment, Transport and the Regions, Great Minster House, 76 Marsham Street, London SW1P 4DR.

(a) 1996 c. 61.

(c) such of Work No. 10 as lies to the north of the southern boundary of the A2 road, and

(d) the works authorised by paragraph 5 of Schedule 2 to the Act;

“the shared works” means Works Nos. 20A, 20B and 21;

“the southern works” means—

(a) Works Nos. 10P, 11, 11A, 11B, 11C, 11D, 11E, 11F, 12, 12A, 12B, 12C, 12D, 12E, 12F, 12H, 12J, 12K, 12L, 13, 13A (comprising 13A(1), 13A(2), 13A(3), 13A(4)), 13B, 13C, 13D, 13E, 13F, 13G, 13H, 13J, 13K, 14, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14J, 14K, 14L, 14M, 14N, 14P, 14Q, 14R, 14S, 14T, 14U, 14V, 15, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15J, 15K, 15L, 15M, 15N, 15P, 15Q, 16, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16J, 16K, 16L, 16M, 16N, 16P, 16QQ, 16RR, 16RR(1), 16S, 16T, 16U, 17, 17A, 17B, 17C, 17C(1), 17D, 17E, 17F, 17G, 17H, 17J(1), 17J(2), 17J(3), 17K, 17L, 17M, 17N, 17P, 17Q, 18A, 18AA, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18J, 18K, and

(b) such of Work No. 10 as is not comprised in the northern works.

Appointment of nominated undertakers

3.—(1) Union Railways (North) Limited shall be the nominated undertaker for—

- (a) all purposes of section 1 of the Act in relation to the northern works and the shared works;
- (b) the purposes of any other provision of Part I of the Act except section 14, so far as connected with or in any way relating to those works; and
- (c) the purposes of section 14 of the Act, so far as concerns the provision of any services in connection with the construction or maintenance of those works.

(2) Union Railways (South) Limited shall be the nominated undertaker for—

- (a) all purposes of section 1 of the Act in relation to the southern works and the shared works;
- (b) the purposes of any other provision of Part I of the Act except section 14, so far as connected with or in any way relating to those works; and
- (c) the purposes of section 14 of the Act, so far as concerns the provision of any services in connection with the construction or maintenance of those works.

(3) Paragraphs (1) and (2) have effect in relation to the shared works so that each of Union Railways (North) Limited and Union Railways (South) Limited is (and acts as) nominated undertaker on its own account, so that no act by one shall render the other liable in respect of it.

Revocations and supplementary, incidental and consequential provisions

4.—(1) The Channel Tunnel Rail Link (Nomination) Order 1997(a) is hereby revoked.

(2) There shall by virtue of this Order 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 this Order came into force, were the rights, liabilities, duties or obligations of Eurostar so far as concerns any purpose or matter connected with or relating to the northern works, the shared works or (as the case may be) the southern works.

(3) All legal and other proceedings pending on the day this Order comes into force may be amended in such manner as may be necessary or proper in consequence of paragraph (2), and any cause of action or proceeding pending or existing on that day by or against Eurostar may be continued, prosecuted or enforced by or against the relevant transferee.

(4) Where, before the day on which this Order comes into force—

- (a) any notice or other document has been given by or to Eurostar under the Act in connection with or in relation to the northern works, the shared works or the southern works (as the case may be), or

(a) S.I. 1997/9.

- (b) any request for consent or approval has been made (whether or not it has been determined) or other thing done by Eurostar 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.

(5) Eurostar is hereby released from any liability, duty or obligation transferred under paragraph (2).

(6) Nothing in paragraphs (2) to (5) shall have the effect, as between Eurostar, Union Railways (North) Limited and Union Railways (South) Limited, of overriding any agreement made between any or all of them (whether before or after this Order comes into force) concerning the apportionment between any of them of responsibility for liabilities or the exercise of rights which transfer under paragraph (2), including any agreement as to the making of payments or the indemnification of one by another.

(7) In this article “the relevant transferee” means Union Railways (North) Limited in relation to any purpose or matter connected with or relating to the northern works, and Union Railways (South) Limited in relation to any purpose or matter connected with or relating to the shared works and the southern works.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions.

18th February 1999

Glenda Jackson
Department of the Environment,
Transport and the Regions

SCHEDULE

Article 2

The following are the Thameslink Completion works:

The fitting out (but not construction) of the structure of the station tunnel on the Midland City Line (Thameslink) beneath St. Pancras Station, comprised in Work No. 2, including platforms, lifts, escalators, station services and surface finishes.

The fitting out (but not construction) of the structure of the western stairwell, the underpass and the low level concourse for that station tunnel, including lifts, escalators, services and surface finishes.

The installation of new signalling and electrification for that station tunnel.

The installation of permanent way, walkways, electrification, signalling and control equipment within (but not construction of) the bored tunnels, cut and cover boxes and retained cuts that make up the link, comprised in Works Nos. 2A, 2AA, 2B and 2BB, from the Midland City Line (Thameslink) to the Great Northern Suburban Line, together with the Copenhagen Tunnel crossover comprised in Work No. 2C and the junction connections to the Great Northern Suburban Line, junction connections to the Midland City Line (Thameslink) and associated formation and track laying for the connection of the Midland City Line (Thameslink) to the Great Northern Suburban Line.

EXPLANATORY NOTE

(This note is not part of this Order)

This Order specifies Union Railways (South) Limited as the nominated undertaker for the purposes of certain of the provisions of Part I of the Channel Tunnel Rail Link Act 1996 in relation to the part of the rail link between Fawkham Junction, Kent and the Channel Tunnel, and specifies Union Railways (North) Limited as the nominated undertaker for those purposes for most of the remainder of the rail link. Railway sidings at Hoo Sidings and Richborough Sidings, Kent, which are required for construction purposes, are specified as shared works which either may construct or maintain.

It also revokes the nomination of Eurostar (U.K.) Limited under the Channel Tunnel Rail Link (Nomination) Order 1997 and transfers that company's rights and liabilities under the 1996 Act in relation to the rail link to the new nominated undertakers.

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The Channel Tunnel Rail Link (Nomination) Order 1999

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