



# Channel Tunnel Act 1987

## 1987 CHAPTER 53

### PART III

#### STATUS, OPERATION AND REGULATION OF THE TUNNEL SYSTEM

##### *Regulation of operation of the system*

#### **19 Operation by the Concessionaires**

- (1) Subject to the provisions of this Act, the Concessionaires are authorised by this section to manage, operate, maintain and develop the tunnel system.
- (2) The Concessionaires shall not be regarded as common carriers.
- (3) The Concessionaires shall make provision for the conveyance by means of shuttle trains of pedal bicycles and of motorcycles of which the cylinder capacity of the engine is less than 50 cubic centimetres.
- (4) The Concessionaires shall not convey any passengers by means of shuttle trains at any time when there is not in force a certificate issued by the Intergovernmental Commission stating—
  - (a) that the Commission are satisfied with a code of practice relating to the conveyance by means of shuttle trains of persons who are disabled which has for the time being been adopted by the Concessionaires; and
  - (b) that the code of practice has been published in a manner approved by the Commission.
- (5) Such a code of practice must contain—
  - (a) a statement of any description of such persons not intended to be conveyed by means of shuttle trains, with reasons;
  - (b) details of provision for ensuring the safety of such persons in the tunnel system, in particular the safety in the event of an emergency of such persons being conveyed by means of shuttle trains; and

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- (c) information relating to such other matters affecting the conveyance by means of shuttle trains of persons who are disabled as the Commission may specify.
- (6) Contravention of the restriction imposed by subsection (4) above may be restrained by an order of the High Court made on an application by the Intergovernmental Commission.

## 20 Byelaws of the Concessionaires

- (1) The Concessionaires may make byelaws regulating the operation and use of the tunnel system (including the use of shuttle trains), the maintenance of order in the system and the conduct of all persons while using or otherwise in the system and, in particular, byelaws—
  - (a) with respect to interference with or obstruction of the operation of the tunnel system;
  - (b) with respect to the prevention of nuisances and of damage to property;
  - (c) prohibiting or restricting access to any premises, place or vehicle in the tunnel system;
  - (d) prohibiting the smoking of tobacco in any such premises, place or vehicle;
  - (e) prohibiting the admission of any description of vehicle specified in the byelaws to, or requiring the removal of any such description of vehicle from, the tunnel system or any premises, place or other vehicle in it;
  - (f) regulating the use or conveyance of vehicles and prohibiting or regulating the conveyance of goods other than vehicles, in particular dangerous goods;
  - (g) for requiring any person, if required by a constable or a person authorised for the purpose by the Concessionaires, to state his name and address and the purpose of his being in the tunnel system;
  - (h) for requiring any person, if required by a constable or a person so authorised, to leave the tunnel system or any premises, place or vehicle in it and to remove any goods which he has with him; and
  - (i) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the tunnel system, and in particular—
    - (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
    - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws.
- (2) Byelaws under this section may provide—
  - (a) for the punishment on summary conviction of contraventions of any of the byelaws with a fine not exceeding a maximum fixed by the byelaws; and
  - (b) for any defence specified in the byelaws to be available in proceedings for a contravention of any byelaw, either generally or in circumstances so specified.
- (3) Different provision may be made by virtue of subsection (2)(a) or (b) above in relation to different byelaws; but the greatest maximum fine that may be fixed for contravention of any byelaw shall not exceed level 4 on the standard scale.
- (4) A constable or a person authorised for the purpose by the Concessionaires may remove from the tunnel system or any premises, place or vehicle in it any person whom he reasonably suspects to be contravening or to have contravened any byelaw made under this section and any goods which he has with him.

- (5) A person so authorised may take steps to remove or obviate any danger being caused or likely to be caused by the contravention of any byelaw made under this section.
- (6) Byelaws under this section shall not come into operation until they have been confirmed by the Secretary of State under section 21 of this Act.
- (7) When any byelaws under this section have been so confirmed—
  - (a) a copy of the byelaws shall be printed and deposited at such place or places as may be specified in a direction given to the Concessionaires by the Secretary of State and shall at all reasonable hours be open to public inspection free of charge; and
  - (b) a copy of the byelaws, or any part of them, shall be supplied to any person on request on payment of such reasonable fee as the Concessionaires may determine.
- (8) The production of a printed copy of a byelaw purporting to be made by the Concessionaires on which is endorsed a certificate purporting to be signed by a person authorised to do so by the Concessionaires stating—
  - (a) that the byelaw is made by the Concessionaires;
  - (b) that the copy is a true copy of the byelaw;
  - (c) that on a specified date the byelaw was confirmed by the Secretary of State; and
  - (d) the date, if any, fixed by the Secretary of State for the coming into operation of the byelaw;shall be evidence of the facts stated in the certificate, without proof of the handwriting or authorisation of the person by whom it purports to be signed.

## **21 Confirmation of byelaws by Secretary of State**

- (1) At least one month before making an application for confirmation of any byelaws under section 20 of this Act the Concessionaires shall publish notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the byelaws will be open for public inspection—
  - (a) in such newspapers circulating in the City of Canterbury, the borough of Ashford and the districts of Dover, Shepway and Thanet, in the county of Kent; and
  - (b) in such other manner;as may be approved by the Secretary of State.
- (2) Any person affected by any of the byelaws shall be entitled to make representations on the byelaws to the Secretary of State within a period of not less than one month which must be specified in the notice published under subsection (1) above.
- (3) For at least one month before the making of any such application a copy of the byelaws in question shall be deposited at such place or places as may be specified in a direction given to the Concessionaires by the Secretary of State and shall at all reasonable hours be open to public inspection free of charge.
- (4) A copy of those byelaws, or any part of them, shall be supplied to any person on request on payment of such reasonable fee as the Concessionaires may determine.

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- (5) Subject to the following provisions of this section, the Secretary of State may confirm with or without modification, or refuse to confirm, any byelaws submitted to him for confirmation, and may fix the date on which a byelaw confirmed by him is to come into operation; and if no such date is so fixed the byelaw shall come into operation at the expiration of one month beginning with the date of its confirmation.
- (6) The Secretary of State shall not confirm any byelaw submitted to him for confirmation unless he has consulted the Kent County Council and the council of any district in which it appears to him that the byelaw would have effect.
- (7) Where the Secretary of State proposes to make a modification of any byelaws submitted to him for confirmation which appears to him to be substantial—
  - (a) he shall inform the Concessionaires and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification; and
  - (b) he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Concessionaires and by other persons who have been informed of it.

## **22 Application of Railways Board's byelaws to their services in the tunnel system**

Byelaws made by the Railways Board under section 67 of the Transport Act 1962 (general power to make byelaws for their railways and premises) shall apply in relation to persons and goods being conveyed by the Railways Board on any railway of the Concessionaires as they apply in relation to persons and goods being conveyed on any railway of the Board.

## **23 Control of traffic within the tunnel system**

- (1) Subject to the following provisions of this section, the enactments relating to road traffic shall apply in relation to any tunnel system road to which the public does not have access as they apply in relation to a road to which the public does have access.
- (2) Those enactments shall apply in relation to any tunnel system road subject to such exceptions and modifications as the Secretary of State may by order specify.
- (3) An order under subsection (2) above may, in particular, confer on the Concessionaires functions exercisable under those enactments by a highway authority or a local authority.
- (4) The Secretary of State may by order provide that those enactments shall not apply in relation to any tunnel system road specified in the order and may require the Concessionaires to indicate any such road in a manner so specified.
- (5) Those enactments shall not, in the case of any tunnel system road, apply in relation to it until such date as the Secretary of State may by order specify.
- (6) Before making an order under this section, the Secretary of State shall consult the Concessionaires.
- (7) In this section, "tunnel system road" means any length of road comprised in the tunnel system.

## **24 Approval of trains**

Any train used for conveying passengers or goods through the tunnel system (including any shuttle train) shall be of such a description and conform to such specifications as may for the time being be approved by the Secretary of State.