



Channel Tunnel Rail Link Act 1996

1996 CHAPTER 61

PART I

THE CHANNEL TUNNEL RAIL LINK

Application of railway legislation

16 Licensing

- (1) Section 6(1) of the Railways Act 1993 (which prohibits any person from acting as the operator of a network, station or train being used on a network unless authorised by a licence under section 8 of that Act) shall not apply in relation to—
 - (a) any network comprised in the rail link,
 - (b) any rail link station, or
 - (c) any train being used, in circumstances in which subsection (2) below applies, on a network comprised in the rail link.
- (2) This subsection applies if—
 - (a) the train is being used to provide a service involving travel through the Channel Tunnel, or
 - (b) the operator of the train is a rail link undertaker and the train is being used to provide a service for the carriage of goods which does not involve carriage outside the rail link.
- (3) There shall not be included in a licence under section 8 of the Railways Act 1993 any condition relating to an activity in respect of which the licence holder is exempt from section 6(1) of that Act by virtue of subsection (1) above; and any condition which is included in such a licence shall be of no effect so far as relating to such an activity.
- (4) For the purposes of subsection (1)(b) above, the following stations are rail link stations—
 - (a) St. Pancras in London,

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- (b) any station constructed for the purposes of the rail link in exercise of the powers conferred by this Part of this Act, and
 - (c) any station constructed for the purposes of the rail link at Stratford, in the London Borough of Newham.
- (5) Any expression used in this section and Part I of the Railways Act 1993 shall have the same meaning in this section as it has in that Part.

17 Access agreements

- (1) No directions under section 17(1) of the Railways Act 1993 (which enables the Rail Regulator to direct facility owners to enter into contracts for the use of their railway facilities) may be given to a rail link undertaker in relation to a rail link facility.
- (2) Subject to subsection (3) below, section 18(1) of that Act (which restricts the freedom of a facility owner to enter into an access contract) shall not apply to the entry by a rail link undertaker into an access contract relating to a rail link facility.
- (3) Where only part of a rail link facility is used for the purposes of or in connection with the provision of services on the rail link, subsection (2) above shall only apply if the access contract is restricted to that part of the facility.
- (4) No directions under section 19(1) of that Act (which enables the Rail Regulator to direct installation owners to enter into contracts for the use of their installations) may be given to a rail link undertaker in relation to a network installation comprised in the rail link.
- (5) In this section—
 - “access contract”, “network installation” and “railway facility” have the same meanings as in Part I of the Railways Act 1993; and
 - “rail link facility” means a railway facility which is used wholly or partly for the purposes of or in connection with the provision of services for the carriage of passengers or goods on the rail link.

18 Closures

The following provisions of the Railways Act 1993—
 section 38 (proposals to discontinue franchised etc. passenger services), and
 section 48(3) (duties in relation to discontinuation of certain experimental passenger services),
 shall not have effect in relation to services which involve travel on the rail link.

19 Railway administration orders

- (1) In section 59 of the 1993 Act (which defines a railway administration order as a court order under section 60, 61 or 62 of that Act in relation to a protected railway company) subsection (6) (paragraph (a) of which defines a “protected railway company” and paragraph (b) of which defines its “relevant activities”) shall have effect, in relation to a rail link service operator—
 - (a) with the omission, in paragraph (a), of “both” and the words from “and the” to the end, and

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- (b) with the substitution for paragraph (b)(i) and (ii) of “its activities as the operator of a railway asset”.
- (2) For the purposes of the following provisions, namely—
- (a) sections 60(1)(b), 61(1)(a)(ii) and (2)(b), and 62(2)(a)(ii), (3)(b), (5)(a)(ii), (6)(b) and (7)(b) of the 1993 Act, and
- (b) sections 13(3)(b), 18(1)(b) and 27(1A) of the 1986 Act, as applied by Schedule 6 to the 1993 Act,
- (which give the Director of Passenger Rail Franchising a role in relation to a protected railway company which is the holder of a passenger licence) a rail link service operator which is the holder of a passenger licence shall be treated as if it were not the holder of such a licence.
- (3) Section 60 of the 1993 Act (railway administration orders made on special petitions), in its application to a rail link service operator, shall have effect with the following modifications—
- (a) in subsection (1), for “either or both” there shall be substituted “any”,
- (b) in subsection (2), at the end there shall be inserted—
- “*(c) that an agreement between the Secretary of State and a relevant rail link undertaker has terminated.*”, and
- (c) in subsection (7), at the end there shall be inserted—
- “*“rail link” has the same meaning as in the Channel Tunnel Rail Link Act 1996;*
- “*relevant rail link undertaker*” means a person who, under section 34 of that Act, is the nominated undertaker for any purpose of section 1(1) or 14(1)(a) of that Act, so far as relating to the rail link.”
- (4) Section 17 of the 1986 Act (duties of administrator), as applied by Schedule 6 to the 1993 Act, shall have effect, in relation to the administration of a rail link service operator, with the insertion after subsection (2) of—
- “(2A) Subsection (2) shall only apply if the proposals have been approved by the Secretary of State and, where he approves them with modifications, shall apply as if the proposals prepared for the purposes of section 23 were the proposals as so modified.”
- (5) The following provisions of the 1986 Act, as applied by Schedule 6 to the 1993 Act, namely, sections 18(4), 21(2), 23(1) and (2) and 27(6) (which require documents to be sent to specified persons) shall not have effect to require any document relating to a rail link service operator to be sent to the Director of Passenger Rail Franchising.
- (6) In Schedule 7 to the 1993 Act (transfer of relevant activities in connection with railway administration orders) paragraph 2 (making and modification of transfer schemes) shall have effect, where the company in relation to which a railway administration order has been made is a rail link service operator, with the following modifications—
- (a) in sub-paragraph (2), the words from “or” to the end shall be omitted,
- (b) in sub-paragraph (3), the words “or the Franchising Director” shall be omitted,
- (c) in sub-paragraph (6), the words “or the Franchising Director” shall be omitted, and
- (d) in sub-paragraph (7), the words from “or, in a” to “Director” shall be omitted.
- (7) An agreement by the Secretary of State shall be effective notwithstanding that, in the case of a rail link service operator, it fetters the Secretary of State in relation to a

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discretion under sections 60 to 65 of, and Schedules 6 and 7 to, the 1993 Act (the railway administration order provisions of the Act).

- (8) The Secretary of State may by order repeal subsection (4) above.
- (9) The power conferred by subsection (8) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
- “operator”, in relation to a railway asset, means the person having the management of that railway asset for the time being;
 - “passenger licence” and “railway asset” have the same meanings as in Part I of the 1993 Act;
 - “rail link service operator” means a person who, under section 34 below, is the nominated undertaker for any purpose of section 14(1)(b) above, so far as relating to the rail link;
 - “the 1986 Act” means the Insolvency Act 1986; and
 - “the 1993 Act” means the Railways Act 1993.

20 Other legislation

Schedule 9 to this Act (which makes provision with respect to the incorporation of the Railways Clauses Acts and the application of miscellaneous other enactments relating to railways) shall have effect.