



# Channel Tunnel Rail Link Act 1996

## 1996 CHAPTER 61

### PART I

#### THE CHANNEL TUNNEL RAIL LINK

#### *Functions of the <sup>F1</sup>Office of Rail and Road*

##### Textual Amendments

- F1** Words in s. 21 cross-heading substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(1\)\(ii\)](#)

#### **21 Duties as to exercise of regulatory functions.**

(1) The <sup>F2</sup>Office of Rail and Road] shall have an overriding duty to exercise <sup>F3</sup>its] regulatory functions in such a manner as not to impede the performance of any development agreement.

<sup>F4</sup>(2) .....

<sup>F4</sup>(3) .....

<sup>F4</sup>(4) .....

<sup>F4</sup>(5) .....

(6) In this section—

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references to the <sup>F2</sup>Office of Rail and Road]’s regulatory functions are to the functions assigned or transferred to <sup>F6</sup>it] under or by virtue of Part I of the Railways Act 1993 <sup>F7</sup>other than any functions assigned to <sup>F6</sup>it] by virtue of section 67(3) of that Act (“Competition Act functions”).

*Changes to legislation: There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Functions of the Office of Rail and Road. (See end of Document for details)*

- (7) The [F<sup>2</sup>Office of Rail and Road] may, when exercising any Competition Act function, have regard to any matter to which [F<sup>6</sup>it] would have regard if—
- (a) [F<sup>6</sup> it ] were under the duty imposed by subsection (1) F<sup>8</sup> ... above in relation to that function; and
  - (b) the matter is one to which [F<sup>9</sup>the Competition and Markets Authority] could have regard if [F<sup>10</sup>it] were exercising that function.]

#### Textual Amendments

- F2** Words in s. 21 substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\), reg. 1\(2\), Sch. para. 4\(I\)\(iii\)](#)
- F3** Words in s. 21 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), Sch. 2 para. 22\(b\); S.I. 2004/827, art. 4\(g\)](#)
- F4** S. 21(2)-(5) repealed (22.7.2008) by [Channel Tunnel Rail Link \(Supplementary Provisions\) Act 2008 \(c. 5\), ss. 3\(a\), 6\(2\)](#)
- F5** Words in s. 21(6) repealed (22.7.2008) by [Channel Tunnel Rail Link \(Supplementary Provisions\) Act 2008 \(c. 5\), ss. 3\(b\), 6\(2\)](#)
- F6** Words in s. 21 substituted (5.7.2004) by [Railways and Transport Safety Act 2003 \(c. 20\), Sch. 2 para. 22\(a\); S.I. 2004/827, art. 4\(g\)](#)
- F7** Words in s. 21(6) and subsection (7) inserted (1.3.2000) by [1998 c. 41, ss. 54, 66\(5\), Sch. 10 Pt. IV para. 16\(2\) \(with s. 73\); S.I. 2000/344, art. 2](#)
- F8** Words in s. 21(7) repealed (22.7.2008) by [Channel Tunnel Rail Link \(Supplementary Provisions\) Act 2008 \(c. 5\), ss. 3\(c\), 6\(2\)](#)
- F9** Words in s. 21(7) substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\), art. 1\(1\), Sch. 1 para. 114 \(with art. 3\)](#)
- F10** Word in s. 21(7)(b) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 35\(2\) \(b\); S.I. 2003/766, art. 2, Sch. \(with art. 3\) \(as amended \(20.7.2007\) by S.I. 2007/1846, reg. 3\(2\), Sch.\)](#)

#### Modifications etc. (not altering text)

- C1** S. 21 extended (22.3.2001) by [S.I. 2001/1451, art. 7\(2\)](#)

#### [F<sup>11</sup>21A Fees

- (1) Subject to this section, the [F<sup>12</sup>Office of Rail and Road] may by notice require a rail link undertaker to pay a fee in respect of the exercise of any of the [F<sup>12</sup>Office of Rail and Road]'s functions in relation to the rail link.
- (2) The amount of a fee under subsection (1) in any case shall be—
  - (a) such amount as is reasonably incurred by the [F<sup>12</sup>Office of Rail and Road] in the exercise of the function in relation to the rail link, or
  - (b) in a case where there is more than one rail link undertaker, such proportion of the amount referred to in paragraph (a) as the [F<sup>12</sup>Office of Rail and Road] considers it reasonable for the rail link undertaker to pay.
- (3) Subsection (1) does not apply to the functions assigned to the [F<sup>12</sup>Office of Rail and Road] by virtue of section 67(2) and (3) of the Railways Act 1993.
- (4) A notice under this section must specify—
  - (a) the amount of the fee to be paid, and
  - (b) the date by which it is to be paid.

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**Changes to legislation:** There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996, Cross Heading: Functions of the Office of Rail and Road. (See end of Document for details)

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- (5) Any amount payable under a notice under this section which remains unpaid after the date specified in the notice may be recovered by the [<sup>F12</sup>Office of Rail and Road] as a civil debt due to it.
- (6) The [<sup>F12</sup>Office of Rail and Road] may revise a notice under this section by a further such notice.
- (7) The [<sup>F12</sup>Office of Rail and Road] may refund any amount which, further to any revised notice under subsection (6), appears to have been overpaid to it.]

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**Textual Amendments**

- F11** S. 21A inserted (22.7.2008) by [Channel Tunnel Rail Link \(Supplementary Provisions\) Act 2008 \(c. 5\)](#), [ss. 4, 6\(2\)](#)
- F12** Words in s. 21A substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), [Sch. para. 4\(I\)\(iv\)](#)

<sup>F13</sup>**22 Restriction of functions in relation to competition etc.**

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**Textual Amendments**

- F13** S. 22 omitted (28.11.2005) by virtue of [Railways Infrastructure \(Access and Management\) Regulations 2005 \(S.I. 2005/3049\)](#), reg. 1(1), [Sch. 1 para. 6](#) (with reg. 4)

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**Modifications etc. (not altering text)**

- C2** S. 22 extended (22.3.2001) by [S.I. 2001/1451](#), [art. 7\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Channel Tunnel Rail Link Act 1996,  
Cross Heading: Functions of the Office of Rail and Road.