
STATUTORY INSTRUMENTS

1987 No. 2068

CHANNEL TUNNEL

The Channel Tunnel Act (Competition) Order 1987

Made - - - - 26th November 1987

Coming into force - - 17th December 1987

Whereas the Concessionaires are for the time being two or more persons;

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 33(2) of the Channel Tunnel Act 1987⁽¹⁾, after consultation with the Director General of Fair Trading, hereby makes the following Order:

1. This Order may be cited as the Channel Tunnel Act (Competition) Order 1987 and shall come into force on 17th December 1987.

2. The Concessionaires and any body corporate which is a member of the same group as any of them shall be deemed to be members of one and the same group of interconnected bodies corporate for the purposes of section 6(1)(b) (monopoly situation in relation to the supply of goods by or to members of one and the same group of interconnected bodies corporate) and section 7(1)(b) (corresponding provision in relation to the supply of services) of the Fair Trading Act 1973⁽²⁾.

3. The Concessionaires and any body corporate which is a member of the same group as any of them shall be deemed to be interconnected bodies corporate for the purposes of the Restrictive Trade Practices Act 1976⁽³⁾ in relation to all channel tunnel agreements.

4. The Concessionaires and any body corporate which is a member of the same group as any of them shall be deemed to be persons who are to be treated as associated for the purposes of section 2 of the Competition Act 1980⁽⁴⁾ (anti-competitive practices).

26th November 1987

Francis Maude
Parliamentary Under Secretary of State,
Department of Trade and Industry

(1) 1987 c. 53.
(2) 1973 c. 41.
(3) 1976 c. 34.
(4) 1980 c. 21.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in relation to the application of competition legislation to the persons (“the Concessionaires”) who have the function of constructing and operating a tunnel rail link between the United Kingdom and France, under the Concession between Her Majesty’s Government in the United Kingdom and the Government of the French Republic and the Concessionaires.

For the purpose of the monopoly provisions of the Fair Trading Act 1973 and the anti-competitive practices provisions of the Competition Act 1980, the Concessionaires and bodies corporate which are members of the same group as any of them, are to be deemed to be (respectively) interconnected bodies corporate and associated persons.

The Order also provides for the Concessionaires and bodies corporate which are members of the same group as any of them to be deemed to be interconnected bodies corporate for the purposes of the Restrictive Trade Practices Act 1976. This provision only applies in relation to channel tunnel agreements, as defined in section 33(12) of the Channel Tunnel Act 1987.

The Order comes into force on 17th December 1987.