

1988 No. 67

RESTRICTIVE TRADE PRACTICES

The Channel Tunnel Act (Competition) Order 1988

Made - - - - 19th January 1988

Coming into force 16th February 1988

Whereas the Secretary of State has by order dated 18th January 1988 approved a channel tunnel agreement for the purposes of section 29 of the Restrictive Trade Practices Act 1976(a);

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by section 33(5) of the Channel Tunnel Act 1987, and after consultation with the Director General of Fair Trading, hereby makes the following Order in connection with that approval:

1. This Order may be cited as the Channel Tunnel Act (Competition) Order 1988 and shall come into force on 16th February 1988.

2. In this Order "the section 29 agreement" means the channel tunnel agreement providing for the corporate structure of the Concessionaires which comprises the documents listed in the Schedule to this Order, and which has been approved by the Secretary of State for the purposes of section 29 of the Restrictive Trade Practices Act 1976 by order dated 18th January 1988.

3. In relation to any channel tunnel agreement which is made in pursuance or furtherance of the section 29 agreement, The Channel Tunnel Group Limited and France Manche SA (being parties to the section 29 agreement) and any body corporate which is a member of the same group as either of them shall be deemed to be interconnected bodies corporate for the purposes of the Restrictive Trade Practices Act 1976.

19th January 1988

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

(a) 1976 c.34; section 29 was amended in its application to channel tunnel agreements by section 33 of the Channel Tunnel Act 1987 (c.53).

SCHEDULE

Article 2

Corporate Structure Agreement (English and French texts) dated 13th August 1986

Partnership Agreement (English and French texts) dated 13th August 1986

Intellectual Property Agreement dated 13th August 1986

Amending Partnership Agreement (First Supplemental Partnership Agreement) (English and French texts) dated 25th September 1986

Second Supplemental Partnership Agreement dated 23rd July 1987

Third Supplemental Partnership Agreement dated 14th October 1987

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision in connection with the approval by the Secretary of State by order under section 29 of the Restrictive Trade Practices Act 1976 (as amended by section 33 of the Channel Tunnel Act 1987) of the channel tunnel agreement providing for the corporate structure of the Concessionaires.

This Order provides for The Channel Tunnel Group Limited and France Manche SA, being parties to that agreement, and bodies corporate which are members of the same group as either of them, to be deemed to be interconnected bodies corporate for the purposes of the Restrictive Trade Practices Act 1976, in relation to channel tunnel agreements made in pursuance or furtherance of that agreement. The term "channel tunnel agreement" is defined in section 33(12) of the Channel Tunnel Act 1987. If, on the coming into force of this Order, the Restrictive Trade Practices Act 1976 does not apply to an agreement then, by virtue of section 33(8) of the Channel Tunnel Act 1987, it shall be deemed never to have applied to that agreement.

This Order comes into force on 16th February 1988.

45p net

ISBN 0 11 086067 5

Printed in the United Kingdom for Her Majesty's Stationery Office

833/WO 0182 C12 2/88 452/1 9385/1229/3025 PS 7944003