

1989 No. 2345

CHANNEL TUNNEL

The Channel Tunnel Act (Competition) Order 1989

Made - - - - 12th December 1989

Coming into force 13th December 1989

Whereas the Secretary of State has, by order dated 7th December 1989, 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)(b) of the Channel Tunnel Act 1987(b), 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 1989 and shall come into force on 13th December 1989.

2. In this Order "the section 29 agreement" means the channel tunnel agreement providing for the procurement of very high speed trains for operation through the tunnel system 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 7th December 1989.

3. In relation to any agreement which is made—

(a) in pursuance or furtherance of the section 29 agreement, and

(b) exclusively for the purpose of the performance by the parties specified in article 4 below (being parties to the section 29 agreement) of their obligations under the section 29 agreement or of the exercise of their rights under that agreement,

the persons specified in article 4 below 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.

4. The persons referred to in article 3 above are—

British Railways Board
Société Nationale des Chemins de Fer Belges
Société Nationale des Chemins de Fer Français.

John Redwood
Parliamentary Under Secretary of State,
Department of Trade and Industry

12th December 1989

(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).
(b) 1987 c.53.

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 procurement of very high speed trains for operation through the tunnel system.

This Order provides that the parties to that agreement specified in article 4 of the Order, and bodies corporate which are members of the same group as any of them, are, in relation to agreements made exclusively for the purpose of the performance by the specified parties of their obligations, or of the exercise of their rights, under the agreement approved under section 29, to be deemed to be interconnected bodies corporate for the purposes of the Restrictive Trade Practices Act 1976 and hence, by virtue of section 43(2) of that Act, to be treated as a single person for certain of those purposes.

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