
STATUTORY INSTRUMENTS

1994 No. 570

The Channel Tunnel (Security) Order 1994

PART III

**PROTECTION OF CHANNEL TUNNEL TRAINS AND
THE TUNNEL SYSTEM AGAINST ACTS OF VIOLENCE**

Powers of the Secretary of State

Power to require other persons to promote searches

15.—(1) For purposes to which this Part of the Order applies, the Secretary of State may give a direction in writing to any person (other than the Concessionaires) who—

- (a) carries on operations in the tunnel system,
- (b) is permitted to have access to a restricted zone for the purposes of the activities of a business carried on by him,
- (c) is the owner, operator or train manager of any Channel Tunnel train, or
- (d) is the owner, operator or manager of any property used in connection with the operation of any Channel Tunnel train or the tunnel system including any land, building or works, train or other vehicle, apparatus or equipment so used whether it is on board a Channel Tunnel train or, as the case may be, within the tunnel system or elsewhere,

requiring him to use his best endeavours to secure that such searches to which this article applies as are specified in the direction are carried out by persons of a description specified in the direction or by constables.

(2) The searches to which this article applies are—

- (a) in relation to a person falling within sub-paragraph (1)(a) above, searches
 - (i) of any land, building or works which he occupies within the tunnel system, and
 - (ii) of persons or property which may be on that land or in that building or in or on those works;
- (b) in relation to a person falling within sub paragraph (1)(b) above, searches
 - (i) of any land, building or works which he occupies outside the tunnel system for the purposes of his business, and
 - (ii) of persons or property which may be on that land or in that building or in or on those works;
- (c) in relation to a person falling within sub paragraph (1)(c) above, searches of the Channel Tunnel train or of any persons or property which may be on that train;
- (d) in relation to a person falling within sub-paragraph (1)(d) above, searches
 - (i) of any property which he owns, operates or manages in connection with the operation of any Channel Tunnel train or the tunnel system; and

(ii) of any persons or property which may be in or on the property.

(3) Where a direction under this article is for the time being in force, then, subject to paragraphs (4) and (5) below, if a person of a description specified in the direction in accordance with this article or a constable has reasonable cause to suspect that an article to which this paragraph applies is in, or may be brought onto or into, any land, building or works, Channel Tunnel train or property mentioned in paragraph (2) above, he may, by virtue of this paragraph and without warrant, search any part of the land, building or works, Channel Tunnel train or property or any vehicle, goods or other moveable property of any description which, or any person who, is for the time being in or on any part of the land, building or works, Channel Tunnel train or property, and for that purpose—

- (a) may enter any land, building or works or property, if need be by force,
- (b) may go on board any Channel Tunnel train and inspect the train,
- (c) may stop any Channel Tunnel train and, for as long as may be necessary for that purpose, prevent it from being moved, and
- (d) may stop any such vehicle, goods, property or person and detain it or him so long as may be necessary for that purpose.

(4) In the case of premises used only as a private dwelling any power to search or enter conferred by paragraph (3) above may not be exercised except—

- (a) under the authority of a warrant issued by a justice of the peace; and
- (b) by a constable who is a member of a body of constables maintained
 - (i) in England, Scotland or Wales by a police authority or an authority which has entered into an agreement with the Police Complaints Authority under section 96(1) of the Police and Criminal Evidence Act 1984; or
 - (ii) in Northern Ireland, by the Police Authority for Northern Ireland or an authority which has entered into an agreement with the Independent Commission for Police Complaints for Northern Ireland under Article 16 of the Police (Northern Ireland) Order 1987(1) .

(5) If, on an application made by a constable, a justice of the peace is satisfied that there are reasonable grounds for suspecting that an article to which paragraph (3) above applies is in any premises used only as a private dwelling, he may issue a warrant authorising a constable to enter and search the premises.

(6) Paragraph (3) above applies to the following articles—

- (a) any firearm or ammunition or any article having the appearance of being a firearm, whether capable of being discharged or not,
- (b) any explosive, any article manufactured or adapted (whether in the form of a bomb, grenade or otherwise) so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not, or any article marked or labelled so as to indicate that it is or contains an explosive, and
- (c) any article (not falling within either of the preceding sub-paragraphs) made or adapted for use for causing injury to or incapacitating a person or for destroying or damaging property, or intended by the person having it with him for such use, whether by him or by any other person.

(7) Where an article to which paragraph (3) above applies is found during a search under this article, it shall be detained or otherwise dealt with in accordance with the requirements specified by the Secretary of State in the direction given under this article.

(8) Any person who—

- (a) without reasonable excuse, fails to comply with a direction given to him under this article or with any requirement specified in the direction referred to in paragraph (7) above, or
- (b) intentionally obstructs a person acting in the exercise of a power conferred on him by paragraph (3) above,

commits an offence.

(9) A person guilty of an offence under paragraph (8) above is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(10) Where a person is convicted of an offence under paragraph (8)(a) above, then, if without reasonable excuse the failure in respect of which he was convicted is continued after the conviction, he is guilty of a further offence and liable on summary conviction to a fine not exceeding one tenth of level 5 on the standard scale for each day on which the failure continues.

(11) Paragraph (3) above has effect without prejudice to the operation in relation to any offence under this Order—

- (a) in England and Wales, of sections 17, 24 and 25 of the Police and Criminal Evidence Act 1984 (which confer power to arrest without warrant and to enter premises for the purpose of making an arrest) or of section 3 of the Criminal Law Act 1967 (use of force in making arrest etc), or
- (b) in Scotland, of any rule of law relating to the power to arrest without warrant, or
- (c) in Northern Ireland, of Articles 19, 26 and 27 of the Police and Criminal Evidence (Northern Ireland) Order 1989⁽²⁾ or section 3 of the Criminal Law Act (Northern Ireland) 1967⁽³⁾.

(2) S.I. 1989/1341 (N.I. 12).
(3) 1967 c. 18 (N.I.).