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STATUTORY INSTRUMENTS

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**1994 No. 570**

**The Channel Tunnel (Security) Order 1994**

**PART I**

**PRELIMINARY**

**Citation and commencement**

1. This Order may be cited as the Channel Tunnel (Security) Order 1994 and shall come into force on the day after the day on which it is made.

**Interpretation**

2.—(1) In this Order, except where the context otherwise requires—

“ammunition” has the same meaning as in the Firearms Act 1968<sup>(1)</sup>,

“article” includes any substance, whether natural or artificial, in solid or liquid form or in the form of a gas or vapour,

“authorised person” means a person authorised in writing by the Secretary of State for the purposes of Part III of this Order,

“Channel Tunnel freight business” means the business of handling goods for delivery (by the person carrying on the business or by another person) for carriage by a Channel Tunnel train, in the case of a shuttle train, in a vehicle on that train, and “Channel Tunnel freight” shall be constructed accordingly;

“Channel Tunnel freight forwarder” means a person whose business includes Channel Tunnel freight business,

“Channel Tunnel train” means a train or any part of a train (including a shuttle train) which has been assigned for use (whether in the United Kingdom or elsewhere) for conveying passengers or goods through the tunnel system,

“constable” includes any person having the powers and privileges of a constable,

“employee”, in relation to a body corporate includes officer,

“enforcement notice” has the meaning given by article 21(1) of this Order,

“explosive” means any article manufactured for the purpose of producing a practical effect by explosion, or intended for that purpose by a person having the article with him,

“firearm” has the same meaning as in the Firearms Act 1968,

“goods” means goods or burden of any description and includes baggage, stores and mail,

“measures” (without prejudice to the generality of that expression) includes the construction, execution, alteration, demolition or removal of any building or other works (whether on dry land or on the seabed or other land covered by water), and also includes the institution or modification, and the supervision and enforcement, of any practice or procedure,

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(1) 1968 c. 57.

“owner” includes a lessee,

“property” includes any land, building or works, any train or other vehicle and any goods or other article of any description,

“restricted zone”, in relation to the tunnel system or any land, building or works, means any part of the tunnel system or the land, building or works designated under article 12 of this Order or, where the whole of the tunnel system or land, building or works is so designated, the tunnel system or the land, building or works,

“stores” means any goods intended for sale or use on a train, within the tunnel system or within a restricted zone, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting,

“train manager” means in relation to a Channel Tunnel train, the person designated as train manager by the person operating the service on which the train is engaged or, in the absence of such designation, the driver of the train,

“United Kingdom national” means an individual who is—

- (a) a British citizen, a British Dependent Territories citizen, a British National (Overseas) or a British Overseas citizen,
- (b) a person who under the British Nationality Act 1981<sup>(2)</sup> is a British subject, or (c) a British protected person (within the meaning of that Act),

“unlawfully”, in relation to the commission of an act, means so that the commission of the act is (apart from this Order) an offence under the law of England and Wales, Scotland or Northern Ireland or would be if committed there, and

references to the tunnel system include references to the tunnel system or any part of it (whether in England or France), except the inland clearance depot at Ashford in Kent, for the accommodation, in connection with the application to them of customs and other controls, of freight vehicles which have been or are to be conveyed through the tunnels on shuttle services.

(2) In Part III of this Order “act of violence” shall be construed in accordance with article 10(2).

(3) Any power to give a direction under any provision of this Order includes power to revoke or vary any such direction by a further direction.

(4) For the purposes of this Order a person is permitted to have access to a restricted zone if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.

### **Extraterritorial application and extent**

**3.—**(1) This Order applies outside the United Kingdom only where jurisdiction is conferred by article 30 or 38 of the international articles.

(2) This Order extends to Northern Ireland.

(3) In this article “the international articles” has the same meaning as in the Channel Tunnel (International Arrangements) Order 1993<sup>(3)</sup> and in articles 30 and 38 of the international articles the expression “the Fixed Link” has for the purposes of this Order the meaning given in article 2(3) of that Order.

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(2) 1981 c. 61.

(3) S.I. 1993 No. 1813.