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STATUTORY INSTRUMENTS

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**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*

**Powers of the Secretary of State to require information**

**11.**—(1) The Secretary of State may, by notice in writing served on any of the following persons—

- (a) the owner, operator or train manager of any Channel Tunnel train,
- (b) the Concessionaires,
- (c) any person who carries on operations in the tunnel system,
- (d) any person permitted to have access to a restricted zone for the purposes of the activities of any business carried on by him, and
- (e) the owner, occupier 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,

require that person to provide the Secretary of State with such information specified in the notice as the Secretary of State may require in connection with the exercise by the Secretary of State of his functions under this Part of this Order.

(2) A notice under paragraph (1) above shall specify a date (not being earlier than seven days from the date on which the notice is served) before which the information required by the notice in accordance with paragraph (1) above is to be furnished to the Secretary of State.

(3) Any such notice may also require the person on whom it is served, after he has furnished to the Secretary of State the information required by the notice in accordance with paragraph (1) above, to inform the Secretary of State if at any time the information previously furnished to the Secretary of State (including any information furnished in pursuance of a requirement imposed by virtue of this paragraph) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes to which this Part of this Order applies or the alteration or discontinuance of any measures already being taken).

(4) In so far as such a notice requires further information to be furnished to the Secretary of State in accordance with paragraph (3) above, it shall require that information to be furnished to him before the end of such period (not being less than seven days from the date on which the change of circumstances occurs) as is specified in the notice for the purposes of this paragraph.

(5) A notice may be served under this article on a person appearing to the Secretary of State to be about to become such a person as is mentioned in paragraph (1) above, but a notice served on a person by virtue of this paragraph shall not take effect until he becomes a person so mentioned

and, in relation to the notice so served, the preceding provisions of this article shall apply with the necessary modifications.

- (6) Any person who—
  - (a) without reasonable excuse, fails to comply with a requirement imposed on him by a notice under this article, or
  - (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular, commits an offence.
- (7) A person guilty of an offence under paragraph (6) 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.
- (8) A notice served on a person under paragraph (1) above may at any time—
  - (a) be revoked by a notice in writing served on him by the Secretary of State, or
  - (b) be varied by a further notice under paragraph (1) above.

### **Designation of restricted zones**

**12.**—(1) The Concessionaires may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the tunnel system as a restricted zone for the purposes of this Part of this Order.

(2) The owner, occupier or manager of any land, building or works used in connection with the operation of any Channel Tunnel train or the tunnel system may, and shall if so requested in writing by the Secretary of State, apply to the Secretary of State for the designation of the whole or any part of the land, building or works as a restricted zone for the purposes of this Part of this Order.

(3) An application under paragraph (1) or (2) above shall be in such form, and accompanied by such plans, as the Secretary of State may require.

(4) If the Secretary of State approves an application under paragraph (1) or (2) above with or without modifications, he shall designate the restricted zone accordingly.

(5) Before approving an application with modifications, the Secretary of State shall consult the Concessionaires, or the owner, occupier or manager of the land, building or works, as the case may be.

(6) If the Secretary of State requests the Concessionaires or, as the case may be, the owner, occupier or manager of any land, building or works referred to in paragraph (2) above in writing, to make an application under paragraph (1) or, as the case may be, (2) above within a specified period, but the Concessionaires fail or, as the case may be, the owner, occupier or manager of the land, building or works fails, to do so within that period, the Secretary of State may designate the whole or any part of the tunnel system or, as the case may be, the land, building or works as a restricted zone.

(7) The whole or any part of the tunnel system or, as the case may be, any land, building or works may be designated as a restricted zone, or part of a restricted zone, for specified days or times of day only.

(8) The Secretary of State shall give notice to the Concessionaires or, as the case may be, the owner, occupier or manager of the land, building or works of any designation under this article and the designation of the restricted zone shall take effect on the giving of the notice.

(9) Where the whole or any part of the tunnel system or, as the case may be, any land, building or works referred to in paragraph (2) has been designated under this article as a restricted zone—

- (a) paragraphs (1) to (8) above also have effect in relation to any variation of the designation, and
- (b) the designation may at any time be revoked by the Secretary of State.

**Power to impose restrictions in relation to Channel Tunnel trains**

**13.**—(1) For purposes to which this Part of this Order applies, the Secretary of State may give a direction in writing to the Concessionaires or to the owner, operator or train manager of any Channel Tunnel train requiring that person—

- (a) not to cause or permit persons or property to go or be taken on board any Channel Tunnel train to which the direction relates, or to come or be brought into proximity to any such Channel Tunnel train, unless such searches of those persons or that property as are specified in the direction have been carried out by persons of a description specified in the direction or by constables, or
- (b) not to cause or permit any such Channel Tunnel train to be put into service or moved unless such searches of the train as are specified in the direction have been carried out by persons of a description so specified or by constables.

(2) For purposes to which this Part of this Order applies, the Secretary of State may give a direction in writing to the Concessionaires or the owner, operator or train manager of any Channel Tunnel train requiring them or him not to cause or permit the train to be put into service or moved unless such modifications or alterations of the train, or of apparatus or equipment installed in or carried on board the train, as are specified in the direction have first been carried out, or such additional apparatus or equipment as is so specified is first installed in or carried on board the train.

(3) In giving any directions under paragraph (2) above, the Secretary of State shall allow, and shall specify in the direction, such period as appears to him to be reasonably required for carrying out the modifications or alterations or installing or obtaining the additional apparatus or equipment in question; and the direction shall not take effect before the end of the period so specified.

(4) Subject to the following provisions of this Part of this Order, a direction given to an owner, operator or train manager of a train under paragraph (1) or (2) above may be given so as to relate either to all Channel Tunnel trains of which at the time when the direction is given or at any subsequent time he is the owner, operator or train manager or only to one or more such trains specified in the direction; and a direction given to the Concessionaires under paragraph (1) or (2) above may be given so as to relate either to all Channel Tunnel trains which at the time when the direction is given or at any subsequent time are in any part of the tunnel system, or to a class of such trains specified in the direction.

(5) Subject to the following provisions of this Part of this Order, a direction under paragraph (1) above may be given so as to relate—

- (a) either to all persons or only to one or more persons, or persons of one or more descriptions, specified in the direction, and
- (b) either to property of every description or only to particular property, or property of one or more descriptions, so specified.

(6) Subject to the following provisions of this Part of this Order, any direction given under this article to any person not to cause or permit anything to be done shall be construed as requiring him to take all such steps as in any particular circumstances are practicable and necessary to prevent that thing from being done.

(7) A direction may be given under this article to a person appearing to the Secretary of State to be about to become such a person as is mentioned in paragraph (1) or (2) above, but a direction given to a person by virtue of this paragraph shall not take effect until he becomes a person so mentioned

and, in relation to a direction so given, the preceding provisions of this article shall apply with the necessary modifications.

(8) Any person who, without reasonable excuse, fails to comply with a direction given to him under this article is guilty of an offence and 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.

(9) Where a person is convicted of an offence under paragraph (8) 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.

### **Power to require the Concessionaires to promote searches in the tunnel system**

**14.**—(1) For the purposes to which this Part of this Order applies, the Secretary of State may give a direction in writing to the Concessionaires requiring them to use their 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, in relation to the tunnel system, are searches—

- (a) of the tunnel system or any part of it,
- (b) of any Channel Tunnel train which at the time when the direction is given or at any subsequent time is in the tunnel system, and
- (c) of persons and property (other than Channel Tunnel trains) which may be in the tunnel system.

(3) Where a direction under this article to the Concessionaires 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 into, any part of the tunnel system, he may, by virtue of this paragraph and without a warrant, search any part of the tunnel system or any Channel Tunnel train, vehicle, goods or other moveable property of any description which, or any person who, is for the time being in any part of the tunnel system, and for that purpose—

- (a) may enter any building or works in the tunnel system, or enter upon any land in the tunnel system, if need be by force,
- (b) may go on board any such Channel Tunnel train and inspect the train,
- (c) may stop any such Channel Tunnel train and, for so 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 for 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 in England and 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<sup>(1)</sup>.

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(1) 1984 c. 60.

(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 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<sup>(2)</sup> (use of force in making arrest etc).

### **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

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(2) 1967 c. 58.

- (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(3) .

(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<sup>(4)</sup> or section 3 of the Criminal Law Act (Northern Ireland) 1967<sup>(5)</sup>.

### **General power to direct measures to be taken for purposes to which Part III applies**

16.—(1) Paragraph (2) below applies to—

- (a) any person who is the owner, operator or train manager of one or more Channel Tunnel trains in the tunnel system or elsewhere within the United Kingdom,
- (b) the Concessionaires,
- (c) any person other than the Concessionaires who carries on operations in the tunnel system,
- (d) any person who is permitted to have access to a restricted zone for the purposes of the activities of a business carried on by him, and
- (e) any person who 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.

(2) Subject to the following provisions of this article, the Secretary of State may give a direction in writing to any person to whom this paragraph applies requiring him to take such measures for purposes to which this Part of this Order applies as are specified in the direction—

- (a) in the case of a direction given to a person as the owner, operator or train manager of a Channel Tunnel train, in respect of all the trains falling within paragraph (1)(a) above of which (at the time when the direction is given or at any subsequent time) he is the owner, operator or train manager, or in respect of any such trains specified in the direction,
- (b) in the case of a direction given to the Concessionaires, in respect of the tunnel system,
- (c) in the case of a direction given to a person as a person falling within paragraph (1)(c) above, in respect of the operations carried on by him,
- (d) in the case of a direction given to a person as a person who is permitted to have access to a restricted zone as mentioned in paragraph (1)(d) above, in respect of such activities carried on by that person in that zone as are specified in the direction, and
- (e) in the case of a direction given to a person as the owner, operator or manager of any property used in connection with the operation of any Channel Tunnel train or the tunnel system, in respect of all the property falling within paragraph (1)(e) above of which at the time when the direction is given he is the owner, operator or manager, or in respect of any such property as is specified in the direction.

(3) Without prejudice to the generality of paragraph (2) above, the measures to be specified in a direction given under this article to any person to whom that paragraph applies may include the provision by that person of persons charged with the duty (at such times as may be specified in the direction)—

- (a) where the direction is given to a person as the owner, operator or train manager of Channel Tunnel trains, of guarding the trains against acts of violence,
- (b) where the direction is given to the Concessionaires, of guarding the tunnel system, or persons or property (including trains) in any part of the tunnel system, against acts of violence,

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(4) S.I. 1989/1341 (N.I. 12).

(5) 1967 c. 18 (N.I.).



- (c) where the direction is given to a person as falling within paragraph (1)(c) above, of guarding against acts of violence any train in the tunnel system which is for the time being under his control,
  - (d) where the direction is given to a person as falling within paragraph (1)(d) above, of guarding against acts of violence
    - (i) any land, building or works occupied by him for the purposes of his business, any vehicles or equipment used for those purposes and any goods which are in his possession for those purposes, and
    - (ii) any Channel Tunnel train which is for the time being under his control, or
  - (e) where the direction is given to a person as falling within paragraph (1)(e) above, of guarding against acts or violence any property used in connection with the operation of any Channel Tunnel train or the tunnel system.
- (4) A direction given under this article may be either of a general or of a specific character, and may require any measures specified in the direction to be taken at such time or within such period as may be so specified.
- (5) A direction under this article—
- (a) shall not require any search (whether of persons or of property), and
  - (b) shall not require the modification or alteration of any train, or of any of its apparatus or equipment, or the installation or carriage of additional apparatus or equipment, or prohibit any train from being caused or permitted to be put into service or moved without some modification or alteration of the train or its apparatus or equipment or the installation or carriage of additional apparatus or equipment.
- (6) A direction may be given under this article to a person appearing to the Secretary of State to be about to become a person to whom paragraph (2) above applies, but a direction given to a person by virtue of this paragraph shall not take effect until he becomes a person to whom paragraph (2) above applies and, in relation to a direction so given, the preceding provisions of this article shall apply with the necessary modifications.
- (7) Any person who—
- (a) without reasonable excuse, fails to comply with a direction given to him under this article, or
  - (b) intentionally interferes with any building constructed or other works executed on any land in compliance with a direction under this article or with anything installed on, under, over or across any land in compliance with such a direction,
- commits an offence.
- (8) A person guilty of an offence under paragraph (7) 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.
- (9) Where a person is convicted of an offence under paragraph (7)(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.
- (10) The ownership of any property shall not be affected by reason only that it is placed on, in or under, or affixed to, any land, building or works in compliance with a direction under this article.