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STATUTORY INSTRUMENTS

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**1999 No. 537**

**The Channel Tunnel Rail Link  
(Boarley Lane Diversion) Order 1999**

**PART IV**

**MISCELLANEOUS AND GENERAL**

**Certification of plans etc.**

**12.** Eurostar shall, as soon as practicable after the making of this Order, submit one or more copies of the book of reference, the deposited sections and the deposited plan to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the deposited sections and the deposited plan referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

**Application of provisions of principal Act**

**13.—(1)** Schedule 3, which amongst other matters applies provisions of the principal Act not applied by the preceding provisions of this Order, shall have effect.

(2) So far as consistent with the provisions of this Order and the Transport and Works Act 1992 and so far as any person exercising the powers conferred by this Order is a nominated undertaker for the purposes of any provisions of Part I of the principal Act, this Order shall be construed as one with the principal Act.

(3) Without prejudice to the generality of paragraph (2) above, in determining any application or request by Eurostar to any body for an approval or consent under the provisions of the principal Act (including those provisions as applied by this Order), it shall be competent for that body to have regard (so far as relevant) to the combined effect of the works authorised by this Order and the works authorised by the principal Act for the purposes of the construction of which Eurostar is the nominated undertaker.

**Transfer of functions under Order**

**14.—(1)** Subject to paragraphs (2) and (3) below, Eurostar may enter into an agreement with any person (“the transferee”) for the transfer of all or any of its undertaking under this Order, including all or any of the functions, powers or duties of Eurostar under this Order,—

- (a) either permanently or for such period as is specified in or determined under the agreement, and
- (b) either unconditionally or subject to such conditions or upon the happening of such events as may be specified in the agreement.

(2) The terms of any agreement made by virtue of paragraph (1) above shall, unless the transferee is the Secretary of State or a nominated undertaker for any purposes of any provisions of Part I of the principal Act, be subject to the approval of the Secretary of State.

(3) Any agreement or undertaking entered into by Eurostar in connection with the promotion of this Order shall, so far as relevant to any functions, powers or duties under this Order exercisable by the transferee under an agreement made by virtue of paragraph (1) above, be binding on the transferee.

(4) Where an agreement is made by virtue of paragraph (1) above, references to Eurostar in this Order (including references inserted or substituted by this Order in the principal Act or any other enactment) shall, to such extent and for such purposes as the agreement so provides, have effect as references to the transferee.

(5) Paragraphs (6) and (7) below apply if at any time after the making of this Order a relevant nomination order is made and if at the time that order is made no agreement pursuant to paragraph (1) above, other than an agreement with UR (South), has been made by Eurostar.

(6) Subject to paragraph (7) below, where this paragraph applies—

- (a) references in this Order to Eurostar are to be treated for all purposes of this Order (including paragraphs (1) to (4) above) as references to UR (South);
- (b) anything done by or to Eurostar under or pursuant to this Order or (so far as relevant to this Order) under or pursuant to any provision of an enactment applied by or incorporated with this Order, shall have effect as if done by or to (as the case may be) UR (South);
- (c) any consent or approval given to Eurostar in relation to the works or other matters authorised by this Order, shall have effect as if given to UR (South);
- (d) any request made for such a consent or approval shall have effect as if made by UR (South); and
- (e) any agreement or undertaking entered into by Eurostar in connection with the promotion of this Order shall be enforceable against UR (South) to the same extent that it would, in the absence of this paragraph, have been enforceable against Eurostar.

(7) Nothing in paragraph (6) above shall have the effect, as between Eurostar and UR (South), of overriding any agreement made between them (whether before or after this Order comes into force) concerning the apportionment of responsibility for liabilities arising under or the exercise of rights conferred by this Order, including any agreement as to the making of payments or the indemnification of one by the other.

(8) In this article—

“relevant nomination order” means an order made under section 34 of the principal Act which specifies UR (South) as the nominated undertaker for any purposes connected with the construction of Work No. 13 (Strood to Detling) authorised by the principal Act; and

“UR (South)” means Union Railways (South) Limited.

### **Termination of development agreement**

**15.—**(1) This article applies where the Secretary of State has entered into a development agreement for purposes connected with the construction or operation of the Channel Tunnel Rail Link, and that agreement has been terminated under provisions contained therein.

(2) Where this article applies, the Secretary of State may by notice in writing transfer to himself or to a nominated undertaker within the meaning of section 34 of the principal Act any of the powers, functions, duties or liabilities of Eurostar under this Order, or of any person to whom Eurostar has transferred them.

(3) Where he has transferred such a power, function, duty or liability to himself the Secretary of State may subsequently transfer it to such a nominated undertaker.

(4) In exercising his powers under paragraphs (2) and (3) above, the Secretary of State may deal differently in respect of different parts of the authorised works.

(5) Any notice under paragraph (2) above shall be given by the Secretary of State to Eurostar or to any person to whom Eurostar has transferred any of the powers, functions, duties or liabilities of Eurostar under this Order.

**Cessation of certain powers under principal Act**

**16.** The power conferred by section 1 of the principal Act for the construction of Work No. 13G authorised by that Act, and by paragraph 1 of Schedule 3 to that Act for the stopping up of part of Boarley Lane, in the County of Kent, Borough of Maidstone, Parish of Boxley, shall cease upon commencement of construction of the scheduled work.