

EXPLANATORY MEMORANDUM TO
THE CHANNEL TUNNEL (MISCELLANEOUS PROVISIONS)
(AMENDMENT) ORDER 2007

2007 No. 2908

THE CHANNEL TUNNEL (INTERNATIONAL ARRANGEMENTS)
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1. This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

2. **Description**

2.1 The purpose of these Orders is to make provision for immigration controls to be exercised in relation to trains travelling between the UK and France and Belgium via the Channel Tunnel in the stations of St Pancras and Ebbsfleet International and to stop those controls being exercised in Waterloo International. The move from Waterloo International to St Pancras will be implemented on 14th November 2007 and the controls will be operational at Ebbsfleet International from 19th November 2007.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

4. **Legislative Background**

4.1 Section 11 of the Channel Tunnel Act 1987 provides that the appropriate Minister may make provision by order as appears to him to be necessary or expedient with respect to controls in relation to persons or goods at authorised terminal control points outside the tunnel system for trains on international services.

4.2 The Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813) and the Channel Tunnel (Miscellaneous Provisions) Order 1994 (S.I. 1994/1405) make provision in respect of trains travelling through the Channel Tunnel between the UK and France and between the UK and Belgium (via France) respectively. These instruments give the relevant international agreements the force of law in those parts of the UK where controls are exercised. Currently controls in the UK in respect of these trains are exercised in Folkestone (in respect of the shuttle between France and the UK only) and London Waterloo and Ashford (in respect of other trains

between France and the UK and all trains between Belgium and the UK). Whilst S.I. 1993/1813 currently makes provision for a supplementary control zone in London St Pancras in respect of trains running between France and the UK, those controls are not currently being exercised.

4.3 Article 2(2), (3) and (7) of the Channel Tunnel (International Arrangements) (Amendment) Order 2007 amends S.I. 1993/1813 to make provision for Ebbsfleet International to become a supplementary control zone in which the relevant international provisions will apply. Article 2(4) to (6) of this Order amends S.I. 1993/1813 to provide that Waterloo International is no longer a supplementary control zone. Copies of the international arrangements signed in Paris on 18th June 2007 will be deposited in House libraries: Agreement making amendments to the Additional Protocol to the Sangatte Protocol on the establishment of bureaux responsible for controls on persons travelling by train between the United Kingdom and France, and to the Agreement concerning the carrying of service weapons by French officers on the territory of the United Kingdom of Great Britain and Northern Ireland; Arrangement amending the Franco-British Arrangement for the Implementation of the Additional Protocol to the Sangatte Protocol on the establishment of bureaux responsible for controls on persons travelling by train between France and the United Kingdom signed on the 6th June 2001.

4.4 The Channel Tunnel (Miscellaneous Provisions) (Amendment) Order 2007 amends S.I. 1994/1405 to provide that Waterloo International is no longer a control zone. The definition of control zone in Schedule 1 to S.I. 1994/1405 is by cross reference to international arrangements and therefore the recent international arrangements which makes provision for the establishment of a control zone at London St Pancras and Ebbsfleet International and for the exercise of controls by French or Belgian officials in those zones will ensure that those stations become control zones without further amendment needing to be made to S.I. 1994/1405. Copies of those recent international arrangements signed in Paris and Brussels on 4th October and in Folkestone on 5th October will be deposited in the House libraries: Amending Administrative Arrangement making amendments to the Administrative Arrangement signed at the Hague on 1 October 2004; and Amending Administrative Arrangement for the Establishment of control zones for the implementation of the Agreement signed at Brussels on 15 December 1993 concerning rail traffic between Belgium and the United Kingdom using the Channel Tunnel Fixed Link.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 These Orders facilitate a change in juxtaposed control zones from the Eurostar terminals in Waterloo International to St. Pancras on 14th November and Ebbsfleet International on 19th November.

7.2 Eurostar is moving terminals from Waterloo to St Pancras on 14th November 2007 to start services on what will be the complete high speed line between the Channel Tunnel and London. A Thames crossing was preferred to a route from Waterloo as the environmental impact was significantly reduced, it offers better links to routes beyond London and it provides considerable regeneration benefits. Ebbsfleet International is due to be opened on 19th November 2007. It will provide the focal point for regeneration benefits from the Channel Tunnel Rail Link to the Thames gateway. The station has good links with the A2 and M25 supported with 9,000 car park spaces, and the Fastrack bus way that provide Eurostar with access to a wide catchment area in Kent and the surrounding counties.

7.3 The Sangatte Protocol 1991 and the Additional Protocol to the Sangatte Protocol 2000 provide the basis for juxtaposed controls in respect of trains travelling between France and the UK via the channel tunnel. A tripartite agreement between France, Belgium and the UK of 1993, a protocol to that Agreement and administrative arrangements made pursuant to that instrument in 2004 provide the basis for juxtaposed controls in respect of trains travelling between Belgium and the UK (via France) via the channel tunnel.

7.4 French control zones in the UK enable French officers to wear their personal firearms, but only within a small prescribed area and all weapons are stored securely in conditions set down by the UK authorities.

7.5 Juxtaposed Controls have been highly successful in reducing the dangerous and illegal crossing of the Channel. In line with the Government's strategic objective to Strengthen Our Borders, the change in location of the Waterloo control zone to St Pancras and a new control zone at Ebbsfleet International enables us to continue to work with the French and Belgian authorities to tackle illegal immigration.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 The impact on the public sector is negligible arising from relocation of the necessary infrastructure and staff for the operation of juxtaposed control zones.

9. Contact

Nahid Khan at the Home Office Border and Immigration Agency Tel: 0208 760 8213 or e-mail: Nahid.Khan@homeoffice.gsi.gov.uk can answer any queries regarding the instrument.