

SCHEDULE 2

TRIPARTITE ARTICLES

PART I

AGREEMENT

PART I

General Provisions

Article 1

Definitions

(1) “Frontier controls” means police, immigration, customs, health, veterinary and phytosanitary, consumer protection, and transport controls, as well as any other controls provided for in national or European Community laws and regulations.

(2) “Fixed Link” means the Channel Fixed Link defined in Article 1 of the Treaty done at Canterbury on 12 February 1986.

(3) “Trains” means international trains travelling between Belgian and British territory, using the Fixed Link and passing through French territory.

(4) “Non-stop trains” means international trains travelling between Belgian and British territory, using the Fixed Link and crossing French territory without making a commercial stop, except for technical stops.

(5) “Officers” means persons responsible for policing and frontier controls who are under the command of the persons or authorities designated in accordance with Article 3(2).

(6) “Control Zone” means that part of the territory of the host State and the non-stop trains, within which the officers of the other States are empowered to effect controls. Each control zone shall be defined by mutual agreement between the host State and the State whose officers will be operating in the said zone; however, in the case of non-stop trains, the control zone in French territory shall be determined jointly by the three Governments.

(7) “Host State” means the State in whose territory the controls of the other States are effected.

Article 2

Scope

(1) This Agreement shall apply to rail traffic between the United Kingdom and Belgium travelling via the Fixed Link and passing through French territory.

(3) A Protocol concerning frontier controls and policing on non-stop trains between the United Kingdom and Belgium via the Fixed Link is attached as an annex to this Agreement and shall form an integral part thereof.

PART II

Authorities and General Principles of Co-operation

Article 3

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) Each of the Governments shall designate the authorities or persons having charge of the services which in its territory have responsibility for the exercise of frontier controls and the maintenance of law and order.

Article 4

On non-stop trains, British officers may exercise frontier controls in Belgian and French territory, and Belgian officers in British and French territory.

Article 5

It is agreed that the frontier controls relating to non-stop trains shall in principle be effected under the exclusive responsibility of the British and Belgian authorities.

Article 9

The officers of the three States shall be authorised to circulate freely over the whole of the route between London and Brussels for official purposes simply by producing appropriate evidence of their identity and status.

PART III

Co-operation in Criminal Justice

Article 11

(1) Without prejudice to the provisions of Articles 4 and 14(2) of the Protocol attached as an annex to this Agreement, when an offence is committed on the territory of one of the three States that State shall have jurisdiction.

(2) When it cannot be ascertained where such an offence has been committed, the State of arrival shall have jurisdiction.

Article 12

Where an arrest is made for an offence in respect of which one State has jurisdiction under Article 11, that arrest shall not be affected by the fact that its effects continue in the territory of the other States.

Article 13

Persons who are found committing, attempting to commit, or just having committed an offence and who are apprehended on the train during the journey shall be handed over as soon as possible to the empowered officers of the State which has jurisdiction under Article 11.

Article 14

(1) In the event that a person is found committing, attempting to commit or just having committed on board a train in the territory of a State one of the following offences: homicide, rape, arson, armed robbery, kidnapping and hostage taking, or use of explosives, the train must be stopped in order to enable the competent authorities of that State to take any measures relevant to their investigations and, where appropriate, detain the person suspected of having committed the offence.

(2) If the train cannot be stopped because it is within the Fixed Link or because it is about to leave the territory of the State in which one of the offences referred to in the preceding paragraph has been committed, authorised officers who are present must take all appropriate interim measures to ensure that, when the train arrives, the officers of the State which has jurisdiction under Article 11

are able to interview witnesses, take evidence or receive information relevant to their investigations and, where appropriate, take charge of the person suspected of having committed the offence.

Article 15

(1) When a person is arrested in a manner covered by Articles 6, 12, 13 and 14(2) of this Agreement, the arrest shall be notified without delay to the authorities of the State of arrival. The person arrested may be transferred to the territory of the State which has jurisdiction under Article 11.

(2) However, any such transfer shall take place within no more than 24 hours of the notification under the preceding paragraph. Moreover, each State reserves the right not to authorise the transfer of its nationals.

PART V

Co-operation Between the Competent Authorities

Article 23

(1) Each State shall waive any claim which it may have against the other States for compensation in respect of damage caused to its officers or its property.

(2) The provisions of this Article shall not affect in any way the rights of third parties under the laws of each State.

PART VI

Final Clauses

Article 24

In addition to the arrangements provided for under Article 20, the procedures for the implementation of this Agreement and its Protocol may, as far as necessary, be the subject of technical or administrative arrangements between the competent authorities of the three States.