



# Channel Tunnel Act 1987

## 1987 CHAPTER 53

### PART III

#### STATUS, OPERATION AND REGULATION OF THE TUNNEL SYSTEM

*Application of English law to Concession agreements  
and leases to be subject to international arrangements*

#### **15 Contract law and arbitration law**

- (1) Subject to subsection (3)(a) below, English law shall not apply for the determination of any question with respect to the formation, discharge, validity or effect of any Concession agreement except to the extent and in the circumstances (if any) provided by or determined under any provision of the international arrangements.
- (2) For the purposes of all legal proceedings—
  - (a) any Concession agreement specified in any notice published under section 4 of this Act with respect to the coming into operation of the Concession shall be taken to be valid and effective at any time on or after the date specified in that notice; and
  - (b) any Concession agreement other than one so specified shall be taken to be valid and effective at any time on or after the date on which it is expressed to take effect;until any date specified in a notice so published as being the date on which the Concession expired or terminated.
- (3) Where any Concession agreement provides for the determination of a dispute by the arbitral tribunal—
  - (a) the provisions of Part I of the Arbitration Act 1950 and the Arbitration Act 1979 specified in subsection (4) below shall apply in relation to that agreement, or to the enforcement of an award on that agreement, subject to the modifications specified in that subsection and except so far as excluded by,

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*Status: This is the original version (as it was originally enacted).*

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and subject to any modifications contained in, the agreement or any provision of the international arrangements; but

- (b) without prejudice to subsection (1) above, no other provision of Part I of the Act of 1950 or the Act of 1979 shall apply in relation to that agreement, or to the enforcement of an award on that agreement, except so far as applied by, and subject to any modifications contained in, that agreement or any provision of the international arrangements.

(4) The provisions are—

- (a) section 4(1) of the Act of 1950 (staying court proceedings on matters subject to arbitration) with the substitution of the words "shall make an order staying the proceedings" for the words from "if satisfied" to the end;
- (b) section 26 of that Act (enforcement of arbitration award by court); and
- (c) section 2 of the Act of 1979 (determination by court of preliminary point of law arising on arbitration) with—
  - (i) the omission of the words "Subject to subsection (2) and section 3 below," in subsection (1) and of subsection (2); and
  - (ii) the substitution of the words "with the consent of the arbitral tribunal" for paragraphs (a) and (b) of subsection (1);

and any other provisions of Part I of the Act of 1950 or the Act of 1979 so far as affecting the operation of the provisions mentioned in any of paragraphs (a) to (c) of this subsection.

(5) Subject to subsection (3)(a) above and except to the extent and in the circumstances (if any) provided by or determined under the agreement in question or any provision of the international arrangements, no court in any part of the United Kingdom shall have jurisdiction (whether by virtue of any enactment or at common law)—

- (a) to determine any matter over which the arbitral tribunal assumes jurisdiction;
- (b) to set aside or remit an award made on any Concession agreement on the ground of errors of fact or law on the face of the award, excess of jurisdiction, procedural irregularities or on any other ground whatsoever; or
- (c) to determine whether anything purporting to be such an award is a valid award; and in all legal proceedings anything purporting to be such an award shall be taken to be a valid award and shall not be questioned on any ground whatsoever.

## **16 Landlord and tenant law**

(1) The purpose of this section is to secure that the application of English law to any Concession lease does not have effect so as to prejudice the operation of the international arrangements, so far as relates to the provision for use by the Concessionaires of the land required in England for the construction and operation of the tunnel system by the grant to the Concessionaires of a Concession lease on terms determined in pursuance of those arrangements.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall apply in relation to the rights and obligations of the parties to a Concession lease—

- (a) so as to exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;

- (b) so as to confer or impose on either party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or
- (c) so as to restrict the enforcement (whether by action for damages or otherwise) by either party to the lease of any obligation of the other party under the lease.