
STATUTORY INSTRUMENTS

1994 No. 570

The Channel Tunnel (Security) Order 1994

PART II

**OFFENCES AGAINST THE SAFETY OF CHANNEL
TUNNEL TRAINS AND THE TUNNEL SYSTEM**

Hijacking of Channel Tunnel trains

4.—(2) A person who unlawfully, by the use of force or by threats of any kind, seizes a Channel Tunnel train or exercises control of it, commits the offence of hijacking a Channel Tunnel train.

(2) A person guilty of the offence of hijacking a Channel Tunnel train is liable on conviction on indictment to imprisonment for life.

Seizing or exercising control of the tunnel system

5.—(2) A person who unlawfully, by the use of force or by threats of any kind, seizes the tunnel system or exercises control of it, commits an offence.

(2) A person guilty of an offence under this article is liable on conviction on indictment to imprisonment for life.

Destroying a Channel Tunnel train or the tunnel system or endangering their safety

6.—(2) A person commits an offence if he unlawfully and intentionally—

- (a) destroys a Channel Tunnel train or the tunnel system, or destroys any goods on the train or within the tunnel system so as to endanger or be likely to endanger, the safe operation of the train, or as the case may be, the safety of the tunnel system;
- (b) damages a Channel Tunnel train or any goods on the train or the tunnel system or any goods within the system so as to endanger, or to be likely to endanger, the safe operation of the train, or as the case may be, the safety of the tunnel system; or
- (c) commits on board a Channel Tunnel train or within the tunnel system an act of violence which is likely to endanger the safe operation of the train, or as the case may be, the safety of the tunnel system.

(2) A person commits an offence if he unlawfully and intentionally places, or causes to be placed, on a Channel Tunnel train or in the tunnel system any device or substance which—

- (a) in the case of a Channel Tunnel train is likely to destroy the train, or is likely so to damage it or any goods on it as to endanger its safe operation, or
- (b) in the case of the tunnel system, is likely to destroy the tunnel system or so to damage it as to endanger its safety.

(3) Nothing in paragraph (2) above shall be construed as limiting the circumstances in which the commission of any act—

- (a) may constitute an offence under paragraph (1) above, or
 - (b) may constitute attempting or conspiring to commit, or aiding, abetting, counselling, procuring or inciting, or being art and part in, the commission of such an offence.
- (4) A person guilty of an offence under this article is liable on conviction on indictment to imprisonment for life.
- (5) In this article “act of violence” means an act which constitutes—
- (a) the offence of murder, attempted murder, manslaughter, culpable homicide or assault,
 - (b) an offence under section 18, 20, 21, 22, 23, 24, 28 or 29 of the Offences against the Person Act 1861⁽¹⁾ or
 - (c) an offence under section 2 of the Explosive Substances Act 1883⁽²⁾, or
- which if committed in England and Wales, Scotland or Northern Ireland would constitute such an offence.

Other acts endangering or likely to endanger the safe operation of a Channel Tunnel train or the safety of the tunnel system

- 7.—(2) It is an offence for any person unlawfully and intentionally—
- (a) to destroy or damage any property to which this paragraph applies, or
 - (b) to interfere with the operation of any such property,
- where the destruction, damage or interference is likely to endanger the safe operation of any Channel Tunnel train or the safety of the tunnel system.
- (2) Paragraph (1) above applies to any property used in connection with the operation of any Channel Tunnel train or the tunnel system, including any land, building or works, train, 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.
- (3) It is an offence for any person intentionally to communicate any information which he knows to be false in a material particular, where the communication of the information endangers the safe operation of any Channel Tunnel train or the safety of the tunnel system.
- (4) It is a defence for a person charged with an offence under paragraph (3) above to prove that when he communicated the information, he was lawfully employed to perform duties which consisted of or included the communication of information and that he communicated the information in good faith in performance of those duties.
- (5) A person guilty of an offence under this article is liable on conviction on indictment to imprisonment for life.

Offences involving threats

- 8.—(2) A person commits an offence if—
- (a) in order to compel any other person to do or abstain from doing any act, he threatens that he or some other person will do in relation to any Channel Tunnel train or the tunnel system an act which is an offence by virtue of article 6(1) of this Order, and
 - (b) the making of that threat is likely to endanger the safe operation of the train or, as the case may be, the safety of the tunnel system.
- (2) A person commits an offence if—

(1) 1861 c. 100.
 (2) 1883 c. 3.

- (a) in order to compel any other person to do or abstain from doing any act, he threatens that he or some other person will do an act which is an offence by virtue of article 7(1) of this Order, and
 - (b) the making of the threat is likely to endanger the safe operation of any Channel Tunnel train or the safety of the tunnel system.
- (3) A person guilty of an offence under this article is liable on conviction on indictment to imprisonment for life.

Prosecution of offences and proceedings

9.—(2) Proceedings for an offence under any provision of this Part of this Order shall not be instituted—

- (a) in England and Wales, except by, or with the consent of, the Attorney General, and
- (b) in Northern Ireland, except by, or with the consent of, the Attorney General for Northern Ireland.

(2) As respects Scotland, for the purposes of conferring on the sheriff jurisdiction to entertain proceedings for an offence under or by virtue of this Part of this Order, any such offence shall, without prejudice to any jurisdiction exercisable apart from this paragraph, be deemed to have been committed in any place in Scotland where the offender may for the time being be.