
STATUTORY INSTRUMENTS

1994 No. 570

The Channel Tunnel (Security) Order 1994

PART III

**PROTECTION OF CHANNEL TUNNEL TRAINS AND
THE TUNNEL SYSTEM AGAINST ACTS OF VIOLENCE**

General supplemental provisions

Compensation in respect of certain measures taken under Part III

34.—(1) The provisions of this article have effect where, in compliance with a direction under article 16 of this Order or in compliance with an enforcement notice, the person to whom the direction was given or on whom the notice was served takes any measures consisting of the construction, execution, alteration, demolition or removal of a building or other works on land either within or outside the tunnel system.

(2) If the value of any interest in that land to which a person is entitled is depreciated in consequence of the taking of those measures, or the person having such an interest suffers loss in consequence of them by being disturbed in his enjoyment of any of that land, he is entitled to compensation equal to the amount of the depreciation or loss.

(3) If any land other than the land on which the measures are taken is injuriously affected by the taking of those measures, any person having an interest in that other land who suffers loss in consequence of its being injuriously affected is entitled to compensation equal to the amount of the loss.

(4) Any compensation to which a person is entitled under this article shall be payable to him by the person by whom the measures in question were taken.

(5) The provisions of Schedule 2 to this Order have effect for the purposes of this article and paragraphs (1) to (4) above have effect subject to the provisions of that Schedule.

Annual report by Secretary of State as to notices and directions under Part III

35.—(1) The Secretary of State shall, on or before 31 January in each year, lay before each House of Parliament a report stating the number of notices served by him under article 11 of this Order, the number of directions given by him under articles 13, 14, 15 and 16 of this Order and the number of enforcement notices served by authorised persons during the period of twelve months which expired with the preceding December.

(2) Each such report shall deal separately with notices served under article 11 of this Order, directions given under article 13 of this Order, directions given under article 14 of this Order, directions given under article 15 of this Order, directions given under article 16 of this Order, and enforcement notices, and, in relation to each of those matters, shall show separately—

- (a) the number of notices or directions which, during the period to which the report relates, were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, owners, operators or train managers of Channel Tunnel trains,
 - (b) the number of notices or directions which during that period were served on or given to the Concessionaires,
 - (c) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons carrying on operations in the tunnel system,
 - (d) the number of notices or directions which during that period were served on or given to persons as being, or as appearing to the Secretary of State to be about to become, persons permitted to have access to a restricted zone for the purposes of the activities of a business, and
 - (e) the number of notices or directions which during that period were served on or given to persons being, or as appearing to the Secretary of State to be about to become, the owners, occupiers or managers of land, building or works used in connection with the operation of any Channel Tunnel train or the tunnel system.
- (3) Each such report shall also show separately the number of copies of enforcement notices which during that period were served on train managers of Channel Tunnel trains under article 21(3) of this Order.

Service of documents

36.—(1) This article has effect in relation to any notice, any document containing a direction and any other document authorised or required by any provision of this Part of the Order to be served on or given to any person.

- (2) Any such document may be given to or served on any person—
 - (a) by delivering it to him, or
 - (b) by leaving it at his proper address, or
 - (c) by sending it by post to him at that address, or
 - (d) by sending it to him at that address by telex or other similar means which produce a document containing the text of the communication.

(3) Any such document may, in the case of a body corporate, be given to or served on the secretary, clerk or similar officer of that body.

(4) For the purposes of this article and section 7 of the Interpretation Act 1978⁽¹⁾ (service of documents by post) in its application to this article, the proper address of any person to whom or on whom any document is to be given or served is his usual or last known address or place of business (whether in the United Kingdom or elsewhere), except that in the case of a body corporate or its secretary, clerk or similar officer it shall be the address of the registered or principal office of that body in the United Kingdom (or, if it has no office in the United Kingdom, of its principal office, wherever it may be).

(5) If the person to or on whom any document mentioned in paragraph (1) above is to be given or served has notified the Secretary of State of an address within the United Kingdom, other than an address determined under paragraph (4) above, as the one at which he or someone else on his behalf will accept documents of the same description as that document, that address shall also be treated for the purposes of this article and section 7 of the Interpretation Act 1978 as his proper address.

(1) 1978 c. 30.

(6) Where an enforcement notice is to be served under article 21 of this Order on the owner or operator of a Channel Tunnel train, it shall be treated as duly served on him if it is served on the train manager of the train in question, but (except as provided by article 21(3) of this Order) the train manager shall not be obliged by virtue of this paragraph to comply with the notice.

(7) Any document mentioned in paragraph (1) above shall, where there are two or more owners or operators of a Channel Tunnel train or owners, occupiers or managers of any property, be treated as duly served on each of those owners, operators, occupiers or managers if served on any one of them.

(8) Where any document mentioned in paragraph (1) above is to be served (for the purposes of paragraph (6) above or otherwise) on the train manager of a train it shall be treated as duly served if it is left on board that train with the person being or appearing to be in command or charge of the train.