
STATUTORY INSTRUMENTS

2001 No. 1544

The Channel Tunnel (International Arrangements) (Amendment No. 3) Order 2001

Amendment of the Channel Tunnel (International Arrangements) Order 1993

4.—(1) In Schedule 1, insert the following definitions—

““Immigration control enactment”	An Act, or an instrument made under an Act, for the time being in force, which contains provision relating to immigration controls.
“Immigration officer”	The same meaning as in the Immigration Act 1971(1).
“The supplementary articles”	The meaning given by article 2(4) above.
“Supplementary control zone”	An area in which a control bureau is established for the purposes of the supplementary articles.”.

(2) After Schedule 2, insert—

“SCHEDULE 2A

Article 2(4)

SUPPLEMENTARY ARTICLES

Article 1

Any terms defined in Article 1 of the Protocol signed at Sangatte have the same meaning in this Additional Protocol. For the purposes of this Additional Protocol, the following definitions shall be added:

“State of departure” means the State in which the persons board the train;

“State of arrival” means the State in which the persons alight from the train.

Article 2

The authorities of the two States shall jointly put in place control bureaux, for persons using through trains and wishing to travel to the State of arrival, in the stations of London–Waterloo, London–St Pancras and Ashford on British territory, and the stations of Paris–Gare du Nord, Calais, and Lille–Europe on French territory.

The provisions of the Protocol signed at Sangatte concerning the officers of the adjoining State shall be applicable, under the same conditions, to the officers of the State of arrival who are on duty in the stations mentioned in the preceding paragraph.

(1) 1971 c. 77; see section 4 of the Act.

Article 3

The purpose of the controls carried out by the authorities of the State of departure shall be to check whether the person can leave its territory.

The purpose of the controls carried out by the authorities of the State of arrival shall be to check whether the person is in possession of the necessary travel documents and fulfils the other conditions for entry to its territory. If this is not the case, the person shall be immediately handed over to the authorities of the State of departure who shall apply their domestic law procedures.

The authorities of the State of departure and of the State of arrival shall carry out their controls in accordance with this Additional Protocol, with their laws and regulations and with their international obligations.

The controls mentioned in the preceding paragraphs are without prejudice to customs and security controls.

Article 4

Notwithstanding the third paragraph of Article 3 of this Additional Protocol, when a person submits a request for refugee status or any other kind of protection provided for in international law or in the domestic law of the State of departure during a control carried out at the station of the State of departure by the officers of the State of arrival, this request shall be examined by the authorities of the State of departure in accordance with the rules and procedures of its domestic law.

The same provisions shall be applicable when the request is submitted after the person has passed through this control and before the train doors close at the last scheduled stop at a station located in the territory of the State of departure. If such a request is made after the train doors have closed, it shall be processed by the State of arrival in accordance with the rules and procedures of its domestic law.

Article 5

The controls referred to in Article 3 of this Additional Protocol shall be carried out in accordance with Article 12 of the Sangatte Protocol.

Article 6

The procedures for the implementation of this Additional Protocol may, as far as necessary, be the subject of technical or administrative arrangements between the competent authorities of the two States.”.