

2001 No. 3707

CHANNEL TUNNEL

**The Channel Tunnel (International Arrangements)
(Amendment No. 4) Order 2001**

Made - - - - - 17th November 2001
Laid before Parliament - 19th November 2001
Coming into force - - 10th December 2001

In exercise of the powers conferred on the appropriate Minister by section 11 of the Channel Tunnel Act 1987(a), the Secretary of State for the Home Department hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Channel Tunnel (International Arrangements) (Amendment No. 4) Order 2001 and shall come into force on 10th December 2001.

(2) In this Order—

- (a) “the principal Order” means the Channel Tunnel (International Arrangements) Order 1993(b);
- (b) a reference to an article or a Schedule is to an article of or Schedule to the principal Order.

Amendment of the Channel Tunnel (International Arrangements) Order 1993

2. The principal Order shall be amended as follows.

3.—(1) In article 3(3), after “provide” insert “free of charge”.

(2) For article 3A(3)(c) substitute—

“For the purpose of enabling the authorities of the French Republic to make use in the United Kingdom of the accommodation, installations and equipment necessary for the performance of their functions under the supplementary articles, the Secretary of State for the Home Department may by written notice require any occupier or person concerned with the management of a terminal control point to provide free of charge such accommodation, installations and equipment as may be necessary to satisfy requirements determined by the authorities of the French Republic in consultation with the authorities of the United Kingdom.”.

(a) 1987 c. 53.

(b) S.I. 1993/1813; amendments relevant to this Order are made by S.I. 2000/1775 and 2001/1544.

(c) Article 3A is inserted by article 3(3) of S.I. 2001/1544.

4. After article 4(1B)(a) insert—

“(1C) The Race Relations Act 1976(b) shall apply to the carrying out by immigration officers of their functions in a control zone or a supplementary control zone outside the United Kingdom as it applies to the carrying out of their functions within the United Kingdom.”.

5.—(1) In Schedule 1(c), for the definition of “supplementary control zone” substitute the following definition—

“The part of the territory of the State of departure, determined by mutual agreement between the Governments of the State of departure and the State of arrival, within which the officers of the State of arrival are empowered to effect controls under the supplementary articles.”

(2) In Schedule 1, insert the following definitions—

“ “State of arrival” The meaning given by the supplementary articles.

“State of departure” The meaning given by the supplementary articles”.

6.—(1) In Schedule 4, paragraph 1(11)(e) and (ea)(d), for each occurrence of the words “further examination after arrival” substitute “further examination before or after arrival”.

7. In Schedule 4, after paragraph 4 insert—

“ *The Immigration (European Economic Area) Regulations 2000*

5. In the Immigration (European Economic Area) Regulations 2000(e)—

(a) after regulation 12(2) insert—

“(3) Any passport, identity card, family permit, residence document or document proving family membership which is required to be produced under this regulation as a condition for admission to the United Kingdom (“the required documents”) may, for the same purpose, be required to be produced in a control zone or a supplementary control zone.”;

(b) in regulations 21(2) after the word “arrival”, in regulation 22(3) after the words “EEA national”, and in regulation 22(4) after the words “United Kingdom”, insert “or the time of his production of the required documents in a control zone or a supplementary control zone”.

Home Office
17th November 2001

Jeff Rooker
Minister of State

(a) Article 4(1B) is inserted by article 3(4) of S.I. 2001/1544.
(b) 1976 c. 74, amended by the Race Relations (Amendment) Act 2000 (c. 34).
(c) Schedule 1 is amended by article 4(1) of S.I. 2001/1544.
(d) Sub-paragraphs (e) and (ea) are amended by article 6(4) and (5) of S.I. 2001/1544.
(e) S.I. 2000/2326, amended by S.I. 2001/865.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends provisions of the Channel Tunnel (International Arrangements) Order 1993 (“the principal Order”) which give effect to material provisions of the Additional Protocol mentioned in article 2(4) of the principal Order. The Additional Protocol supplements the system of juxtaposed frontier controls set up under the Protocol mentioned in article 1 of the principal Order (“the Sangatte Protocol”). Under the Additional Protocol, supplementary control zones are accorded to France in the United Kingdom, and to the United Kingdom in France, for the purposes of the carrying out, respectively, of French and United Kingdom immigration controls. Those supplementary control zones are additional to the control zones accorded for the purpose of carrying out frontier controls under the Sangatte Protocol. The provisions of the principal Order which give effect to the Additional Protocol were inserted by the Channel Tunnel (International Arrangements) (Amendment No. 3) Order 2001 (S.I. 2001/1544), which came into force on 25th May 2001. The amendments made by the present Order clarify or supplement certain of those provisions.

Article 3 clarifies the duty of the occupier or manager of a terminal control point for international services through the Channel Tunnel to provide the necessary facilities for the exercise of functions by French officers in the United Kingdom. In particular, it makes clear that for the purposes of both the Sangatte Protocol and the Additional Protocol such facilities are to be provided free of charge.

Article 4 extends the Race Relations Act 1976 (c. 74) to the exercise of functions by immigration officers in a control zone or supplementary control zone outside the United Kingdom.

Article 5 amends the definition of “supplementary control zone” in order to make it clear that the extent of such a zone is determined by mutual agreement between the two Governments.

Article 6 extends the power to require a person who has been examined in a supplementary control zone to submit to a further examination, by permitting that further examination to take place before as well as after his arrival in the United Kingdom.

Article 7 clarifies the application of regulations 12, 21 and 22 of the Immigration (European Economic Area) Regulations 2000 (S.I. 2000/2326), in the case of persons who seek to exercise a right to be admitted to the United Kingdom in a control zone or a supplementary control zone.

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