

2012 No. 1264

CHANNEL TUNNEL

**The Channel Tunnel (International Arrangements) (Amendment)
Order 2012**

Made - - - - - *10th May 2012*

Laid before Parliament *14th May 2012*

Coming into force in accordance with article 1(2)

The Secretary of State, acting as the appropriate Minister, makes the following Order in exercise of the powers conferred by section 11 of the Channel Tunnel Act 1987(a).

Citation and commencement

1.—(1) This Order may be cited as the Channel Tunnel (International Arrangements) (Amendment) Order 2012.

(2) This Order shall come into force on the day after the date on which the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of France on Implementation of the Cyclamen Device in the French Terminal of the Channel Tunnel Situated in Coquelles comes into force.

(3) That date shall be notified in the London, Edinburgh and Belfast Gazettes.

Amendment of the Channel Tunnel (International Arrangements) Order 1993

2. The Channel Tunnel (International Arrangements) Order 1993(b) is amended as follows.

3. In article 2 (interpretation)—

(a) in paragraph (1), after “supplementary articles” insert “or the 2012 Agreement”;

(b) at the end insert—

“(7) In this Order, the “2012 Agreement” means the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of France on Implementation of the Cyclamen Device in the French Terminal of the Channel Tunnel Situated in Coquelles signed in London on 10th May 2012.”.

4. In article 4 (application of enactments)—

(a) after paragraph (1A) insert—

(a) 1987 c.53. The “appropriate Minister” is defined in section 13 of the Channel Tunnel Act 1987. Section 11(11) was amended by article 2(1) of, and paragraph 91 of Schedule 1 to, S.I. 2009/1941.

(b) S.I. 1993/1813. Relevant amending instruments are S.I. 1996/2283, S.I. 2001/178, S.I. 2001/1544, S.I. 2001/3707, S.I. 2005/3389 and S.I. 2007/2907.

“(1AA) All security control enactments shall for the purpose of enabling officers belonging to the United Kingdom to carry out security controls extend to France within the tunnel system.”;

(b) after sub-paragraph (a) of paragraph (2) omit “or” and after sub-paragraph (b) insert—
“or

(c) processed within the tunnel system in France in connection with the carrying out of security controls by an officer belonging to the United Kingdom.”.

5. Insert the following definitions into Schedule 1 (expressions defined) in the appropriate places—

““2012 Agreement”

The meaning given by article 2(7)”

““security control enactment”

An Act, or an instrument made under an Act, for the time being in force, which contains provision relating to security controls”

““security controls”

Controls in relation to customs carried out for the purposes of the 2012 Agreement”.

6.—(1) Schedule 3 is amended as follows.

(2) In paragraph 2(3)—

(a) after “a customs officer may” insert “(a)”; and

(b) at the end insert—

“;

(b) within the tunnel system exercise any power of arrest conferred by a security control enactment in connection with the carrying out of security controls.”.

(3) In paragraph 3(3)(a), after “(3)” insert “(a) or (b)”.

Review

7.—(1) The Secretary of State must from time to time—

(a) carry out a review of this Order,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) The report must in particular—

(a) set out the objectives intended to be achieved by this Order,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(3) The first report under this article must be published before the end of the period of five years beginning with the day on which this Order comes into force.

(4) Reports under this article are afterwards to be published at intervals not exceeding five years.

Home Office
10th May 2012

Damian Green
Minister of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Channel Tunnel (International Arrangements) Order 1993 (the “1993 Order”) to implement the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of France on Implementation of the Cyclamen Device in the French Terminal of the Channel Tunnel Situated in Coquelles signed in London on 10th May 2012 (the “2012 Agreement”).

The 2012 Agreement and the provisions of this Order will enable the screening of vehicles, their contents and passengers to detect the illicit importation of radiological and nuclear materials at the French Channel Tunnel port of Coquelles.

Article 4 amends article 4 of the 1993 Order to provide that security control enactments shall extend to France within the tunnel system for the purpose of enabling officers belonging to the United Kingdom to carry out security controls (the “tunnel system” is defined in section 1(7) of the Channel Tunnel Act 1987). Article 5 inserts the necessary new definitions, including definitions of “security controls” and “security control enactment”, into Schedule 1 to the 1993 Order.

Article 6 amends Schedule 3 to the 1993 Order to provide that a customs officer may, within the tunnel system, exercise any power of arrest conferred by a security control enactment in connection with the carrying out of security controls.

Article 7 requires the Secretary of State to review the operation and effect of this Order and publish a report within five years after it comes into force and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the Order should remain as it is, or be revoked or be amended. A further instrument would be needed to revoke the Order or to amend it.

A full impact assessment has not been produced for this instrument as only a minimal impact on business and the voluntary sector is foreseen.

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STATUTORY INSTRUMENTS

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