

2007 No. 3579

CHANNEL TUNNEL

**The Channel Tunnel (International Arrangements and
Miscellaneous Provisions) (Amendment) Order 2007**

<i>Made</i> - - - -	<i>18th December 2007</i>
<i>Laid before Parliament</i>	<i>21st December 2007</i>
<i>Coming into force</i> - -	<i>2nd January 2008</i>

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. This Order may be cited as the Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2007 and shall come into force on 2nd January 2008.

Amendment of the Channel Tunnel (International Arrangements) Order 1993

2.—(1) Schedule 4 to the Channel Tunnel (International Arrangements) Order 1993(b) (enactments modified) is amended as follows.

(2) In paragraph 1(11)(r) (modification of paragraphs 26 and 27 of Schedule 2 to the Immigration Act 1971(c))(d) for the entry relating to paragraph 27 of Schedule 2 to the Immigration Act 1971 (duties of those connected with ships or aircraft or with ports) substitute—

“27.—(1) The train manager of a through train or shuttle train arriving in the United Kingdom—

- (a) shall take such steps as may be necessary to secure that persons, other than members of the crew who may lawfully enter the United Kingdom by virtue of section 8(1) of this Act, do not leave the train except in accordance with any arrangements approved by an immigration officer; and
- (b) where persons are to be examined by an immigration officer on the train, shall take such steps as may be necessary to secure that they are ready for examination.

(2) The Secretary of State may by order require, or enable an immigration officer to require, the train manager of a through train or shuttle train or a person operating an international service or his agent to supply—

(a) 1987 c. 53. The appropriate Minister is defined in section 13 of that Act.
(b) S.I. 1993/1813. Relevant amendments have been made by: S.I. 1994/1405; S.I. 2000/913; S.I. 2001/178; S.I. 2001/3707; and S.I. 2006/1003.
(c) 1971 c. 77. Paragraph 27 of Schedule 2 to the 1971 Act has been amended by section 31 of the Immigration, Asylum and Nationality Act 2006 (c. 13) but that amendment is not yet fully in force.
(d) Paragraph 1(11)(r) of Schedule 4 to S.I. 1993/1813 has been amended by S.I. 1994/1405.

- (a) a passenger list showing the names and nationality or citizenship of passengers arriving or leaving on board the train; and
 - (b) particulars of members of the crew of the train.
- (3) An order under sub-paragraph (2) may relate—
- (a) to all through trains or shuttle trains arriving or expected to arrive in the United Kingdom;
 - (b) to all through trains or shuttle trains leaving or expected to leave the United Kingdom.
- (4) An order under sub-paragraph (2)—
- (a) may specify the time at which or period during which information is to be provided,
 - (b) may specify the form and manner in which information is to be provided,
 - (c) shall be made by statutory instrument, and
 - (d) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (3) In paragraph 1(11)(s) (modification of paragraph 27B of Schedule 2 to the Immigration Act 1971(a)(b) at the end insert—
- “(vi) in sub-paragraph (9A) for “voyage or flight” substitute “international service” and for the words “ship or aircraft” substitute “through train or shuttle train”;
- (4) After paragraph 3 (modification of the Terrorism Act 2000(c)(d) insert—

“Immigration, Asylum and Nationality Act 2006

- 3A.** In the Immigration, Asylum and Nationality Act 2006(e)—
- (a) in section 32 (passenger and crew information: police powers)(f)—
 - (i) in subsection (1) for “ships and aircraft” substitute “through trains and shuttle trains”;
 - (ii) in subsections (2) and (3) for “owner or agent of a ship or aircraft” substitute “person operating an international service or his agent”;
 - (iii) in subsection (5)(a)(iii) for “a voyage or flight” substitute “an international service”; and
 - (iv) in subsection (6)(b) for “ships or aircraft” substitute “through trains or shuttle trains”;
 - (b) in section 34 (offence) the reference to section 32 includes a reference to that provision as modified by paragraph (a);
 - (c) in section 36 (duty to share information)(g)—
 - (i) in subsection (4) for “ship or aircraft”, wherever occurring, substitute “through train or shuttle train”; and

(a) Paragraph 27B of Schedule 2 to the 1971 Act was inserted by section 18 of the Immigration and Asylum Act 1999 (c. 33) and subsequently amended by section 16 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004 (c. 19) and section 31 of the Immigration, Asylum and Nationality Act 2006. The amendment made by section 31 of the 2006 Act is not yet fully in force.

(b) Paragraph 1(11)(s) of Schedule 4 to S.I. 1993/1813 was inserted by S.I. 2000/913.

(c) 2000 c. 11.

(d) Paragraph 3 of Schedule 4 to S.I. 1993/1813 was substituted by S.I. 2001/178.

(e) 2006 c. 13.

(f) Section 32 of the Immigration, Asylum and Nationality Act 2006 has been amended by section 14 of, and Schedule 15 to, the Police and Justice Act 2006 (c. 48) but that amendment is not yet in force.

(g) Section 36 of the Immigration, Asylum and Nationality Act 2006 has been amended by section 14 of, and Schedule 15 to, the Police and Justice Act 2006 but that amendment is not yet in force.

- (ii) in subsection (4) for “flights or voyages” substitute “international services”;
- (d) in section 37 (information sharing: code of practice) the references to section 36 include references to that provision as modified by paragraph (c);
- (e) in section 38 (disclosure of information for security purposes) in subsection (4)—
 - (i) for “ship or aircraft”, wherever occurring, substitute “through train or shuttle train”; and
 - (ii) for “flights or voyages” substitute “international services”; and
- (f) in section 39 (disclosure to law enforcement agencies) the reference to section 32 includes a reference to that provision as modified by paragraph (a).”.

(5) In paragraph 5 (modification of the Immigration (European Economic Area) Regulations 2000(a))(b) in the title for “2000” substitute “2006”.

Amendment of the Channel Tunnel (Miscellaneous Provisions) Order 1994

3. In article 7 of the Channel Tunnel (Miscellaneous Provisions) Order 1994(c) (enactments modified)—

- (a) article 7 becomes paragraph (1) of article 7;
- (b) for the words “the Immigration Act 1971, the Public Health (Control of Disease) Act 1984(d) and the Terrorism Act 2000(e) and the Immigration and Asylum Act 1999(f)” substitute “the enactments specified in paragraph (2)”;
- (c) after paragraph (1) insert—
 - “(2) The enactments are—
 - (a) Immigration Act 1971;
 - (b) Public Health (Control of Disease) Act 1984;
 - (c) Immigration and Asylum Act 1999;
 - (d) Terrorism Act 2000; and
 - (e) Immigration, Asylum and Nationality Act 2006.”.

Home Office
18th December 2007

Liam Byrne
Minister of State

(a) S.I. 2000/2326. This instrument was revoked by S.I. 2006/1003.
 (b) Paragraph 5 of Schedule 4 to S.I. 1993/1813 was inserted by S.I. 2001/3707 and has been amended by S.I. 2006/1003.
 (c) S.I. 1994/1405. Article 7 has been amended by S.I. 2006/2627 and S.I. 2007/2908.
 (d) 1984 c. 22.
 (e) 2000 c. 11.
 (f) 1999 c. 33.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order amends the Channel Tunnel (International Arrangements) Order 1993 and article 3 of this Order amends the Channel Tunnel (Miscellaneous Provisions) Order 1994. The provisions modify paragraphs 27 and 27B of Schedule 2 to the Immigration Act 1971 and sections 32, 34 and 36 to 39 of the Immigration, Asylum and Nationality Act 2006 (data acquisition and sharing in respect of flights and voyages) to cover trains arriving in and departing from the United Kingdom via the Channel Tunnel and to enable legislation under those provisions to make provision in respect of such trains.

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