
STATUTORY INSTRUMENTS

2020 No. 915

The Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020

Citation and commencement

1.—(1) This Order may be cited as the Channel Tunnel (International Arrangements and Miscellaneous Provisions) (Amendment) Order 2020.

(2) This article and articles 2 to 6, 9(1), (3) and (5)(a) and 10(1) to (3) come into force on 30th September 2020.

(3) The remainder of this Order comes into force on the date, after 30th September 2020, on which the Agreement between the Government of the French Republic, the Government of the Kingdom of Belgium, the Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland amending and supplementing the Agreement between the Government of the Kingdom of Belgium, the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland, concerning Rail Traffic between Belgium and the United Kingdom using the Channel Fixed Link with Protocol, done at Brussels on 15 December 1993, done at Brussels on 7 July 2020 enters into force⁽¹⁾.

Amendment of the Channel Tunnel (International Arrangements) Order 1993

2. The Channel Tunnel (International Arrangements) Order 1993⁽²⁾ is amended in accordance with articles 3 to 5.

Amendment of article 4

3. In article 4, in paragraph (1C), for “The Race Relations Act 1976” substitute “The Equality Act 2010⁽³⁾”.

Amendment of article 5

4.—(1) Article 5 is amended as follows.

(2) After paragraph (1) insert—

“(1ZA) Any act or omission which—

- (a) takes place inside the United Kingdom in a control zone and relates to an officer belonging to the French Republic; and
- (b) would constitute an offence under a frontier control enactment if it took place in relation to an officer belonging to the United Kingdom,

shall be treated for the purposes of that enactment as if it were an act or omission which had taken place in relation to an officer belonging to the United Kingdom.

⁽¹⁾ That date will be notified in the London, Edinburgh and Belfast Gazettes.

⁽²⁾ S.I. 1993/1813 as amended by S.I. 1994/1405 and 2001/3707.

⁽³⁾ 2010 c. 15.

(1ZB) Section 22 of the UK Borders Act 2007⁽⁴⁾ is modified for the purposes of paragraph (1ZA) so that the reference in subsection (1) of that section to an immigration officer includes a reference to an officer belonging to the French Republic.”.

(3) In paragraph (1A)—

- (a) after “paragraph (1)” insert “or (1ZA)”;
- (b) for the words from “the inner London area” to the end substitute “the area comprising the inner London boroughs”;

(4) In paragraph (2), for “paragraphs (1) and (1A)” substitute “paragraphs (1), (1ZA) and (1A)”.

Amendment of Schedule 4

5.—(1) Schedule 4 is amended as follows.

(2) Paragraph 1 (modifications to the Immigration Act 1971) is amended in accordance with paragraphs (3) to (6).

(3) Omit sub-paragraph (6)

(4) For sub-paragraph (8) substitute—

“(8) In section 25C (forfeiture of vehicle, ship or aircraft)—

(a) in subsection (3)—

- (i) for “ship or aircraft” wherever those words occur substitute “train”;
- (ii) at the end of paragraph (d) insert “or”;
- (iii) omit paragraph (e);
- (iv) in paragraph (f), for “captain” substitute “the train manager”;

(b) in subsection (4), for paragraphs (a) and (b) substitute “if subsection (5) applies”;

(c) in subsection (5) for “ship or aircraft” in both places, substitute “train”;

(d) omit subsections (6) and (7);

(e) in subsection (8)—

- (i) for “, ship or aircraft” substitute “or train”;
- (ii) for “ship, aircraft” substitute “train”.

(5) In sub-paragraph (11)—

(a) in paragraph (j)(i), for ““sub-paragraph (1)(b) or (a)”” substitute ““sub-paragraph (1)(b) or (c)””;

(b) in paragraph (k), for “in paragraph 9” substitute “in paragraph 9(1)”;

(c) omit paragraph (t).

(6) In paragraph 3 (modifications to the Terrorism Act 2000)⁽⁵⁾—

(a) for sub-paragraph (6) substitute—

“(6) In paragraphs 5, 5A and 6A, omit “or 3” in each place it appears.”.

(b) in sub-paragraph (16), for “paragraphs 5 and 6” substitute “paragraph 5”.

(7) In paragraph 3A (modifications to the Immigration, Asylum and Nationality Act 2006), omit sub-paragraph (e).

(8) In paragraph 4 (modifications to the Immigration (Leave to Enter and Remain) Order 2000)—

(4) 2007 c. 30.

(5) Paragraph 3 is substituted by paragraph 21(1) of Schedule 4 to the Counter-Terrorism and Border Security Act 2019 (c. 3).

- (a) after sub-paragraph (a) insert—
 - “(aa) in article 4(2B)—
 - (i) after the words “On arrival in the United Kingdom”, insert “or entry into a control zone in France or Belgium, or a supplementary control zone in France, seeking to arrive in the United Kingdom through the tunnel system”;
 - (ii) after the words “before arrival”, insert “or entry into the control zone or supplementary control zone”; and
 - (iii) after the words “arrives in the United Kingdom”, insert “or enters a control zone in France or Belgium, or a supplementary control zone in France, seeking to arrive in the United Kingdom through the tunnel system”;
 - (ab) in article 4(2D)—
 - (i) after the words “On arrival in the United Kingdom”, insert “or entry into a control zone in France or Belgium, or a supplementary control zone in France, seeking to arrive in the United Kingdom through the tunnel system”;
 - (ii) after the words “before arrival”, insert “or entry into the control zone or supplementary control zone”; and
 - (iii) after the words “date of arrival”, insert “or entry into the control zone or supplementary control zone”;
- (b) after sub-paragraph (b) insert—
 - “(ba) in article 4(3B)—
 - (i) after the words “on arrival in the United Kingdom”, insert “or entry into a control zone in France or Belgium, or a supplementary control zone in France, seeking to arrive in the United Kingdom through the tunnel system”;
 - (ii) after the words “before arrival”, insert “or entry into the control zone or supplementary control zone”; and
 - (iii) in sub-paragraph (b), after the words “arrives in the United Kingdom”, insert “or enters the control zone or supplementary control zone”.
- (9) In paragraph 5—
 - (a) for the words before sub-paragraph (a) substitute “In the Immigration (European Economic Area) Regulations 2016⁽⁶⁾—”;
 - (b) in sub-paragraph (b)—
 - (i) for “19(2)” substitute “23(4)”;
 - (ii) for “regulations 20(4) and (5)” substitute “regulation 24(5)”.

Amendment of the Channel Tunnel (Miscellaneous Provisions) Order 1994

6. The Channel Tunnel (Miscellaneous Provisions) Order 1994⁽⁷⁾ is amended in accordance with articles 7 to 13.

Amendment of article 2

- 7.—(1) Article 2 is amended as follows.
- (2) In paragraph (3)—
 - (a) at the end of sub-paragraph (a) insert “and”;

⁽⁶⁾ S.I. 2016/1052.

⁽⁷⁾ S.I. 1994/1405 as amended by S.I. 2004/2589, 2007/2908 and 3579 and 2011/1043.

- (b) at the end of sub-paragraph (b) omit “and”; and
- (c) omit sub-paragraph (c).
- (3) After paragraph (3) insert—
 - “(4) References in paragraph (3)(a) and (b) to the Articles of the Agreement or the Articles of the Protocol respectively are to those Articles as amended by the quadripartite agreement.
 - (5) In paragraph (4), the “quadripartite agreement” means the Agreement between the Government of the French Republic, the Government of the Kingdom of Belgium, the Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland amending and supplementing the Agreement between the Government of the Kingdom of Belgium, the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland, concerning Rail Traffic between Belgium and the United Kingdom using the Channel Fixed Link with Protocol, done at Brussels on 15 December 1993.”.

Amendment of article 3

- 8.—(1) Article 3 is amended as follows.
 - (2) In paragraph (2), for “the Kingdom of Belgium and officers belonging to the French Republic” substitute “a Designated State”.
 - (3) For paragraph (3) substitute—
 - “(3) Subject to paragraph (4), for the purpose of giving full effect to Articles 17 and 20 of the Part II provisions (accommodation etc. for authorities of a Designated State), the appropriate Minister may by written notice require any occupier or person concerned with the management of a terminal control point to provide such accommodation, installations and equipment as may be necessary to satisfy requirements determined under Article 16 of the Protocol to the Agreement.”.

Amendment of article 4

- 9.—(1) Article 4 is amended as follows.
 - (2) In paragraph (1), for the words from “extend” to the end of that paragraph substitute “extend to a Designated State within a control zone”.
 - (3) In paragraph (1A), for “The Race Relations Act 1976” substitute “The Equality Act 2010”.
 - (4) In paragraph (2), for “Belgium” substitute “a Designated State”.
 - (5) In paragraph (3)—
 - (a) for “Belgium” in the first place where it occurs substitute “the United Kingdom”;
 - (b) for “the Kingdom of Belgium” in the first place where it occurs substitute “a Designated State”;
 - (c) for “the Kingdom of Belgium” in the second place where it occurs substitute “that Designated State”.
 - (6) After paragraph (3) insert—
 - “(4) For the purposes of paragraphs (2) and (3), “Designated State” does not include the French Republic.”.

Amendment of article 5

- 10.—(1) Article 5 is amended as follows.

(2) After paragraph (1) insert—

“(1A) Any act or omission which—

- (a) takes place inside the United Kingdom in a control zone and relates to an officer belonging to the French Republic or the Kingdom of Belgium; and
- (b) would constitute an offence under a frontier control enactment if it took place in relation to an officer belonging to the United Kingdom,

shall be treated for the purposes of that enactment as if it were an act or omission which had taken place in relation to an officer belonging to the United Kingdom.

(1B) Section 22 of the UK Borders Act 2007 is modified for the purposes of paragraph (1A) so that the reference in subsection (1) of that section to an immigration officer includes a reference to an officer belonging to the French Republic or the Kingdom of Belgium.”

(3) In paragraph (2)—

- (a) after “paragraph (1)” insert “or (1A)”;
- (b) for the words from “the inner London area” to the end substitute “the area comprising the inner London boroughs”;
- (c) in paragraph (3), for “(1) and (2)” substitute “(1), (1A) and (2).”

(4) In paragraphs (1A)(a) and (1B) (inserted by paragraph (2) above), for “the French Republic or the Kingdom of Belgium” substitute “a Designated State”.

Amendment of article 7

11.—(1) Article 7 is amended as follows.

(2) In paragraph (1)—

- (a) for “the enactments specified in paragraph (2)” substitute “the frontier control enactments modified by Schedule 4 to the 1993 Order”;
- (b) in sub-paragraph (a), for “France and Belgium” substitute “a Designated State”;
- (c) after “have effect” insert “, subject to paragraph (1A),”.

(3) After paragraph (1) insert—

“(1A) For the purposes of paragraph (1), the modifications referred to in paragraph (1) have effect as if the references—

- (a) to a control zone in France or Belgium were to a control zone in a Designated State;
- (b) to the competent French authorities were to the competent authorities of a Designated State;
- (c) to an officer belonging to the French Republic or an officer belonging to the Kingdom of Belgium were to an officer belonging to a Designated State.”.

(4) Omit paragraph (2).

Amendment of Schedule 1

12.—(1) Schedule 1 is amended as follows.

(2) In the definition of “immigration controls”, for “Belgium and the United Kingdom” substitute “the State of departure and the State of arrival”.

(3) In the definition of “Officers”, after “departure from” insert “the State of departure”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (4) In the definition of “Train manager”, omit “In relation to a through train or a shuttle train.”.
- (5) Omit the definitions of “Administrative Arrangement”, “The Part III provisions” and of “Through train”.
- (6) In the appropriate places insert the following definitions—

““Designated State”	Subject to article 4(4), the French Republic, the Kingdom of Belgium or the Kingdom of the Netherlands.
“State of arrival”	The State in whose territory a train makes its first commercial stop after using the Fixed Link.
“State of departure”	The State in whose territory a train commences its journey with the intention of using the Fixed Link.”

Substitution of Schedule 2

13. For Schedule 2 substitute the Schedule 2 set out in the Schedule to this Order.

Other amendments

- 14.—(1) In article 2 of the Rabies (Importation of Dogs, Cats and Other Mammals) Order 1974⁽⁸⁾—
- (a) in paragraph (2), for “France or Belgium” substitute “a Designated State”;
- (b) after paragraph (2) insert—
- “(2A) For the purposes of paragraph (2), “Designated State” means the French Republic, the Kingdom of Belgium or the Kingdom of the Netherlands.”.
- (2) In the Channel Tunnel (Customs and Excise) Order 1990⁽⁹⁾—
- (a) in article 2(4), after the definition of “control zone” insert—
- ““Designated State” means the French Republic, the Kingdom of Belgium or the Kingdom of the Netherlands;”;
- (b) in article 5(2)(b), for “France or Belgium” substitute “a Designated State”;
- (c) in paragraphs A1, 1, 8(a), 17B(a) 17C, 18A and 20A of the Schedule, for “France or Belgium”, wherever those words occur, substitute “a Designated State”.

Revocation

15. The Channel Tunnel (Miscellaneous Provisions) (Amendment) Order 2014⁽¹⁰⁾ is revoked.

27th August 2020

Kevin Foster
Parliamentary Under Secretary of State
Home Office

⁽⁸⁾ S.I. 1974/2211; relevant amending instrument is S.I. 1994/1405.

⁽⁹⁾ S.I. 1990/2167; relevant amending instruments are S.I. 1993/1813 and 1994/1405

⁽¹⁰⁾ S.I. 2014/409.