



Channel Tunnel Act 1987

CHAPTER 53

CHANNEL TUNNEL ACT 1987

PART I

PRELIMINARY

- 1 Construction and operation of a tunnel rail link between the United Kingdom and France
- 2 No government funds or guarantees for the tunnel system
- 3 Provision for further definition of the tunnel system and for applying this Act to a new Concession
- 4 Notice with respect to operation, expiry or termination of the Concession

PART II

WORKS AND LAND FOR THE TUNNEL SYSTEM AND CONNECTED ROAD AND RAIL WORKS

- 5 Construction of the scheduled works
- 6 Supplementary provisions as to the scheduled works and other authorised works
- 7 Vesting of seaward section of tunnel system in Secretary of State, subject to Concession lease
- 8 Acquisition of land for the scheduled works and other authorised works
- 9 Planning permission, etc.

PART III

STATUS, OPERATION AND REGULATION OF THE TUNNEL SYSTEM

Status of the tunnel system

- 10 Incorporation of part of the tunnel system into the United Kingdom and general application of law

Application and enforcement of law

- 11 Regulation of the tunnel system: application and enforcement of law, etc.
12 Controls on board trains engaged on international services
13 Provisions supplementary to sections 11 and 12
14 Arrangements for the policing of the tunnel system

Application of English law to Concession agreements and leases to be subject to international arrangements

- 15 Contract law and arbitration law
16 Landlord and tenant law

Intergovernmental supervision of construction and operation

- 17 Supervision by Intergovernmental Commission and Safety Authority
18 Intergovernmental Commission and Safety Authority: supplementary

Regulation of operation of the system

- 19 Operation by the Concessionaires
20 Byelaws of the Concessionaires
21 Confirmation of byelaws by Secretary of State
22 Application of Railways Board's byelaws to their services in the tunnel system
23 Control of traffic within the tunnel system
24 Approval of trains

Termination of construction or operation

- 25 Maintenance of the tunnel system on termination of construction by Concessionaires
26 Operation of the tunnel system on a temporary basis where practicable on termination of the Concession
27 Limitations on exercise of Secretary of State's powers under sections 25 and 26
28 Provisions supplementary to sections 25 to 27
29 Scheme for land on abandonment of construction or operation

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32 Exclusion of exercise of rights under telecommunications code in relation to tunnel system land under the sea
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- 35 The A20 improvement works
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- 38 Time within which powers of compulsory acquisition may be exercised
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SCHEDULES

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PART I — THE CONCESSIONAIRES' SCHEDULED WORKS

PART II — THE COUNTY COUNCIL'S SCHEDULED WORKS

PART III — THE RAILWAYS BOARD'S SCHEDULED WORKS

PART IV — SUPPLEMENTARY

Interpretation

- 1 In this Schedule— "A20" means the road from Ashford to...

Limits of deviation

- 2 In their construction— (a) each scheduled work may deviate from...

SCHEDULE 2 — SUPPLEMENTARY PROVISIONS AS TO THE SCHEDULED WORKS AND OTHER AUTHORISED WORKS

PART I — APPLICATION OF ENACTMENTS

Application of Part II of the Public Utilities Street Works Act 1950

- 1 (1) Part II of the Public Utilities Street Works Act...

Application of Railways Clauses Acts

- 2 (1) Subject to the following provisions of this paragraph, the...
PART II — REGULATION OF SCHEDULED WORKS AND
SUBSIDIARY PROVISIONS

SECTION A

PROVISIONS APPLICABLE TO CONCESSIONAIRES

Use of electrical energy

- 3 (1) The following provisions of this paragraph shall apply in...

Concessionaires' subsidiary works

- 4 (1) The Concessionaires may, for the purposes of or in...

Use of lagoon for drainage

- 5 (1) Subject to the requirements of sub-paragraph (2) below, the...

Safety of lagoon

- 6 For the purposes of the Reservoirs Act 1975 (which makes...

SECTION B

PROVISIONS APPLICABLE TO COUNTY COUNCIL

County Council's subsidiary works

- 7 (1) The County Council may, for the purposes of or...

SECTION C

PROVISIONS APPLICABLE TO RAILWAYS BOARD

Passenger station at Ashford

- 8 (1) Without prejudice to section 16 of the Railways Clauses...

Passenger station at Waterloo

- 9 (1) In connection with the construction of Works Nos. 21,...

Railways at Stewart's Lane, Wandsworth

- 10 (1) In connection with the construction of Works Nos. 23,23A...

Works Nos. 25A and 25B: nature consultations

- 11 The Railways Board shall not begin to construct Work No....

Further works and powers

- 12 The Railways Board may make and maintain the following further...

Temporary possession of land

- 13 (1) Subject to the provisions of this paragraph the Railways...

SECTION D

**PROVISIONS APPLICABLE TO CONCESSIONAIRES,
COUNTY COUNCIL AND RAILWAYS BOARD**

Use of sewers, etc. for removing water

- 14 (1) The appropriate authority may use for the discharge of...

Underpinning of buildings

- 15 (1) If in the construction of any of the scheduled...
PART III — HIGHWAYS, ROADS, ETC

Stopping up of highways by Concessionaires, County Council and Railways Board

- 16 (1) Subject to the provisions of this paragraph, the Concessionaires...
17 (1) The Concessionaires may, with the written consent of the...

Construction and completion of new or substituted highways

- 18 (1) None of the following parts of highways to which...
19 (1) Before commencing the construction of any of Works Nos....
20 (1) If it appears to the County Council that the...

Repair of highways and agreements with highway authorities

- 21 (1) Notwithstanding anything in section 46 of the Railways Clauses...

Temporary interference with highways

- 22 (1) The appropriate authority may, for the purpose of constructing...

Power to use subsoil of highways

- 23 Subject to the provisions of this Act the appropriate authority...

Status of certain highways constructed by the Concessionaires

- 24 (1) The Secretary of State shall certify points on Works...

Status of the County Council's works

- 25 The construction by the Kent County Council of a highway...

Regulation of traffic on new roads

- 26 (1) Subject to sub-paragraph (2) below, any power under the...

Compensation for, and mitigation of, adverse effects of certain authorised works

- 27 (1) Subject to the following provisions of this paragraph, the...

SCHEDULE 3 — PLANNING PERMISSION

Status: This is the original version (as it was originally enacted).

Preliminary

- 1 In this Schedule— "authorised development" means development to which the...

Scheme of operation for authorised development

- 2 Any authorised development shall be carried out in accordance with...

Detailed plans and specifications for certain authorised development

- 3 To the extent that any authorised development consists of any...

Spoil

- 4 (1) No surplus spoil shall be deposited except on the...
5 (1) The methods to be employed in, and the timing...
6 Once the tunnel system has been brought into operation, the...

Protection of site at Holywell Coombe

- 7 (1) No part of Work No. 3 shall be constructed...

Arrangements and schemes for certain authorised development

- 8 (1) Where the bringing into use of any building, facility...
9 (1) The land associated with any building, facility or work...

Consultation regarding County Council development

- 10 None of the development to which the planning permission deemed...

Certificates for construction or use of certain authorised development

- 11 (1) Subject to sub-paragraph (2) below, the construction of the...
12 The inland clearance depot to be constructed at Ashford, in...
13 The tunnel system shall not be brought into use until...
14 (1) The Secretary of State shall consult the county and...

Working sites: discontinuance of operations and putting into condition

- 15 (1) Where any authorised development consists of or includes the...
16 Where any development to which any planning permission granted by...

Nature, the countryside and archaeological and historic sites

- 17 (1) Where a request is made— (a) for an approval...

Approvals: supplementary

- 18 A planning authority shall not be required to entertain any...
19 (1) The Secretary of State may give directions to a...
20 The Secretary of State may give directions to a planning...
21 (1) Where the Concessionaires are aggrieved by the decision of...

SCHEDULE 4 — THE A20 IMPROVEMENT WORKS
PART I — THE AUTHORISED WORKS

Description of works

- 1 The works which the Secretary of State is authorised by...

Limits of deviation

- 2 In their construction— (a) each of the works described in...

Interpretation of Part I

- 3 In paragraph 1 above, "A20" means the trunk road from...

PART II — INTERFERENCE WITH HIGHWAYS

Stopping up of highways

- 4 (1) Subject to the provisions of this paragraph, the Secretary...

Temporary interference with highways

- 5 (1) The Secretary of State may, for the purpose of...

PART III — MISCELLANEOUS

Status of new highways

- 6 (1) On the date on which this Act is passed...
7 (1) On the date certified by the Secretary of State...

Regulation of construction of works

- 8 The construction by the Secretary of State of a highway...

Status of ancillary operations and works

- 9 (1) The carrying out of any of the A20 improvement...

Application of Highways Act powers to provisions of this Schedule

- 10 (1) Any provision of Part I or II of this...

Regulation of traffic on new roads

- 11 (1) Subject to sub-paragraph (2) below, any power under the...

SCHEDULE 5 — SUPPLEMENTARY PROVISIONS AS TO ACQUISITION OF
LAND

PART I — PURPOSES FOR WHICH CERTAIN LAND MAY BE
ACQUIRED OR USED UNDER SECTION 8

PART II — PURPOSES FOR WHICH CERTAIN LAND MAY BE
ACQUIRED OR USED UNDER SECTION 36

PART III — SUPPLEMENTARY

Provision enabling owners and lessees to require purchase of their interests

- 1 (1) If the Secretary of State makes an order under...

Acquisition of subsoil or rights in land

- 2 (1) The appropriate authority may, under section 8 or 36...

Status: This is the original version (as it was originally enacted).

Acquisition of part only of certain properties

- 3 (1) Where a copy of this paragraph is endorsed on,...

Minerals

- 4 (1) Subject to sub-paragraph (2) below, Parts II and III...

Extinguishment of private rights of way

- 5 (1) All private rights of way over any land which...

Provisions as to compensation

- 6 (1) In determining a question with respect to compensation claimed...

Correction of deposited plans

- 7 (1) If the deposited plans or the book of reference...

Adaptation of Part I of the Compulsory Purchase Act 1965

- 8 In relation to the compulsory creation and acquisition of an...

SCHEDULE 6 — APPLICATION OF RAILWAY REGULATION ENACTMENTS

Tunnel system railway to be a "railway" under the Regulation of Railways Act 1871

- 1 In section 2 of the Regulation of Railways Act 1871...

*Disapplication of enactments in the case of the
Concessionaires and through service operators*

- 2 Sections 4 (duty of railway company to make returns of...

Extension of enactments in relation to through service operators

- 3 In the following enactments, the expressions "company" and "railway company"...

Modification of enactments applying to Concessionaires and through service operators

- 4 (1) In their application to— (a) the Concessionaires or any...

*Extension of sections 55 and 56 of the British Transport
Commission Act 1949 in relation to the tunnel system railway*

- 5 Sections 55 (penalty for trespass on railways, etc.) and 56...

Interpretation

- 6 In this Schedule "through service operator" means a person, other...

SCHEDULE 7 — PROTECTIVE PROVISIONS

PART I — HIGHWAYS AND TRAFFIC

- 1 (1) The following provisions of this Part of this Schedule...
2 Wherever in this Part of this Schedule provision is made...
3 Before carrying out any work for the construction or maintenance...
4 (1) Any such work involving interference with a highway shall...

- 5 The highway authority may require that the works authorised by...
6 It shall not be lawful for the appropriate authority in...
7 (1) The appropriate authority shall not, without the consent of...
8 The appropriate authority shall not, without the consent of the...
9 In the construction of any part of the said works...
10 (1) The provisions of this paragraph have effect in relation...
11 The appropriate authority shall secure that so much of the...
12 It shall be lawful for an officer of the highway...
13 The appropriate authority shall not alter, disturb or in any...
14 The appropriate authority shall not remove any soil or material...
15 If the highway authority, after giving to the appropriate authority...
16 (1) The appropriate authority shall not, except with the consent...
17 The appropriate authority shall, if reasonably so required by the...
18 (1) Where any part of any highway shall have been...
19 The appropriate authority shall make compensation to the highway
authority...
20 The fact that any act or thing may have been...
21 (1) Except as provided in sub-paragraph (2) below, any difference...
PART II — PROTECTION OF THE RAILWAYS BOARD
1 (1) The following provisions of this Part of this Schedule...
2 The appropriate authority shall not under the powers conferred by...
3 (1) The appropriate authority shall, before commencing the construction
of...
4 If within 28 days after such plans have been supplied...
5 Upon signifying his approval or disapproval of the plans the...
6 The appropriate authority shall give to the engineer of the...
7 (1) The construction of the specified works shall, when commenced,...
8 The appropriate authority shall at all times afford reasonable facilities...
9 The Railways Board shall at all times afford reasonable facilities...
10 (1) If any alteration or addition, whether permanent or temporary,...
11 The appropriate authority shall repay to the Railways Board costs...
12 (1) Subject to sub-paragraph (2) below, the appropriate authority shall...
13 Any difference arising between the appropriate authority and the
Railways...
PART III — PROTECTION OF NAVIGATION
1 (1) The following provisions of this Part of this Schedule...
2 (1) A tidal work shall not be constructed, extended, enlarged,...
3 The Secretary of State may at any time if he...
4 (1) The Concessionaires shall, at or near a tidal work,...
5 (1) After the completion of a tidal work the Concessionaires...
6 (1) Where a tidal work is abandoned, or suffered to...
7 (1) In case of injury to or destruction or decay...
8 (1) In proceedings for an offence under paragraph 4, 5...
PART IV — PROTECTION OF DOVER HARBOUR BOARD
1 The following provisions of this Part of this Schedule shall...
2 In this Part of this Schedule— "plans" includes sections, drawings...
3 The Concessionaires shall consult the Harbour Board as to the...
4 (1) Before commencing to construct any of the specified works...
5 (1) If there shall be any inconsistency between the plans...
6 The Concessionaires shall compensate the Harbour Board for any
damage...
7 If at any time any damage or diminution shall occur...
8 The fact that any act or thing may have been...

Status: This is the original version (as it was originally enacted).

- 9 Except in connection with the arrangements for the deposit of...
10 Any difference arising between the Concessionaires and the Harbour Board...

PART V — PROTECTION OF SEWERS

- 1 (1) The following provisions of this Part of this Schedule...
2 (1) Before commencing the construction or renewal of any specified...
3 (1) The plans to be submitted to the sewerage authority...
4 The appropriate authority shall give to the sewerage authority not...
5 In carrying out any specified work the appropriate authority shall...
6 All works for the provision of new, altered or substituted...
7 Nothing in paragraphs 5 and 6 above shall require the...
8 When works for the provision of any such new, altered...
9 The sewerage authority may require such modifications to be made...
10 (1) Subject to sub-paragraphs (2) and (3) below, if by...
11 If, in the carrying out of any specified work, or...
12 An officer of the sewerage authority duly appointed for the...
13 Access to any sewer under paragraph 11(b) above or entry...
14 The approval by the sewerage authority of any plans, drawings,...
15 As soon as reasonably practicable after the completion of the carrying...
16 Any difference arising between the appropriate authority and the sewerage...

PART VI — PROTECTION OF CERTAIN STATUTORY UNDERTAKERS

- 1 (1) The following provisions of this Part of this Schedule...
2 Notwithstanding anything in this Act or shown on the deposited...
3 If the appropriate authority in the exercise of the powers...
4 If— (a) the appropriate authority, for the purpose of carrying...
5 Any alternative apparatus to be constructed in land held by...
6 The undertakers shall, after the manner of construction and the...
7 (1) Notwithstanding anything in paragraphs 5 and 6 above, if...
8 (1) Where, in accordance with the provisions of this Part...
9 (1) Not less than 56 days before commencing to carry...
10 If in consequence of the exercise of the powers of...
11 Where, in consequence of this Act, any part of any...
12 (1) Subject to sub-paragraph (2) below, the appropriate authority shall...
13 (1) Subject to sub-paragraphs (2) and (3) below, if by...
14 The appropriate authority shall, so far as is reasonably practicable,...
15 Notwithstanding the temporary stopping up or diversion of any highway...
16 Nothing in this Part of this Schedule shall prejudice or...
17 (1) Any difference arising between the appropriate authority and the...

PART VII — PROTECTION OF LAND DRAINAGE

- 1 (1) The following provisions of this Part of this Schedule...
2 (1) Not less than 56 days before beginning to construct...
3 Any specified work, and all protective works required by the...
4 If by reason of the construction of any specified work...
5 (1) The appropriate authority shall indemnify the drainage authority from...
6 The fact that any work or thing has been executed...
7 Any difference arising between the appropriate authority and the drainage...

PART VIII — FURTHER PROTECTION OF SOUTHERN WATER AUTHORITY

- 1 The following provisions of this Part of this Schedule shall,...

- 2 If within six months from the passing of this Act...
- 3 Any right of the Concessionaires under section 34 of the...
- 4 (1) Not less than 56 days before beginning to construct...
- 5 The drainage lagoon and other works constructed by the
Concessionaires...
- 6 Not less than six months before commencing the construction of...
- 7 Except as otherwise agreed in writing by the Authority, the...
- 8 Except as provided in paragraph 3 above, nothing in this...
- 9 Any difference arising between the Concessionaires and the Authority
under...

PART IX — FURTHER PROTECTION OF THE FOLKESTONE AND
DISTRICT WATER COMPANY

- 1 The following provisions of this Part of this Schedule shall,...
- 2 Part VI of this Schedule shall have effect as if...
- 3 No part of the access road known as Waterworks Lane...
- 4 (1) Where the Concessionaires propose to construct, as part or...
- 5 The Company shall be entitled by their officers or agents...
- 6 Any difference arising between the Concessionaires and the Company
under...

PART X — PROTECTION OF TELECOMMUNICATIONS OPERATORS

- 1 (1) The following provisions of this Part of this Schedule...
- 2 (1) Subject to sub-paragraph (2) below, any electrical works or...
- 3 (1) Where in pursuance of paragraph 16 of Schedule 2...
- 4 The powers conferred by paragraph 15 of Schedule 2 to...
- 5 The exercise of the powers conferred by paragraph 22 of...
- 6 (1) Subject to sub-paragraphs (2) and (3) below, if, by...
- 7 Any difference arising between the appropriate authority and any
telecommunications...