



Channel Tunnel Rail Link Act 1996

1996 CHAPTER 61

PART I

THE CHANNEL TUNNEL RAIL LINK

Application of railway legislation

19 Railway administration orders

- (1) In section 59 of the 1993 Act (which defines a railway administration order as a court order under section 60, 61 or 62 of that Act in relation to a protected railway company) subsection (6) (paragraph (a) of which defines a “protected railway company” and paragraph (b) of which defines its “relevant activities”) shall have effect, in relation to a rail link service operator—
 - (a) with the omission, in paragraph (a), of “both” and the words from “and the” to the end, and
 - (b) with the substitution for paragraph (b)(i) and (ii) of “its activities as the operator of a railway asset”.
- (2) For the purposes of the following provisions, namely—
 - (a) sections 60(1)(b), 61(1)(a)(ii) and (2)(b), and 62(2)(a)(ii), (3)(b), (5)(a)(ii), (6)(b) and (7)(b) of the 1993 Act, and
 - (b) sections 13(3)(b), 18(1)(b) and 27(1A) of the 1986 Act, as applied by Schedule 6 to the 1993 Act,(which give the Director of Passenger Rail Franchising a role in relation to a protected railway company which is the holder of a passenger licence) a rail link service operator which is the holder of a passenger licence shall be treated as if it were not the holder of such a licence.
- (3) Section 60 of the 1993 Act (railway administration orders made on special petitions), in its application to a rail link service operator, shall have effect with the following modifications—
 - (a) in subsection (1), for “either or both” there shall be substituted “any”,

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- (b) in subsection (2), at the end there shall be inserted—
 “(c) that an agreement between the Secretary of State and a relevant rail link undertaker has terminated.”, and
- (c) in subsection (7), at the end there shall be inserted—
 ““rail link” has the same meaning as in the Channel Tunnel Rail Link Act 1996;
 “relevant rail link undertaker” means a person who, under section 34 of that Act, is the nominated undertaker for any purpose of section 1(1) or 14(1)(a) of that Act, so far as relating to the rail link.”
- (4) Section 17 of the 1986 Act (duties of administrator), as applied by Schedule 6 to the 1993 Act, shall have effect, in relation to the administration of a rail link service operator, with the insertion after subsection (2) of—
 “(2A) Subsection (2) shall only apply if the proposals have been approved by the Secretary of State and, where he approves them with modifications, shall apply as if the proposals prepared for the purposes of section 23 were the proposals as so modified.”
- (5) The following provisions of the 1986 Act, as applied by Schedule 6 to the 1993 Act, namely, sections 18(4), 21(2), 23(1) and (2) and 27(6) (which require documents to be sent to specified persons) shall not have effect to require any document relating to a rail link service operator to be sent to the Director of Passenger Rail Franchising.
- (6) In Schedule 7 to the 1993 Act (transfer of relevant activities in connection with railway administration orders) paragraph 2 (making and modification of transfer schemes) shall have effect, where the company in relation to which a railway administration order has been made is a rail link service operator, with the following modifications—
 (a) in sub-paragraph (2), the words from “or” to the end shall be omitted,
 (b) in sub-paragraph (3), the words “or the Franchising Director” shall be omitted,
 (c) in sub-paragraph (6), the words “or the Franchising Director” shall be omitted, and
 (d) in sub-paragraph (7), the words from “or, in a” to “Director” shall be omitted.
- (7) An agreement by the Secretary of State shall be effective notwithstanding that, in the case of a rail link service operator, it fetters the Secretary of State in relation to a discretion under sections 60 to 65 of, and Schedules 6 and 7 to, the 1993 Act (the railway administration order provisions of the Act).
- (8) The Secretary of State may by order repeal subsection (4) above.
- (9) The power conferred by subsection (8) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) In this section—
 “operator”, in relation to a railway asset, means the person having the management of that railway asset for the time being;
 “passenger licence” and “railway asset” have the same meanings as in Part I of the 1993 Act;
 “rail link service operator” means a person who, under section 34 below, is the nominated undertaker for any purpose of section 14(1)(b) above, so far as relating to the rail link;

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“the 1986 Act” means the Insolvency Act 1986; and
“the 1993 Act” means the Railways Act 1993.