
STATUTORY INSTRUMENTS

2001 No. 1451

The Channel Tunnel Rail Link (Stratford Station and Subsidiary Works) Order 2001

PART IV

MISCELLANEOUS AND GENERAL

Certification of plans etc.

14. Union Railways shall, as soon as practicable after the making of this Order, submit one or more copies of the book of reference, the deposited sections and the deposited plans to the Secretary of State for certification that they are true copies of, respectively, the book of reference, the deposited sections and the deposited plans referred to in this Order; and a document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Application of provisions of principal Act

15.—(1) Schedule 3, which amongst other matters applies provisions of the principal Act not applied by the preceding provisions of this Order, shall have effect.

(2) So far as consistent with the provisions of this Order and the Transport and Works Act 1992 and so far as any person exercising the powers conferred by this Order is a nominated undertaker for the purposes of any provisions of Part I of the principal Act, this Order and the principal Act shall be construed as one.

(3) Without prejudice to the generality of paragraph (2) above, in determining any application or request by Union Railways to any body for an approval or consent under the provisions of the principal Act (including those provisions as applied by this Order), it shall be competent for that body to have regard (so far as relevant) to the combined effect of the works authorised by this Order and the works authorised by the principal Act for the purposes of the construction of which Union Railways is the nominated undertaker.

Transfer of functions of other railway operators relating to works

16.—(1) If the Secretary of State acquires any land for the purposes of this Order from a railway operator and there are situated on the land works authorised by statute, he (or Union Railways with the approval of the Secretary of State) may enter into an agreement with the railway operator for the transfer of any statutory power or duty relating to the works previously exercisable by the railway operator to him or Union Railways.

(2) In paragraph (1) above, references to a railway operator are to a person who has the management for the time being of a network, station or light maintenance depot.

(3) In this article, “light maintenance depot”, “network” and “station” have the same meaning as in Part I of the Railways Act 1993(1).

(1) 1993 c. 43.

Transfer of functions under Order

17.—(1) Subject to paragraphs (2) and (3) below, Union Railways may enter into an agreement with any person (“the transferee”) for the transfer of all or any of its undertaking under this Order, including all or any of the functions, powers or duties of Union Railways under this Order—

- (a) either permanently or for such period as is specified in or determined under the agreement; and
- (b) either unconditionally or subject to such conditions or upon the happening of such events as may be specified in the agreement.

(2) The terms of any agreement made by virtue of paragraph (1) above shall, unless the transferee is the Secretary of State or a nominated undertaker for any purposes of any provisions of Part I of the principal Act, be subject to the approval of the Secretary of State.

(3) Any agreement or undertaking entered into by Union Railways in connection with the promotion of this Order shall, so far as relevant to any functions, powers or duties under this Order exercisable by the transferee under an agreement made by virtue of paragraph (1) above, be binding on the transferee.

(4) Where an agreement is made by virtue of paragraph (1) above, references to Union Railways in this Order (including references inserted or substituted by this Order in the principal Act or any other enactment) shall, to such extent and for such purposes as the agreement so provides, have effect as references to the transferee.

Termination of development agreement

18.—(1) This article applies where the Secretary of State has entered into a development agreement for purposes connected with the construction or operation of the Channel Tunnel Rail Link, and that agreement has been terminated under provisions contained therein.

(2) Where this article applies, the Secretary of State may by notice in writing transfer to himself or to a nominated undertaker within the meaning of section 34 of the principal Act any of the powers, functions, duties or liabilities of Union Railways under this Order, or of any person to whom Union Railways has transferred them.

(3) Where he has transferred such a power, function, duty or liability to himself the Secretary of State may subsequently transfer it to such a nominated undertaker.

(4) In exercising his powers under paragraphs (2) and (3) above, the Secretary of State may deal differently in respect of different parts of the authorised works.

(5) Any notice under paragraph (2) above shall be given by the Secretary of State to Union Railways or to any person to whom Union Railways has transferred any of the powers, functions, duties or liabilities of Union Railways under this Order.

(6) Paragraph (3) of article 17 above shall apply in relation to any transfer of functions, powers or duties to the Secretary of State or a nominated undertaker under this article as it applies in relation to any transfer of functions, powers or duties by virtue of an agreement under paragraph (1) of that article.