



**Memorandum to the Transport Select Committee**

**Post Legislative  
Assessment of the  
Channel Tunnel Rail Link  
(Supplementary Provisions)  
Act 2008**

Presented to Parliament by the  
Secretary of State for Transport,  
by Command of Her Majesty  
June 2013

© **Crown copyright 2013**

You may re-use this information (excluding logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence, visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/) or e-mail: [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at [FAX9643@dft.gsi.gov.uk](mailto:FAX9643@dft.gsi.gov.uk).

This document is available from our website at [www.gov.uk/dft](http://www.gov.uk/dft).

ISBN: 9780101865425

Printed in the UK by The Stationery Office Limited  
on behalf of the Controller of Her Majesty's Stationery Office

ID 2566960            06/13            30307            19585

Printed on paper containing 75% recycled fibre content minimum.

# Contents

Introduction .....	4
Objectives of the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008....	4
Implementation.....	4
Secondary legislation .....	5
Legal issues .....	5
Other reviews .....	5
Preliminary assessment of the Act.....	5

## Introduction

1. This memorandum provides an assessment of the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008 and has been prepared by the Department for Transport (DfT) for submission to the Transport Select Committee. It will be published as part of the process set out in the document Post Legislative Scrutiny – the Government's Approach (CM 7320).
2. Following the completion of the construction of the Channel Tunnel Rail Link, which is now usually called the High Speed 1 railway, The Channel Tunnel Rail Link (Supplementary Provisions) Act 2008 ("the 2008 Act") amends and supplements the Channel Tunnel Rail Link Act 1996 ("the 1996 Act").

## Objectives of the Channel Tunnel Rail Link (Supplementary Provisions) Act 2008

3. The Channel Tunnel Rail Link (Supplementary Provisions) Act 2008 ("**the 2008 Act**") received Royal Assent on 22 May 2008.
4. The 2008 Act provides clarification that the Secretary of State has power to provide financial assistance in relation to the High Speed 1 railway under his general power in section 6 of the Railways Act 2005 and that section 6 is not limited as a result of more specific provisions of the 1996 Act. This clarification was provided in the Act as there was doubt expressed over whether The Railways Act 2005 was clear enough for the newly constructed railway.
5. The 1996 Act carved out the High Speed 1 railway from some of the regulatory provisions of the Railways Act 1993. This means that some powers and functions of the Office of Rail Regulation ("the ORR") under the Railways Act 1993 do not apply to the High Speed 1 railway. The 2008 Act clarifies that where a High Speed 1 railway facility is only partly used for High Speed 1 services, such as St Pancras station, the carve-out still applies.
6. Although some of the ORR's Railways Act 1993 functions do not apply to the High Speed 1 railway, the ORR does still have a number of regulatory functions in relation the railway. In particular, the ORR is the economic regulator of the High Speed 1 railway under the regulatory regime set out in the Railways Infrastructure (Access and Management) Regulations 2005 (as amended) and in the "development agreement". The development agreement is referred to in the 1996 Act and the 2005 Regulations and is currently in the form of a 30-year concession to HS1 Limited. The 2008 Act gives the ORR power to charge fees for its High Speed 1 regulatory work.
7. Lastly the 2008 Act amends the 1996 Act to reflect the fact the High Speed 1 railway is now operating and its construction is complete. For example the, definition of "development agreement" is amended to refer to the operation of the railway.

## Implementation

8. The provisions in the 2008 Act came into effect on 22 July 2008.

## **Secondary legislation**

9. No secondary legislation has been made under the 2008 Act. The Railways Infrastructure (Access and Management) Regulations 2005 were amended in 2009 to extend the economic regulatory role of the ORR in relation to the High Speed 1 railway.

## **Legal issues**

10. The Department for Transport is not aware of any legal issues arising about the 2008 Act.

## **Other reviews**

11. There have been no other post-legislative reviews of the 2008 Act

## **Preliminary assessment of the Act**

12. The following summarises the measures that the 2008 Act has delivered and its impacts following implementation.
  - The 2008 Act has been successful in confirming for the avoidance of doubt the Secretary of State's power to provide financial assistance in relation to the High Speed 1 railway.
  - The 2008 Act has provided clarification around the scope of the High Speed 1 carve-out from the Railways Act 1993 regulatory regime.
  - The 2008 Act has allowed the ORR to charge for its High Speed 1 regulatory functions.

**Department for Transport**

**June 2013**



Published by TSO (The Stationery Office) and available from:

Online [www.tsoshop.co.uk](http://www.tsoshop.co.uk)

Mail, telephone, fax and email

TSO

PO Box 29, Norwich NR3 1GN

Telephone orders/general enquiries: 0870 600 5522

Order through the Parliamentary Hotline Lo-Call 0845 7 023474

Fax orders: 0870 600 5533

Email: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)

Textphone: 0870 240 3701

The Houses of Parliament Shop

12 Bridge Street, Parliament Square,

London SW1A 2JX

Telephone orders/general enquiries: 020 7219 3890

Fax orders: 020 7219 3866

Email: [shop@parliament.uk](mailto:shop@parliament.uk)

Internet: [www.shop.parliament.uk](http://www.shop.parliament.uk)

TSO@Blackwell and other accredited agents

ISBN 978-0-10-186542-5

