STATUTORY INSTRUMENTS

2008 No. 3076

TRANSPORT

RAILWAYS

The Channel Tunnel Rail Link (Nomination) Order 2008

Made - - - -	*28th November 2008*
Coming into force - -	*30th November 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 34(1) and (4) of the Channel Tunnel Rail Link Act 1996(**a**).

Citation and commencement

1. This Order may be cited as the Channel Tunnel Rail Link (Nomination) Order 2008 and comes into force on 30th November 2008.

Interpretation

2. In this Order—

"the 1996 Act" means the Channel Tunnel Rail Link Act 1996;

"the excluded works" means such parts of the works authorised by Part 1 of the 1996 Act as are comprised within the description of the Thameslink Completion works set out in the Schedule to this Order;

"the works" means the following works so far as not falling within the excluded works—

(a) the scheduled works except for Works Nos. 4 and 5R(**b**),

(b) Work No. 4B,

(c) such parts of the works comprised within Works Nos. 4A, 4J, 4K, 4L or 5R as are indicated in blue on the drawings marked "The Channel Tunnel Rail Link (Nomination) Order 1999; drawing no 1" and "The Channel Tunnel Rail Link (Nomination) Order 1999; drawing no 2", signed by authority of the Secretary of State for the Environment, Transport and the Regions, dated 18th February 1999(**c**), and

(d) the works authorised by paragraph 5 of Schedule 2 to the 1996 Act.

(**a**) 1996 c. 61, to which there are amendments not relevant to this Order.
(**b**) The term "scheduled works" has the meaning given in section 1(1) of the 1996 Act, and references to "Works Nos." have the meaning given in section 56(3)(b) of that Act.
(**c**) Copies of the drawings are available from the Major Projects Directorate, Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR.

Appointment of nominated undertaker

3. HS1 Limited(**a**) shall be the nominated undertaker for—

(a) the purposes of Part 1 of the 1996 Act except for section 14(1)(b), so far as connected with or in any way relating to the works; and

(b) the purposes of section 14(1)(b) of the 1996 Act, so far as concerns the provision of any services in connection with the construction or maintenance of those works.

Revocation of the Channel Tunnel Rail Link (Nomination) Order 1999

4. The Channel Tunnel Rail Link (Nomination) Order 1999(**b**) is revoked.

Transfer of rights and liabilities to HS1 Limited

5.—(1) There shall by virtue of this Order transfer to HS1 Limited all rights conferred by the 1996 Act, and all liabilities, duties and obligations imposed by or arising under the 1996 Act, which, immediately before this Order came into force, were the rights, liabilities or obligations of CTRL (UK) Limited so far as concerns any matter connected with or relating to the works.

(2) All legal and other proceedings pending on 30th November 2008 may be amended in such manner as may be necessary or proper in consequence of paragraph (1), and any cause of action or proceeding pending or existing on that day by or against CTRL (UK) Limited may be continued, prosecuted or enforced by or against HS1 Limited so far as it concerns any matter connected with or relating to the works.

(3) Where, before 30th November 2008—

(a) any notice or other document has been given by or to CTRL (UK) Limited under the 1996 Act in connection with or in relation to the works, or

(b) any request for consent or approval has been made (whether or not it has been determined) or other thing done by CTRL (UK) Limited under the 1996 Act in connection with or relating to the works,

it shall have effect as if given by or to, made or done by or determined in respect of HS1 Limited.

(4) CTRL (UK) Limited is released from any liability, duty or obligation transferred under paragraph (1).

(5) Nothing in paragraphs (1) to (4) shall have the effect, as between HS1 Limited and CTRL (UK) Limited, of overriding any agreement made between them (whether before, on or after 30th November 2008) concerning the apportionment between them of responsibility for liabilities or the exercise of rights which transfer under paragraph (1), including any agreement as to the making of payments or the indemnification of one by another.

Signed by authority of the Secretary of State for Transport

Andrew Adonis
Minister of State
Department for Transport

28th November 2008

(**a**) This is a company registered at Companies House with number 03539665. The company's name was changed on 1st July 2008 from Union Railways (North) Limited.

(**b**) S.I. 1999/391, amended by S.I. 2003/2306, 2003/2834 and 2007/2920.

SCHEDULE

Article 2

The following are the Thameslink Completion works:

The fitting out (but not construction) of the structure of the station tunnel on the Midland City Line (Thameslink) beneath St Pancras Station, comprised in Work No. 2, including platforms, lifts, escalators, station services and surface finishes.

The fitting out (but not construction) of the structure of the western stairwell, the underpass and the low level concourse for that station tunnel, including lifts, escalators, services and surface finishes.

The installation of new signalling and electrification for that station tunnel.

The installation of permanent way, walkways, electrification, signalling and control equipment within (but not construction of) the bored tunnels, cut and cover boxes and retained cuts that make up the link, comprised in Works Nos. 2A, 2AA, 2B and 2BB, from the Midland City Line (Thameslink) to the Great Northern Suburban Line, together with the Copenhagen Tunnel crossover comprised in work No. 2C and the junction connections to the Great Northern Surburban Line, junction connections of the Midland City Line (Thameslink) and associated formation and track laying for the connection of the Midland City Line (Thameslink) to the Great Northern Suburban Line.

EXPLANATORY NOTE

(This note is not part of the Order)

The Secretary of State may by order made under the Channel Tunnel Rail Link Act 1996 ("the 1996 Act") specify who is a nominated undertaker in relation to the Channel Tunnel Rail Link (now usually called the High Speed 1 railway). This Order provides that HS1 Limited is the nominated undertaker for the purposes specified in *article 3*. HS1 Limited was previously named Union Railways (North) Limited.

Article 4 revokes the Channel Tunnel Rail Link (Nomination) Order 1999 ("the 1999 Order"). The 1999 Order specified Union Railways (North) Limited and CTRL (UK) Limited as nominated undertakers for purposes specified in the 1999 Order; the effect of the 1999 Order being that one or other of the two companies (or, for some shared matters, each company) was a nominated undertaker for matters within the scope of the 1999 Order. The purposes that were covered by the 1999 Order are consolidated in *article 3* of this Order so that HS1 Limited is the sole nominated undertaker for those purposes.

Article 5 deals with the transfer of rights and liabilities of CTRL (UK) Limited, connected to its former role as a nominated undertaker under the 1996 Act, to HS1 Limited.

An impact assessment has not been produced for this instrument as no impact on the costs of business, the public sector, third sector organisations, regulators or consumers is foreseen.

© Crown copyright 2008

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.00

E3404 12/2008 183404T 19585