EXPLANATORY MEMORANDUM TO

THE CHANNEL TUNNEL RAIL LINK (REVOCATIONS) ORDER 2014

2014 No. 1332

1. This explanatory memorandum has been prepared by the Department for Transport.

2. Purpose of the instrument

This instrument revokes four Orders which are spent.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This instrument revokes the following Orders (listed in chronological order):

- The Channel Tunnel Rail Link (Qualifying Authorities) Order 1997 (S.I. 1997/8);
- The Channel Tunnel Rail Link (Nomination) (Amendment) Order 2003 (S.I. 2003/2306);
- The Channel Tunnel Rail Link (Nomination) (Amendment) (No. 2) Order 2003 (S.I. 2003/2834); and
- The Channel Tunnel Rail Link (Nomination) (Amendment) Order 2007 (S.I. 2007/2920).

4.2 This instrument forms part of the implementation of the Government's *Red Tape Challenge* initiative. More information about this programme of work and the Orders revoked by this instrument is provided below.

5. Territorial Extent and Application

This instrument extends to the United Kingdom.

6. European Convention on Human Rights

As this instrument is not subject to any Parliamentary procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 In November 2011, the Department for Transport published on-line (see www.redtapechallenge.cabinetoffice.gov.uk/2012/07/30-07-12-rail-transport-

announcement) details of statutory instruments applying to the rail transport sector as part of the Government's *Red Tape Challenge* initiative and invited comments on whether these should be revoked, retained or improved. The Department also led a workshop, chaired by Ministers and attended by stakeholders from the rail sector, to discuss cutting red tape and methods of reducing regulatory burdens. The objective was to re-examine all of the provisions and gather views on how the aims of existing regulations can be fulfilled in the least burdensome way possible.

7.2 Following detailed policy and legal scrutiny, it was concluded that around half of these instruments were suitable for either revocation or improvement. The four Orders revoked by this instrument were among those identified as suitable for revocation because they are spent.

7.3 The Channel Tunnel Rail Link (Qualifying Authorities) Order 1997 (S.I. 1997/8) listed the local authorities (known as "qualifying authorities") which had given undertakings to the Secretary of State during the passage of the Channel Tunnel Rail Link Bill through Parliament about the handling of certain planning matters relating to the construction of the Channel Tunnel Rail Link (now known as High Speed 1). In particular, qualifying authorities were responsible for the granting of planning permission in relation to the erection, construction, alteration or extension of a building or issues affecting the access of vehicular traffic to the highway during the construction phase of the new railway line. The Order is now considered to be spent since all qualifying authorities have granted the necessary planning permissions and construction of the line has been complete for some time with no outstanding planning issues remaining. No further expansion of the line is foreseen and the Department is satisfied that all undertakings originally given by the qualifying authorities have been discharged.

7.4 The other three Orders amended the Channel Tunnel Rail Link (Nomination) Order 1999 (S.I. 1999/391) ("the 1999 Order") which specified the nominated undertakers for the purposes of providing infrastructure services, and so operate the rail network, on different parts of the High Speed 1 railway line. The 1999 Order was itself revoked by the Channel Tunnel Rail Link (Nomination) Order 2008 (S.I. 2008/3076). The provisions of the three amending Orders are therefore spent and can be revoked.

- **Consolidation**

7.5 This instrument revokes four Orders and no consolidation is required.

8. Consultation outcome

8.1 The process described in paragraph 7.1 produced no specific comments about the proposed revocation of these Orders.

8.2 Consideration was given as to whether the individual qualifying authorities listed in the Channel Tunnel Rail Link (Qualifying Authorities) Order 1997 should be consulted. However, since it had already been determined that their functions had effectively been discharged and were therefore considered to be spent, the Department for Transport decided that there was no basis for comment.

8.3 The Department for Transport consulted High Speed 1(HS1) Ltd (the current nominated undertaker for the whole of the High Speed 1 network) on its revocation proposals for the three Orders which amended the now revoked Channel Tunnel Rail Link (Nomination) Order 1999. The company indicated that it was content for these Orders to be revoked as they have no impact on the performance of its functions as the current nominated undertaker.

9. Guidance

Specific guidance on this instrument is unnecessary because it revokes legislation which is spent and is no longer required.

10. Impact

A full regulatory impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

This instrument revokes four Orders which are spent so no monitoring or review is necessary.

13. Contact

Chris Angell at the Department for Transport Tel: 020 7944 0082 or e-mail: christopher.angell@dft.gsi.gov.uk can answer any queries regarding this instrument.