
STATUTORY RULES OF NORTHERN IRELAND

2021 No. 10

**The Health Protection (Coronavirus, International
Travel, Pre-Departure Testing and Operator Liability)
(Amendment) Regulations (Northern Ireland) 2021**

PART 2

Operator liability in respect of arrivals

Interpretation of Part 2

5. In this Part—

“child” means a person under the age of 18;

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971⁽¹⁾;

“operator” means operator of a commercial transport service;

“passenger” means a person travelling on a conveyance who is not a member of the conveyance’s crew;

“Passenger Locator Form” has the meaning given in regulation 2(1) of the principal Regulations;

“port” means any port (including a seaport, airport or heliport);

“qualifying test” means a test that is a qualifying test for the purposes of regulation 3A of the principal Regulations;

“relevant passenger” means a passenger who fails, without reasonable excuse—

- (a) to provide evidence of having provided passenger information when requested to do so by an immigration officer pursuant to regulation 3(7) of the principal Regulations; or
- (b) to produce a required notification when requested to do so by an immigration officer pursuant to regulation 3A(4) of the principal Regulations;

“relevant service” means a commercial transport service carrying passengers travelling to Northern Ireland from outside the common travel area;

“required notification” means a valid notification of a negative test result from a qualifying test for the purposes of regulation 3A of the principal Regulations—

- (a) taken by the person in possession of that notification, or
- (b) taken by a child and treated as being in their possession by virtue of paragraph (5)(c) of that regulation;

⁽¹⁾ 1971 c. 77. Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813

“the requirement to possess notification of a negative test result” means the requirement in regulation 3A(1) of the principal Regulations;

“the requirement to provide information” means the requirement in regulation 3(1) of the principal Regulations;

“responsible individual” means an individual who—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child within the meaning given in article 6 of the Children (Northern Ireland) Order 1995(2).

Requirement to ensure passengers have completed a Passenger Locator Form

6.—(1) An operator must ensure that a passenger who arrives at a port in Northern Ireland on a relevant service has completed a Passenger Locator Form.

(2) Paragraph (1) does not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to provide information;
- (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from completing a Passenger Locator Form; or
- (c) who is a child, travelling without a responsible individual.

Requirement to ensure passengers possess notification of negative test result

7.—(1) An operator must ensure that a passenger who arrives at a port in Northern Ireland on a relevant service is in possession of a required notification.

(2) Paragraph (1) does not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to possess notification of a negative test result or has a reasonable excuse for failing to comply with that requirement;
- (b) who is a child, travelling without a responsible individual; or
- (c) who is a transit passenger who does not have the right to enter the country or territory from which the relevant service departs.

(3) In this regulation, “transit passenger” means a person who has arrived in the country or territory from which the relevant service departs with the intention of passing through to Northern Ireland without entering that country or territory.

Offences

8.—(1) An operator who fails to comply with the requirement in—

- (a) regulation 6(1), or
- (b) regulation 7(1),

commits an offence.

(2) An offence under paragraph (1) is punishable on summary conviction by a fine not exceeding £10,000.

(3) In relation to the offence in paragraph (1)(a), it is a defence for an operator to show that they recorded a unique passenger reference number for the relevant passenger before that passenger boarded the relevant service.

(4) In relation to the offence in paragraph (1)(b), it is a defence for an operator to show that the relevant passenger presented a document purporting to be a required notification which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not a required notification.

(5) In this regulation, “unique passenger reference number” means a reference number which has been provided by or on behalf of the relevant passenger and which includes the letters “UKVI” followed immediately by an underscore and thirteen alphanumeric characters.

Power to use and disclose information

9.—(1) This regulation applies to any person (“P”) who holds information described in paragraph (2) relating to a relevant passenger (“relevant information”).

(2) The information referred to in paragraph (1) is—

- (a) information provided by, or on behalf of, the relevant passenger by way of explanation for failing to comply with regulation 3 or 3A of the principal Regulations,
- (b) information about the steps taken, pursuant to the principal Regulations, in relation to the relevant passenger, including details of any fixed penalty notice issued under those Regulations,
- (c) personal details of the relevant passenger, including their—
 - (i) full name,
 - (ii) date of birth,
 - (iii) passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority,
 - (iv) home address,
 - (v) telephone number,
 - (vi) email address,
- (d) journey details of the relevant passenger, including—
 - (i) their time and date of arrival in Northern Ireland,
 - (ii) the name of the operator of the relevant service on which they arrived or through which their booking was made,
 - (iii) their coach number,
 - (iv) the flight number or vessel name,
 - (v) the departure and arrival locations of the relevant service.

(3) P may only use relevant information where it is necessary for the purpose of carrying out a function under these Regulations.

(4) P may only disclose relevant information to another person (“the recipient”) where it is necessary for the recipient to have the relevant information for the purpose of carrying out a function under these Regulations.

(5) This regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

(6) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.

(7) For the purposes of this regulation “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(3).

Review

10. The Department of Health must review the need for the requirements imposed by regulations 6 and 7 of these Regulations as part of the reviews conducted as required by the principal Regulations.

Expiry

11.—(1) This Part expires at the end of 7th June 2021.

(2) The expiry of this Part does not affect the validity of anything done pursuant to these Regulations before it expires.