

## STATUTORY RULES OF NORTHERN IRELAND

# 2021 No. 102

## The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021

### PART 2

#### Operator liability in respect of arrivals

##### Requirement to ensure passengers have completed a Passenger Locator Form

- 3.—<sup>[F1]</sup>(1) An operator must ensure that a passenger who arrives at a port on a relevant service—
- (a) has completed a Passenger Locator Form; and
  - (b) possesses evidence that they are a person described in a paragraph of Schedule 4 to the principal Regulations (Persons who are exempt), where they have indicated on the Passenger Locator Form that they are such a person.]
- (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,
  - <sup>[F2]</sup>(aa) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation;]
  - (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.

##### Textual Amendments

- F1** Reg. 3(1) substituted (8.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 5\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/230\)](#), regs. 1(2), 9 (with reg. 12)
- F2** Reg. 3(2)(aa) inserted (30.6.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Operator Liability and Information to Passengers\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/189\)](#), regs. 1(1), 3

##### Requirement to ensure passengers possess notification of negative test result

- 4.—(1) An operator must ensure that a passenger who arrives at a port on a relevant service is in possession of a required negative notification.
- (2) Paragraph (1) does not apply in relation to a passenger—

*Status: Point in time view as at 22/11/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021, PART 2. (See end of Document for details)*

- (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,
- [<sup>F3</sup>(aa) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation;]
- (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.

#### Textual Amendments

**F3** Reg. 4(2)(aa) inserted (30.6.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel and Operator Liability and Information to Passengers\) \(Amendment\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/189\)](#), regs. 1(1), 3

#### [<sup>F4</sup>Requirement to check vaccination status

**4A.**—(1) An operator must ensure that a passenger [<sup>F5</sup>who is not a verified eligible arrival, but has indicated on the Passenger Locator Form that they are eligible,] is in possession of the required evidence.

(2) In paragraph (1) “the required evidence” means—

[<sup>F6</sup>(a) evidence of the description in [<sup>F7</sup>paragraph [<sup>F8</sup>2(d)], 3(b), [<sup>F9</sup>4(b)] or 6(a)(ii) of Schedule 2B] to the International Travel Regulations, or]

(b) where the passenger is aged under 18 years, evidence of the passenger’s age.

(3) An operator must implement and maintain processes and systems to ensure that the requirement in paragraph (1) is complied with.

(4) An operator must retain records and information of the steps that it has taken to comply with paragraph (3).

(5) An authorised person may request copies of the records and such other information from an operator as is necessary for the authorised person to determine whether the requirements under paragraph (3) have been complied with.

(6) A request under paragraph (5) must specify the period within which the operator must provide the information to the authorised person.

(7) In paragraph (5) “authorised person” means—

(a) in relation to passengers arriving by sea, the Department for Infrastructure;

(b) in relation to passengers arriving by air, the Civil Aviation Authority.

[  
<sup>F10</sup>(7A) For the purposes of this regulation—

(a) a person is an “eligible arrival” if the person complies with any of paragraphs 2 to 6 of Schedule 2B to the International Travel Regulations;

(b) a “verified eligible arrival” means an eligible arrival whose Passenger Locator Form indicates that their vaccine status is “Vaccine Status: Verified Full/Exempt”.]

<sup>F11</sup>(8) .....]

#### Textual Amendments

- F4** Reg. 4A inserted (19.7.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 2) Regulations (Northern Ireland) 2021 (S.R. 2021/213), regs. 1(1), **10**
- F5** Words in reg. 4A(1) substituted (4.10.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 7) Regulations (Northern Ireland) 2021 (S.R. 2021/278), regs. 1(2), **15(2)** (with reg. 1(4))
- F6** Reg. 4A(2)(a) substituted (2.8.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 4) Regulations (Northern Ireland) 2021 (S.R. 2021/225), regs. 1(2), **9(2)** (with reg. 11)
- F7** Words in reg. 4A(2)(a) substituted (4.10.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 7) Regulations (Northern Ireland) 2021 (S.R. 2021/278), regs. 1(2), **15(3)** (with reg. 1(4))
- F8** Word in reg. 4A(2)(a) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 9) Regulations (Northern Ireland) 2021 (S.R. 2021/301), regs. 1(2), **13(a)** (with reg. 1(3))
- F9** Word in reg. 4A(2)(a) substituted (22.11.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 9) Regulations (Northern Ireland) 2021 (S.R. 2021/301), regs. 1(2), **13(b)** (with reg. 1(3))
- F10** Reg. 4A(7A) inserted (4.10.2021 at 4.00 a.m.) by The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 7) Regulations (Northern Ireland) 2021 (S.R. 2021/278), regs. 1(2), **15(4)** (with reg. 1(4))
- F11** Reg. 4A(8) omitted (8.8.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) (Amendment No. 5) Regulations (Northern Ireland) 2021 (S.R. 2021/230), regs. 1(2), **10** (with reg. 12)

#### Requirement to ensure passengers possess a testing package

5.—(1) An operator must ensure that a passenger who arrives at a port on a relevant service has complied with the requirement to possess a testing package.

- (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 a testing package, or has a reasonable excuse for failing to comply with that requirement,
  - (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from possessing a testing package,
  - (c) who is a child, travelling without a responsible individual.

#### Requirement to ensure passengers possess a managed isolation package

6.—(1) An operator must ensure that a passenger who arrives at a port on a relevant service has complied with the requirement to possess a managed isolation package (for example, by possessing a booking reference for a managed isolation package).

- (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 a managed isolation package, or has a reasonable excuse for failing to comply with that requirement,

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- (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from possessing a managed isolation package,
- (c) who is a child, travelling without a responsible individual.

**Requirement to ensure that red list arrivals arrive only at designated ports**

7.—(1) An operator must take all reasonable steps to ensure that no red list arrival arrives on a relevant transport service at a port in Northern Ireland which is not a designated port.

(2) Paragraph (1) does not apply where—

- (a) it is necessary for the pilot in command of the aircraft to land the aircraft by means of which the transport service is provided at a place in Northern Ireland other than a designated port to secure—
  - (i) the safety or security of the aircraft, or
  - (ii) the safety or security of any person aboard the aircraft,
- (b) the aircraft is an air ambulance and it is landing otherwise than at a designated port for the purposes of transporting a person for medical treatment,
- (c) the pilot in command of the aircraft is instructed by an authorised person to land the aircraft at a place in Northern Ireland which is not a designated port.

(3) In this regulation—

“authorised person” means—

- (a) a constable,
- (b) the Civil Aviation Authority,
- (c) the Secretary of State, or
- (d) a person authorised by the Civil Aviation Authority or the Secretary of State under the Air Navigation Order 2016 <sup>M1</sup>,

“operator”, in relation to a transport service provided by means of an aircraft, has the meaning given in article 4 of the Air Navigation Order 2016,

“pilot in command” and “private aircraft” have the meanings given in the Air Navigation Order 2016 (see Schedule 1 to that Order),

“red list arrival” has the meaning given in regulation 3 of the International Travel Regulations,

“relevant transport service”, in relation to an operator, means a transport service provided by or on behalf of that operator,

“transport service” means—

- (a) a relevant service,
- (b) a service (other than a relevant service) which—
  - (i) is carrying passengers travelling to Northern Ireland from outside the common travel area (whether for payment or valuable consideration or otherwise) and
  - (ii) is provided by means of an aircraft (other than a private aircraft), or
- (c) is a flight which—
  - (i) is carrying passengers travelling to Northern Ireland from outside the common travel area (whether for payment or valuable consideration or otherwise), and
  - (ii) is provided by means of a private aircraft.

**Marginal Citations**

M1 S.I. 2016 No. 765

**Offences**

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

- (a) regulation 3(1),
- (b) regulation 4(1),
- (c) regulation 5(1),
- (d) regulation 6(1),<sup>F12</sup>...

[<sup>F13</sup>(da) regulation 4A(1),

(db) regulation 4A(3), or]

- (e) regulation 7(1),

commits an offence.

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

[<sup>F14</sup>(3) In relation to an offence in paragraph (1)(a), it is a defence—

- (a) for an operator to show that they recorded a unique passenger reference number for the defaulting passenger, or
- (b) for an operator alleged to have failed to ensure that a passenger possesses evidence of eligibility for an exemption claimed in a Passenger Locator Form, to show that the passenger presented a document purporting to be appropriate evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not appropriate evidence,

before that passenger boarded the relevant service.]

[<sup>F15</sup>(4) In relation to the offence in paragraph (1)(b), it is a defence for an operator to show that—

- (a) 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, or
- (b) the relevant passenger undertook a qualifying test on board the vessel on which the relevant passenger arrived in Northern Ireland, the result of that test was positive, and it was not reasonably practicable for the relevant passenger to disembark in a country or territory other than Northern Ireland.]

[<sup>F16</sup>(4A) In relation to the offence in paragraph (1)(da) it is a defence for the operator to show that a passenger presented a document purporting to be the required evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.

(4B) In relation to the offence in paragraph (1)(db) it is a defence for the operator to show that it was not reasonably practicable to have the processes and systems in place at the relevant time.]

(5) In relation to an offence in paragraph (1)(c) or (d), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know that—

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- (a) the defaulting passenger had failed to comply with the requirement to possess a testing package or managed isolation package, or
  - (b) the information provided by the defaulting passenger in relation to the testing package or managed isolation package was false or incorrect in any respect, or incomplete.
- (6) In relation to the offence in paragraph (1)(e), it is a defence for the operator to show that the operator, or a person acting on behalf of the operator, could not have been reasonably expected to know that a passenger was a red list arrival.
- (7) In this regulation, “unique passenger reference number” means a reference number which has been provided by or on behalf of the defaulting passenger and which includes the letters “UKVI” followed immediately by an underscore and thirteen alphanumeric characters.

#### Textual Amendments

- F12** Word in reg. 8(1)(d) omitted (19.7.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/213\)](#), regs. 1(1), **11(a)**
- F13** Reg. 8(1)(da)(db) inserted (19.7.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/213\)](#), regs. 1(1), **11(a)**
- F14** Reg. 8(3) substituted (8.8.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 5\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/230\)](#), regs. 1(2), **11** (with reg. 12)
- F15** Reg. 8(4) substituted (22.9.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 6\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/262\)](#), regs. 1(2), **11(2)**
- F16** Reg. 8(4A)(4B) inserted (19.7.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus, International Travel, Operator Liability and Information to Passengers\) \(Amendment No. 2\) Regulations \(Northern Ireland\) 2021 \(S.R. 2021/213\)](#), regs. 1(1), **11(b)**

#### 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 defaulting passenger (“relevant information”).

- (2) The information referred to in paragraph (1) is—
- (a) information provided by, or on behalf of, the defaulting passenger by way of explanation for failing to comply with regulation 4, 6, 8, 10 or 14 of the International Travel Regulations,
  - (b) information about the steps taken, pursuant to the International Travel Regulations, in relation to the defaulting passenger, including details of any fixed penalty notice issued under those Regulations,
  - (c) personal details of the defaulting passenger, including their—
    - (i) 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 defaulting 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.

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, International Travel, Operator Liability and Information to Passengers) Regulations (Northern Ireland) 2021, PART 2.