
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.—(1) An operator must ensure that a passenger who arrives at a port 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

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—

- (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.

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,
 - (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(1),

“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.

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), 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.

(3) In relation to an offence in paragraph (1)(a), it is a defence for an operator to show that they recorded a unique passenger reference number for the defaulting 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 defaulting passenger presented a document purporting to be a required negative 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 negative notification.

(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—

- (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.

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.