
STATUTORY RULES OF NORTHERN IRELAND

2022 No. 43

The Health Protection (Coronavirus, International Travel,
Operator Liability and Information to Passengers)
(Amendment No. 2) Regulations (Northern Ireland) 2022

PART 3

Amendment of the Operator Liability Regulations

Amendment of the Operator Liability Regulations

11. The Operator Liability Regulations are amended in accordance with this Part.

Requirement to implement and maintain systems and processes

12.—(1) In regulation 2, omit the definitions of—

- (a) “the requirement to possess a managed isolation package”,
- (b) “the requirement to possess a testing package”, and
- (c) “responsible individual”.

(2) After regulation 7 insert—

“Requirement to implement and maintain processes and systems

7A.—(1) An operator must implement and maintain adequate processes and systems to ensure that passengers arriving in Northern Ireland on relevant services operated by the operator—

- (a) are in possession of a completed Passenger Locator Form, if they are passengers required to comply with regulation 4 of the International Travel Regulations,
- (b) are in possession of evidence that they are a person described in Schedule 4 to the International Travel Regulations, if they claim to be such a person in their Passenger Locator Form,
- (c) are in possession of a required notification, if they are passengers required to comply with regulation 6 of the International Travel Regulations,
- (d) are in possession of eligibility evidence, if they have indicated on their Passenger Locator Form that they meet the COVID-19 vaccination eligibility criteria,
- (e) arrive only at designated ports, if they are red list arrivals.

(2) For the purposes of paragraph (1) a passenger (“P”) is not considered to be required to comply with regulation 4 or 6 of the International Travel Regulations if the operator, or a person acting behalf of the operator, might reasonably believe that—

- (a) P is not required to comply with this requirement,

- (b) P has a reasonable excuse which would protect P from liability for breach of the requirement under regulation 23 or 24 of the International Travel Regulations, or
- (c) P is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

(3) An operator must retain such records and information as are required to show that they have complied with paragraph (1).

(4) An authorised person may request from an operator copies of such records and information as the authorised person considers are required to determine whether the operator has complied with paragraph (1).

(5) A request under paragraph (4) must specify the period within which the operator must provide the records and information requested.

(6) In determining whether an operator has complied with paragraph (1), an authorised person must have regard to the following matters so far as it has information about them—

- (a) the regime by which passengers are checked for compliance with the passenger requirements, together with the approach to retaining contemporaneous evidence obtained as a result of such checks,
- (b) the information the operator has collected about passengers who have not complied with a passenger requirement,
- (c) the existence and quality of any guidance or training programmes for those involved in the day-to-day operation of the processes and systems,
- (d) whether the operator has—
 - (i) appointed a named contact to assist the authorised person in determining whether the operator has complied with paragraph (1), and
 - (ii) notified the authorised person of the identity of that contact,
- (e) the speed and effectiveness of any response the operator makes to any recommendations made by the authorised person intended to secure the operator's compliance with paragraph (1),
- (f) any failure to comply with a request under paragraph (4),
- (g) any other matter the authorised person considers appropriate.

(7) An operator is not considered to be in breach of paragraph (1)(e) if—

- (a) it is necessary for the pilot in command of an 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 and 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.

(8) In this regulation—

“authorised person” means—

- (a) in relation to passengers arriving by sea, the Secretary of State for Transport,
- (b) in relation to passengers arriving by air, the Civil Aviation Authority,

“eligibility evidence” means—

- (a) evidence described in the following provisions of Schedule 2B to the International Travel Regulations (criteria to be an eligible arrival) paragraphs 2(d), 3(b), 4(b), 4A(1)(b), and 6(a)(ii),
 - (b) where P intends to take advantage of the exemption in paragraph 5 of Schedule 2B to the International Travel Regulations (P aged under 18 years), evidence of P's age, or
 - (c) a Passenger Locator Form which indicates that P's vaccine status is: "Vaccine Status: Verified Exempt/Full",
"red list arrival" has the meaning given in regulation 3 of the International Travel Regulations."
- (3) Omit regulations 3 to 7.
- (4) Regulation 8 is amended as follows—
- (a) for paragraph (1) substitute—
“(1) An operator who fails to comply with the requirement in regulation 7A(1) commits an offence.”,
 - (b) after paragraph (2) insert—
“(2A) An operator who without reasonable excuse fails to comply—
 - (a) with the requirement to keep records and information in regulation 7A(3), or
 - (b) with a request under regulation 7A(4) to provide records and information within the period specified for the purposes of regulation 7A(5),commits an offence.
(2B) An offence under paragraph (2A) is punishable on summary conviction by a fine not exceeding £10,000.”,
- (c) omit paragraphs (3) to (7).

Fixed penalty notices

13. After regulation 11 insert—

“Part 3A

Fixed penalty notices

Fixed penalty notices

11A.—(1) An authorised person may issue a fixed penalty notice to anyone that the authorised person has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the clerk of petty sessions.

(3) Where a person is issued with a notice under this regulation in respect of an offence—

- (a) no proceedings may be taken for the offence before the end of the period of 28 days following the date of the notice,

- (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must—
 - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence,
 - (b) state the period during which (because of paragraph (3)(a)) proceedings will not be taken for the offence,
 - (c) specify the amount of the fixed penalty,
 - (d) state the name and address of the person to whom the fixed penalty may be paid,
 - (e) specify permissible methods of payment, and
 - (f) inform the person to whom it is given of the right to ask to be tried for the offence.
- (5) Whatever other method may be specified under paragraph (4)(e), payment of a fixed penalty may be made by pre-paying and posting to the person whose name is stated under paragraph (4)(d), at the stated address, a letter containing the amount of the penalty (in cash or otherwise).
- (6) Where a letter is sent as described in paragraph (5), payment is regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (7) In any proceedings, a certificate that—
 - (a) purports to be signed by or on behalf of the clerk of petty sessions, and
 - (b) states that the payment of a fixed penalty was, or was not, received by the date specified in the certificate,
 is evidence of the facts stated.
- (8) Where—
 - (a) a fixed penalty notice has been issued in respect of an offence under regulation 8(1) and paid in accordance with this regulation, and
 - (b) the breach of the requirements amounting to the offence in respect of which the fixed penalty notice was issued continues,
 an authorised person may issue another fixed penalty notice in relation to the offence (and the provisions of this regulation apply to that fixed penalty notice).
- (9) In this regulation, “authorised person” means—
 - (a) the Civil Aviation Authority, or
 - (b) the Secretary of State for Transport.

Amount of fixed penalty

- 11B.**—(1) This regulation sets out the amount which must be specified, in accordance with regulation 11A(4)(c), in a fixed penalty notice, in respect of different offences.
- (2) Where the fixed penalty notice is issued in respect of an offence under regulation 8(1) then the amount specified must be £4,000.
 - (3) Where the fixed penalty notice is issued in respect of an offence under regulation 8(2A) then the amount specified must be £4,000.
 - (4) Where the fixed penalty notice is issued in respect of an offence under regulation 10(6) then the amount specified must be £4,000.
 - (5) Where the fixed penalty notice is issued in respect of an offence under regulation 10A(4) then the amount specified must be £500.

Effect of fixed penalty notice

11C.—(1) This regulation applies if a fixed penalty notice is given to any person under regulation 11A.

(2) If the person asks to be tried for the alleged offence, proceedings may be brought against the person.

(3) If by the end of the period mentioned in regulation 11A(3)(a)—

- (a) the penalty has not been paid, and
- (b) the person has not made a request to be tried,

a sum equal to one and a half times the amount of the penalty (“the enhanced sum”) may be registered under regulation 11E for enforcement against that person as a fine.

(4) But the enhanced sum must not exceed £10,000.

Procedure where a fixed penalty notice has not been paid

Registration certificates

11D.—(1) This regulation and regulation 11E apply where by virtue of regulation 11C the enhanced sum may be registered under regulation 11E for enforcement against any person as a fine.

(2) In this regulation and regulation 11E—

- (a) that sum is referred to as a “sum payable in default”, and
- (b) the person against whom that sum may be so registered is referred to as the “defaulter”.

(3) The Civil Aviation Authority or the Secretary of State for Transport—

- (a) may, in respect of any sum payable in default, issue a certificate (a “registration certificate”) stating that the sum is registrable under regulation 11E for enforcement against the defaulter as a fine, and
- (b) must cause any certificate so issued to be sent to the clerk of petty sessions.

(4) The—

- (a) Civil Aviation Authority may authorise a person to carry out the functions of the Civil Aviation Authority,
- (b) Secretary of State for Transport may authorise a person to carry out the functions of the Secretary of State for Transport,

under paragraph 3.

(5) A registration certificate must—

- (a) give particulars of the offence to which the penalty notice relates, and
- (b) state the name and last known address of the defaulter and the amount of the sum payable in default.

Registration of penalty

11E.—(1) Where the clerk of petty sessions receives a registration certificate in respect of any sum payable in default, the clerk must register that sum for enforcement as a fine by entering it in the Order Book of a court of summary jurisdiction.

(2) On registering any sum under this regulation for enforcement as a fine, the clerk of petty sessions must give to the defaulter notice of registration—

- (a) specifying the amount of that sum and requiring payment of it by such date, not less than 28 days from the date of registration, as may be specified in the notice, and
- (b) giving the information with respect to the offence included in the registration certificate by virtue of regulation 11D(5)(a).

(3) On the registration of any sum in the Order Book of a court of summary jurisdiction by virtue of this regulation, any statutory provision referring (in whatever terms) to a fine imposed or a sum adjudged to be paid on a conviction of such court is to have effect in the case in question as if the sum so registered were a fine imposed by that court on the conviction of the defaulter on the date of the registration.

(4) The clerk of petty sessions must refer the case to a district judge (magistrates' courts) for the judge to consider whether to make a collection order under section 3 of the Justice Act (Northern Ireland) 2016, and the order may be made without a court hearing.

(5) Where a collection order is made in that case, the date specified in the order as the date by which the sum due must be paid must, unless the court directs otherwise, be the same as the date specified in the notice of registration under paragraph (2)(a).

Challenge to notice

11F.—(1) This regulation applies where—

- (a) a person who has received notice of the registration of a sum under regulation 11E for enforcement against that person as a fine makes a statutory declaration to the effect mentioned in paragraph (2), and
- (b) that declaration is, within 21 days of the date on which the person making it received notice of the registration, served on the clerk of petty sessions.

(2) The statutory declaration must state—

- (a) that the person making the declaration was not the person to whom the relevant fixed penalty notice was given, or
- (b) that the person gave notice requesting to be tried in respect of the alleged offence as permitted by the fixed penalty notice before the end of the period of 28 days following the date of the fixed penalty notice.

(3) In any case within paragraph (2)(a), the relevant fixed penalty notice, the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered are void.

(4) In any case within paragraph (2)(b)—

- (a) the registration and any proceedings taken before the declaration was served for enforcing payment of the sum registered are void, and
- (b) the case is to be treated after the declaration is served as if the person making the declaration had given notice requesting to be tried in respect of the alleged offence as stated in the declaration.

(5) References in this regulation to the relevant fixed penalty notice are to the fixed penalty notice relating to the penalty concerned.

(6) In any case within paragraph (2)(b), Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) has effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the statutory declaration made for the purposes of paragraph (1).

(7) Paragraph (8) applies where, on the application of a person who has received notice of the registration of a sum under regulation 11E for enforcement against that person as a fine, it appears to a court of summary jurisdiction that it was not reasonable to expect that person to serve, within 21 days of the date on which that person received the notice, a statutory declaration to the effect mentioned in paragraph (2).

(8) The court may accept service of such a declaration by that person after that period has expired; and a statutory declaration so accepted is to be taken to have been served as required by paragraph (1).

(9) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).

(10) For the purposes of this regulation, a person is to be taken to receive notice of the registration of a sum under regulation 11E for enforcement against that person as a fine when that person receives notice either of the registration as such or of any proceedings for enforcing payment of the sum registered.

(11) Nothing in this regulation is to be read as prejudicing any rights a person may otherwise have by virtue of the invalidity of any action purportedly taken under these Regulations which is not in fact authorised by these Regulations in the circumstances of the case.

(12) Accordingly, references in this regulation to the registration of any sum or to any other action taken under these Regulations are not to be read as implying that the registration or action was validly made or taken.

Setting aside of sum enforceable under regulation 11E

11G.—(1) A court of summary jurisdiction may, in the interests of justice, set aside a sum enforceable as a fine as a result of regulation 11E.

(2) Where a court sets aside such a sum, it must give a direction that either—

- (a) no further action is to be taken in respect of the alleged offence that gave rise to the fixed penalty notice concerned, or
- (b) that the case is to be treated as if the person concerned had given notice requesting to be tried in respect of the offence.

(3) Where a court gives a direction under paragraph (2)(a), the fixed penalty notice concerned, the registration and any proceedings taken for enforcing payment of the sum registered are void.

(4) Where a court gives a direction under paragraph (2)(b)—

- (a) the registration and any proceedings taken for enforcing payment of the sum registered are void, and
- (b) Article 19(1)(a) of the Magistrates' Courts (Northern Ireland) Order 1981 (limitation of time) has effect as if for the reference to the time when the offence was committed there were substituted a reference to the date of the setting aside.

(5) In this regulation references to proceedings for enforcing payment of the sum registered are references to any process issued or other proceedings taken for or in connection with enforcing payment of that sum (including the making of a collection order).”.

Simplification of requirement to provide information to passengers

14.—(1) In regulation 2, omit the definition of “the information requirement”.

(2) Regulation 10 (requirement to provide information to passengers at certain times) is amended as follows—

(a) for paragraph (1) substitute—

“(1) Subject to the following provisions of this regulation, an operator must ensure that a passenger who arrives at a port on a relevant service is provided with the information required by regulations 10 and 11 (“the passenger information requirement”) and in the manner required by that regulation at each of the times specified in paragraph (2).”

(b) in paragraph (2)—

(i) omit sub-paragraph (a),

(ii) for sub-paragraph (b) substitute—

“(b) where a booking was made for the passenger to travel on the relevant service (“the pre-departure information requirement”)—

(i) at least 24 hours prior to departure of the service, at least 24 hours prior to departure;

(ii) within 24 hours prior to departure of the service, at any point prior to departure.”

(iii) omit sub-paragraph (c),

(iv) in sub-paragraph (d), at the end insert “(“the on-board information requirement”)”,

(c) for paragraph (3) substitute—

“(3) If another person (A) makes the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the pre-departure information requirement is to be treated as complied with if the required information is provided to A in the required manner before the booking is made, along with a written request that A provide that information to the passenger unless A considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.”

(d) omit paragraphs (4) and (5),

(e) in paragraph (6) for “the information requirement” substitute “paragraph (1)”,

(f) in paragraph (8) for “paragraph (2)(a) to (c)” substitute “paragraph (2)(b)”,

(g) in paragraph (9) for “the information requirement” substitute “that information”.

(3) Regulation 11 (requirement to provide information to passengers in a certain manner) is amended as follows—

(a) omit paragraph (1),

(b) for paragraph (2) substitute—

“(2) For the purposes of regulation 10(2)(b) (pre-departure information requirement), the required information—

(a) may be provided orally or in writing;

(b) where provided orally is the information specified in Part 1 of the Schedule;

(c) where provided in writing is the information specified in Part 1 of the Schedule and—

(i) where it is provided by electronic means, a hyperlink to each of the relevant websites;

(ii) where it is provided other than by electronic means, the text of the URLs of each of the relevant websites;

- (iii) in any event, must be provided in a way that draws the passenger’s attention to it by being particularly prominent and distinct from other written information provided in relation to the booking.”,
- (c) omit paragraph (3),
- (d) for paragraph (5) substitute—
 - “(5) In this regulation “the relevant websites” means the websites listed in Part 3 of the Schedule.”.
- (4) For the Schedule substitute—

“SCHEDULE

Regulation 11

Information for passengers

PART 1

Essential information to enter Northern Ireland from overseas

All persons arriving in the UK must fill in a Passenger Locator Form before arrival.

Before departure to the UK check if any of the countries you have visited in the last 10 days are on the red list.

If you have visited a country on the red list you must follow the red list rules.

If you have not visited any countries on the red list, what you have to do depends on your vaccination status. Check the rules before you travel at <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-travelling-northern-ireland-non-red-list-country>

Public health requirements may vary depending upon which nation of the UK you are travelling to. Check the relevant website if your final destination is in England, Scotland or Wales.

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.

PART 2

Onboard announcement

The following is a public health message on behalf of the UK’s public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test before the end of day 2 after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.

PART 3

Relevant websites

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

<https://gov.wales/arriving-wales-overseas>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine>".

Records and information

15. After regulation 10 insert—

“Records and information

10A.—(1) An operator must keep records of the steps it has taken to comply with the requirements under regulation 10(1).

(2) 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 regulation 10(1) have been complied with.

(3) A request under paragraph (2) must specify the period within which the operator must provide the information to the authorised person.

(4) An operator who, without reasonable excuse, fails to comply—

(a) with the requirement to keep records in paragraph (1), or

(b) with a request under paragraph (2) to provide records or information within the period specified for the purposes of paragraph (3),

commits an offence.

(5) An offence under paragraph (4) is punishable on summary conviction by a fine not exceeding £10,000.

(6) In this regulation “authorised person” means—

(a) in relation to passengers arriving by sea, the Secretary of State for Transport,

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