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STATUTORY RULES OF NORTHERN IRELAND

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**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

**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).