

2020 No. 567

PUBLIC HEALTH, ENGLAND

TRANSPORT

**The Health Protection (Coronavirus, Public Health Information
for Passengers Travelling to England) Regulations 2020**

Made - - - - at 10.11 a.m. on 3rd June 2020

Laid before Parliament at 2.30 p.m. on 3rd June 2020

Coming into force - - 8th June 2020

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 45B(1)(a) and (2)(e) and (g), 45F(2) and 45P(2) of the Public Health (Control of Disease) Act 1984(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020.

(2) These Regulations come into force on 8th June 2020.

(3) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“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;

(c) in relation to passengers arriving by rail, the Office of Rail and Road;

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971(b);

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2);

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus);

“the information requirement” means the requirement in regulation 3(1);

“operator” means operator of a relevant service;

“port” means—

(a) 1984 c. 22. Part 2A was inserted by section 129 of the Health and Social Care Act 2008 (c. 14).

(b) 1971 c. 77.

- (a) any port (including a seaport, airport or heliport); or
 - (b) a place which is an authorised terminal control point for international services for the purposes of sections 11 and 12 of the Channel Tunnel Act 1987^(a);
- “relevant service” means a commercial transport service on which passengers travel to England from outside the common travel area on a vessel, aircraft or train;
- “vessel” means a vessel which is 24 metres or more in length.

Information requirement

3.—(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 outside an exemption period has been provided with the required information in the required manner at each of the times specified in paragraph (2).

(2) The times are—

- (a) where prior to departure a booking was made for the passenger to travel on the relevant service, before the booking was made;
- (b) where prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in; and
- (c) while the passenger was on board the vessel, aircraft or train.

(3) Paragraph (2)(a) applies only if the booking was made after these Regulations come into force and not during an exemption period.

(4) Paragraph (2)(b) applies only if the check-in took place after these Regulations come into force and not during an exemption period.

(5) If another person (A) made the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the information requirement is to be treated as complied with, as regards the time set out in paragraph (2)(a), if the required information was provided to A in the required manner before the booking was 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.

(6) If another person (B) checked in on behalf of the passenger (whether or not B is also a passenger on the relevant service), the information requirement is to be treated as complied with, as regards the time set out in paragraph (2)(b), if the required information was provided to B in the required manner at the time of check-in, along with a written request that B provide that information to the passenger unless B considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.

(7) An operator who fails to comply with the information requirement is guilty of an offence.

(8) An offence under paragraph (7) is punishable on summary conviction by a fine.

(9) In relation to the requirement to provide the required information at the time set out in paragraph (2)(a) or (b), it is a defence for the purposes of paragraph (7) if the operator can demonstrate that—

- (a) the booking or check-in process was not managed directly by the operator; and
- (b) the operator took reasonable steps to ensure that the person managing the process would provide the required information at that time and in the required manner.

(10) In this regulation—

“exemption period” means a period when the information requirement does not have effect by virtue of regulation 5(1);

“the required information” means the information specified from time to time by the Secretary of State in accordance with regulation 4(1)(a);

(a) 1987 c.53. See section 13(5) of that Act.

“the required manner” means the manner specified from time to time by the Secretary of State in accordance with regulation 4(1)(b).

Required information and manner

4.—(1) For the purposes of the information requirement, the Secretary of State may from time to time specify, by placing a statement on the gov.uk website—

- (a) the information about coronavirus, coronavirus disease and related duties and public health guidance (including, in particular, duties and guidance applying to passengers arriving in England) to be provided under regulation 3(1); and
- (b) the manner in which that information is to be provided for the purposes of that regulation.

(2) In such a statement, the Secretary of State may specify different information, and may specify a different manner in which the information is to be provided—

- (a) at each of the three times specified in regulation 3(2);
- (b) in relation to—
 - (i) passengers arriving by sea;
 - (ii) passengers arriving by air;
 - (iii) passengers arriving by rail.

Exemption period

5.—(1) If the Secretary of State is of the view that it is no longer necessary or expedient to maintain the information requirement, the Secretary of State must place a statement on the gov.uk website indicating that the information requirement will cease to have effect in relation to passengers arriving after the time and date specified in the statement.

(2) If, at any time when by virtue of paragraph (1) the information requirement does not have effect, the Secretary of State is of the view that it is again necessary or expedient to impose the information requirement, the Secretary of State must place a statement on the gov.uk website indicating that the information requirement will have effect in relation to passengers arriving from the time and date specified in the statement.

(3) Before placing any statement on the gov.uk website under paragraph (1) or (2), the Secretary of State must consult the Chief Medical Officer or any of the Deputy Chief Medical Officers of the Department of Health and Social Care.

(4) Section 16 of the Interpretation Act 1978(a) applies in relation to the information requirement ceasing to have effect by virtue of paragraph (1) as it applies to the repeal of an enactment.

(5) In this regulation, “necessary or expedient” means necessary or expedient for preventing danger to public health as a result of coronavirus or coronavirus disease from vessels, aircraft or trains arriving at a port in England.

Records and information

6.—(1) An operator must keep records of the steps it has taken to comply with the information requirement.

(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 information requirement has 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.

(a) 1978 c.30.

- (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),
- is guilty of an offence.

(5) An offence under paragraph (4) is punishable on summary conviction by a fine not exceeding level 4 on the standard scale.

Fixed penalty notices

7.—(1) An authorised person may issue a fixed penalty notice to any operator who the authorised person reasonably believes has committed an offence under regulation 3(7).

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

(3) Where an operator is issued with a notice under paragraph (1) 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 operator may not be convicted of the offence if the operator 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; and
- (d) specify the authorised person to whom payment of the fixed penalty is to be made.

(5) The amount of the fixed penalty for the purposes of paragraph (4)(c) is £4,000.

(6) A fixed penalty is payable to the authorised person which issued the notice to which that penalty relates.

(7) Fixed penalties received by an authorised person other than the Secretary of State for Transport under this regulation must be paid to the Secretary of State for Transport.

(8) In any proceedings, a certificate that—

- (a) purports to be signed by or on behalf an officer of the authorised person who has been designated by the authorised person for that purpose; and
- (b) states that the payment of a fixed penalty was, or was not, received by that authorised person by the date specified in the certificate,

is evidence of the facts stated.

Prosecutions

8. Proceedings for an offence under regulation 3(7) or 6(4) may be brought by an authorised person.

Review

9. The Secretary of State must review the need for the information requirement at least once every 21 days, with the first review being carried out by 29th June 2020.

Expiry

10.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

At 10.11 a.m. on 3rd June 2020

Grant Shapps
Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements on persons (“operators”) operating commercial transport services for passengers travelling to England by sea, air or rail from outside the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland (the “common travel area” by virtue of section 1(3) of the Immigration Act 1971 (c. 77)).

Regulation 3 requires operators to ensure that passengers who arrive in England on such services, other than during an exemption period (determined in accordance with regulation 5), have been provided with certain public health information in the required manner (see regulation 4), on three separate occasions. Breach of this requirement is an offence.

Regulation 6 requires operators to keep records and to provide authorised persons (see regulation 2) with copies of those records and other information about how they are complying with the requirement to provide information to passengers. Breach of these requirements is also an offence.

Regulation 7 allows authorised persons to deal with offences under regulation 3 by a fixed penalty notice.

Regulation 8 allows authorised persons to bring prosecutions for offences under these Regulations.

Regulation 9 requires the Secretary of State to review these Regulations every 21 days.

Regulation 10 provides that these Regulations expire 12 months after they come into force.

Hard copies of the required information and the required manner in which it must be provided, and of any statements starting or ending an exemption period under regulation 5, may be obtained by completing the electronic form on the “contact us” section of the Department for Transport gov.uk page (<https://forms.dft.gov.uk/contact-dft-and-agencies/>) or by telephoning 0300 330 3000.

A full impact assessment has not been completed due to the urgent nature of this instrument. An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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