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STATUTORY INSTRUMENTS

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**2021 No. 150**

**The Health Protection (Coronavirus, International Travel)  
(England) (Amendment) (No. 7) Regulations 2021**

**Amendment to the Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021**

**22.**—(1) The Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (England) (Amendment) Regulations 2021(1) are amended as follows.

(2) In regulation 5 (interpretation of Part 2)—

(a) in the definition of “authorised person” for “means” substitute “, other than in regulation 7A, means”;

(b) after the definition of “child” insert—

““designated port” means a port designated for the purposes of Schedule B1A to the International Travel Regulations;”;

(c) in the definition of “operator” for “means” substitute “, other than in regulation 7A and 8(1A), means”;

(d) after the definition of “responsible individual” insert—

““Schedule B1A passenger” means a passenger to whom Schedule B1A to the International Travel Regulations applies;”.

(3) In regulation 6 (requirement to ensure passengers have completed a Passenger Locator Form)

(a) after paragraph (1) insert—

“(1A) An operator must ensure that a passenger —

(a) who presents at immigration control at the Channel Tunnel shuttle terminal area in France, with the intention of boarding a shuttle service destined for the United Kingdom, has included in their Passenger Locator Form the information required by paragraph 7 of Schedule 1 to the International Travel Regulations, or

(b) who arrives at a port in England on a relevant service has included in their Passenger Locator Form the information required by paragraph 7 of Schedule 1 to the International Travel Regulations.

(1B) An operator must ensure that a Schedule B1A passenger who arrives at a designated port in England on a relevant service has included in their Passenger Locator Form the booking reference for the managed self-isolation package booked by or on behalf of P as required by paragraph 2(a)(i) of Schedule 1 to the International Travel Regulations.”;

(b) in paragraph (2) for “Paragraph (1) does” substitute “Paragraphs (1), (1A) and (1B) do”;

(c) after paragraph (2), insert—

“(3) In addition—

- (a) paragraph (1A) does not apply in relation to a passenger (“P”) where the operator, or a person acting on behalf of the operator, reasonably believes—
    - (i) regulation 3B of the International Travel Regulations (requirement to book, pay for and undertake tests) does not apply to P, or
    - (ii) P has a reasonable excuse for failing to comply with the requirement in regulation 3B of the International Travel Regulations to arrive in England with a testing package;
  - (b) paragraph (1B) does not apply in relation to a passenger (“P”) where the operator, or a person acting on behalf of the operator, reasonably believes—
    - (i) P is not a Schedule B1A passenger, or
    - (ii) P is a Schedule B1A passenger but has a reasonable excuse for failing to comply with the requirement in paragraph 5 of Schedule B1A to the International Travel Regulations (requirement to arrive in England with a managed self-isolation package).”.
- (4) After regulation 7 insert—

**“Requirement to ensure that certain passengers arrive only at designated ports**

**7A.—**(1) An operator must take all reasonable steps to ensure that no Schedule B1A passenger arrives on a relevant transport service at a port in England 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 England other than a designated port to secure—
    - (i) the safety or security of the aircraft, or
    - (ii) the safety 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 England 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(2);

“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);

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

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(2) [S.I. 2016/765](#); to which there are amendments not relevant to these Regulations.

“Schedule B1A passenger” means a passenger to whom Schedule B1A to the International Travel Regulations applies;

“transport service” means—

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

(5) In regulation 8 (offences)—

(a) in paragraph (1)—

(i) omit “or” at the end of sub-paragraph (a);

(ii) after that sub-paragraph, insert—

“(aa) regulation 6(1A),

(ab) regulation 6(1B), or”;

(b) after paragraph (1) insert—

“(1A) An operator who fails to comply with the requirement in regulation 7A(1) commits an offence.”;

(c) in paragraph (2), after “(1)” insert “or (1A)”;

(d) after paragraph (4) insert—

“(4A) In addition, in relation to the offence in paragraph (1)(aa) or (ab), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that the relevant information provided by a passenger on their Passenger Locator Form was false or incorrect in any respect or incomplete.

(4B) For the purposes of paragraph (4A) “relevant information” means the information mentioned in regulation 6(1A) or 6(1B) (as the case may be).

(4C) In relation to the offence in paragraph (1A), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that a passenger was a Schedule B1A passenger.”.

(6) In regulation 9 (fixed penalty notices), in paragraph (1), after “8(1)” insert “or (1A)”;

(7) In regulation 10 (prosecutions), after “8(1)” insert “or (1A)”.

(8) In regulation 11 (power to use and disclose information), in paragraph (2)(a) for “3A of” substitute “3A or 3B of, or paragraph 3 of Schedule B1A to,”.

(9) In regulation 12 (review), for “and 7” substitute “, 7 and 7A”.