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STATUTORY INSTRUMENTS

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**2022 No. 125**

**The Health Protection (Coronavirus, International  
Travel and Operator Liability) (England)  
(Amendment) (No. 2) Regulations 2022**

**Insertion of regulation 15A**

17. After regulation 15 (records and information) insert—

**“Requirement to implement and maintain processes and systems**

**15A.—**(1) An operator must implement and maintain adequate processes and systems to ensure that passengers arriving in England on relevant services operated by the operator—

(a) are, at the relevant time, in possession of—

- (i) a completed Passenger Locator Form, if they are passengers required to comply with regulation 3;
- (ii) evidence that they are a person described in Schedule 4, if they claim to be such a person in their Passenger Locator Form;
- (iii) a required notification, if they are passengers required to comply with regulation 3ZA;
- (iv) eligibility evidence, if they have indicated on their Passenger Locator Form that they meet the COVID-19 vaccination eligibility criteria;

(b) arrive only at designated ports, if they are Schedule 11 passengers.

(2) For the purposes of paragraph (1) a passenger (“P”) is not considered to be required to comply with regulation 3 or 3ZA if the operator, or a person acting on behalf of the operator, might reasonably believe that—

- (a) P is not required to comply with the requirement,
- (b) P has a reasonable excuse which would protect P from liability for breach of the requirement under regulation 19 (offences, proceedings and information), or
- (c) P is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner transfer 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) 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;
  - (c) in relation to passengers arriving by rail, the Office of Rail and Road;
- “eligibility evidence” means—
- (a) evidence described in regulation 3C(1)(d), 3D(b), 3E(b), 3EA(1)(b), 3F(1)(b) or 3H(1)(a)(ii),
  - (b) where P intends to take advantage of the exemption in regulation 3G (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”;
- “relevant time” means—
- (a) if P presents at immigration control at the Channel Tunnel terminal area in France, with the intention of boarding a shuttle service to the United Kingdom, when P so presents;
  - (b) if P arrives at a port in England on a relevant service other than a shuttle service, when P so arrives.”.