

SCHEDULES

SCHEDULE 4

Exemptions

PART 2

Transport

8.—(1) A road passenger transport worker.

(2) For the purposes of this paragraph—

“road passenger transport worker” means—

- (a) the driver of a public service vehicle, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, and who is acting in the course of their employment,

“driver” includes a person who is travelling in a vehicle as a relief driver, and

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(1).

9.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(2) (“the 1995 Act”), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) A pilot, as defined in paragraph 22(1) of schedule 3A of the 1995 Act(3), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom.

(3) An inspector or a surveyor of ships, appointed under section 256 of the 1995 Act, or by a government of a relevant British possession as defined in section 313(1) of the 1995 Act, where they have travelled to the United Kingdom in the course of their work.

(4) For the purposes of sub-paragraph (1)—

“the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation, and

“the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation.

(5) For the purposes of this paragraph, a person does not travel to the United Kingdom in the course of their work where they—

- (a) arrive by air,

(1) 1981 c. 81. Section 1 has been amended by the Transport Act 1985 (c. 67), section 139 and schedule 8.

(2) 1995 c. 21.

(3) Schedule 3A was inserted by schedule 1 of the Marine Safety Act 2003 (c. 16).

Status: This is the original version (as it was originally made).

- (b) are returning to the United Kingdom for a period of contracted leave, and
- (c) are not under contract to work in the common travel area during the period during which they would, but for this paragraph, be required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations.

10.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
 - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
 - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016⁽⁴⁾ or any provision of EU-OPS, or
 - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft,
- (b) travel for work purposes includes, in particular—
 - (i) where a member of aircraft crew resides outside of the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
 - (ii) travelling to attend work-related training in the United Kingdom,
 - (iii) returning to the United Kingdom following work-related training outside of the United Kingdom,
- (c) “EU-OPS” has the meaning given in paragraph 1 of schedule 1 of the Air Navigation Order 2016.

11. An in-flight security officer who has travelled to the United Kingdom in the course of their work and is deployed pursuant to an international agreement to which the United Kingdom is a party.

12.—(1) Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system, and
- (b) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.

(2) For the purposes of sub-paragraph (1) and paragraph 14—

- “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987⁽⁵⁾, and
- “tunnel system” has the meaning given in section 1(7) of that Act.

13. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944⁽⁶⁾, where they have travelled to the United Kingdom when engaged on inspection duties.

(4) [S.I. 2016/765](#).

(5) [1987 c. 53](#).

(6) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23 February 2018 (ISBN 978-92-9258-301-9).

14. Operational, rail maintenance, safety and security workers working on the tunnel system who have travelled to the United Kingdom in the course of their work.

15.—(1) A road haulage worker.

(2) For the purposes of this paragraph—

(a) “road haulage worker” means—

(i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or

(ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁽⁷⁾ on common rules for access to the international road haulage market, and who is acting in the course of their employment.

(b) “driver” includes a person who is travelling in a vehicle as a relief driver,

(c) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988⁽⁸⁾.

16.—(1) The condition mentioned in regulation 6(1)(e) is that the person has in the course of their work on the journey to Scotland travelled only—

(a) on a conveyance which does not carry passengers,

(b) in an area of a conveyance which is not accessible to passengers, or

(c) in an area of a conveyance which is accessible to passengers in vehicles, where passengers remain in their vehicles while the person is present in that area of the conveyance.

(2) For the purposes of this paragraph—

“not accessible to passengers” means separated by a continuous physical barrier which passengers are not permitted to cross, and

“passenger” does not include a person of the description in paragraph 12(1)(b).

⁽⁷⁾ OJ No. L 300, 14.11.2009, p.72.

⁽⁸⁾ 1988 c. 52. There are amendments to section 192 but none is relevant.