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STATUTORY INSTRUMENTS

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**2021 No. 38**

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

PART 2

Operator liability in respect of arrivals

**Interpretation of Part 2**

**5.** In this Part—

“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;

“child” means a person under the age of 18;

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971<sup>(1)</sup>;

“operator” means operator of a commercial transport service;

“passenger” means a person travelling on a conveyance who is not a member of the conveyance’s crew;

“Passenger Locator Form” has the meaning given in regulation 2(1) of the International Travel Regulations;

“port” means—

- (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<sup>(2)</sup>;

“qualifying test” means a test that is a qualifying test for the purposes of regulation 3A of the International Travel Regulations;

“relevant passenger” means a passenger who fails, without reasonable excuse—

- (a) to provide evidence of having provided passenger information when requested to do so by an immigration officer pursuant to regulation 3(7) of the International Travel Regulations, or
- (b) to produce a required notification when requested to do so by an immigration officer pursuant to regulation 3A(4) of the International Travel Regulations;

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<sup>(1)</sup> 1971 c. 77. Paragraph 1 was amended by paragraph 3 of Schedule 3 to the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813.

<sup>(2)</sup> 1987 c.53. See section 13(5) of that Act.

“relevant service” means a commercial transport service carrying passengers travelling to England from outside the common travel area, other than a shuttle service;

“required notification” means a valid notification of a negative test result from a qualifying test for the purposes of regulation 3A of the International Travel Regulations—

- (a) taken by the person in possession of that notification, or
- (b) taken by a child and treated as being in their possession by virtue of paragraph (6)(c) of that regulation;

“the requirement to possess notification of a negative test result” means the requirement in regulation 3A(1) of the International Travel Regulations;

“the requirement to provide information” means the requirement in regulation 3(1) of the International Travel Regulations;

“responsible individual” means an individual who—

- (a) has custody or charge of the child for the time being, or
- (b) has parental responsibility for the child within the meaning given in section 3 of the Children Act 1989<sup>(3)</sup>;

“shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987.

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(3) 1989 c. 41.