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STATUTORY INSTRUMENTS

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**2021 No. 582**

**The Health Protection (Coronavirus, International Travel  
and Operator Liability) (England) Regulations 2021**

**PART 4**

**Requirements on operators**

**Passenger information requirement**

**13.**—(1) Subject to the following provisions of this regulation, an operator must ensure that a passenger who arrives at a port in England on a relevant service is provided with the information required by regulation 14 (“the passenger information requirement”) and in the manner required by that regulation 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 (“the pre-booking information requirement”);
- (b) where, at least 48 hours prior to the scheduled departure time of the relevant service, a booking was made for the passenger to travel on it, between 24 and 48 hours prior to the scheduled departure time of that service (“the pre-departure information requirement”);
- (c) where prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in (“the check-in information requirement”); and
- (d) while the passenger was on board the vessel, aircraft or train (“the on-board information requirement”).

(3) If another person (A) makes the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the pre-booking information requirement is to be treated as complied with if the required information is provided to A in the required manner before the booking is 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.

(4) If another person (A) makes the booking on behalf of the passenger (whether or not A is also a passenger on the relevant service), the pre-departure information requirement is to be treated as complied with if the required information is provided to A in the required manner between 24 and 48 hours prior to the scheduled departure time of the relevant service, 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.

(5) If another person (A) checks in on behalf of the passenger (whether or not A is also a passenger on the relevant service), the check-in information requirement is to be treated as complied with if the required information was provided to A in the required manner at the time of check-in, 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.

**Required information and manner**

**14.—(1)** For the purposes of regulation 13(2)(a) (pre-booking information requirement), the required information—

- (a) in the case of online bookings—
  - (i) must be displayed prominently on an operator’s website or mobile application,
  - (ii) is the information specified in Part 1 of Schedule 12 (information for passengers) and a hyperlink to each of the relevant websites;
- (b) in the case of telephone bookings—
  - (i) must be provided orally,
  - (ii) is the information specified in Part 1 of Schedule 12;
- (c) in the case of in-person bookings—
  - (i) must be provided orally or in writing,
  - (ii) where provided orally, is the information specified in Part 1 of Schedule 12,
  - (iii) where provided in writing, is a written notice which informs passengers of the requirements to provide information, to possess notification of a negative test result, to book and undertake tests and to self-isolate in regulations 3, 4, 6 and 9.

**(2)** For the purposes of regulation 13(2)(b) (pre-departure information requirement), the required information—

- (a) must be provided by text message, push notification, email or orally;
- (b) where provided by text message or push notification, is text which—
  - (i) informs passengers of the requirements to provide information in regulation 3 and that penalties apply for failure to comply with those requirements,
  - (ii) includes a hyperlink to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,
  - (iii) informs passengers of the requirement to possess notification of a negative test result in regulation 4, and
  - (iv) informs passengers of the requirement to book and undertake tests in regulation 6;
- (c) where provided orally, is the information specified in Part 1 of Schedule 12;
- (d) where provided by email, is the information specified in Part 1 of Schedule 12 and a hyperlink to each of the relevant websites.

**(3)** For the purposes of regulation 13(2)(c) (check-in information requirement)—

- (a) in relation to digital check-in, the required information—
  - (i) must be displayed prominently on an operator’s website or mobile application,
  - (ii) must be provided before a boarding card is issued,
  - (iii) is the information specified in Part 1 of Schedule 12 and a hyperlink to each of the relevant websites;
- (b) in relation to in-person check-in, the required information—
  - (i) must be provided orally or in writing,
  - (ii) where provided orally, is the information specified in Part 1 of Schedule 12,
  - (iii) where provided in writing, is a written notice which informs passengers of the requirements to provide information, to possess notification of a negative test result, to book and undertake tests and to self-isolate in regulations 3, 4, 6 and 9.

(4) For the purposes of regulation 13(2)(d) (on-board information requirement), the required information—

- (a) must be provided orally before passengers disembark in England;
- (b) must be provided in English and an officially recognised language of the country of departure if English is not such a language;
- (c) is the information specified in Part 2 of Schedule 12.

(5) In this regulation, “the relevant websites” means the websites listed in Part 3 of Schedule 12.

### **Records and information**

**15.**—(1) An operator must keep records of the steps it has taken to comply with the requirements under regulation 13(1).

(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 requirements under regulation 13(1) have 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.

(4) 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 passenger arriving by rail, the Office of Rail and Road.

### **Requirement to ensure passengers have completed a Passenger Locator Form**

**16.**—(1) 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 completed a Passenger Locator Form;
- (b) who arrives at a port in England on a relevant service has completed a Passenger Locator Form.

(2) Paragraph (1) does not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement in regulation 3(1) or (2);
- (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from completing a Passenger Locator Form; or
- (c) who is a child, travelling without an individual who has responsibility for them.

### **Requirement to ensure passengers possess notification of negative test result**

**17.**—(1) 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, is in possession of a required notification, on so presenting;
- (b) who arrives at a port in England on a relevant service is in possession of a required notification.

(2) Paragraph (1) does not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to possess notification of a negative test result under regulation 4(1) or has a reasonable excuse for failing to comply with that requirement;
  - (b) who is a child, travelling without an individual who has responsibility for them; or
  - (c) who is a transit passenger who does not have the right to enter the country or territory from which the relevant service departs.
- (3) In this regulation—

“required notification” means notification of the result of a test for the detection of coronavirus which includes, in English, French or Spanish, the following information—

- (a) the name of the person from whom the test sample was taken,
- (b) that person’s date of birth or age,
- (c) the negative result of that test,
- (d) the date the test sample was collected or received by the test provider,
- (e) the name of the test provider and information sufficient to contact that provider,
- (f) a statement—
  - (i) that the test was a polymerase chain reaction test, or
  - (ii) of the name of the device that was used for the test;

“transit passenger” means a person who has arrived in the country or territory from which the relevant service departs with the intention of passing through to England without entering that country or territory.

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

**18.**—(1) An operator must take all reasonable steps to ensure that no Schedule 11 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, in the case of an aircraft—
- (a) it is necessary for the pilot in command of the aircraft by means of which the transport service is provided to land the aircraft 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) Schedule 13 makes further provision regarding the arrival of aircraft and vessels into England.

- (4) 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<sup>(1)</sup>;

“operator” 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;

“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.