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**27 AUGUST 2020**

**COVID-19 OPERATION COMMITTEE**

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**INTERNATIONAL TRAVEL – THE PASSENGER LOCATOR FORM**

**PAPER 2 BY THE SECRETARY OF STATE FOR TRANSPORT**

**SUMMARY**

1. This paper focuses on compliance and enforcement of the Passenger Locator Form (PLF) requirement.

**RECOMMENDATIONS**

2. You **agree** to: **A)** Set out more prescriptive requirements of carriers under the Passenger Information Regulations; **B)** Regulators fully use their powers to enforce these strengthened requirements; **C)** Border Force officers increase use of Fixed Penalty Notices (FPNs) for non-compliance; and **D)** Legislation to compel carriers to check the PLF before departure.

**COMPLIANCE AND ENFORCEMENT**

3. According to Border Force data, it is estimated that approximately a third of passengers are arriving without having completed the PLF. This can cause queues to build, as it increases the time taken to process each arrival. It can also result in Border Force officers stepping in to support people who are unable to complete the form (particularly older or less tech savvy passengers), and there has been an increase in verbal abuse directed at officers.
4. Poor compliance with the requirement is likely caused by three main factors: 1) Lack of awareness - 90% say they were not aware of the requirement; 2) Behavioural factors - 3% of arriving passengers simply refuse; and 3) Lack of a sufficient motivation - only 9 FPNs have been issued.
5. To ensure passengers are aware of the PLF requirement, the Passenger Information Regulations were made to require transport operators to ensure that passengers are

provided with information on UK health measures: 1) When booking a trip; 2) When checking in; and 3) During the trip.

6. Although many operators are complying with the requirement under the regulations, the clarity and prominence of messaging varies significantly between carriers. **To increase awareness, we will set out more prescriptive requirements in the regulations that will give carriers less discretion over how to comply – do you agree?**
  
7. The CAA are responsible for ensuring that airlines comply with these regulations and can issue fixed penalties of £4,000 for each breach (this can be per passenger) – with equivalent arrangements for international rail and maritime. CAA have taken steps to ensure carriers are compliant with the current requirements, but have not issued any FPNs. Given the stricter, more prescriptive requirements we will set out, the bar for compliance will be higher and enforcement will be easier. **CAA will enforce the more prescriptive requirements, and fully utilise their powers – do you agree?**
  
8. Regulations require the completion of a PLF. Enforcement is at the UK Border, where Border Force undertake spot-checks and have the power to issue fixed penalties for non-compliance (£100 for the first breach, escalating for repeat offences). Currently Border Force policy is to only issue an FPN if a passenger refuses to complete the form after being offered assistance to do so. To increase compliance, we will change this policy so that Border Force officials issue FPNs immediately rather than offering assistance. This policy will only be practical if compliance rates are already high, as the FPN process takes time. **Where possible and appropriate, Border Force will issue FPNs on the spot if a passenger does not have a completed PLF – do you agree?**
  
9. The optimal time for passengers to fill in the PLF is away from the border, before departure. To achieve this timing, we want operators to check whether the PLF has been completed before passengers travel and deny boarding to passengers without a completed PLF. As this would require checks to take place outside of the jurisdiction, we cannot directly require that operators conduct them. However, we could achieve the same result indirectly, by penalising operators for every passenger found to have arrived on one of their services who has not completed the PLF. This would incentivise carriers to ensure passengers are aware of the requirement well before departure, as this would

help avoid delays in the boarding process. This approach effectively shifts compliance from the UK border to pre-departure and is similar to the carriers' liability regime under the Immigration and Asylum Act 1999 which incentivises carriers to check passports and visas before departure.

10. Under EU law, passengers are not entitled to compensation if they are denied boarding due to arriving without essential travel documentation. To achieve the same outcome, we would seek to have the PLF recognised as an essential travel document. DfT and Home Office lawyers are now in the process of shaping the detail of the policy. **Do you agree that we should deliver new legislation that shifts the onus of PLF enforcement to carriers, while normalising the PLF as an essential travel document?**