

When checking in a passenger may be a crime



According to the Government website, from Thursday 5 November, “Overnight stays and holidays away from primary residences will not be allowed. This includes holidays abroad and in the UK.”. More specifically the legislation, snappily entitled The Health Protection (Coronavirus, Restrictions) (England) (No. 4) Regulations 2020 provides that:

“5. - (1) No person may leave or be outside of the place where they are living without reasonable excuse.”

It goes on to list a number of exemptions – including travelling for business or education, shopping, going to church or being an elite athlete. There are no exceptions for foreign or domestic leisure travel.

The legislation makes it a criminal offence punishable by a fine if someone breaks the Regulations. So if you go on holiday you are committing a criminal offence.



What this means in turn is that if it is illegal to travel then the travel company and/or its staff may be committing a criminal offence if it takes you. This is because under the Magistrates' Court Act 1980 it would be aiding and abetting a criminal offence.

As far as check-in staff are concerned it may not be immediately obvious that a single person at the check-in desk is travelling on holiday or on business or for educational purposes. However if a family turns up, Mum, Dad and two kids, it is fairly clear that they are going on holiday, especially if the booking was organised by a tour operator and the destination is somewhere like Majorca or the Canaries. If this is the case then the family are committing a criminal offence and so are the check-in staff because they have aided and abetted that offence.

Whether the company they are working for is also guilty turns on whether the 'directing minds' of the company knew what was going on. If so, the company can also be convicted.

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