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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 34**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>21st January 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 9.00 a.m. on 22nd January 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 22nd January 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008<sup>(1)</sup>, and all other powers enabling them to do so.

In accordance with section 122(6) of that Act, the Scottish Ministers consider that these Regulations need to be made urgently, without a draft having been laid before, and approved by resolution of, the Scottish Parliament.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 22 January 2021.

(3) In these Regulations—

“the International Travel Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020<sup>(2)</sup>,

“the Passenger Information Regulations” means the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020<sup>(3)</sup>.

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(1) 2008 asp 5.

(2) S.S.I. 2020/169, as amended by S.S.I. 2020/171, S.S.I. 2020/184, S.S.I. 2020/209, S.S.I. 2020/221, S.S.I. 2020/224, S.S.I. 2020/229, S.S.I. 2020/233, S.S.I. 2020/235, S.S.I. 2020/242, S.S.I. 2020/252, S.S.I. 2020/263, S.S.I. 2020/271, S.S.I. 2020/274, S.S.I. 2020/280, S.S.I. 2020/288, S.S.I. 2020/301, S.S.I. 2020/307, S.S.I. 2020/326, S.S.I. 2020/330, S.S.I. 2020/343, S.S.I. 2020/354, S.S.I. 2020/358, S.S.I. 2020/378, S.S.I. 2020/404, S.S.I. 2020/431, S.S.I. 2020/444, S.S.I. 2020/474, S.S.I. 2021/5, S.S.I. 2021/6, S.S.I. 2021/7, S.S.I. 2021/19, S.S.I. 2021/20, S.S.I. 2021/21 and S.I. 2020/942.

(3) S.S.I. 2020/170, as amended by S.S.I. 2020/328, S.S.I. 2020/431 and S.S.I. 2020/444.

**Amendment of the International Travel Regulations**

- 2.—(1) The International Travel Regulations are amended as follows.
- (2) In regulation 5A(2) (requirement to possess notification of negative test result), after “A person” insert “described in paragraph (1)”.
- (3) In regulation 7(1)(cc) (persons not required to comply with regulation 6)—
- (a) for “paragraphs 39 to 42” substitute “paragraph 41”,
  - (b) for “those paragraphs” substitute “that paragraph”.
- (4) In schedule A2 (acute risk countries, territories or parts thereof)—
- (a) after “Colombia”, insert “Democratic Republic of the Congo”,
  - (b) after “Suriname”, insert “Tanzania”.
- (5) In schedule 1 (passenger information), omit paragraphs 2(f), 3 and 5.
- (6) For paragraph 4E of schedule 2 (persons not required to comply with regulation 3 or 6)(4), substitute—

“4E.—(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(5) 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 the 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.”.

**Amendment of the Passenger Information Regulations**

- 3.—(1) The Passenger Information Regulations are amended as follows.
- (2) For regulation 6(2) (offences) substitute—
- “(2) An offence under paragraph (1) is punishable—

(4) Paragraph 4E was inserted by [S.S.I. 2020/209](#).

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

- (a) on summary conviction, by a fine not exceeding the statutory maximum,
  - (b) on conviction on indictment, by a fine.”.
- (3) In paragraph 1(a)(ii)(aa) of schedule 1 (required information), after the second hyperlink, insert “and <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>”.
- (4) In paragraph 1(c)(iii) of schedule 1—
- (a) after “information”, insert “, to possess notification of a negative test result”,
  - (b) after “3” insert “, 5A”.
- (5) In paragraph 2(b) of schedule 1—
- (a) omit the “and” at the end of head (ii),
  - (b) at the end of head (iii), insert—
    - “, and
    - (iv) text which informs passengers of the requirement to possess notification of a negative test result in regulation 5A of the International Travel Regulations,”.
- (6) In paragraph 3(a)(iv) of schedule 1—
- (a) omit the “and” at the end of sub-head (bb),
  - (b) at the end of sub-head (cc), insert—
    - “, and
    - (dd) <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>.”.
- (7) In paragraph 3(b)(iii) of schedule 1—
- (a) after “information”, insert “, to possess notification of a negative test result”,
  - (b) after “3” insert “, 5A”.
- (8) For Part 1 of schedule 2 (passenger notices), substitute—
- “ESSENTIAL INFORMATION TO ENTER THE UK**
- The United Kingdom is taking steps to help stop the spread of COVID-19.
- 1) All persons (including UK nationals and residents) arriving in the UK from outside the common travel area must provide proof of a negative COVID-19 test taken within 3 days of departure to the UK. For further information please visit: <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>.
  - 2) To protect your health and others’, everyone must complete an online passenger locator form before arrival in the United Kingdom.
  - 3) All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel.
  - 4) It is a legal requirement that you wear a face covering on public transport in the UK.
- Failure to comply with these measures is a criminal offence and you could be fined. Please visit [www.gov.uk/uk-border-control](https://www.gov.uk/uk-border-control) for detailed public health advice and requirements for entering the UK.”.

**Amendment of the Pre-Departure Testing Regulations**

4.—(1) Part 2 (operator liability in respect of arrivals) of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021(6) is amended as follows.

(2) In regulation 5—

(a) after the definition of “child”, insert—

““coronavirus 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) the name of the device that was used for the test,”

(b) omit the definition of “qualifying test”,

(c) in paragraph (b) of the definition of “relevant passenger”, for “required notification” substitute “valid notification of a negative result”,

(d) omit the definition of “required notification”.

(3) In regulation 7(1), for “required notification” substitute “coronavirus notification”.

(4) For regulation 7(2) substitute—

“(2) A child is to be treated as possessing a coronavirus notification if such a notification is possessed by a person who is travelling with, and has responsibility for, that child.”.

(5) In regulation 8(4), for “required notification” in both places it occurs, substitute “coronavirus notification”.

(6) In regulation 9(2), for “required notification” substitute “coronavirus notification”.

**Savings**

5.—(1) The amendments made by regulation 2 do not apply in relation to any person who arrived in Scotland during the period beginning at 12.01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of these Regulations, and the International Travel Regulations continue to apply to such persons as if the amendments made by regulation 2 had not been made.

(2) The amendments made by regulation 3 do not apply in relation to any—

- (a) booking made,
- (b) check-in which takes place, or
- (c) international passenger service which departs,

prior to the coming into force of these Regulations, and the Passenger Information Regulations continue to apply to any such booking, check-in or service as if the amendments made by regulation 3 had not been made.

St Andrew's House,  
Edinburgh  
21st January 2021

*MICHAEL MATHESON*  
A member of the Scottish Government

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend—

- The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”),
- The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Passenger Information Regulations”) and
- The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Pre-Departure Testing Regulations”).

Regulation 2 amends the International Travel Regulations to—

- a) add the Democratic Republic of the Congo and Tanzania to the list of acute risk countries and territories in schedule A2 of the International Travel Regulations,
- b) reduce the amount of passenger information that people travelling to Scotland are required to provide on the Passenger Locator Form in order to comply with regulation 3 of the International Travel Regulations,
- c) amend the definition of aircraft crew in schedule 2,
- d) make a minor clarification to the requirement to provide a negative coronavirus test result as it applies to the responsible adult travelling with a child aged over 11 under regulation 5A, and
- e) make a minor amendment to regulation 7 in consequence of the deletion of paragraphs 39, 40 and 42 of schedule 2 by [S.S.I. 2021/21](#).

Regulation 3 amends the Passenger Information Regulations so that the information operators are required to provide to passengers includes information about the requirement, under regulation 5A of the International Travel Regulations, to possess notification of a negative coronavirus test result. The Passenger Information Regulations are also amended so that the offences contained in those Regulations may be triable either summarily or on indictment, for consistency with similar provisions in the Pre-Departure Testing Regulations.

Regulation 4 amends Part 2 of the Pre-Departure Testing Regulations so operators are not required to ensure that a notification of a negative coronavirus test result is from a “qualifying test”, but are instead required only to check that passengers possess a notification of a coronavirus test which includes specified information.

An impact assessment has not been produced for this instrument.