
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 455

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International
Travel and Operator Liability) (Scotland)
Amendment (No. 12) Regulations 2021**

Approved by the Scottish Parliament

<i>Made</i>	- - - -	<i>6th December 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 9.30 a.m. on 7th December 2021</i>
<i>Coming into force</i>	- -	<i>at 4.00 a.m. on 7th December 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008⁽¹⁾ 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 and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 12) Regulations 2021 and come into force at 4.00 a.m. on 7 December 2021.

Amendment of the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021

2. The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021⁽²⁾ are amended in accordance with regulations 3 to 7.

Amendment of regulation 8 – requirement to possess notification of negative test result

3. In regulation 8 (requirement to possess notification of negative test result)—
- (a) in paragraph (1), for “is” where it first appears to the end substitute “is an arrival”,

⁽¹⁾ 2008 asp 5.

⁽²⁾ S.S.I. 2021/322; relevant amending instruments are S.S.I. 2021/343, S.S.I. 2021/350, S.S.I. 2021/357, S.S.I. 2021/359, S.S.I. 2021/382, S.S.I. 2021/425, S.S.I. 2021/440, S.S.I. 2021/441, S.S.I. 2021/443 and S.S.I. 2021/454.

- (b) in paragraph (3) for “11” substitute “12”,
- (c) after paragraph (4) insert—

“(5) For the purposes of this regulation, a child is to be treated as possessing a valid notification of a negative test result from a qualifying test taken by that child even if that notification is possessed by a person who is travelling with, and has responsibility for, that child.”.

Amendment of regulation 9 – qualifying test and valid notification

4. In regulation 9—

- (a) in paragraph (1)(c) (qualifying test and valid notification)—

- (i) for “3” substitute “2”,

- (ii) in head (i) for “service, the service’s scheduled time of departure, or” substitute—
“service—

- (aa) which does not involve the person transiting through a country or territory outside the common travel area, the service’s scheduled time of departure,

- (bb) which involves the person transiting through a country or territory outside the common travel area, the scheduled time of departure of the first part of the service, or”,

- (b) after paragraph (1) insert—

“(1A) For the purposes of sub-paragraph (1)(c), a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to Scotland—

- (a) on a conveyance other than the conveyance on which they arrived, or

- (b) on the same conveyance, having temporarily disembarked from it.”.

Amendment of regulation 10 – part 3: persons not required to comply

5. In regulation 10(1)(a) (part 3: persons not required to comply), for “(without prejudice to regulation 8(3))” substitute “under the age of 12 years”.

Amendment of regulation 29 – Part 3 (testing before arrival in Scotland): offences and penalties

6. In regulation 29(1) (part 3 (testing before arrival in Scotland): offences and penalties) after “offence” insert “unless that person is a child”.

Amendment of schedule 8 – passenger notices

7. In Part 1 of schedule 8 (passenger notices)—

- (a) before the paragraph beginning “Fill in your Passenger Locator Form”, insert as a new paragraph—

“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 2 days of departure to the UK. For further information please visit: www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/pages/pre-arrival-tests.”.

- (b) in the paragraph headed “Red list passengers (including passengers who are fully vaccinated)”, sub-paragraph 1 is omitted and sub-paragraphs 2 and 3 become sub-paragraphs 1 and 2 respectively,
- (c) in the paragraph headed “Unvaccinated passengers or passengers vaccinated with unauthorised vaccines” for the sentences numbered 1, 2 and 3 substitute—
 - “1. Book PCR tests to be taken on or before day 2 and on or after day 8
 - 2. Complete a Passenger Locator Form
 - 3. Make plans to self-isolate in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days)”,
- (d) in the paragraph headed “Fully vaccinated passengers who are not red-list passengers” for the sentences numbered 1, 2 and 3 substitute—
 - “1. Book a PCR test to take on or before day 2
 - 2. Complete a Passenger Locator Form
 - 3. Self-isolate on arrival and until the result of your day 2 test is known. You may only leave self-isolation if the test is negative.”.

Saving

8. The amendments made by these Regulations do not apply in relation to any person who arrived in Scotland before 4.00 a.m. on 7 December 2021, and the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 continue to apply to such persons as if the amendments made by these Regulations had not been made.

St Andrew’s House,
Edinburgh
6th December 2021

MAIRI MCALLAN
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the International Travel Regulations”).

Regulations 3 to 5 make amendments to regulations 8, 9 and 10 of the International Travel Regulations to require any arrival, including children aged 12 and over, in Scotland to undertake a pre-departure test within 2 days of their travel.

Regulation 6 makes an amendment to regulation 29 of the International Travel Regulations such that it is not an offence for a child to contravene regulation 8 of the International Travel Regulations.

Regulation 7 makes amendments to schedule 8 regarding the information to be contained in passenger notices.

Regulation 8 makes savings provision to the effect that a person arriving in Scotland before these Regulations come into effect must comply with the International Travel Regulations as they had effect at the time of the person’s arrival in Scotland. The amendments made by these Regulations apply only in relation to persons arriving in Scotland at or after 4.00 a.m. on 7 December 2021.

An impact assessment is being prepared and will be published online at www.legislation.gov.uk.