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SCOTTISH STATUTORY INSTRUMENTS

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**2020 No. 169**

**The Health Protection (Coronavirus)  
(International Travel) (Scotland) Regulations 2020**

**PART 1**

General

**Citation and commencement**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.

(2) These Regulations come into force on 8 June 2020.

**Commencement Information**

**I1** Reg. 1 in force at 8.6.2020, see reg. 1(2)

**Interpretation**

2.—(1) In these Regulations—

[<sup>F1</sup>“acute risk country or territory” means a country or territory, or part of a country or territory, specified in schedule A2]

“child” means a person under the age of [<sup>F2</sup>18],

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971 <sup>M1</sup>,

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012 <sup>M2</sup>,

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),

[<sup>F3</sup>“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus),

“exempt country or territory” means a country or territory [<sup>F4</sup>, or part of a country or territory,] specified in schedule A1 and “non-exempt country or territory” means any other country or territory [<sup>F5</sup>, or part of a country or territory,] outside the common travel area,]

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of schedule 2 of the Immigration Act 1971 <sup>M3</sup>,

“information offence” means an offence under regulation 5(1) or (2) or an offence under regulation 9(4) where the person is believed to have intentionally obstructed an immigration officer carrying out a function in relation to Part 2,

“passenger information” means the information specified in schedule 1, <sup>F6</sup>...

*Status: Point in time view as at 18/01/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)*

“Passenger Locator Form” means the electronic form published by the Secretary of State for the provision of passenger information <sup>M4</sup>.

[<sup>F7</sup>“qualifying test” means a test that is a qualifying test for the purposes of regulation 5A,]

[<sup>F8</sup>“specified competition” means a competition listed in [<sup>F9</sup>schedule 3A],]

(2) For the purposes of these Regulations, an individual has responsibility for a child if the individual has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibilities or parental rights in relation to the child (see sections 1(3) and 2(4) of the Children (Scotland) Act 1995) <sup>M5</sup>.

[<sup>F10</sup>(3) For the purposes of these Regulations a person (“P”) is not treated as departing from or transiting through a country or territory [<sup>F11</sup>, or part of a country or territory, if, at all times whilst in that country, territory or part thereof]—

- (a) P remains on a conveyance on which no other person is permitted to be taken on board, or
- (b) P is kept separated from passengers who did not arrive on the same conveyance as P, and no such passengers are permitted to be taken on board the conveyance on which P leaves that [<sup>F12</sup>country, territory or part thereof].]

#### Textual Amendments

- F1** Words in reg. 2 inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(2)** (with reg. 3)
- F2** Word in reg. 2 substituted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(2)(a)** (with reg. 4)
- F3** Words in reg. 2(1) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(2)(a)** (with reg. 3)
- F4** Words in reg. 2(1) inserted (12.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 14\) Regulations 2020 \(S.S.I. 2020/280\)](#), regs. 1, **2(2)(a)(i)** (with reg. 3)
- F5** Words in reg. 2(1) inserted (12.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 14\) Regulations 2020 \(S.S.I. 2020/280\)](#), regs. 1, **2(2)(a)(ii)** (with reg. 3)
- F6** Word in reg. 2(1) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(2)(b)** (with reg. 3)
- F7** Words in reg. 2 inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(2)(b)** (with reg. 4)
- F8** Words in reg. 2(1) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(2)(c)** (with reg. 3)
- F9** Words in reg. 2 substituted (5.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 13\) Regulations 2020 \(S.S.I. 2020/274\)](#), regs. 1, **2(2)** (with reg. 3)
- F10** Reg. 2(3) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(2)(d)** (with reg. 3)
- F11** Words in reg. 2(3) substituted (12.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 14\) Regulations 2020 \(S.S.I. 2020/280\)](#), regs. 1, **2(2)(b)(i)** (with reg. 3)

- F12** Words in reg. 2(3)(b) substituted (12.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 14\) Regulations 2020 \(S.S.I. 2020/280\)](#), regs. 1, **2(2)(b)(ii)** (with reg. 3)

#### **Commencement Information**

- I2** Reg. 2 in force at 8.6.2020, see reg. 1(2)

#### **Marginal Citations**

- M1** [1971 c.77](#). Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.
- M2** [2012 asp 8](#).
- M3** [1971 c.77](#). Paragraph 1 was amended by paragraph 3 of schedule 3 of the [Health Protection Agency Act 2004 \(c.17\)](#), and by [S.I. 1993/1813](#).
- M4** The Passenger Locator Form is available on [www.gov.uk](#). No hard copy version is available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in Scotland if not completed in advance; assistance will be available for completion of the electronic form if required.
- M5** [1995 c.36](#). Section 1 was amended by paragraph 48 of schedule 6(2) of the [Human Fertilisation and Embryology Act 2008 \(c.22\)](#). Section 2 was amended by paragraph 49 of schedule 6(2) of the Human Fertilisation and Embryology Act 2008.

## **PART 2**

### **Requirement to provide information**

- 3.—(1)** This regulation applies where a person (“P”) arrives in Scotland—
- (a) from outside the common travel area, or
  - (b) from within the common travel area, if P has been outside the common travel area at any time in the period beginning with the [<sup>F13</sup>10th day] before P's arrival into Scotland.
- (2)** P must provide to the Secretary of State—
- (a) P's passenger information, and
  - (b) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child.
- (3)** The requirement in paragraph (2) can be complied with—
- (a) by P prior to P's arrival into Scotland submitting electronically to the Secretary of State a Passenger Locator Form containing—
    - (i) P's passenger information, and
    - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child,
  - (b) where P has arrived in Scotland from England, Wales or Northern Ireland by P prior to P's arrival into England, Wales or Northern Ireland having submitted electronically to the Secretary of State a Passenger Locator Form containing—
    - (i) P's passenger information, and
    - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child, or

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- (c) by P as soon as reasonably practicable upon arriving in Scotland submitting electronically, using a facility provided by the Secretary of State for this purpose, a Passenger Locator Form, containing—
- (i) P's passenger information, and
  - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child.
- (4) <sup>F14</sup>Subject to paragraph (7)] P is not required to comply with the requirement in paragraph (2) where P is—
- (a) a child and the child's passenger information has been provided under paragraph (3)(a)(ii), (b)(ii) or (c)(ii) by another person,
  - (b) a person described in described in <sup>F15</sup>regulation 7(a)], <sup>F16</sup>...
  - (c) a person described in any of paragraphs 1 to 4 of schedule 2.
  - <sup>F17</sup>(d) a person described in any of paragraphs 4A to 4F of schedule 2 who meets the condition in paragraph 4G of that schedule, or
  - (e) a person described in paragraph 13 of schedule 2.]
- (5) A person who has provided passenger information in accordance with paragraph (3)(a) or (b) must provide evidence that they have done so if requested by an immigration officer.
- (6) Nothing in this regulation requires P to provide passenger information if the information is not within P's knowledge or possession or under P's control.
- <sup>F18</sup>(7) Paragraphs (4)(c), (d) and (e) do not apply to a person who has departed from, or transited through, <sup>F19</sup>an acute risk country or territory].]

#### Textual Amendments

- F13** Words in reg. 3(1)(b) substituted (14.12.2020) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(3), **3(2)**
- F14** Words in reg. 3(4) inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(2)(a)** (with reg. 3)
- F15** Words in reg. 3(4)(b) substituted (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(2)**
- F16** Word in reg. 3(4)(b) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(3)(a)** (with reg. 3)
- F17** Reg. 3(4)(d)(e) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(3)(b)** (with reg. 3)
- F18** Reg. 3(7) inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(2)(b)** (with reg. 3)
- F19** Words in reg. 3(7) substituted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(3)** (with reg. 3)

#### Commencement Information

- I3** Reg. 3 in force at 8.6.2020, see reg. 1(2)

## Requirement to update passenger information

4.—(1) Paragraph (2) applies where—

- (a) P is required to comply with the requirement in regulation 6(2), and
- (b) prior to the expiry of the period referred to in regulation 6(2)(a),
  - (i) the passenger information provided by P in accordance with regulation 3 is no longer accurate, or
  - (ii) passenger information relating to P or a child accompanying P comes within P's knowledge or possession or under P's control.

(2) P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.

(3) Nothing in this regulation requires P to provide passenger information if the information is not within P's knowledge or control.

### Commencement Information

**I4** Reg. 4 in force at 8.6.2020, see reg. 1(2)

## Passenger information: offences and penalties

5.—(1) A person who contravenes the requirement in regulation 3 or 4(2) commits an offence.

(2) It is an offence for P to provide false or misleading information for the purposes of regulation 3 or 4, where P—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is false or misleading.

(3) It is a defence to a charge of committing an offence under paragraph (1) or (2) to show that the person, in the circumstances, had a reasonable excuse.

(4) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

### Commencement Information

**I5** Reg. 5 in force at 8.6.2020, see reg. 1(2)

## [F20]PART 2A

### Pre-Departure Testing

#### Textual Amendments

**F20** Pt. 2A inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(3)** (with reg. 4)

**Requirement to possess notification of negative test result**

**5A.**—(1) A person who arrives in Scotland having begun their journey outside the common travel area must possess on arrival valid notification of a negative result from a qualifying test taken by that person.

(2) A person who is travelling with a child aged 11 or over and for whom they have responsibility must, on their arrival in Scotland, possess valid notification of a negative result from a qualifying test taken by that child.

(3) A person who possesses valid notification of a negative result from a qualifying test must produce that notification, physically or digitally, if requested to do so by a constable or an immigration officer.

(4) The following are not required to comply with this regulation—

- (a) a person who is a child (without prejudice to paragraph (2)),
- (b) a person described in paragraph 2, 3, 4, 4B, 4C, 4D, 4E, 7, 12, or 30 of schedule 2,
- (c) a person described in paragraph 4(1) of schedule 2A.

(5) For the purposes of this regulation—

- (a) a test is a qualifying test if it complies with paragraph 1 of schedule 2A,
- (b) a notification of a negative result is valid if it includes the information specified in paragraph 2 of schedule 2A.

**Pre-Departure testing: offences and penalties**

**5B.**—(1) A person who contravenes a requirement in regulation 5A commits an offence.

(2) It is a defence to a charge of committing an offence under paragraph (1) to show that the person, in the circumstances, had a reasonable excuse.

(3) For the purposes of paragraph (2), reasonable excuses include, in particular where—

- (a) a person was medically unfit to provide a sample for a qualifying test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect,
- (b) it was not reasonably practicable for a person to obtain a qualifying test due to a disability,
- (c) a person required medical treatment with such urgency that obtaining a qualifying test was not reasonably practicable,
- (d) a person contracted coronavirus and required emergency medical treatment,
- (e) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (c) or (d) where it was not reasonably practicable for the accompanying person to obtain a qualifying test,
- (f) a person began their journey to Scotland in a country or territory in which a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey,
- (g) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Scotland meant that it was not reasonably practicable for them to meet the requirement in

paragraph 1(c) of Schedule 2A, and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.

(4) A person does not commit an offence where they contravene a requirement in regulation 5A if they reasonably believed at the time of the contravention that the notification of a negative result was valid and from a qualifying test.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.]

## PART 3

### Requirement for travellers [<sup>F21</sup>or others] to stay in specified premises

6.—(1) [<sup>F22</sup>Paragraph (2) applies] where a person (“P”)—

- (a) arrives in Scotland from [<sup>F23</sup>a non-exempt country or territory], or
- (b) arrives in Scotland from elsewhere within the common travel area [<sup>F24</sup>or from an exempt country or territory], and has within the preceding [<sup>F25</sup>10 days][<sup>F26</sup>departed from or transited through a non-exempt country or territory].

[<sup>F27</sup>(1ZA) Paragraph (2) also applies to a person who—

- (a) is not otherwise required to comply with that requirement (by virtue of regulation 6(1) or regulation 7), and
- (b) either—
  - (i) contravenes a requirement in regulation 5A(1), or
  - (ii) is a child in respect of whom the person responsible contravenes a requirement in regulation 5A(2).]

[<sup>F28</sup>(1A) Paragraph (2A) applies where a person (“D”) is residing at an address where P is required to stay in accordance with paragraph (2) because P has arrived in Scotland having departed from, or transited through, [<sup>F29</sup>a non-exempt country or territory which is an acute risk country or territory].]

(2) P must, on their arrival in Scotland, travel without undue delay to specified premises in Scotland and, except to the extent that a defence would be available under regulation 9(6), must not leave those premises until whichever is the earlier of—

- (a) the end of the [<sup>F30</sup>tenth day] after the day on which they [<sup>F31</sup>last departed from or transited through a non-exempt country or territory], or
- (b) their departure from Scotland.

[<sup>F32</sup>(2A) D must not leave the place where they are residing with P except to the extent that a defence would be available under regulation 9(6) until the end of the period during which, according to paragraph (2), P is required to remain in that place.]

(3) For the purposes of this regulation, the “specified premises” are—

- (a) unless paragraph (b) or (c) applies—
  - (i) an address specified in P's Passenger Locator Form [<sup>F33</sup>in accordance with paragraph 2(a) of schedule 1,] as required by regulation 3, where P has completed a Passenger Locator Form,
  - (ii) an address specified as the place they intend to stay for the duration of the period specified in paragraph (2) where P has completed a form equivalent to a Passenger Locator Form pursuant to an enactment in England, Wales or Northern Ireland,

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- (iii) the premises at which they intend to stay for such part of the period specified in paragraph (2) as will apply while in Scotland where P is a person described in paragraph (1)(b) who has not completed a Passenger Locator Form or equivalent form as described in head (ii),
  - (iv) the premises at which they intend to stay for such part of the period specified in paragraph (2) as will apply while in Scotland, where P is a person described in paragraph 1 of schedule 2 (other than one described in <sup>F34</sup>regulation 7(c)), or
  - (v) where it is not possible for P to stay at a place in accordance with paragraph (i) to (iv), in accommodation facilitated by the Secretary of State for P for the purposes of paragraph (2),
- (b) where P is an asylum seeker, in accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999 <sup>M6</sup>, or
  - (c) where P is a person described in paragraph 9(1) of schedule 10 of the Immigration Act 2016 <sup>M7</sup> (powers of Secretary of State to enable person to meet bail conditions), in accommodation provided or arranged under that paragraph.
- (4) For the purposes of this regulation, where the specified premises are residential premises those premises include any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (5) Where P is a person described in <sup>F35</sup>paragraph 37] of schedule 2, paragraph (3)(a)(i) applies with the modification that the address at which P intends to stay for the purposes of regulation 6(2) must be the named farm (within the meaning of <sup>F35</sup>paragraph 37] of schedule 2).
- <sup>F36</sup>(6) .....
- (7) If P is a child, any person who has responsibility for the child must ensure, so far as reasonably practicable, that the child complies with this regulation.
- (8) Nothing in this regulation affects the operation of any requirement or restriction on P by virtue of schedule 21 of the Coronavirus Act 2020 <sup>M8</sup> (powers relating to potentially infectious persons) or by virtue of an order made under Part 4 of the Public Health etc. (Scotland) Act 2008 <sup>M9</sup>.

**Textual Amendments**

- F21** Words in reg. 6 title inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(3)(a)** (with reg. 3)
- F22** Words in reg. 6(1) substituted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(3)(b)** (with reg. 3)
- F23** Words in reg. 6(1)(a) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(4)(a)(i)** (with reg. 3)
- F24** Words in reg. 6(1)(b) inserted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(4)(a)(ii)(aa)** (with reg. 3)
- F25** Words in reg. 6(1)(b) substituted (14.12.2020) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(3), **3(3)**
- F26** Words in reg. 6(1)(b) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(4)(a)(ii)(bb)** (with reg. 3)



- F27** Reg. 6(1ZA) inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(4)** (with reg. 4)
- F28** Reg. 6(1A) inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(3)(c)** (with reg. 3)
- F29** Words in reg. 6(1A) substituted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(4)** (with reg. 3)
- F30** Words in reg. 6(2)(a) substituted (14.12.2020) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(3), **3(4)** (with reg. 5(2)(3))
- F31** Words in reg. 6(2)(a) substituted (10.7.2020) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(4)(b)** (with reg. 3)
- F32** Reg. 6(2A) inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(3)(d)** (with reg. 3)
- F33** Words in reg. 6(3)(a)(i) substituted (5.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 13\) Regulations 2020 \(S.S.I. 2020/274\)](#), regs. 1, **2(3)** (with reg. 3)
- F34** Words in reg. 6(3)(a)(iv) substituted (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(3)(a)**
- F35** Words in reg. 6(5) substituted (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(3)(b)**
- F36** Reg. 6(6) revoked (14.9.2020) by [The Health Protection \(Coronavirus\) \(Restrictions and Requirements\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/279\)](#), reg. 1, **Sch. 2**

**Modifications etc. (not altering text)**

- C1** Reg. 6(2) restricted (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **3(2)**

**Commencement Information**

- I6** Reg. 6 in force at 8.6.2020, see reg. 1(2)

**Marginal Citations**

- M6** 1999 c.33. Section 4 was amended by section 49 of the [Nationality, Immigration and Asylum Act 2002 \(c.41\)](#), by section 10(1) of the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\)](#), by section 43(7) of the [Immigration, Asylum and Nationality Act 2006 \(c.13\)](#), and by paragraph 1 of schedule 11 of the [Immigration Act 2016 \(c.19\)](#). Section 95 was amended by section 50(1) of the [Nationality, Immigration and Asylum Act 2002](#) and by paragraph 29 of schedule 10 of the [Immigration Act 2016](#).
- M7** 2016 c.19.
- M8** 2020 c.7.
- M9** 2008 asp 5.

**Persons not required to comply with regulation 6**

7.—<sup>[F37]</sup>(1) [<sup>F38</sup>Subject to regulation 6(1ZA) and paragraph (2) of this regulation] the following persons are not required to comply with the [<sup>F39</sup>requirement in regulation 6(2)]—

**Status:** Point in time view as at 18/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)

- (a) any person described in regulation 6(1)(b) who—
    - (i) has arrived from England, and
    - (ii) is in Scotland, temporarily, for a reason specified in regulation 9(6),
  - (b) any person who has arrived <sup>F40</sup>... in Scotland in order to travel immediately onwards to—
    - (i) another part of the United Kingdom, or
    - (ii) elsewhere outside of the United Kingdom,
  - (c) any person described in paragraph 1(1)(a) to (k) of schedule 2 who meets the conditions set out in paragraph 1(2) of that schedule, <sup>F41</sup>... <sup>F42</sup>...
  - <sup>F43</sup>(ca) any person described in paragraph 37 of schedule 2 where that person is required to work in fields or other property under the control of the farming enterprise, but only to the extent specified in that paragraph, <sup>F44</sup>...
  - <sup>F45</sup>(cba) any person described in paragraph 38A of schedule 2, but only to the extent specified in that paragraph,
  - <sup>F46</sup>(cb) any international elite sportsperson described in paragraph 38 of schedule 2 but only to the extent specified in paragraph 38(4)(a) or any international ancillary sportsperson described in paragraph 38 of that schedule but only to the extent specified in paragraph 38(4)(b),
  - (cc) any person described in [<sup>F47</sup>paragraphs 39 to 42] of schedule 2 but only to the extent specified in [<sup>F48</sup>those paragraphs], or
  - (d) any person described in any other paragraph of schedule 2 [<sup>F49</sup>(including any person who is a domestic elite sportsperson, [<sup>F50</sup>a domestic ancillary sportsperson or a multinational ancillary sportsperson] within the meaning of paragraph 38 of that schedule)].
- <sup>F51</sup>(2) Paragraph (1)(c), (ca), (cba), (cb), (cc) and (d) do not apply to a person who has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from, or transited through, [<sup>F52</sup>an acute risk country or territory].]

#### Textual Amendments

- F37** Reg. 7 renumbered as reg. 7(1) (7.11.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 22\) Regulations 2020 \(S.S.I. 2020/358\)](#), regs. 1(2), **2(4)(a)** (with reg. 3)
- F38** Words in reg. 7(1) substituted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(5)** (with reg. 4)
- F39** Words in reg. 7(1) substituted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(4)(b)** (with reg. 3)
- F40** Words in reg. 7(b) omitted (10.7.2020) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 3\) Regulations 2020 \(S.S.I. 2020/209\)](#), regs. 1, **2(5)(a)** (with reg. 3)
- F41** Words in reg. 7(c) omitted (20.6.2020 at 1.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(4)(a)**
- F42** Word in reg. 7 omitted (20.6.2020 at 1.00 p.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(4)(b)(i)**
- F43** Reg. 7(ca) inserted (20.6.2020 at 1.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 2\) Regulations 2020 \(S.S.I. 2020/184\)](#), regs. 1(2), **2(4)(b)(ii)**

- F44** Word in reg. 7(ca) omitted (10.7.2020) by virtue of The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/209), regs. 1, **2(5)(b)(i)** (with reg. 3)
- F45** Reg. 7(cba) inserted (18.10.2020 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 (S.S.I. 2020/326), regs. 1, **2(2)(a)** (with reg. 3)
- F46** Reg. 7(cb)(cc) inserted (10.7.2020) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/209), regs. 1, **2(5)(b)(ii)** (with reg. 3)
- F47** Words in reg. 7(cc) substituted (19.12.2020 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 (S.S.I. 2020/444), regs. 1(2), **2(2)(a)**
- F48** Words in reg. 7(cc) substituted (19.12.2020 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 (S.S.I. 2020/444), regs. 1(2), **2(2)(b)**
- F49** Words in reg. 7(d) inserted (10.7.2020) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (S.S.I. 2020/209), regs. 1, **2(5)(b)(iii)** (with reg. 3)
- F50** Words in reg. 7(d) substituted (18.10.2020 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 (S.S.I. 2020/326), regs. 1, **2(2)(b)** (with reg. 3)
- F51** Reg. 7(2) inserted (23.12.2020 at 6.00 p.m.) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 25) Regulations 2020 (S.S.I. 2020/474), regs. 1(2), **2(4)(c)** (with reg. 3)
- F52** Words in reg. 7(2) substituted (9.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/5), regs. 1(2), **2(5)** (with reg. 3)

#### Commencement Information

- I7** Reg. 7 in force at 8.6.2020, see reg. 1(2)

## PART 4

### Enforcement of Part 3

#### Enforcement of requirement in <sup>F53</sup>regulation 6]

8.—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) has contravened the requirement in regulation 6(2) [<sup>F54</sup>or 6(2A)] the constable may—

- (a) direct P to return to the place where P is staying in accordance with regulation 6(2) [<sup>F54</sup>or 6(2A)],
- (b) remove P to the place where P is staying in accordance with regulation 6(2) [<sup>F54</sup>or 6(2A)], or
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to a hotel or other accommodation facilitated by the Secretary of State.

(2) Paragraph (1)(b) and (c) do not apply where P is a person described in paragraph 1 of schedule 2.

(3) A constable exercising the power in paragraph (1) may use reasonable force, if necessary, in doing so.

*Status: Point in time view as at 18/01/2021.*

*Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)*

(4) Where a child is outside of the place where they are staying in accordance with regulation 6(2) [F55 or 6(2A)] and is accompanied by an individual who has responsibility for the child (“A”)—

- (a) a constable may direct A to take the child to the place where the child is staying in accordance with regulation 6(2) [F55 or 6(2A)], and
- (b) A must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by a constable to the child.

(5) Where a constable has reasonable grounds for suspecting that a child has repeatedly contravened the requirement in regulation 6(2) [F56 or 6(2A)], the constable may direct any individual who has responsibility for the child to ensure, so far as reasonably practicable, that the child complies with that requirement.

(6) A constable may only exercise a power in paragraph (1), (4), or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement in regulation 6(2) [F57 or 6(2A)].

(7) A constable exercising a power under paragraph (1), (4) or (5) may give to P or A any direction or instruction the constable considers necessary and proportionate.

#### Textual Amendments

- F53** Words in reg. 8 heading substituted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(6)(a)** (with reg. 3)
- F54** Words in reg. 8(1) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(6)(b)** (with reg. 3)
- F55** Words in reg. 8(4) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(6)(c)** (with reg. 3)
- F56** Words in reg. 8(5) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(6)(d)** (with reg. 3)
- F57** Words in reg. 8(6) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(6)(e)** (with reg. 3)

#### Commencement Information

- I8** Reg. 8 in force at 8.6.2020, see reg. 1(2)

### Offences and penalties - Parts 3 and 4

9.—(1) It is an offence to contravene a requirement in—

- (a) regulation 6(2) [F58 or 6(2A)], or
- (b) regulation 6(7).

(2) It is an offence to contravene a requirement in or imposed under regulation 8.

(3) It is an offence for P to provide false or misleading information for the purposes of Part 3 or 4 where P—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is false or misleading.

(4) A person who deliberately obstructs any person carrying out a function under these Regulations commits an offence

(5) It is a defence to a charge of committing an offence under paragraph (1)(b), (2) (3) or (4) to show that the person, in the circumstances, had a reasonable excuse.

(6) It is a defence to a charge of committing an offence under paragraph (1)(a) for the person to show that they are outside of the place where they are staying in accordance with regulation 6(2) [<sup>F59</sup> or 6(2A)] for one of the following reasons—

- (a) to travel in order to leave Scotland, provided that they do so directly,
- (b) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household),

[<sup>F60</sup>(c) to seek medical assistance, including to access any of the following services—

- (i) dental services, opticians, audiology services, chiropody services, chiropractors, osteopaths and other medical or health services, including services relating to mental health,

- (ii) veterinary surgeons and pet shops,]

(d) on compassionate grounds, to attend a funeral of—

- (i) a member of the person's household,

- (ii) a close family member, or

- (iii) if no-one within sub-paragraphs (i) or (ii) is attending, a friend

[<sup>F61</sup>(da) on compassionate grounds, for reasons related to the end of a person's life,]

(e) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,

(f) to access public services (including social services or victims' services) where—

- (i) access to the service is critical to P's well-being, and

- (ii) the service cannot be provided if P remains at the premises,

(g) to avoid injury, illness or to escape a risk of harm, or

(h) to move to a different place for the purposes of regulation 6(2) [<sup>F62</sup> or 6(2A)] where—

- (i) a legal obligation requires P to change the premises at which P resides for the purposes of regulation 6(2), or

- (ii) P is otherwise unable to remain at the premises at which P is residing for the purpose regulation 6(2).

#### Textual Amendments

**F58** Words in reg. 9(1)(a) inserted (23.12.2020 at 6.00 p.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 25\) Regulations 2020 \(S.S.I. 2020/474\)](#), regs. 1(2), **2(5)** (with reg. 3)

**F59** Words in reg. 9(6) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(7)(a)** (with reg. 3)

**F60** Reg. 9(6)(c) substituted (12.9.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 14\) Regulations 2020 \(S.S.I. 2020/280\)](#), regs. 1, **2(3)** (with reg. 3)

**F61** Reg. 9(6)(da) inserted (12.12.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(2), **2(2)**

**Status:** Point in time view as at 18/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)

**F62** Words in reg. 9(6)(h) inserted (9.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/5\)](#), regs. 1(2), **2(7)(b)** (with reg. 3)

#### Commencement Information

**I9** Reg. 9 in force at 8.6.2020, see reg. 1(2)

### Penalties for offences under regulation 9

**10.** A person who commits an offence under regulation 9 is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

#### Commencement Information

**I10** Reg. 10 in force at 8.6.2020, see reg. 1(2)

## [<sup>F63</sup>PART 4A

### Fixed Penalty Notices]

#### Textual Amendments

**F63** Pt. 4A heading inserted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(6)** (with reg. 4)

### Fixed penalty notices

**11.—(1)** A constable may issue a fixed penalty notice to anyone that the constable has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) Subject to regulation 12(3) an immigration officer may issue a fixed penalty notice to anyone that the immigration officer has reasonable grounds to believe—

- [<sup>F64</sup>(a) has committed—
  - (i) an information offence,
  - (ii) an offence under regulation 5B(1) or
  - (iii) an offence under regulation 9(4), and]
- (b) is aged 18 or over.

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(4) For the purposes of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and

(c) the procedure that applies to a fixed penalty notice, are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 <sup>M10</sup>, as provided for in sections 129 to 134 of that Act, and section 226B and 226I of the Criminal Procedure (Scotland) Act 1995 <sup>M11</sup> subject to the modification in paragraph (5).

(5) The modifications are—

- (a) section 129(1) is to be disregarded,
- (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
- (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
- (d) section 130(1), (2) and (3)(f) is to be disregarded,
- (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
- (f) the reference in section 131(5) to “in accordance with this Part” is to be construed as a reference to these Regulations and the reference to “a sum equal to one and a half times” is to be disregarded,
- (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
- (h) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph, and
- (i) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph.

#### Textual Amendments

**F64** Reg. 11(2)(a) substituted (15.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), 3(7) (with reg. 4)

#### Commencement Information

**I11** Reg. 11 in force at 8.6.2020, see reg. 1(2)

#### Marginal Citations

**M10** 2004 asp 8. Sections 130, 131, 132 were amended by para 32(b) of schedule 1 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#). Section 132 was amended by para 32(c) of schedule 1 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#).

**M11** 1995 c. 46. Sections 226B and 226I were inserted by the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 asp 6](#) (Scottish Act) Pt 3 s.55. Sections 226B and 226I have been amended by none is relevant.

### Fixed penalty notices – penalty amounts

**12.—(1)** The penalty payable in respect of a fixed penalty notice issued in respect of an information offence, subject to paragraph (2), is £60.

**Status:** Point in time view as at 18/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)

(2) Unless paragraph (3) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(3) If the person to whom a fixed penalty notice in respect of an information offence is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (1) does not apply, and
- (b) the penalty payable in the case of—
  - (i) the second fixed penalty notice received is £120,
  - (ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £480.

(4) The penalty payable is £480 in respect of a fixed penalty notice issued in respect of an offence under—

[<sup>F65</sup>(za) regulation 5B(1),]

(a) regulation 9(1), <sup>F66</sup>...

[<sup>F67</sup>(b) regulation 9(2),

(c) regulation 9(3), or

(d) regulation 9(4) where the person is believed to have intentionally obstructed any person carrying out a function in relation to [<sup>F68</sup>Part 2A or] Part 4.]

#### Textual Amendments

**F65** Reg. 12(4)(za) inserted (15.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (S.S.I. 2021/20), regs. 1(2), **3(8)(a)** (with reg. 4)

**F66** Word in reg. 12(4)(a) omitted (8.6.2020 at 7.00 p.m.) by virtue of The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (S.S.I. 2020/171), regs. 1(2), **2(2)(a)**

**F67** Reg. 12(4)(b)-(d) substituted for reg. 12(4)(b) (8.6.2020 at 7.00 p.m.) by The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (S.S.I. 2020/171), regs. 1(2), **2(2)(b)**

**F68** Words in reg. 12(4)(d) inserted (15.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (S.S.I. 2021/20), regs. 1(2), **3(8)(b)** (with reg. 4)

#### Commencement Information

**I12** Reg. 12 in force at 8.6.2020, see reg. 1(2)

## PART 5

### Information sharing

#### Power to use and disclose information

**13.—**(1) This regulation applies to a person in Scotland (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (4).

(2) For the purposes of this regulation, “relevant information” is—



- (a) information provided in accordance with regulation 3, or
  - (b) passenger information from elsewhere in the UK.
- (3) P may only use the relevant information where it is necessary for the purpose of—
- (a) carrying out a function under these Regulations,
  - (b) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
  - (c) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
  - (d) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
  - (e) for a purpose connected with, or otherwise incidental to a purpose described in subparagraph (a) to (d).
- (4) Subject to paragraph (6), P may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
    - (i) these Regulations, or
    - (ii) regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations,
  - (b) for the purpose of—
    - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
    - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
    - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,or
  - (c) a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).
- (5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach an obligation of confidence owed by the person making the disclosure.
- (6) Despite paragraphs (3), (4) and (5), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.
- (7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- (8) For the purposes of this regulation—
- (a) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018<sup>M12</sup>, and
  - (b) “passenger information from elsewhere in the UK” means information provided to a person in accordance with provision in regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations.

#### **Commencement Information**

**I13** Reg. 13 in force at 8.6.2020, see reg. 1(2)

**Status:** Point in time view as at 18/01/2021.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. (See end of Document for details)

**Marginal Citations**

**M12** 2018 c.12.

## **PART 6**

### **Review and expiry of Regulations**

#### **Review of need for restrictions**

14. The Scottish Ministers must review the need for the requirements imposed by these Regulations at least once every [<sup>F69</sup>28 days], with the first review being carried out by 29 June 2020.

**Textual Amendments**

**F69** Words in reg. 14 substituted (19.12.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) \(No. 2\) Regulations 2020 \(S.S.I. 2020/444\)](#), regs. 1(2), **2(3)**

**Commencement Information**

**I14** Reg. 14 in force at 8.6.2020, see reg. 1(2)

#### **Expiry of Regulations**

15.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

**Commencement Information**

**I15** Reg. 15 in force at 8.6.2020, see reg. 1(2)

St Andrew's House,  
Edinburgh

*JEANE FREEMAN*  
A member of the Scottish Government

**Status:**

Point in time view as at 18/01/2021.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.