
EXPLANATORY NOTE

(This note is not part of the Regulations)

For the purpose of preventing the spread of infection or contamination with coronavirus, these Regulations impose requirements on people arriving in Scotland who have been outside the common travel area (that is, the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands) in the 14 days prior to their arrival.

Regulation 3 requires people to provide (where applicable) information listed in schedule 1 on a Passenger Locator Form (“passenger information”) before or on arrival in Scotland.

Regulation 4(2) obliges people to keep their passenger information up-to-date until the end of the fourteenth day after the day on which they arrived in Scotland from outwith the common travel area.

Regulation 5 sets out that it is an offence to fail to provide passenger information in accordance with regulation 3 or to fail to keep it up-to-date in accordance with regulation 4(2). A person who commits such an offence is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Regulation 6(2) requires a person to travel without undue delay on their arrival to Scotland to specified premises and stay there until whichever is the earlier of (a) the end of the fourteenth day after the day on which they arrived in the common travel area, or (b) their departure from Scotland. Regulation 6(7) provides that a person with responsibility for a child (as defined in regulation 2) must ensure, so far as reasonably practicable, that the child complies with the requirement to stay at the specified premises. A person is permitted to leave the specified premises where one of the reasons in regulation 9(6) applies.

Regulation 7 lists the persons exempt from the requirement in regulation 6.

Regulation 8 provides police officers with powers to direct or remove persons to a place where they are required to stay, if they suspect that the person is in breach of a requirement in regulation 6(2).

Regulations 9 to 11 make provision for offences, penalties and fixed penalty notices under these Regulations.

Regulation 13 sets out when passenger information can be disclosed and used in Scotland.

The necessity and proportionality of these Regulations must be reviewed at least once every 21 days (regulation 14) and they will expire 12 months beginning with the day on which they come into force (regulation 15).