

SCHEDULE 2

Persons not required to comply with regulation 3 [F1]regulation 5A or regulations 5D to 6B]

Textual Amendments

- F1** Words in sch. 2 heading substituted (26.2.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing etc.\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/107\)](#), regs. 1(2), **8(a)** (with reg. 10)

PART 1

Persons not required to comply with regulation 3 or [F1]6]

Textual Amendments

- F1** Word in sch. 2 Pt. 1 heading 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(5)(b)**

1.—(1) A person (“P”) who is—

- (a) a member of a diplomatic mission in the United Kingdom,
- (b) a member of a consular post in the United Kingdom,
- (c) an officer or servant of an international organisation,
- (d) a person employed by an international organisation as an expert or on a mission,
- (e) a representative to an international organisation,
- (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
- (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
- (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
- (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
- (j) a representative of the government of a British overseas territory,
- (k) a diplomatic courier or a consular courier, or
- (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k) ^{F2}....

(2) The conditions referred to in [F3]regulation 7(c)] (persons who are not required to comply with regulation 6) are that—

- (a) the relevant head of the mission, consular post, international organisation, or conference, office representing a foreign territory in the United Kingdom or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to [F4]the Foreign, Commonwealth and Development Office] that—

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- (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, conference, or office, or to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and
- (ii) that work cannot be undertaken whilst P is complying with regulation 6, and
- (b) prior to P's arrival in the United Kingdom, [^{F5}the Foreign, Commonwealth and Development Office]—
- (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
- (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 6.
- (3) For the purposes of this paragraph—
- “consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963 ^{M1},
- “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
- “diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,
- “international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,
- “member of a consular post” means “consular officer”, “consular employee” and “member of the service staff” as defined in schedule 1 of the Consular Relations Act 1968 ^{M2}, and “head of consular post” has the meaning given in that schedule, and
- “member of a diplomatic mission” means “head of the mission”, “members of the diplomatic service”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964 ^{M3}.
- (4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of Scotland apart from these Regulations.

Textual Amendments

- F2** Words in sch. 2 para. 1(1) 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(5)(c)**
- F3** Words in sch. 2 para. 1(2) 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(5)(d)**
- F4** Words in sch. 2 para. 1(2)(a) substituted (30.9.2020) by [The Transfer of Functions \(Secretary of State for Foreign, Commonwealth and Development Affairs\) Order 2020 \(S.I. 2020/942\)](#), art. 1(2), **Sch. para. 34**
- F5** Words in sch. 2 para. 1(2)(b) substituted (30.9.2020) by [The Transfer of Functions \(Secretary of State for Foreign, Commonwealth and Development Affairs\) Order 2020 \(S.I. 2020/942\)](#), art. 1(2), **Sch. para. 34**

Commencement Information

- I1** Sch. 2 para. 1 in force at 8.6.2020, see reg. 1(2)

Marginal Citations

- M1** 24th April 1963, entered into force 19th March 1967.
M2 1968 c.18.
M3 1964 c.81.

- 2.—(1) A Crown servant or government contractor where they are—
- (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom within [^{F6}the period during which they would, but for this paragraph, have had to stay in specified premises in accordance with regulation 6], or
 - (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
 - (i) are required to return to the United Kingdom temporarily,
 - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.
- (2) For the purposes of sub-paragraph (1) and paragraph 3—
- “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989^{M4},
- “essential government work” means work which has been designated as such by the relevant Department or employer, and
- “government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

Textual Amendments

- F6** Words in sch. 2 para. 2 substituted (22.8.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 10\) Regulations 2020 \(S.S.I. 2020/252\)](#), regs. 1, **2(3)(a)** (with reg. 3)

Commencement Information

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

Marginal Citations

- M4** 1989 c.6. Section 12 was amended by paragraph 22 of schedule 10 of the [Reserve Forces Act 1996 \(c.14\)](#), by paragraph 30 of schedule 12 of the [Government of Wales Act 1998 \(c.38\)](#), by paragraph 26 of schedule 8 of the [Scotland Act 1998 \(c.46\)](#), by paragraph 9(3) of schedule 13 of the [Northern Ireland Act 1998 \(c.47\)](#), by paragraph 9 of schedule 6 of the [Police \(Northern Ireland\) Act 2000 \(c.32\)](#), by paragraph 6 of schedule 14 of the [Energy Act 2004 \(c.20\)](#), by paragraph 58 of schedule 4 of the Serious Organised Crime and Police Act 2005, by paragraph 34 of schedule 10, and paragraph 1 of schedule 12, of the [Government of Wales Act 2006 \(c.32\)](#), and by paragraph 36 of schedule 8 of the [Crime and Courts Act 2013 \(c.22\)](#).

3.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities,^{F7}...
- [^{F8}(aa) has travelled from a point of origin within the common travel area or from an exempt country or territory on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any non-exempt country or territory, or]

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(b) has undertaken a continuous period of at least [^{F9}10 days] immediately preceding their arrival aboard a vessel operated by or in support of Her Majesty's Naval Service [^{F10}or by or in support of a visiting force] and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least [^{F9}10 days] immediately preceding its arrival in the United Kingdom.

(2) For the purposes of sub-paragraph (1)—

“defence” has the meaning given in section 2(4) of the Official Secrets Act 1989, and

[^{F11}“visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty’s Government in the United Kingdom.]

Textual Amendments

- F7** Word in sch. 2 para. 3(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(8)(a)(i)** (with reg. 3)
- F8** Sch. 2 para. 3(1)(aa) 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(8)(a)(ii)** (with reg. 3)
- F9** Words in sch. 2 para. 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(7)**
- F10** Words in sch. 2 para. 3(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(8)(a)(iii)** (with reg. 3)
- F11** Words in sch. 2 para. 3(2) substituted (25.10.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 19\) Regulations 2020 \(S.S.I. 2020/330\)](#), regs. 1, **2(4)(a)** (with reg. 3)

Commencement Information

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

4. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within [^{F12}the period during which they would, but for this paragraph, have had to stay in specified premises in accordance with regulation 6] and that that work cannot be undertaken whilst the person is complying with regulation 6, or
- (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty's Government on the operation of the Border controls within the United Kingdom.

Textual Amendments

- F12** Words in sch. 2 para. 4 substituted (22.8.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 10\) Regulations 2020 \(S.S.I. 2020/252\)](#), regs. 1, **2(3)(a)** (with reg. 3)

Commencement Information

I4 Sch. 2 para. 4 in force at 8.6.2020, see reg. 1(2)

[^{F13}**4A.**—(1) A road passenger transport worker.

(2) For the purposes of this paragraph—

(a) “road passenger transport worker” means—

(i) the driver of a public service vehicle, or

(ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, and who is acting in the course of their employment,

(b) “driver” includes a person who is travelling in a vehicle as a relief driver, and

(c) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981.

Textual Amendments

F13 Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)

4B.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) For the purposes of sub-paragraph (1) and paragraph 4C—

(a) “the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation, and

(b) “the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation.

Textual Amendments

F13 Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)

4C. A pilot, as defined in paragraph 22(1) of schedule 3A of the Merchant Shipping Act 1995, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom ^{F14}....

Textual Amendments

F13 Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)

F14 Words in sch. 2 para. 4C omitted (15.1.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021 \(S.S.I. 2021/20\)](#), regs. 1(2), **3(9)**

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4D. An inspector, or a surveyor of ships, appointed under section 256 of the Merchant Shipping Act 1995 ^[F15], or by a government of a relevant British possession as defined in section 313(1) of that Act], where they have travelled to the United Kingdom in the course of their work.

Textual Amendments

- F13** Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)
- F15** Words in sch. 2 para. 4D inserted (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(6)** (with reg. 3)

^[F16]**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 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.]

Textual Amendments

- F13** Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)
- F16** Sch. 2 para. 4E substituted (22.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/34\)](#), regs. 1(2), **2(6)** (with reg. 5(1))

4F.—(1) Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system, and

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- (b) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.
- (2) For the purposes of sub-paragraph (1)—
- (a) “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987, and
 - (b) “tunnel system” has the meaning given in section 1(7) of that Act.

Textual Amendments

F13 Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)

4G.—(1) The condition mentioned in regulation 3(4)(d) is that the person has in the course of their work on the journey to Scotland travelled only—

- (a) on a conveyance which does not carry passengers,
- (b) in an area of a conveyance which is not accessible to passengers, or
- (c) in an area of a conveyance which is accessible to passengers in vehicles, where passengers remain within their vehicles while the person is present in that area of the conveyance.

(2) For the purposes of this paragraph—

“not accessible to passengers” means separated by a continuous physical barrier which passengers are not permitted to cross, and

“passenger” does not include a person of the description in paragraph 4F(1)(b).]

Textual Amendments

F13 Sch. 2 paras. 4A-4G 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(8)(b)** (with reg. 3)

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