

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT REGULATIONS 2020

SSI 2020/171

The above instrument was made in exercise of the powers conferred by Section 94 of the Public Health (Scotland) Act 2008 (“the 2008 Act”).

Section 122(5) of the 2008 Act states that regulations under section 94(2) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations section 122(7) applies.

This instrument makes a minor amendment to correct an error in regulation 12(4) of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169), which makes provision for the purpose of enabling a number of emergency public health measures to be taken in relation to people arriving into Scotland from outside the common travel area, to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Scotland which causes the disease Covid-19.

Policy Objectives

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) (“the original Regulations”) were: made on 7 June; came into force on 8 June 2020; and were laid in the Scottish Parliament on 8 June 2020.
2. These Regulations make a minor amendment to regulation 12(4) of the original Regulations to correct an error whereby: the original reference in regulation 12(4)(b) incorrectly referred to regulation 9(2) as being the offence of obstructing a constable where this is regulation 9(4) and regulation 9(2) is the offence of contravening a requirement under regulation 8; and there had been omitted a reference to the powers of a constable to issue fixed penalty notices under regulation 9(3) and 9(4). Therefore under this Regulations, regulation 12(4)(b) of the original Regulations is deleted and replaced with new regulation 12(4)(b) to (d). They make no changes to the original policy intention of the Regulations. Given the importance of the original Regulations in the public health response to coronavirus and the need for clarity in relation to the original Regulations, this error should be resolved as a matter of urgency.

Consultation

3. As these Regulations make no policy changes there has been no public consultation in relation to this instrument.

Impact Assessments

4. As these Regulations make no policy changes there have been no impact assessments.

Scottish Government

COVID-19 Public Health Directorate

08 June 2020