

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 2) REGULATIONS 2020

SSI 2020/184

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(1) 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.

Purpose of instrument. This instrument makes provision for the purpose of enabling a number of amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 in order to remove the requirement on certain crew and masters of vessels to self-isolate for 14 days and to address a number of minor drafting errors.

Policy Objectives

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the Primary Regulations”) took effect on 8 June 2020 to provide public health measures in respect of international travellers arriving from outside the Common Travel Area at the UK Border in Scotland or elsewhere in the UK and then travelling on to Scotland. Their purpose is to reduce the risk of the introduction of new infections of coronavirus into the community.
2. Regulation 6(2) of the Primary Regulations places a general requirement on international travellers to stay in specified premises for 14 days on their arrival into Scotland. It is an offence for someone to whom this requirement applies to breach this requirement by being outside that location.
3. Schedule 2 provides a list of persons who are exempt from the regulation 6(2) requirement to stay in specified premises for 14 days. Paragraph 8 of schedule 2 of the Primary Regulations provides an exemption for seamen and masters where they are required to undertake work as a seaman or master which commences during the 14 day period. These Regulations amend that requirement to remove the condition that seamen and masters will only be exempt where they require to commence work during the 14 day period. We had restricted our mariners exemption from self-isolation only to those returning to work within 14 days on the basis that this would cover most shift patterns. Mariners are exempted (like offshore workers) due to the circumstances of their employment which effectively puts them in isolation from the general public. The public health risk is therefore lower. This will align the Scottish regulations with the approach taken in England, Wales and Northern Ireland, helping to ensure a consistent approach across the United Kingdom. These Regulations will

also provide that a seaman or master who arrived in Scotland since 8 June 2020 will no longer be subject to the regulation 6(2) requirement.

4. A number of minor drafting errors are also addressed in addition to the main amendments being made by these Regulations.

Consultation

5. There has been no public consultation in relation to this instrument.

Scottish Government
COVID-19 Public Health Directorate

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