

2020 No. 444

PUBLIC HEALTH

The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020

Approved by the Scottish Parliament

Made - - - -at 8.55 a.m. on 18th December 2020

Laid before the Scottish Parliament at 1.30 p.m. on 18th December 2020

Coming into force - -at 4.00 a.m. on 19th December 2020

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008(a), and all other powers enabling them to do so.

In accordance with section 122(6) of that Act, the Scottish Ministers consider that these Regulations need to be made urgently, without a draft having been laid before, and approved by resolution of, the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020.

(2) These Regulations come into force at 4.00 a.m. on 19 December 2020.

(3) In these Regulations “the International Travel Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020(b).

Amendment of the International Travel Regulations

2.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 7(cc)(c) (persons not required to comply with regulation 6)—

(a) for “paragraph 39” substitute “paragraphs 39 to 42”,

(b) for “that paragraph” substitute “those paragraphs”.

(3) In regulation 14 (review of need for restrictions), for “21 days” substitute “28 days”.

(4) In Part 1 of schedule A1 (countries, territories, or parts of countries or territories) omit—

(a) 2008 asp 5.

(b) S.S.I. 2020/169, as amended by S.S.I. 2020/171, S.S.I. 2020/184, S.S.I. 2020/209, S.S.I. 2020/221, S.S.I. 2020/224, S.S.I. 2020/229, S.S.I. 2020/233, S.S.I. 2020/235, S.S.I. 2020/242, S.S.I. 2020/252, S.S.I. 2020/263, S.S.I. 2020/271, S.S.I. 2020/274, S.S.I. 2020/280, S.S.I. 2020/288, S.S.I. 2020/301, S.S.I. 2020/307, S.S.I. 2020/326, S.S.I. 2020/330, S.S.I. 2020/343, S.S.I. 2020/354, S.S.I. 2020/358, S.S.I. 2020/378, S.S.I. 2020/404, S.S.I. 2020/431 and S.I. 2020/942.

(c) Sub-paragraph (cc) was inserted by S.S.I. 2020/209.

- (a) “Namibia”,
 - (b) “The United States Virgin Islands”,
 - (c) “Uruguay”.
- (5) In paragraph 14 of schedule 2(a) (persons not required to comply with regulation 6)—
- (a) in sub-paragraph (1), for “the relevant Department has certified” substitute “has been certified by the relevant Department or the Scottish Ministers”,
 - (b) in sub-paragraph (2), in the definition of “essential government work”, after “by the relevant Department” insert “or the Scottish Ministers”.
- (6) In paragraph 14A(b) of schedule 2, after “the relevant Department” insert “or the Scottish Ministers”.
- (7) After paragraph 39 of schedule 2 insert—

“40.—(1) A person engaged in television production.

(2) For the purposes of sub-paragraph (1), a person is engaged in television production if that person is employed, or contracted, to make a television programme (other than a television programme which is a British programme for the purposes of Part 15A of the Corporation Tax Act 2009) as—

- (a) an actor,
- (b) a presenter or other significant on-screen participant,
- (c) a director,
- (d) a producer,
- (e) a lighting director,
- (f) a director of photography,
- (g) a creative director,
- (h) another key member of the production crew at director level responsible for managing key aspects of the production, or
- (i) a senior executive responsible for overseeing the production company’s operations in relation to the production.

(3) A person (“P”) described in sub-paragraph (1) is exempt from the requirement in regulation 6(2) when P is outside of the place where P is staying in accordance with that regulation in order to travel directly to or from the location of the production, and when P is in attendance at that location.

41.—(1) A journalist who has travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

- (a) “journalist” means a person who holds a valid UK Press Card or International Press Card,
- (b) “UK Press Card” means a press card issued by an organisation (known as a gatekeeper) under the scheme managed by the UK Press Card Authority,
- (c) “International Press Card” means a press card issued by a national organisation under the scheme managed by the Federation of Journalists.

(3) A person (“P”) described in sub-paragraph (1) is exempt from the requirement in regulation 6(2) when P is outside of the place where P is staying in accordance with that regulation in order to travel directly to or from any place where P’s presence is required for the purposes of P’s work as a journalist, and when P is in attendance at that place.

(a) Paragraph 14 was substituted by S.S.I. 2020/404.
 (b) Paragraph 14A was substituted by S.S.I. 2020/404.

42.—(1) A performing arts professional working in connection with a performing arts event.

(2) For the purposes of this paragraph—

- (a) “domestic performing arts professional” means a performing arts professional who—
 - (i) is habitually resident in the United Kingdom,
 - (ii) has returned to Scotland having departed from or transited through a non-exempt country or territory, and
 - (iii) travelled to or transited through that non-exempt country or territory in order to work in connection with a performing arts event,
- (b) “international performing arts professional” means a performing arts professional who is not habitually resident in the United Kingdom and who has travelled to Scotland in order to work in connection with a performing arts event,
- (c) “performing arts activity” means—
 - (i) a dramatic production, including a performance of a play, opera, musical or other dramatic piece,
 - (ii) a reading or recitation,
 - (iii) a performance of live music,
 - (iv) a recording of a performance of live music which is—
 - (aa) broadcast, at the time of the performance or later, to the general public, or
 - (bb) released, at the time of the performance or later, to the paying public (by digital or other means),
 - (v) a music video production,
 - (vi) a performance of dance, or
 - (vii) an event that combines more than one of the activities set out at sub-heads (i) to (vi),
- (d) “performing arts event” means an event—
 - (i) at which a performing arts activity takes place, and
 - (ii) for which the performing arts professional is paid,
- (e) “performing arts professional” means an individual who—
 - (i) is a domestic performing arts professional or an international performing arts professional,
 - (ii) derives a living from the performing arts, and
 - (iii) holds a certificate issued in accordance with the document titled “Travelling or returning to Scotland for work as a performing arts professional during Covid-19”, published by Creative Scotland on 18 December 2020(a).

(3) A person (“P”) described in sub-paragraph (1) is exempt from the requirement in regulation 6(2) when P is outside of the place where P is staying in accordance with that regulation in order to travel directly to or from any place where the performing arts event, or any rehearsal for that event, is taking place, and when P is in attendance at that place.”.

(a) The document is available at <https://www.creativescotland.com/resources/professional-resources/guidance-and-toolkits/performing-arts-self-isolation-exemption-scotland>.

Amendment of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020

3.—(1) The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(a) are amended as follows.

(2) In regulation 8 (review), for “21 days” substitute “28 days”.

Saving

4. The amendments made by regulation 2(4) do not apply in relation to any person who arrived in Scotland during the period beginning at 12.01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of these regulations, and the International Travel Regulations continue to apply to such persons as if those amendments had not been made.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 8.55 a.m. on 18th December 2020

(a) S.S.I. 2020/170, as amended by S.S.I. 2020/328 and S.S.I. 2020/431.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”) and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Information Regulations”).

Regulation 2(4) removes Namibia, the United States Virgin Islands and Uruguay from the list of exempt countries and territories in schedule A1 to the International Travel Regulations. As of 4.00 a.m. on Saturday 19 December 2020, travellers arriving in Scotland having departed from or transited through Namibia, the United States Virgin Islands or Uruguay will be subject to the movement restriction in regulation 6 of the International Travel Regulations.

Regulations 2(3) and 3 amend the periods within which the Scottish Ministers must carry out a review of the International Travel Regulations and the Information Regulations from 21 days to 28 days.

Regulations 2(5) and (6) amend the exemptions for essential government business in paragraphs 14 and 14A of schedule 2 of the International Travel Regulations so that the Scottish Ministers may make certifications for the purposes of these exemptions. Persons who are certified in accordance with the requirements of paragraphs 14 and 14A are not required to comply with the movement restriction in regulation 6 of the International Travel Regulations.

Regulation 2(7) adds three exemptions to schedule 2 of the International Travel Regulations for television production, journalism and the performing arts. Individuals engaged in television production, journalism and the performing arts will not be required to comply with the movement restriction in regulation 6 of the International Travel Regulations, in the circumstances specified in each exemption.

An impact assessment has not been produced for this instrument.

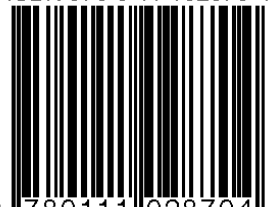
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