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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 179**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>26th March 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>13th May 2021</i>
		<i>at 4.00 a.m. on 27th</i>
<i>Coming into force</i>	- -	<i>March 2021</i>

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<sup>(1)</sup>, 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 and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021 and come into force at 4.00 a.m. on 27 March 2021.

**Amendment of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020**

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020<sup>(2)</sup> are amended in accordance with regulations 3 to 11.

**Amendment to Part 1**

3. In regulation 2 (interpretation) in paragraph (2) for “individual” in both places where it occurs substitute “person”.

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<sup>(1)</sup> 2008 asp 5.

<sup>(2)</sup> 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, S.S.I. 2020/444, S.S.I. 2020/474, S.S.I. 2021/5, S.S.I. 2021/6, S.S.I. 2021/7, S.S.I. 2021/19, S.S.I. 2021/20, S.S.I. 2021/21, S.S.I. 2021/34, S.S.I. 2021/52, S.S.I. 2021/74, S.S.I. 2021/81, S.S.I. 2021/107, S.S.I. 2021/111, S.S.I. 2021/158 and S.I. 2020/942.

**Amendments to Part 2**

4. In regulation 3 (requirement to provide information)—
- (a) after paragraph (4)(a) insert—
- “(aa) a child whose passenger information has been provided by another person otherwise than under paragraph (3)(a)(ii), (b)(ii) or (c)(ii),”
- (b) after paragraph (4) insert—
- “(4A) Where paragraph (2) has not been complied with prior to the arrival in Scotland of a child to whom regulation 6(1)(e) or (f) applies, a Passenger Locator Form containing passenger information pertaining to the child must be provided to the Secretary of State as soon as reasonably practicable by any person who has responsibility for the child following the child’s arrival in Scotland.”
5. In regulation 4 (requirement to update passenger information) after paragraph (2) insert—
- “(2A) Paragraph (2B) applies where P is a child referred to in regulation 6(1)(e) or (f) and, prior to the expiry of the later of the periods referred to in regulation 6(2), the passenger information provided for P in accordance with regulation 3 is no longer accurate.
- (2B) Any person who has responsibility for P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.”
6. In regulation 5 (passenger information: offences and penalties)—
- (a) in paragraph (1) after “4(2)” insert “or (2B)”,
- (b) in paragraph (2)—
- (i) for “P” where it first occurs substitute “a person”,
- (ii) for “P” where it second occurs substitute “that person”.

**Amendments to Part 2A**

7. In regulation 5D(3) (testing following arrival in Scotland: requirement to book and pay for tests) for “an adult” where it second occurs substitute “a person”.
8. In regulation 5G (testing following arrival in Scotland: requirement to self-isolate on failure to undertake a test) after paragraph (2) insert—
- “(2A) Where P is a child, any person who is sharing specified premises with P must remain in the premises until the expiry of the period referred to in paragraph (2).”

**Amendments to Part 3**

9. In regulation 6 (requirement for travellers to stay in specified premises)—
- (a) in paragraph (1)—
- (i) in sub-paragraph (c), at the end omit “or”,
- (ii) after sub-paragraph (d), insert—
- “(e) is a child who arrives in Scotland from—
- (i) outside the common travel area, or
- (ii) elsewhere within the common travel area where P has within the preceding 10 days departed from or transited through a non-exempt country or territory, and—

- (aa) is accompanied by an adult on arrival in Scotland, but that adult ceases to accompany P before P travels to specified premises in accordance with paragraph (2), or
    - (ab) is unaccompanied by an adult,
  - (f) arrives in Scotland from—
    - (i) outside the common travel area, or
    - (ii) elsewhere within the common travel area where P has within the preceding 10 days departed from or transited through a non-exempt country or territory,and has travelled to the United Kingdom for the purpose of receiving education at a boarding school in Scotland at which education and accommodation is due to be provided for P,”
- (b) in paragraph (3)—
  - (i) in sub-paragraph (a)(i) after “P” where it second occurs insert—

“, or if P is a child any person who has responsibility for P,”
  - (ii) in sub-paragraph (a)(ii) after “P” insert—

“, or if P is a child any person who has responsibility for P,”
  - (iii) in sub-paragraph (a)(iii) after “(1)(b)” insert “, (e) or (f)”,
  - (iv) in sub-paragraph (b)—
    - (aa) after “seeker” insert “of at least 18 years of age”,
    - (bb) at the end omit “or”,
  - (v) at the end of sub-paragraph (c) insert—

“, or

    - (d) where P is an unaccompanied child for whom it is not possible to stay at a place in accordance with paragraph (a)(i) to (iii), in accommodation provided or arranged by a local authority.”
- (c) after paragraph (4), insert—

“(4A) For the purposes of this regulation—

  - (a) “boarding school” means a school which—
    - (i) provides accommodation for its pupils on its own premises, or
    - (ii) arranges accommodation for its pupils to be provided elsewhere (other than in connection with a residential trip away from school),
  - (b) “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980(3).”
- (d) after paragraph (5), insert—

“(5A) Where P is a person described in regulation 6(1)(f), paragraph (3)(a)(i) applies with the modification that the address at which P intends to stay for the purposes of regulation 6(2) must be the boarding school at which education and accommodation is due to be provided for P.”
- (e) after paragraph (7) insert—

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(3) 1980 c.44. Section 135(1) was relevantly amended by section 2 of the Registered Establishments (Scotland) Act 1987 (c.40) and schedule 3 of the Standards in Scotland’s Schools etc. Act 2000 (asp 6).

“(7A) Where P is a person described in paragraph (1)(e) who travels to any specified premises referred to in paragraph (3)(a)(i) to (iii) in compliance with paragraph (2), any person who is sharing those premises with P must remain in the premises until the expiry of the period referred to in paragraph (2)(a), or the later of the periods referred to in paragraph (2)(b), depending on which of those periods applies to P.”.

#### **Amendment to Part 4**

**10.** In regulation 8(5) (enforcement of requirement in regulation 6 and 6B), for “individual” substitute “person”.

#### **Amendments to schedule 2**

**11.** In schedule 2 (persons not required to comply with regulation 3, regulation 5A or regulations 5D to 6B) after paragraph 4D insert—

“**4DA.** For the purposes of paragraphs 4B, 4C and 4D, as they apply to categories of persons who have travelled to the United Kingdom in the course of their work, this is to be construed as excluding persons who—

- (a) arrive by air,
- (b) are returning to the United Kingdom for a period of contracted leave, and
- (c) are not under contract to work in the common travel area during the period during which they would, but for paragraphs 4B, 4C or 4D as applicable, have had to comply with regulation 6(2) or 6B(2).”.

#### **Saving**

**12.** The amendments made by these Regulations do not apply in relation to any person who arrived in Scotland during the period beginning at 12:01 am on 8 June 2020 and ending immediately prior to the coming into force of these Regulations, and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if the amendments made by these Regulations had not been made.

St Andrew’s House,  
Edinburgh  
26th March 2021

*MICHAEL MATHESON*  
A member of the Scottish Government

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## 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”).

Regulation 3 amends regulation 2(2) (interpretation) of the International Travel Regulations to provide that for the purposes of those Regulations a person with responsibility for a child can include a legal person such as a local authority.

Regulation 4 amends regulation 3 (requirement to provide information) of the International Travel Regulations by making consequential amendments to the requirements in relation to children travelling to boarding schools in Scotland and children travelling unaccompanied, to ensure that the person responsible for the child provides the Passenger Locator Form where that child is travelling alone or the form has not been completed.

Regulation 5 inserts a new paragraph (2A) and (2B) into regulation 4 (requirement to update passenger information) of the International Travel Regulations to provide that where the information provided in the Passenger Locator Form relating to an unaccompanied child or a child travelling to boarding school is no longer accurate, any person who has responsibility for the child must update that information. Regulation 6 amends regulation 5(1) to make it an offence not to do so.

Regulation 7 amends regulation 5D(3) (testing following arrival in Scotland: requirement to book and pay for tests) of the International Travel Regulations to ensure that the person with responsibility for a child can be a legal person such as a local authority.

Regulation 8 inserts regulation 5G(2A) (testing following arrival in Scotland: requirement to self-isolate on failure to undertake a test) of the International Travel Regulations to ensure that in the circumstances set out in regulation 5G(1), where the person is a child any person who is sharing specified premises with the child must continue to remain there until the end of the relevant period applying to the child.

Regulation 9 deals with amendments to regulation 6(1) (requirement for travellers to stay in specified premises) of the International Travel Regulations as follows—

- (a) a new regulation 6(1)(e) is inserted to provide that children who are unaccompanied on arrival in Scotland from outside the common travel area, or from elsewhere within the common travel area where they have departed from or transited through a non-exempt country within the last 10 days, are required to self-isolate at specified premises (rather than under a managed self-isolation package),
- (b) a new regulation 6(1)(f) is inserted to provide that children who arrive in Scotland from outside the common travel area, or from elsewhere within the common travel area where they have departed from or transited through a non-exempt country within the last 10 days, for the purpose of receiving education at a boarding school, are required to self-isolate at specified premises. A new regulation 6(5A) provides that paragraph (3)(a)(i) of regulation 6 applies with the modification that the address of the specified premises must be the boarding school,
- (c) a new regulation 6(3)(d) is inserted to make provision that where unaccompanied children who do not have a home in Scotland arrive in Scotland, the premises at which they will self-isolate can be accommodation arranged by a local authority,

**Status:** This is the original version (as it was originally made).

- (d) a new regulation 6(7A) is inserted to provide that where a child is required to self-isolate at home for the applicable period set out in regulation 6(2) all members of the household must also self-isolate at home for the same period.

Regulation 10 amends regulation 8(5) (enforcement of requirement in regulation 6 and 6B) to ensure that the person with responsibility for a child can be a legal person such as a local authority.

Regulation 11 amends schedule 2 (persons not required to comply with regulation 3, regulation 5A or regulations 5D to 6B) of the International Travel Regulations to insert a new paragraph 4DA to make an exception to the exemption provided for seamen and masters, shipping pilots and inspectors and surveyors of ships. These persons may be exempted from certain requirements of the regulations where they have been repatriated or return to the United Kingdom in the course of their work.