

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 8) REGULATIONS 2021

#### SSI 2021/179

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (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.

#### Summary Box

This instrument makes further amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169, “the principal Regulations”), which impose requirements on international travellers, to reduce the public health risks posed by the spread of coronavirus (severe acute respiratory syndrome coronavirus 2, or SARS-CoV-2) in Scotland which causes the coronavirus disease (COVID-19).

Regulation 3 of the principal Regulations is amended to ensure that if an unaccompanied child travels to Scotland the child’s Passenger Locator Form (if it has not already been submitted) will be provided by the person with responsibility for the child in Scotland as soon as reasonably practicable following the child’s arrival in Scotland

Regulation 4 of the principal Regulations is amended to require that the person with responsibility in Scotland for a child who was unaccompanied on the journey to Scotland must update the child’s passenger information if it becomes inaccurate during the isolation period. Regulation 5 is amended to add an offence of contravening the requirement to update the child’s information.

Regulation 5G of the principal Regulations is amended to extend the requirement in that regulation for persons who have not undertaken a day 2 test or a day 8 test (as required by regulation 5F of the principal Regulations) to self-isolate to other persons sharing the premises, where the person who has failed to take tests is a child.

Regulation 6 of the principal Regulations is amended so that a child arriving in Scotland from outside the common travel area or from elsewhere within the common travel area where the child has within the preceding 10 days departed from or transited through a non-exempt country or territory is required to isolate in specified premises and not in managed accommodation if unaccompanied by an adult or if the accompanying adult ceases to accompany them prior to travel to the specified premises. All persons within the specified premises where the child isolates are required to isolate.

This instrument amends regulation 6 of the principal Regulations so that persons returning to boarding schools in Scotland from non-exempt countries can isolate at that boarding school premises.

Regulation 6 is further amended to reflect the accommodation arrangements suitable for asylum seekers under the age of 18 and other children housed under the Children (Scotland) Act 1995.

Schedule 2 is amended 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. The new exception makes clear that this is to be construed as excluding persons who have travelled to the United Kingdom who arrived by air, are returning for a period of contracted leave and are not under a contract of work in the common travel area for the duration of their isolation period.

## **Background**

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) (“the principal Regulations”) were made on 7 June and came into force on 8 June, 2020, and were laid in the Scottish Parliament on 8 June 2020.
2. This instrument makes further amendments to the principal Regulations.
3. The principal Regulations were urgently implemented in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases. A regime of managed self-isolation for international travellers was introduced from 15 February 2021.

## **Policy Objectives**

4. Regulations 3 and 4 of the principal Regulations are amended so that as regards an unaccompanied child travelling to Scotland, a person with responsibility for the child once the child has arrived in Scotland must provide a Passenger Locator Form pertaining to the child as soon as reasonably practicable following the child’s arrival, if it has not already been provided, and update that information if it becomes inaccurate during the isolation period. Regulation 5 is amended to add an offence of contravening the requirement to update the child’s information.
5. Regulations 2(2), 5D(3) and 8(5) of the principal Regulations are amended to ensure that the person with responsibility for a child can be a legal person such as a local authority.
6. This instrument amends regulation 5G of the principal Regulations so that any person staying in the specified premises where a child is isolating as required under regulation 6 is required to remain in isolation until the end of the 14<sup>th</sup> day after which the child arrived in Scotland should the child fail to undertake tests as required in regulation 5.
7. Regulation 6 of the principal Regulations is amended so that a child arriving in Scotland from outside the common travel area or from elsewhere within the common travel area where the child has within the preceding 10 days departed from or transited through a non-exempt country or territory is required to isolate in specified premises if unaccompanied by an adult or if the accompanying adult ceases to accompany them prior to travel to the specified premises. Unaccompanied children are therefore not required to stay in managed self-isolation, the quarantine hotels. An unaccompanied child who does not have a home in Scotland can also stay in accommodation arranged by a local authority. All persons within the specified premises where the child isolates are required to isolate.

8. This instrument amends the requirement to stay in specified premises in regulation 6 so that persons who arrive in Scotland from outside the common travel area or from elsewhere within the common travel area having departed from or transited through a non-exempt country or territory within the previous 10 days for the purpose of receiving education at a boarding school in Scotland must stay at that boarding school premises for 10 days. This allows persons to return to their boarding schools to isolate following the easing of restrictions relating to school attendance, removing the requirement to isolate in managed accommodation.

9. Regulation 6(d) of the principal Regulations is amended to provide that where unaccompanied children arrive in Scotland who do not have a home in Scotland, the “specified premises” where they will self-isolate can be accommodation arranged by the local authority.

10. Schedule 2 of the principal Regulations is amended to clarify that seamen and masters, shipping pilots and inspectors or surveyors of ships are not exempt from the requirements in the Regulations in relation to isolation if they have travelled to the United Kingdom in the course of their work by air, are returning to the United Kingdom for a period of contracted leave and are not under contract to work in in the common travel area during the period where, but for this exemption, they would otherwise be required to isolate in accordance with regulation 6(2) or 6B(2).

### **Consultation**

11. This instrument is being made urgently in Scotland to make further amendments to the public health measures in respect of international arrivals to the UK that were brought in on a UK-wide basis from 8 June 2020. The purpose of the principal Regulations is, as above, to help prevent further spread of the coronavirus. Each of the four nations is required under their own Regulations to conduct regular reviews, and as those reviews are conducted there is the possibility of divergence from that initial four nation aligned approach, either on the need for the Regulations themselves or for any of the measures imposed by those Regulations. Such policy divergence may include the Scottish Government, or any of the other three administrations in the UK, reaching a different view on exempt countries and territories or parts thereof under the Regulations, reflecting differences in the prevalence of COVID-19 in that particular nation at any review point.

12. This instrument makes further amendments to the principal Regulations to take into account the outcome of a review of those regulations. The continued pace of the work on this and changing circumstances both in Scotland and other countries has meant limited consultation with external stakeholders in Scotland, but there has been ongoing discussion and dialogue by Scottish Government with Police Scotland, COPFS, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

### **Impact Assessments**

13. Impact assessments will be made available on [www.legislation.gov.uk](http://www.legislation.gov.uk).

Scottish Government  
COVID-19 Public Health Directorate  
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