
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of these Regulations amends the Health Protection (Coronavirus, International Travel) (Scotland) Regulations 2020 (“the 2020 Regulations”) to introduce a requirement for persons travelling to Scotland from outside the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland (the “common travel area” by virtue of section 1(3) of the Immigration Act 1971) to possess a notification of a negative coronavirus test upon arrival in Scotland.

Part 2 of these Regulations introduces requirements for persons operating commercial transport services (“operators”) for passengers travelling to Scotland from outside the common travel area to ensure that passengers who arrive in Scotland on such services have completed a Passenger Locator Form (regulation 6(1)) and possess notification of a negative test result (regulation 7(1)). Breach of the requirements is an offence (regulation 8(1)).

Upon completion of the Passenger Locator Form, passengers receive a unique passenger reference number from the Home Office. An operator who has recorded a unique passenger reference number in the format used by the Home Office will have a defence to the offence in regulation 8(1)(a) (regulation 8(3)). Regulation 9 makes provision for extra-territorial jurisdiction.

Regulation 10 sets out when passenger information can be disclosed and used in Scotland.

The necessity and proportionality of the requirements imposed by these Regulations will be reviewed at least once every 28 days under regulation 14 of the International Travel Regulations and regulation 11 of these Regulations, and these Regulations will expire on 8 June 2021.

Due to the urgent nature of these Regulations and as the provisions made by these Regulations will have effect for a period of less than 12 months, a full Impact Assessment has not been prepared.