

2021 No. 208

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel etc.)
(Miscellaneous Amendments) (Scotland) (No. 2) Regulations
2021**

Approved by the Scottish Parliament

Made - - - - at 1.03 p.m. on 14th May 2021

Laid before the Scottish Parliament at 4.00 p.m. on 14th May 2021

Coming into force - - 4.00 a.m. on 17th May 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2) 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 and commencement

1. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 and come into force at 4.00 a.m. on 17 May 2021.

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

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020^(b) are amended in accordance with regulations 3 to 11.

Amendment of regulation 5C

3. In regulation 5C^(c) (testing following arrival in Scotland: general)—

- (a) in paragraph (1)—
 - (i) for “5K”, substitute “5J”,
 - (ii) omit the “or” before sub-paragraph (b),

(a) 2008 asp 5.

(b) S.S.I. 2020/169, relevantly amended by S.S.I. 2020/209, S.S.I. 2020/280, 2020/358, S.S.I. 2020/431, S.S.I. 2021/74, S.S.I. 2021/81, S.S.I. 2021/107, S.S.I. 2021/158, S.S.I. 2021/176, S.S.I. 2021/181.

(c) Regulation 5C was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/181.

- (iii) in sub-paragraph (b) insert at the end—
 - “
 - (v) paragraph 37 (seasonal agricultural workers) ,”
- (iv) after sub-paragraph (b) insert—
 - “or
 - (c) subject to regulation 5K (exclusion of certain diplomatic etc. personnel) and paragraph (1A), arrives in Scotland from—
 - (i) an exempt country or territory, or
 - (ii) arrives in Scotland from elsewhere within the common travel area, and has within the preceding 10 days departed from or transited through an exempt country or territory”
- (b) after paragraph (1) insert—
 - “(1A) Regulations 5D to 5J do not apply to any person described in schedule 2 other than a person described in any of the following paragraphs of that schedule—
 - (a) paragraph 14(1)(c) (persons returning to facilitate diplomatic missions etc.),
 - (b) paragraphs 18 to 28 (essential infrastructure etc. personnel),
 - (c) paragraphs 31 to 34 (medical etc. personnel),
 - (d) paragraphs 35 to 36 (telecoms etc. personnel),
 - (e) paragraph 37 (seasonal agricultural workers).”
- (c) in paragraph (2)—
 - (i) in sub-paragraph (a) omit “provided in a package with a day 8 test”,
 - (ii) for sub-paragraph (c) substitute—
 - “(c) “testing package” means—
 - (i) where P is a person referred to in paragraph (1)(a) or (b), a booking for a day 2 test and a day 8 test,
 - (ii) where P is a person referred in paragraph (1)(c), a booking for a day 2 test.”

Amendment of regulation 5E

4. In regulation 5E(1)(a) (testing following arrival in Scotland: obligation to provide information)—

- (a) for “a day 2 test and a day 8 test” substitute “the test or tests to which the testing package relates”,
- (b) in sub-paragraph (h), for “a” substitute “an exempt or”,
- (c) in sub-paragraph (m)—
 - (i) omit the “or” before head (ii),
 - (ii) after head (ii) insert—
 - “or
 - (iii) where P is a person to whom regulation 5C(1)(c) applies, the address of the accommodation where P will be resident at the time they undertake their day 2 test (if different to their home address).”

(a) Regulation 5E was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/107.

Amendment of regulation 5F

5. In regulation 5F(a) (testing following arrival in Scotland: requirement to undertake tests)—
- (a) in paragraph (1) after “undertake the” insert “test or”,
 - (b) in paragraph (2)(b), for “a” substitute “where P is a person to whom regulation 5C(1)(a) or (b) applies, a”,
 - (c) for paragraph (3) substitute—

“(3) Where P is a child, any person who has responsibility for P must, so far as reasonably practicable and subject to paragraph (4), ensure that P undertakes—

 - (a) a day 2 test, and
 - (b) where P is a person referred to in regulation 5C(1)(a) or (b), a day 8 test.”.

Amendment of regulation 5G

6. For regulation 5G(1)(b) (testing following arrival in Scotland: requirement to self-isolate on failure to undertake a test) substitute—
- “(1) This regulation applies where—
- (a) P is a person referred to in regulation 5C(1)(a) or (b) ,
 - (b) either—
 - (i) P fails to undertake a day 2 test, or
 - (ii) P’s day 2 test generates a negative or inconclusive result, and
 - (c) P fails to undertake a day 8 test.”.

Amendment of regulation 5H

7. In regulation 5H(c) (testing following arrival in Scotland: consequences of test results) before paragraph (1) insert—
- “(A1) this regulation applies to P, where P is a person referred to in regulation 5C(1)(a) or (b).”.

Amendment of regulation 6

8. In regulation 6(1)(d) (requirement for travellers to stay in specified premises)—
- (a) for sub-paragraph (a) substitute—

“(a) arrives in Scotland from a non-exempt country or territory which is not an acute risk country or territory where P has not, within the preceding 10 days, departed from or transited through an acute risk country or territory , ”,
 - (b) in sub-paragraph (c)—
 - (aa) for head (i) substitute—

“(i) an acute risk country or territory,”,
 - (bb) in head (ii), for “a non-exempt” substitute “an acute risk”,

(a) Regulation 5F was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/158.
(b) Regulation 5G was inserted by S.S.I. 2021/74 to which there are amendments not relevant to these Regulations.
(c) Regulation 5H was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/107 and S.S.I. 2021/158.
(d) Regulation 6 is relevantly amended by S.S.I. 2020/431, S.S.I. 2021/74, S.S.I. 2021/107, S.S.I. 2021/158, S.S.I. 2021/176 and S.S.I. 2021/181.

- (c) in sub-paragraph (e)—
 - (aa) for head (i) substitute—
 - “(i) an acute risk country or territory,”
 - (bb) in head (ii), for “a non-exempt” substitute “an acute risk”,
- (d) in sub-paragraph (f)—
 - (aa) for head (i) substitute—
 - “(i) an acute risk country or territory,”
 - (bb) in head (ii) for “a non-exempt” substitute “an acute risk”.

Amendment of regulation 6A

9. In regulation 6A(1)(a) (requirement for certain travellers to possess managed self-isolation package)—

- (a) for sub-paragraph (a) substitute—
 - “(a) an acute risk country or territory,”
- (b) in sub-paragraph (b) for “elsewhere” substitute “an exempt country or territory, a non-exempt country or territory which is not an acute risk country or territory or elsewhere”.

Amendment of regulation 6B

10. In regulation 6B(1)(b) (requirement for certain travellers to stay in managed accommodation)—

- (a) in the text before sub-paragraph (a) omit “from”,
- (b) for sub-paragraph (a) substitute—
 - “(a) from an acute risk country or territory, or”,
- (c) for sub-paragraph (b) substitute—
 - “(b) from—
 - (i) elsewhere within the common travel area,
 - (ii) a non-exempt country or territory which is not an acute risk country or territory, or
 - (iii) an exempt country or territory,

where P has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory.”.

Amendment of schedule A1

11. In schedule A1(c)—

- (a) in Part 1 (countries, territories, or parts of countries or territories) insert—
 - Australia
 - Brunei
 - Faroe Islands
 - Iceland
 - Israel and Jerusalem
 - New Zealand

(a) Regulation 6A was inserted by S.S.I. 2021/74 and relevantly amended by S.S.I. 2021/107.

(b) Regulation 6B was inserted by S.S.I. 2021/74 and relevantly amended by S.S.I. 2021/81 and S.S.I. 2021/107.

(c) Schedule A1 was inserted by S.S.I. 2020/209 and relevantly amended by S.S.I. 2020/280.

- Portugal
- Singapore”,
- (b) in Part 2 (United Kingdom Overseas Territories) insert—
 - “— Falkland Islands
 - Gibraltar
 - St Helena, Ascension and Tristan da Cunha
 - South Georgia and the South Sandwich Islands”.

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

12. In schedule 2 (passenger notices) of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(a)—

- (a) for Part 1 (essential information to enter the UK), substitute—

“PART 1

ESSENTIAL INFORMATION TO ENTER THE UK

Everyone entering the UK (including UK nationals and residents) must provide proof of a negative COVID-19 test taken within 3 days prior to direct departure to the UK.

Fill in your passenger locator form up to 48 hours before arrival. You must declare all countries you have visited or transited through in the 10 days prior to your arrival in the UK on your passenger locator form.

What you have to do after you arrive depends on the countries you have visited or transited through.

Before departure, check the list of red, amber and green countries as the list can change regularly.

Red list passengers

Book a Managed Quarantine Package

Complete a passenger locator form

You may not enter the UK unless you are a British or Irish National, or you have residence rights in the UK, or you are eligible for an exemption. You must enter through a designated port of entry and quarantine in a government approved hotel for 10 days.

Amber list passengers

Book tests for day 2 and 8

Complete a passenger locator form

Make plans to self-quarantine in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days).

Green list passengers

Book a test for day 2

Complete a passenger locator form

(a) S.S.I. 2020/170 relevantly amended by S.S.I. 2021/34 and S.S.I. 2021/74.

These measures apply to all persons (including UK nationals and residents) arriving in the UK from outside the common travel area comprising the United Kingdom, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not in the common travel area. Public health requirements may vary depending upon in which nation of the UK you are staying.

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/pages/overview/>

England: <https://www.gov.uk/uk-border-control>

Wales: <https://gov.wales/arriving-wales-overseas>

Northern Ireland:

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. Check the list of exemptions carefully. You may be fined if you fraudulently claim an exemption.”,

(b) for Part 2 substitute—

“PART 2

The following is a public health message on behalf of the UK’s public health agencies.

If you have been in or transited through an amber or red country within the previous 10 days you must quarantine for the first 10 days after you arrive. This is to protect yourself and others.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Simple measures you can take to help protect yourself and your family are:

Wear a mask

Wash your hands

Avoid touching your face with your hands

Practice social distancing

Catch coughs and sneezes in a tissue and dispose of it immediately.”.

Saving: Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020

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

MICHAEL MATHESON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
At 1.03 p.m. on 14th May 2021

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 3 amends regulation 5C of the International Travel Regulations, in particular to add seasonal agricultural workers (persons described in paragraph 37 of schedule 2) to the list of persons in schedule 2 to whom regulations 5D to 5J apply, by virtue of section 5C(1)(b). It also extends the application of regulations 5D to 5J to arrivals in Scotland from exempt countries and territories or from elsewhere in the common travel area where they have, within the preceding 10 days, departed from or transited through an exempt country or territory.

Regulation 4 amends regulation 5E of the International Travel Regulations in particular to include in the information to be provided to the test provider the date on which a person last departed from or transited through an exempt country. It also requires arrivals from exempt countries to inform the test provider the address where they will be resident at the time they undertake their day 2 test if that address is not their home address.

Regulation 5 amends regulation 5F of the International Travel Regulations so that it has the effect that a person arriving in Scotland who is a person referred to in regulation 5C(1)(a) and (b) of those Regulations requires to undertake a day 2 and day 8 test. It also has the effect that a person arriving in Scotland referred to in regulation 5C(1)(c) (a person who arrives in Scotland from an exempt country or territory, or from elsewhere in the common travel area where they have, within the preceding 10 days, departed from or transited through an exempt country or territory) requires to undertake a day 2 test.

Regulation 6 amends regulation 5G of the International Travel Regulations to re-state what action is required to be taken by a person who arrives in Scotland who is a person referred to in regulation 5C(1)(a) or (b) and who both (i) fails to take a day 2 test, or (ii) undertakes a day 2 test the result of which is negative or inconclusive and who fails to undertake a day 8 test.

Regulation 7 amends regulation 5H of the International Travel Regulations to re-state what action is required to be taken by a person who arrives in Scotland and who is a person referred to in regulation 5C(1)(a) or (b) when their day 2 or day 8 test generates a positive result.

Regulation 8 amends regulation 6(1) of the International Travel Regulations to require that all persons entering Scotland from a non-exempt country or territory which is not an acute risk country or territory (and has not within the preceding 10 days departed from or transited through an acute risk country or territory) must on their arrival in Scotland stay in specified premises as set out in regulation 6(2). Regulation 6 of the International Travel Regulations as amended by regulation 8 also requires that those travellers entering Scotland under a UK refugee resettlement scheme, persons referred to in regulation 7A(3)(a) of the International Travel Regulations (certain sportspersons), unaccompanied children or children attending boarding school, stay in specified premises as set out in regulation 6(2) if they have entered Scotland from a country or territory which is an acute risk country or territory (or from elsewhere in the common travel area if within the preceding 10 days they have departed from or transited through an acute risk country or territory).

Regulation 9 amends regulation 6A of the International Travel Regulations to provide that persons arriving in Scotland from acute risk countries or territories or those who have arrived in Scotland from elsewhere in the common travel area having departed from or transited through an acute risk country or territory in the period beginning with the 10th day before the date of their arrival in Scotland must possess a managed self-isolation package.

Regulation 10 amends regulation 6B to require a person to stay in managed accommodation if they have arrived in Scotland from: an acute risk country or territory; or if they arrive in Scotland from an exempt country or territory, or from non-exempt country or territory which is not an acute

risk country or territory or from another part of the common travel area but have departed from or transited through an acute risk country or territory in the period beginning with the 10th day before the date of their arrival in Scotland.

Regulation 11 amends the lists of exempt countries and territories specified in schedule A1 of the International Travel Regulations. Eight countries are added to part 1 of the schedule (countries, territories, or parts of countries or territories) and four entries are added to part 2 (United Kingdom Overseas Territories). The effect is to remove the requirement on a person who arrives in Scotland from those countries or territories (and who has not departed from or transited through a non-exempt country or territory or an acute risk country or territory within the preceding 10 days) to either stay in specified premises or enter managed isolation on arrival in Scotland.

Regulation 12 makes amendments to the Information Regulations to update the information that operators are required to provide to passengers who arrive in Scotland.

Regulation 13 makes saving provision such that a person who arrives in Scotland on or after 8 June 2020, but before the coming into effect of an amendment made by these Regulations to the International Travel Regulations, must comply with the International Travel Regulations as they were at the time at which the person arrived in Scotland.

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