

CRWIA – Stage 3

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

Publication date: 14 May 2021

Executive summary

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 come into force on 17 May 2021 making a number of changes to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to implement the policy changes, as set out below.

- International travellers who have been in a country or area on the red list at any point in the 10 days before arriving in Scotland, are only allowed to enter the UK if they are a British or Irish National, have the right to live in the UK or have an exemption. Before travelling to Scotland from a red list country, passengers are required to
 - Complete a Passenger Locator Form
 - Take a Coronavirus (Covid-19) Pre Departure Test (PDT)
 - Book and pay for a managed self-isolation package in a quarantine hotel for 10 days, including two Coronavirus (Covid-19) tests
 - take a Coronavirus (Covid-19) test on or before day two and on or after day eight

On arrival in Scotland, travellers must quarantine in the hotel booked for 10 nights. Whilst this position has not changed as a result of these amendments, it forms part of the wider “red amber, green” scheme introduced by the amending regulations.

- When travelling to Scotland, international travellers who have been in a country or area on the amber list at any point in the 10 days before arriving in Scotland are required to
 - Complete a Passenger Locator Form
 - Take a Coronavirus (Covid-19) Pre Departure Test (PDT)
 - Book and pay for Coronavirus (Covid-19) tests or take after arrival into Scotland on or before day two and on or after day eight

On arrival in Scotland, travellers must isolate at home or in the place they are staying for a period of ten days and take a Coronavirus (Covid-19) test on or before day two and on or after day eight

- Arrivals from a “Green” list country (or have arrived from elsewhere in the Common Travel Area but has travelled from or through a “green” list country in the preceding 10 days prior to arrival in Scotland) are required to
 - Complete a Passenger Locator Form
 - Take a Coronavirus (Covid-19) Pre Departure Test (PDT)

	<ul style="list-style-type: none"> ○ Book and pay for a Coronavirus (Covid-19) test to take on day two after arrival into Scotland <p>On arrival in Scotland, travellers do not need to isolate unless the test they have taken on day two after arriving back in Scotland is positive.</p> <p>The requirement to enter a managed isolation hotel for 10 days when travelling from a red list country and to self-isolate at home for the same period when travelling from an amber country will apply to children and young people as well as adults.</p> <p>The principal Regulations provide an exemption for children under 11 so that they do not need to take a Coronavirus (Covid-19) test before travelling. Children aged between 11 and 18 must take a Coronavirus (Covid-19) test before travelling where they are accompanied by an adult. Proof of the child's negative test result must be shown by an adult travelling with the child upon arrival in Scotland.</p> <p>The principal Regulations have previously been amended to provide an exemption from the requirement to be in possession of a managed isolation package for</p> <ul style="list-style-type: none"> • unaccompanied under 18's¹. This allows them to self-isolate at home or in other suitable accommodation, rather than in a managed isolation hotel, as long as the parent and anyone else in the household also self-isolates. (Unaccompanied includes a child who travels with one adult where that adult intends to hand the child over to another adult when they arrive in Scotland). • A further amendment was made to the principal Regulations for children and young people arriving in Scotland for the purposes of entering a boarding school for education. An exemption is in place to allow students to self-isolate at the boarding school premises for 10 days, rather than enter a managed isolation hotel.
Background	<p>The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 make amendments to the following existing regulations;</p> <ul style="list-style-type: none"> • The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 • Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”), • Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020, • Health Protection (Coronavirus, Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021.
Scope of the CRWIA,	<p>The requirement to enter a managed isolation hotel for 10 days when travelling from a red list country and to self-isolate at home for the</p>

¹ [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 8\) Regulations 2021](#)

<p>identifying the children and young people affected by the policy, and summarising the evidence base</p>	<p>same period when travelling from an Amber country impacts upon the rights and wellbeing of children and young people in Scotland.</p> <p>In preparing this CRWIA, the Scottish Government has considered all of the UNCRC articles and listed the articles which it considers most important in this context (as below).</p>
<p>Children and young people's views and experiences</p>	<p>There has been no direct engagement with children and young people given the need to act quickly. However, we have considered the following reports which are the thoughts of children and young people on lockdowns:</p> <p>SYP, YouthLink Scotland and Young Scot - Lockdown Lowdown (Report 1 – May 2020) – What young people in Scotland think about Covid-19</p> <p>SYP, YouthLink Scotland and Young Scot - Lockdown Lowdown (Report 2 – December 2020) – What young people in Scotland think about their lives as lockdown restrictions change</p>
<p>Key Findings, including an assessment of the impact on children's rights, and how the measure will contribute to children's wellbeing</p>	<p>It was necessary to make and lay these regulations urgently to ensure that Scotland is protected against the importation of new variants of Coronavirus (Covid-19).</p> <p>Where we have identified impacts on children and young people we have tried to put mitigations in place through exemptions in the regulations. These include:-</p> <ul style="list-style-type: none"> • Children are exempt from the requirement to possess a negative pre-departure test result although the accompanying adult of a child aged between 11 and 18 must possess valid notification of a negative result from a test taken by the child.² • Children under the age of 11 are also exempt from the requirement to test on day 2 and day 8 after arrival into Scotland³ • Children unaccompanied by an adult or if the accompanying adult ceases to accompany them prior to travel to the specified premises for self-isolation are not required to stay in managed self-isolation 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.⁴ • Children 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 are

² [The Health Protection \(Coronavirus\) \(Pre-Departure Testing and Operator Liability\) \(Scotland\) Regulations 2021](#)

³ [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021](#)

⁴ [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 8\) Regulations 2021](#)

	<p>exempt from managed isolation hotels, however they must stay at that boarding school premises for 10 days. ⁵</p> <p>This is to ensure that the negative effects on younger people are minimised, and the negative effects are not considered disproportionate in the context of the wider benefit of the policy and regulations stated aim of preventing the spread of Coronavirus (Covid-19).</p>		
Monitoring and review	We will continue to consider the impact of these changes on children's rights and wellbeing including by engaging with relevant stakeholders.		
Regulation	Aims of Measure	Likely to impact on	Compliance with UNCRC requirements
The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021	The Scottish Government has extended emergency public health measures at the UK border to limit and reduce the risks posed by the spread in Scotland of severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("coronavirus"), which causes the disease Coronavirus (Covid-19).	All children travelling into Scotland from outwith the common travel area	<p>Article 1 Article 1 defines a child as every human below the age of 18 unless under the law applicable to the child majority is attained earlier.</p> <p>This policy covers all children under the age of 18.</p> <p>Article 2 Article 2 requires that States Parties shall respect and ensure the rights set forth in the Convention to each child without discrimination irrespective of the child's or his or her parents or legal guardian's race, national, ethnic or social origin (amongst others).</p> <p>The principle regulations have been amended to provide an exemption for unaccompanied under 18's⁶ to self-isolate at home rather than in a managed isolation hotel, as long as the parent and anyone else in the household also self-isolates. (Unaccompanied includes a child who travels with one adult where that adult intends to hand the child over to another adult when they arrive in Scotland). This alongside the easing of restriction on international travel could benefit children who were born or whose parents were born outwith the</p>

⁵ [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 8\) Regulations 2021](#)

⁶ [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Amendment \(No. 8\) Regulations 2021](#)

		<p>common travel area and who are returning to Scotland.</p> <p>Article 3 Article 3 requires that in all actions concerning children the best interests of the child shall be a primary consideration.</p> <p>We have continued to ensure that the best interests of the child have been central to our response to Coronavirus (Covid-19), including in relation to the imposition of these latest travel restrictions.</p> <p>Article 9 Article 9 provides that States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis.</p> <p>The Scottish Government accepts that entering managed isolation from red list countries may have a negative impact on a child’s ability to maintain direct contact with both parents where one of the parents lives outwith the common travel area. The exemption from managed isolation hotels for unaccompanied under 18’s and the easing of restrictions on International Travel will help to mitigate this.</p> <p>Where other legal obligations apply – for example, in relation to shared custody – children may be able to move between households as a result of regulation 9(6)(e)⁷ of the Regulations. Regulation 9(6)(e) allows movement outside of the place of self-isolation to fulfil legal obligations.</p> <p>Article 10 Article 10 of the UNCRC says “children and young people should be able to stay in contact with and</p>
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⁷ [The Health Protection \(Coronavirus\) \(International Travel\) \(Scotland\) Regulations 2020](#)

		<p>visit their parents, even if they live in different countries” and “should always be able to enter and leave their own country”.</p> <p>Article 10(2) also highlights that “The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (order public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention”.⁸</p> <p>Recognising this, provisions have been put into place to allow children who return from visiting parents overseas. Easing restrictions on international travel alongside the amendment to the principle Regulations providing an exemption for unaccompanied under 18’s to self-isolate at home rather than in a managed isolation hotel could benefit children who were born or whose parents were born outwith the common travel area and who are returning to Scotland.</p> <p>Article 12 Article 12 gives children the right to have their views considered.</p> <p>It is acknowledged that managed self-isolation when returning from red list countries and self-isolation from amber countries and the requirement to be tested on days 2 and 8 may negatively impact upon this article. To mitigate against this, children under the age of 11 are exempt from the requirement of day 2 and 8 testing, although they can take a test if they wish to do so.</p> <p>Article 15</p>
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			<p>basis of equal opportunities.</p> <p>To support this every managed isolation hotel room has free WI-FI which will allow children to access online remote education where applicable.</p> <p>Children and young people have experienced educational remote learning from schools during 2020 and 2021. Schools and Local Authorities will be able to support learning for those self-isolating at home when returning to an Amber country.</p> <p>A further amendment was made to the principle Regulations for children and young people arriving in Scotland for the purposes of entering a boarding school for education. An exemption is in place to allow students to self-isolate at the boarding school premises for 10 days, rather than enter a managed isolation hotel.</p> <p>Article 31 Article 31 states that every child has a right to rest and leisure, to engage in play and recreational activities, and to take part in a range of cultural and artistic activities.</p> <p>The regulations provide for a defence for leaving the room within managed self-isolation to exercise subject to prior permission by a person authorised by Scottish Ministers. In this instance, authorisation will be granted by the contracted security organisation, who will attempt to ensure this possible where possible. Not all of the hotels in operation can guarantee outside exercise/fresh air, but where they can they will and, in accordance with the information leaflet provided to arrivals at the hotels, children and people with disabilities will be prioritised.</p>
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			The Parent Club website offers help and guidance for parents/carers self-isolating at home with children. As well as providing tips, information and links to additional help, it offers a guide to helping children through play. ⁹
CRWIA Declaration			
Authorisation			
Policy lead		Date	
Angela Hinnigan Policy Advisor Community Surveillance Division Directorate for Covid Public Health		14 May 2021	
Deputy Director or equivalent		Date	
Angus Macleod Interim DD, Community Surveillance Division Directorate for Covid Public Health		14 May 2021	

⁹ [Staying at home with children during coronavirus | Parent Club](#)