Island Communities Assessment Record

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

Introduction

The Scottish Government, along with the UK Government and the other Devolved Administrations, have introduced emergency public health measures at the UK border, designed to reduce the public health risks posed by Coronavirus (Covid-19).

The Coronavirus (Covid-19) pandemic has led to unprecedented calls on the health system as well as policy and financial decisions that have made fundamental changes to everyday life for people in Scotland. It has been necessary to take extraordinary measures to respond to the pandemic, in order to protect the right to life and the health of Scotland's population. At the forefront of the consideration of the Scottish Government's actions during this emergency situation has been an understanding of the unequal impact of the pandemic and the need to advance equality, eliminate discrimination and foster good relations (in accordance with Public Sector Equality Duty), and take an integrated and balanced approach to ensuring the proportionality of the measures taken.

In response to Coronavirus (Covid-19) the Scottish Government released the *Coronavirus (Covid-19) Framework for Decision Making***1**, which is underpinned by assessing the four main categories of inter-related harms it identifies. The four harms recognise the impact of the pandemic on the people of Scotland and focus on the direct health impacts; indirect health impacts; societal impacts; and economic impacts. It is recognised that some harms will be felt over different time horizons: short, medium and long-term. It is clear that impacts have not been felt equally across the population and different sectors within the economy.

The Scottish Government remains committed to taking a human rights approach to the development of the policy, legislation and guidance in the handling of this unprecedented threat to public health that Coronavirus (Covid-19) presents. It has been necessary to take these unprecedented measures in order to address the human rights impacts, as well as the public health and other impacts, of the pandemic. Those impacts are known to be significant, and encompass not just the obvious threats posed to the right to life and the right to the highest attainable standard of physical health. The Scottish Government will continue to review existing mitigating actions and impacts and to consider newly identified evidence as it relates to each of the protected characteristics and to the Fairer Scotland Duty, Child Rights and Wellbeing Duty.

There are safeguards built into the Regulations and, in accordance with the approach taken to the wider Covid-19 measures, a review of the need for the requirements imposed by the Regulations must take place at least once every 21 days with Ministers assessing that there remains a requirement for these regulations to remain in place. The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 amended the review period for the

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1 [Coronavirus (COVID-19): framework for decision making - assessing the four harms - gov.scot (www.gov.scot)](www.gov.scot)

International Travel Regulations and the Passenger Information Regulations to 28 days.

Finally, it should be noted that all measures contained in the Regulations are also time limited and were due to expire at the end of the period of 12 months, from 8 June 2020 when they came into force. The Health Protection (Coronavirus) (International Travel etc.) (Scotland) Amendment Regulations 2021 amended the expiry provisions of the principal Regulations, the Passenger Information Regulations and the Pre-Departure Testing Regulations so they each expire on 20 September 2021.

Purpose of the Regulations

It was necessary to make and lay these regulations urgently to seek to reduce the public health risks posed by Coronavirus (Covid-19) from those travelling to Scotland and in order to reduce the risk of the introduction of new infections into the community in order to save lives.

Throughout the pandemic, it has been clear that international and domestic travel play a significant role in increasing the spread of Coronavirus (COVID-19), and it is therefore crucial that travel restrictions are put in place to manage the risk of importation. The International Travel Regulations and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020, introduced in June 2020, have helped to both reduce the volume and monitor the amount of international travellers arriving into Scotland.[2]

However, the COG-UK report on genomic sequencing shows the role that international travel played in the rise in cases last summer.[3] Around 40% of new lineages in Scotland identified in that analysis came directly from overseas through international travel. Furthermore, the development of new severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("Coronavirus") variants in Brazil and South Africa, notwithstanding the new variant in the UK, has highlighted the need for further action to be taken to ensure imported transmission does not impact on incidence and prevalence of the virus and on the efficacy of the vaccines designed to combat the virus. With very limited genome sequencing taking place globally, data on new variants is unreliable. It is therefore difficult to say with confidence where the high risk countries are – even for the variants we know about.

In response to these new variants, the Scientific Advisory Group for Emergencies (SAGE) produced a paper in January 2021 which focussed on the impact of international travel during the pandemic. The paper explained:

"*Countries can expect travellers infected with SARS-CoV-2 to arrive through air, land and sea borders. There is an increasing number of options available for consideration to prevent the importation of infection, given the emergence of a number of variations of concern… The UK has a high level of international connectivity, driven by extensive international connections, a population with a high propensity to fly, the UK being a popular destination for business and tourism, as well as via its connectivity as a hub*

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2 Coronavirus (COVID-19): international travel and managed isolation (quarantine) - gov.scot (www.gov.scot)
3 Epidemic waves of COVID-19 in Scotland: a genomic perspective on the impact of the introduction and relaxation of lockdown on SARS-CoV-2 (cogconsortium.uk)

*for international travellers connecting/transiting onward. This increases the likelihood that, at the time a new variant of concern is detected anywhere in the world, there will already be cases in the UK…No single intervention, other than a complete, pre-emptive closure of borders, or the mandatory quarantine of all visitors upon arrival in designated facilities, irrespective of testing history, can fully prevent the importation of cases or new variants.***4**

The Scottish Government's strategic framework, which was published on Tuesday 23 February 2021, identified the priorities for the Scottish Government in relation to managing the spread of the virus from overseas. The framework identifies two key risks to Scotland which were identified in relation to the spread of Coronavirus (COVID-19) from overseas; namely the re-importation of known strains that we had in the summer and the importation of new variants and strains of Coronavirus (COVID-19) to Scotland with potential vaccine resistance or with higher rates of transmission.**5**

For this reason, international travel restrictions form a key part of the Scottish Government's strategic approach to managing the risk of the virus. There have been mutations both at home and abroad against which vaccines have varying efficacies. In consultation with our clinical and scientific advisors we feel that it is appropriate to act pre-emptively to minimise the risk of importation of these new strains. As such rather than wait for new variants of concern to be identified and to show up in testing (which is sporadic across countries of the world) we have taken a proactive stance and put in place measures to prevent non-essential international travel and to monitor those who feel they have no choice but to travel. Protecting the right to life, and protecting and promoting health, requires action to ensure that we do everything we can to protect the people of Scotland.

Measures

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 make 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. Though it is not part of this instrument, it is noted that individuals should not travel to red list countries or areas on holiday, or for any leisure purposes. 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

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4 International importation, border and travel measures, 21 January 2021 (publishing.service.gov.uk)
5 Coronavirus (COVID-19): Strategic Framework update - February 2021 - gov.scot (www.gov.scot)

On arrival in Scotland, travellers must quarantine in the hotel booked for 10 nights. This position is unchanged from previous versions of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 but is included here to ensure a full description of the overall scheme.

- 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 travel to and 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.
As with red list countries, people should not travel to amber list countries for leisure or holiday purposes.

- Arrivals who have been in a "Green" list country or territory in the 10 days prior to arrival in Scotland are required to
    - Complete a Passenger Locator Form
    - Take a Coronavirus (Covid-19) Pre Departure Test (PDT)
    - Book and pay for a Coronavirus (Covid-19) test to take on day two after arrival into Scotland

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.

Objective

The measures contained within these regulations have been introduced by emergency public health legislation to reduce the public health risks posed by the spread in Scotland of severe acute respiratory syndrome Coronavirus 2 (SARS-CoV-2) ("Coronavirus"), which causes the disease Covid-19, by limiting the further spread of the disease

Analysis

This section assesses whether there are any likely significantly different effects of the Regulations on the island communities.

Analysis suggests there is no evidence of a direct positive impact of the Regulations on our island communities. Like the rest of the population, island residents will benefit from measures to suppress the virus and minimise lasting health, social and economic impacts that unconstrained spread of the infection would cause.

Likewise there is no evidence of a direct negative impact of the Regulations on our island communities. There are no direct international inbound flights, or flights from parts of the UK beyond Scotland, direct to island airports. Current flights from Shetland to Bergen (Norway) are currently suspended. All access to the island airports is via mainland Scottish Airports. Initial quarantine action is taken at the point of entry, which

is the same position for persons in the island communities as for the rest of the Scottish population.

There is no evidence of a direct positive impact of this regulation on our island communities. However, island communities have continually expressed concern regarding the fragility of island health services, the lack of resources to deal with an outbreak on islands and the vulnerability of an elderly population. Like the rest of the population, island residents will benefit from measures to suppress the virus and minimise lasting health, social and economic impacts that unconstrained spread of the infection would cause, and from the geographically differentiated levels-based approach which is designed to avoid the necessity of more stringent, uniform national restrictions. Conclusion In the production of this ICIA, it has been concluded that the provisions in the Regulations are not likely to have effects on the island communities that are significantly different from their effects on other communities (including other island communities) in Scotland.

Conclusion

In the production of this ICIA, it has been concluded that the provisions in the Regulations are not likely to have effects on the island communities that are significantly different from their effects on other communities (including other island communities) in Scotland.

Declaration and Publication

I have read the Island Communities Impact Assessment and I am satisfied that it represents a fair and reasonable view of the expected islands impact of the Regulations.

Signed: Angus MacLeod
Date: 14 May 2021