

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 13) REGULATIONS 2021

SSI 2021/237

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

This instrument amends schedule 2 of the principal Regulations to extend definitions for elite sport to include all events at which specified persons compete to qualify for the Commonwealth Games to be held in Birmingham.

It also adds events to competitions that are specified in schedule 3A of the principal Regulations for the purposes of elite sport.

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) 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 made urgently in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases.

Policy Objectives

4. The policy objective is to amend the principal Regulations (paragraph 38 of schedule 2 in the regulations) to take account of changing circumstances which is that athletes will soon begin to train and compete in events to qualify them to represent Scotland, England, Wales, Northern Ireland, Guernsey, Jersey or the Isle of Man at the Commonwealth Games in Birmingham. This amendment includes overseas training and qualifying events for athletes preparing for the Commonwealth Games including in respect of sports which are represented at the Olympic and Paralympic Games. The

following are added to the list of specified competitions in schedule 3A of the regulations:

- Trust Golf Women's Scottish Open
 - Golf – AIG Women's Open
 - FIM Speedway Grand Prix qualifiers
 - WTA Tour and ITF Tour Tennis
5. This has the policy objective of allowing those international sportspeople and ancillary staff coming to Scotland to compete in these events, or returning to Scotland after participating in or training for one of these events, to be eligible for the elite sportsperson exemption. These are upcoming events.

Consultation

6. 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 regulation-making powers 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.
7. 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

8. No further impact assessments have been undertaken

Scottish Government
COVID Co-ordination Directorate
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