

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL ETC.) (MISCELLANEOUS AMENDMENTS) (SCOTLAND) (NO. 3) REGULATIONS 2021

SSI 2021/254

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

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020.

Amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”)

Regulation 3 adds Antigua, the Balearic Islands, Barbados, Barbuda, Dominica, Grenada, Madeira, Malta, Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn and the Turks and Caicos Islands to the list of exempt countries, territories, and parts of countries or territories, including United Kingdom overseas territories, in Parts 1 and 2 respectively of schedule A1 of the International Travel Regulations.

Regulation 4 adds the Dominican Republic, Eritrea, Haiti, Mongolia, Tunisia and Uganda to the list of acute risk countries, territories and part of countries or territories in schedule A2 of the International Travel Regulations.

Regulation 5 amends the list of specified competitions in schedule 3A of the International Travel Regulations to include European club football fixtures, including pre-season friendlies, and various forthcoming golf competitions.

These are subject to the saving provision in regulation 7(1) in respect of persons arriving in Scotland immediately before the coming into force of these provisions.

Amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Public Health Information Regulations”)

Regulation 6 amends schedule 2, Part 2 of the Public Health Information Regulations to update the information that operators are required to provide to passengers who arrive in Scotland. This is subject to the saving provision in regulation 7(2) in relation to any international passenger service which departs before the coming to force of this provision.

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 and to the Public Health Information 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. This instrument amends schedule A1 (so called “green list” countries and territories) to add Antigua, the Balearic Islands, Barbados, Barbuda, Dominica, Grenada, Madeira, Malta, Anguilla, Bermuda, the British Antarctic Territory, the British Indian Ocean Territory, the British Virgin Islands, the Cayman Islands, Montserrat, Pitcairn and the Turks and Caicos Islands to the list of exempt countries, territories, and parts of countries or territories, including United Kingdom overseas territories, in Parts 1 and 2 respectively of schedule A1 of the International Travel Regulations.
5. Travellers are exempt from the quarantine requirement where, during the 10 days preceding their arrival in Scotland, they have only travelled in or through any other part of the common travel area or any “exempt countries or territories”.
6. These countries and territories have been added to schedule A1 as the public health risk of importation of coronavirus to Scotland from these places has been deemed sufficiently low to merit an exemption. The list in schedule A1 will be subject to on-going review and further countries will be added or removed, informed by their risk status, when appropriate and proportionate to do so.
7. This instrument amends schedule A2 (so called “red list” countries and territories) to add Dominican Republic, Eritrea, Haiti, Mongolia, Tunisia and Uganda to the “acute risk countries and territories” in schedule A2. A person who has departed from or transited through countries and territories, or parts thereof, which are an “acute risk country or territory” in schedule A2 are required to stay in managed accommodation and certain sector-specific exemptions from that requirement, as well as exemptions to the requirement to complete the Passenger Locator Form, do not apply.
8. These countries and territories have been added following assessment of the risk of transmission within countries or territories, prevalence of variants of concern, evidence of exporting the variants, sequencing capacity and proximity or strong travel links to other high risk countries or territories. The list of countries and territories in schedule A2 of the principal Regulations will be subject to on-going review and further countries and territories will be added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

Amendment of schedule 3A

9. The amendments made by this instrument to Schedule 3A enables additions to the list of specified competitions (sports) within the Scottish regulations. This extends limited exemption for red list elite sports arrivals to premier golf competitions this summer. These events are:
- 8-11 July – ASI Scottish Open – Renaissance Club, East Lothian.
 - 12-15 August – Trust Golf Women’s Scottish Open – Dumbarnie Links, Fife.
 - 19-22 August – AIG Women’s Open – Carnoustie, Tayside.
10. A further change is made to Schedule 3A to accommodate European pre-season club football matches, for amber countries only. It is reasonable that Scottish clubs competing in European competition during season 2021/22 are able to undertake the necessary preparation for those tournaments. All games would take place under the resumption of performance sport protocols, including the necessary testing regimes. Clubs visiting Scotland to play in pre-season matches would only be permitted to travel to their accommodation, training venue and match day venue. All the mitigations would be the same as an international or Champions League/Europa league match. Pre-season matches against high profile European opposition are a significant source of revenue for Scottish Clubs.

Amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Public Health Information Regulations”)

11. The amendment to Schedule 2, Part 2 of these regulations is to provide for an amended passenger information notice on-board vessels in relation to passengers obligation to undertake appropriate testing and isolation when entering the UK.

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

However long you intend to stay in the UK, everyone must take a pre-booked covid-19 test within the first two days after you arrive. If you have been in or transited through any countries on the red or amber list you must also take another pre-booked test 8 days after arrival.

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.

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.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.”.

Consultation

12. 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.
13. This instrument makes further amendments to the principal Regulations to take into account the outcome of a review of those Regulations. 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

14. Impact assessments will be made available on www.legislation.gov.uk.

Scottish Government
COVID Co-ordination Directorate
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