

**2021 No. 261**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel etc.)  
(Miscellaneous Amendments) (Scotland) (No. 4) Regulations  
2021**

*Approved by the Scottish Parliament*

*Made - - - - at 11.30 a.m. on 7th July 2021*

*Laid before the Scottish Parliament at 2.30 p.m. on 7th July 2021*

*Coming into force - - at 4.00 a.m. on 8th July 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<sup>(a)</sup>, 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. 4) Regulations 2021 and come into force at 4.00 a.m. on 8 July 2021.

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

2.—(1) The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020<sup>(b)</sup> are amended in accordance with this regulation.

(2) After regulation 3(4)(c) (requirement to provide information)<sup>(c)</sup>, insert—

“(ca) a member of the family forming part of the household of a person falling within paragraph 1A of schedule 2.”

(3) In regulation 5A(4)(b) (requirement to possess notification of negative test result)<sup>(d)</sup>—

(a) after “paragraph” insert “1A,”

(b) after “4E,” insert “4EA.”

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(a) 2008 asp 5.

(b) S.S.I. 2020/169, last amended by S.S.I. 2021/256.

(c) Regulation 3(4) was relevantly amended by S.S.I. 2020/474.

(d) Regulation 5A was inserted by S.S.I. 2021/20.

- (4) In regulation 5C (testing following arrival in Scotland: general)(a)—
- (a) before paragraph (1)(b)(i), insert—
    - “(ai) paragraph 1A (specified persons on official business),”
  - (b) before paragraph (1A)(a), insert—
    - “(za) paragraph 1A (specified persons on official business),”
- (5) After regulation 5K(1)(c) (exclusion of certain diplomatic etc. personnel)(b), insert—
- “(d) a specified person travelling to the United Kingdom to conduct official business with the United Kingdom, where—
    - (i) P was invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
    - (ii) prior to P’s departure to the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom and are not required to comply with regulations 5D to 5J,
  - (e) a member of the family forming part of the household of a person to whom sub-paragraph (d) applies, where—
    - (i) the Foreign, Commonwealth and Development Office has been notified of P’s arrival, and
    - (ii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with regulations 5D to 5J.”
- (6) After regulation 7(1)(c) (persons not required to comply with regulation 6)(c), insert—
- “(cza) any person described in paragraph 1A of schedule 2 (specified persons on official business),”.
- (7) In schedule 2 (persons not required to comply with regulations 3, 5A or 5D to 6B)—
- (a) after paragraph 1 (representatives of international or foreign organisations), insert—
    - “**1A.**—(1) A specified person who has travelled to the United Kingdom to conduct official business with the United Kingdom, where—
      - (a) the person was invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
      - (b) prior to the person’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person that they are travelling to the United Kingdom to conduct official business and are not required to comply with regulation 6 (requirement for travellers to stay in specified premises).
    - (2) In this paragraph—
      - “government policy priority” means government policy which has been designated as such by the Foreign, Commonwealth and Development Office, and includes, in particular—
        - (a) policy related to the promotion and protection of human rights, and
        - (b) policy related to the mitigation of, or adaptation to, climate change,
      - “specified person” means a person who—
        - (a) is a member of the democratic opposition in a foreign country or territory,
        - (b) is a member of a political party in a foreign country or territory, or

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(a) Regulation 5C was inserted by S.S.I. 2021/74 and relevantly amended by S.S.I. 2021/208.  
 (b) Regulation 5K was inserted by S.S.I. 2021/74.  
 (c) Regulation 7(1) was relevantly amended by S.S.I. 2020/184.

- (c) undertakes activities in a foreign country or territory that support a government policy priority.”.
- (b) after paragraph 4E (aircraft crew)(a), insert—
  - “4EA. An in-flight security officer who has travelled to the United Kingdom in the course of their work and is deployed pursuant to an international agreement to which the United Kingdom is a party.”.
- (c) in paragraph 38(2) and (3) (sportspersons, etc.)(b), omit “Tokyo or Beijing” and “to be held in Birmingham” in each place where they occur.

**Amendment of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021**

**3.—**(1) The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021(c) are amended in accordance with this regulation.

(2) After regulation 6(2)(b) (requirement to ensure passengers have completed a passenger locator form)(d), insert—

“(c) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.”,

(3) After regulation 7(3)(a) (requirement to ensure passengers possess notification of negative test result), insert—

“(aa) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.”.

*MAREE TODD*

Authorised to sign by the Scottish Ministers

St Andrew’s House,  
Edinburgh  
At 11.30 a.m. on 7th July 2021

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(a) Paragraph 4E was inserted by S.S.I. 2020/209 and was substituted by S.S.I. 2021/34.  
(b) Paragraph 38 was inserted by S.S.I. 2020/209 and was amended by S.S.I. 2020/280, S.S.I. 2020/326, S.S.I. 2020/431, S.S.I. 2021/74, S.S.I. 2021/158 and S.S.I. 2021/237.  
(c) S.S.I. 2021/20, last amended by S.S.I. 2021/158.  
(d) Regulation 6(2) was relevantly amended by S.S.I. 2021/74.

## 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) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021.

Regulation 2(3)(a), (4) to (6) and (7)(a) amends the International Travel Regulations to make provision for persons who have been invited to travel to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs to conduct official business. The effect of the amendments is that such persons are not required to comply with regulation 5A (requirement to possess notification of negative test result) of the International Travel Regulations. Such persons are also not required to comply with regulations 5D to 5J (testing following arrival in Scotland) or regulation 6 (requirement to stay in specified premises) of those Regulations, where the Secretary of State has confirmed so in writing to the person.

Regulation 2(3)(b) and (7)(b) amends the International Travel Regulations to make provision for in-flight security officers. The effect of these amendments is that in-flight security officers who have travelled to the United Kingdom in the course of their work are not required to comply with regulation 5A (requirement to possess notification of negative test result), regulations 5D to 5J (testing following arrival in Scotland) or regulation 6 (requirement to stay in specified premises) of those Regulations.

Regulation 2(7)(c) amends paragraph 38 of schedule 2 of the International Travel Regulations (persons not required to comply with certain regulations) to omit the references in that paragraph to the host cities of the next Olympic, Paralympic and Commonwealth Games. The effect of these amendments is that the existing exception provided for by paragraph 38 of schedule 2 is extended to cover sportspersons competing for the right to qualify for any future Olympic, Paralympic or Commonwealth Games.

Regulation 3 amends regulations 6 and 7 of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 to provide that the duties for operators to ensure passengers have completed a Passenger Locator Form and possess notification of a negative test result do not apply in relation to a passenger who is lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

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