

2021 No. 264

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel etc.)
(Miscellaneous Amendments) (Scotland) (No. 5) Regulations
2021**

Approved by the Scottish Parliament

Made - - - - at 1.00 p.m. on 16th July 2021

Laid before the Scottish Parliament at 3.45 p.m. on 16th July 2021

Coming into force - - at 4.00 a.m. on 19th 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^(a), 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. 5) Regulations 2021 and come into force at 4.00 a.m. on 19 July 2021.

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

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020^(b) are amended in accordance with regulations 3 to 10.

Eligible vaccinated arrivals

3. In regulation 2 (interpretation)(c)—

(a) after the definition of “coronavirus disease”, insert—

““eligible vaccinated arrival” means a person described in regulation 2A,”

(a) 2008 asp 5.

(b) S.S.I. 2020/169, last amended by S.S.I. 2021/261.

(c) Regulation 2 was relevantly amended by S.S.I. 2020/209 and S.S.I. 2021/20.

- (b) after the definition of “qualifying test”, insert—
““relevant service” means a commercial transport service carrying passengers travelling to Scotland from outside the common travel area,”.

4. After regulation 2, insert—

“Eligible vaccinated arrivals

2A.—(1) A person (“P”) is an eligible vaccinated arrival if P—

- (a) has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through a non-exempt country or territory which is not an acute risk country or territory, and
- (b) meets any of the descriptions in paragraphs (2) to (6).

(2) P—

- (a) has completed a course of doses of an authorised vaccine with the final dose having been received before the start of the period beginning with the 14th day before the date of P’s arrival in Scotland,
- (b) received that course of doses in the United Kingdom,
- (c) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of fulfilment of the requirement in sub-paragraph (a) by way of letter of certification issued by NHS Scotland, or equivalent certification issued, in paper or electronic form, by NHS England, NHS Wales or the Department of Health in Northern Ireland, including through the NHS COVID pass, and
- (d) has declared on P’s Passenger Locator Form that P has completed a course of doses of an authorised vaccine.

(3) P—

- (a) has participated, or is participating, in a clinical trial of a vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(a),
- (b) is able to provide proof of such participation, and
- (c) has declared on P’s Passenger Locator Form that P has participated, or is participating, in such a trial.

(4) P is—

- (a) under the age of 18 on arrival in Scotland, and
- (b) ordinarily resident in the United Kingdom.

(5) P—

- (a) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received before the start of the period beginning with the 14th day before the date of P’s arrival in Scotland,
- (b) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of fulfilment of the requirement in sub-paragraph (a), and
- (c) has declared on P’s Passenger Locator Form that P has completed a course of doses of a vaccine as described in sub-paragraph (a).

(a) S.I. 2004/1031, last amended by S.I. 2020/1488.

(6) P is—

- (a) a dependant of a person described in any of paragraphs (a) to (c) of the definition of “United Kingdom vaccine roll-out overseas” in paragraph (10), and
- (b) under the age of 18 on arrival in Scotland.

(7) For the purposes of paragraphs (2) and (5), P has completed a course of doses if P has received the complete course of doses specified—

- (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
- (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012^(a) for the authorised vaccine.

(8) For the purposes of paragraph (5), where P has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(9) For the purposes of this regulation, a child is to be treated as making a declaration on a Passenger Locator Form, and possessing any evidence required, if that declaration is made, and that evidence possessed, by a person who is travelling with, and has responsibility for, that child.

(10) In this regulation—

“authorised vaccine” means a medicinal product for vaccination against coronavirus—

- (a) authorised for supply in the United Kingdom in accordance with a marketing authorisation, or
- (b) authorised by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012,

“clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004,

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989^(b),

“government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989,

“the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012,

“marketing authorisation” has the meaning given in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012,

“medicinal product” has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012,

“NHS COVID pass” means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State, through NHS.uk,

“NHS England” means the health service continued under section 1(1) of the National Health Service Act 2006^(c),

“NHS Scotland” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978^(d),

(a) S.I. 2012/1916.

(b) 1989 c. 6.

(c) 2006 c. 41, relevantly amended by the Health and Social Care Act 2012 (c. 7).

(d) 1978 c. 29.

“NHS Wales” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006(a),

“United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—

- (a) Crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme,
- (b) residents of the British overseas territories, the Channel Islands and the Isle of Man as part of a programme agreed in the overseas territory, any of the Channel Islands or the Isle of Man with the United Kingdom government, or
- (c) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.”.

Amendment of regulation 5C

5. In regulation 5C (testing following arrival in Scotland: general)(b)—

- (a) omit “or” at the end of paragraph (1)(b),
- (b) at the end of paragraph (1)(c), insert—
“or,
(d) is an eligible vaccinated arrival, within the meaning given in regulation 2A.”,
- (c) in paragraph (2)(c), in the definition of “testing package”, after head (ii), insert—
“(iii) where P is a person referred to in paragraph (1)(d), a booking for a day 2 test.”.

Amendment of regulation 6

6. For regulation 6(1)(e) (requirement for travellers to stay in specified premises)(c), substitute—

- “(e) is a child who arrives in Scotland from—
 - (i) an acute risk country or territory, or
 - (ii) elsewhere within the common travel area where P has, within the preceding 10 days, departed from, or transited through an acute risk country or territory, andP is either—
 - (i) accompanied by an adult on arrival, but that adult ceases to accompany P before P travels to specified premises in accordance with paragraph (2), or
 - (ii) unaccompanied by an adult.”.

Amendment of regulation 7

7. In regulation 7 (persons not required to comply with regulation 6)(d), after paragraph (1)(b), insert—

- “(ba) an eligible vaccinated arrival, within the meaning given in regulation 2A.”(e).

(a) 2006 c. 42.

(b) Regulation 5C was inserted by S.S.I. 2021/74 and relevantly amended by S.S.I. 2021/208.

(c) Regulation 6(1)(e) was relevantly amended by S.S.I. 2021/179 and S.S.I. 2021/208.

(d) Regulation 7 was relevantly amended by S.S.I. 2020/358 and S.S.I. 2021/107.

(e) A sub-paragraph (ba) was omitted by S.S.I. 2021/107.

Amendment of schedule A1

8.—(1) In Part 1 of schedule A1 (countries, territories or parts of countries or territories)—

- (a) before “Antigua”, insert “Antarctica”,
- (b) omit “Balearic Islands”,
- (c) after “Brunei”, insert “Bulgaria” and “Croatia”,
- (d) after “Dominica”, insert “Faroe Islands”,
- (e) omit “Faroe Islands” where it occurs after “Grenada”,
- (f) after “Grenada”, insert “Hong Kong”,
- (g) after “Singapore” insert “Taiwan”.

(2) In Part 2 of schedule A1 (United Kingdom Overseas Territories), omit “British Virgin Islands”.

Amendment of schedule A2

9. In schedule A2 (acute risk countries, territories or parts thereof)—

- (a) after “Costa Rica”, insert “Cuba”,
- (b) after “India”, insert “Indonesia”,
- (c) after “Mozambique”, insert “Myanmar”,
- (d) after “Seychelles”, insert “Sierra Leone”.

Amendment of schedule 1

10. In schedule 1 (passenger information), after paragraph 4 insert—

“**4ZA.** Where the passenger is an eligible vaccinated arrival within the meaning of regulation 2A, the fact that the passenger is an eligible vaccinated arrival within the meaning of that regulation.”.

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

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

(2) In regulation 6 (requirement to ensure passengers have completed a Passenger Locator Form) **(b)**—

- (a) after paragraph (1B), insert—

“(1C) An operator must ensure that a passenger (“P”) who arrives at a port in Scotland on a relevant service, and who has indicated on the Passenger Locator Form that P is an eligible vaccinated arrival within the meaning of regulation 2A of the International Travel Regulations, is in possession of the required evidence.”.

- (b) after paragraph (3), insert—

“(4) In paragraph (1C), “the required evidence” means—

- (a) evidence of the description in regulation 2A(2)(c), (3)(b) or (5)(b) of the International Travel Regulations, or
- (b) where P meets the description in regulation 2A(4) or (6) of the International Travel Regulations, evidence of P’s age.”.

(a) S.S.I. 2021/20, last amended by S.S.I. 2021/261.

(b) Regulation 6 was relevantly amended by S.S.I. 2021/74.

(3) In regulation 8 (offences)(a)—

(a) in paragraph (1), after sub-paragraph (ab), insert—

“(ac) regulation 6(1C),”

(b) after paragraph (4A), insert—

“(4AA) In relation to the offence in paragraph (1)(ac), it is a defence for an operator to show that the passenger presented a document purporting to be the required evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.”.

Amendment of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020

12.—(1) The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(b) are amended in accordance with this regulation.

(2) In Part 1 of schedule 2 (passenger notices), in the section headed “Amber list passengers”, at the end, and before the section headed “Green list passengers”, insert—

“If you are arriving from an amber list country and have been fully vaccinated through an approved vaccination programme at least 14 days before your arrival in Scotland, you must:

Book a test for day 2

Complete a passenger locator form”.

(3) For the text in Part 2 of schedule 2 (passenger notices), substitute—

“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, even if you have been fully vaccinated.

For those not fully vaccinated: 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. And, 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.”.

Savings

13.—(1) The amendments made by regulations 3 to 10 do not apply in relation to any person who arrived in Scotland during the period beginning at 12:01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of these Regulations, and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if those amendments had not been made.

(2) The amendments made by regulation 11 do not apply in relation to any passenger service which departs before these Regulations come into force, and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 continue to apply in respect of such a service as if those amendments had not been made.

(a) Regulation 8 was relevantly amended by S.S.I. 2021/74.

(b) S.S.I. 2020/170, last amended by S.S.I. 2021/254.

(3) The amendments made by regulation 12 do not apply in relation to a passenger service which departs before these Regulations come into force, and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 continue to apply to such a service as if those amendments had not been made.

GEORGE ADAM

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
At 1.00 p.m. on 16th July 2021

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”), the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Operator Liability Regulations”) and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Passenger Information Regulations”).

Regulation 4 inserts a new regulation 2A into the International Travel Regulations to define an eligible vaccinated arrival. An eligible vaccinated arrival is someone who arrives in Scotland, having departed from or transited through a non-exempt but not acute risk country or territory, who—

- has completed a course of doses of an authorised coronavirus vaccine more than 14 days prior to arrival in Scotland,
- has participated in, or is participating in, a clinical trial for a coronavirus vaccine,
- is a child who is ordinarily resident in the UK,
- has completed a course of doses of a vaccine under the United Kingdom overseas vaccine roll-out, or who is a dependent under the age of 18 of such a person.

Regulations 5 and 7 amend regulations 5C and 7 of the International Travel Regulations respectively so that eligible vaccinated arrivals within the meaning of the new regulation 2A are not required to take a test for coronavirus on day 8 following their arrival in Scotland, or to quarantine for 10 days in specified premises on arrival in Scotland.

Regulation 6 makes a minor amendment to correct the formatting of regulation 6(1)(e) of the International Travel Regulations.

Regulation 8 makes amendments to the list of exempt countries and territories in schedule A1 of the International Travel Regulations. Antarctica, Bulgaria, Croatia, Hong Kong and Taiwan are added to the list of exempt countries and territories specified in schedule A1, and the Balearic Islands and the British Virgin Islands are removed from that list. As of 4.00 a.m. on 19 July 2021, passengers arriving to Scotland from Antarctica, Bulgaria, Croatia, Hong Kong and Taiwan will no longer be required to quarantine in accordance with regulation 6 of the International Travel Regulations, nor will they be required to take a test for coronavirus on day 8 following their arrival in Scotland. Travellers arriving from the Balearic Islands and the British Virgin Islands after 4.00 a.m. on 19 July 2021 will, unless they are eligible vaccinated arrivals within the meaning of new regulation 2A, be required to quarantine at specified premises in accordance with regulation 6 of the International Travel Regulations, and take a coronavirus test on days 2 and 8 following their arrival in Scotland.

Regulation 9 amends the list of acute risk countries and territories in schedule A2 of the International Travel Regulations. As of 4.00 a.m. on 19 July 2021, Cuba, Indonesia, Myanmar and Sierra Leone are added to the list of acute risk countries and territories in that schedule, meaning that passengers from those countries must enter Scotland at a designated port and book a managed isolation package in accordance with regulations 6A and 6B of the International Travel Regulations.

Regulation 10 amends the passenger information specified in schedule 1 of the International Travel Regulations so that a person must declare on the passenger locator form whether they are an eligible vaccinated arrival within the meaning of new regulation 2A.

Regulation 11 amends the Operator Liability Regulations to place a duty on operators of relevant transport services to check that a person who has declared that they are an eligible vaccinated arrival within the meaning of regulation 2A of the International Travel Regulations has the evidence required to support that declaration.

Regulation 12 makes amendments to the Passenger Information Regulations that are consequential upon the changes made to the International Travel Regulations.

Impact assessments covering the changes made to the International Travel Regulations by regulations 8 and 9 and the changes made regarding eligible vaccinated arrivals are being prepared and will be published online at www.legislation.gov.uk.

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Printed in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, The Queen's Printer for Scotland

£6.90

www.legislation.gov.uk/ssi/2021/264

ISBN 978-0-11-130272-9



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