

## BUSINESS AND REGULATORY IMPACT ASSESSMENT (BRIA)

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

### **Introduction:**

Coronavirus (Covid-19) has impacted upon people's lives across the globe. On 22 June 2021 the Scottish Government published the Coronavirus (Covid-19) Strategic Framework Update, which sets out how we plan to restore, in a phased way, greater normality to our everyday lives taking account of important developments.

Until now, our strategic intent has been about suppressing the virus to the lowest possible level while we seek to minimise the broader harms of the virus. Now that the direct health harms caused by the virus are reducing, the broader harms of the crisis grow relatively more important in our decision-making.

It is recognised that there is a demand from the public to re-start international travel and also from the travel industry who have suffered significant financial losses and are keen to reach a solution to facilitate travel and aid in the economic recovery of the sector. The successful roll out of the Vaccination programme in Scotland with 91.3% of adults having received their first dose and 84% having received their second dose<sup>1</sup> as at 6 September 2021 has allowed us to reduce the direct harm of the virus and is enabling us to re-open large parts of the economy and society. The measures contained within the regulations have been introduced to support our strategic intent to suppress the virus to a level consistent with alleviating its harms while we recover and rebuild for a better future.

Since the roll out of vaccinations from December 2020 and the continued measures to suppress transmission and ease restrictions it is timely now to consider the use of vaccine certification as we move to more easing of restrictions.

This Impact Assessment looks at the impact of these regulations from a Business and Regulatory perspective

### **Purpose and intended effect:**

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021 came into force at 0400 on Monday 19 July 2021 and make amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 ('the principal Regulations'), the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 ('the 2021 Regulations') and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 ('the 2020 Regulations'). The Regulations provide that persons arriving in Scotland from an amber list country and who have not within the preceding 10 days departed from or transited through a red list country or territory, are no longer required to stay in specified premises or to take a day 8 test if they are an "eligible vaccinated passenger". This decision aligned with the UK, Northern Ireland and Welsh Governments.

<sup>1</sup> [COVID-19 Daily Dashboard | Tableau Public](#)

In summary, these changes apply to a passenger arriving 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 (Covid-19) vaccine,
- has participated in, or is participating in, a clinical trial for an authorised vaccine,
- is a child who is ordinarily resident in the UK,
- has completed a course of vaccine under the UK overseas vaccine roll-out programme, or who is a dependant of such a person.

The passenger must be able to produce proof of eligible vaccinated status, if requested, to immigration or an operator by way of letter of certification produced by NHS Scotland or equivalent certification, where applicable from NHS England, NHS Wales or the Department for Health in Northern Ireland.

The instrument also amends the 2021 Regulations to place a duty on operators to check evidence that someone is an eligible vaccinated passenger. There is a defence for an operator to show that the passenger presented documentation which the operator, or person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.

The instrument also amends the 2020 Regulations to require carriers to provide an updated passenger announcement on board vessels setting out the testing and isolation requirements for passengers in light of the amendments on eligible vaccinated passengers.

The regulations also contain provisions requiring these amber list arrivals (subject to exemptions), who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland, to book a Pre-Departure Test (PDT) to be taken a maximum of 72 hours before travel to Scotland and a Polymerase Chain Reaction (PCR) test should be taken on day two following arrival in Scotland.

A subsequent amendment was made to the principal Regulations and the 2021 Regulations by the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) No. 6) Regulations 2021 which excluded passengers who had departed from, or transited through mainland France (including Corsica), from being “eligible vaccinated arrivals”, meaning that such passengers would be required to self-isolate in specified premises for 10 days and would require to take day 2 and day 8 tests, notwithstanding the changes made by the (No. 5) Regulations. This change was made following the assessment of the risk of transmission within France and was subsequently amended by the [Health Protection \(Coronavirus\) \(International Travel etc.\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 7\) Regulations 2021](#); the change coming into force on 8 August 2021.

Further amendments were made to the principal Regulations via The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2021 which came into force from 0400 on Monday 2 August. This amendment provides that an eligible vaccinated passenger from EU member states, the European Free Trade Association (EFTA) countries, microstates of Andorra, Monaco, San Marino and Vatican City, or the USA is required to take a Coronavirus test only no later than the end of the second day following their arrival in Scotland, as opposed to on the second day and the eighth day. These “eligible vaccinated passengers” are not required to self-isolate for 10 days in specified premises on arrival in Scotland. This did not include passengers from/via France. Arrivals will have to provide a form

of certification to prove details of their vaccine status. For US arrivals, this proof is a CDC card showing that they are fully vaccinated, along with proof of residence in the US. All arrivals from Europe must show a record of vaccination through the European Digital COVID Certificate.

These instruments were 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, to ensure that those restrictions remain appropriately targeted in light of relevant and continuously evolving clinical evidence.

There is a requirement to provide proof of double vaccinations for international travellers to ensure those entering and departing other countries are low risk of catching the Coronavirus (Covid-19) virus and potentially passing it onto others and causing further outbreaks. A number of countries have already advised they will require evidence of vaccination as a condition of entry.

A vaccine certificate forms part of an individual's medical records and can provide information on vaccination status of an individual. This would include confirmation that someone has received the vaccination, how many doses and the date and type of vaccine.

### **Consultation**

Relevant sectors were asked for feedback on vaccine certification specific to their own areas of responsibility. Internal stakeholders were met with and discussions on benefits and issues were noted as below. Representatives from the following areas were involved;-

- Business sectors
- Economy
- Tourism & Culture
- Aviation
- Transport Strategy

### **Travel and Borders - International Travel**

#### **Evidence / Issues**

- Could be subject to fraud or misuse
- Needs to be full proof and equitable
- Burden on carriers to police
- Possible Penalty for allowing travel without certification

#### **Mitigation of Negative Impacts**

- Develop tamper proof certificates
- Clear communications around certificate usage
- Engage with those who would monitor /check certificates

#### **Benefits**

- Assist in opening up of International Travel
- Assist in economic recovery

### **Aviation Working Group**

## **Evidence / Issues**

- For domestic travel treat as other transport sectors with regard to certification
- Industry sectors already asking for verification
- Airlines operate under laws of country they fly to
- Could be discriminatory for those unable to be vaccinated
- Has to be practical
- Is there interplay between countries and various vaccines
- Country by country as various levels of restrictions are in operation
- Airport staff working airside have no passenger contact and airport authority responsibility
- Who will police pre departure and bookings for managed isolation
- How does cross UK borders work if flying in from overseas then connecting to Scotland
- There is a desire from the industry to develop an app as soon as possible, particularly as the NHS Covid Pass has been launched in England for use in international travel

## **Mitigation of Negative Impacts**

- Not use certification for domestic travel
- Explore other means for those unvaccinated – negative testing
- Engage with border agencies for compliance work
- App is being developed expected mid-September / October

## **Benefits**

- Restrictions relaxed / removed on implementation of certification
- Opens up travel corridors
- Some industry members already requesting proof /certification
- Stakeholders on board with certification and will implement within their airlines

## **Unite**

Unite would welcome vaccine certification in the international travel airline/maritime sectors: representatives are saying they would want a protocol that is simple to use, respects privacy of personal information and, in so far as possible; reduces any travel restrictions and promotes the aviation sector recovery.

## **Wedding Sector**

Using certification for international travel would be welcome by the wedding business sector, as many people getting married in Scotland are non-residents.

## **Options:**

As other countries, including the UKG, and businesses look to reach normality the Scottish Government assessed to what extent vaccination certification could be effective in reducing risk and how that would enable a reduction in restrictions and the reopening of our economy.

1. If there is a demand from the public for vaccine certification of some kind, then at a minimum Government might seek to intervene in regulating this industry. Scottish Government might want to intervene directly in the process of vaccine certification because there are a number of risks to not intervening in such a market. Firstly, any emerging private sector solution raises questions about such a system's ability to 'count'

as proof of vaccination, and, secondly, the risks inherent in sharing private medical data. Via NHS Scotland, Scottish Government is well placed to provide such proof and mitigate the risks of data sharing due to the data security within NHS and Scottish Government.

2. Certification processes also raise a number of concerns around ethical and equality issues and these will need to be addressed. To avoid the risk of exacerbating health inequalities any equality and ethical issues will need to be addressed and mitigated prior to any roll out of certification. There are individuals who have declined or are unable to receive the vaccine for health or cultural reasons. Children and young people under 16 are not in the cohorts for receiving a vaccine and certification could impact on them as well. An Equalities and Fairer Scotland Impact Assessment has been completed and published alongside this Impact Assessment.

### **Option 1**

Do nothing - international travel restrictions remain in place meaning if a person has been in an amber list country in the 10 days before travelling to Scotland they must complete a passenger locator form, take a Coronavirus (Covid-19) test before travelling, book and pay £170 for day 2 and day 8 Coronavirus (Covid-19) travel tests using the CTM Booking Portal (any other type of testing kit, such as free NHS kits or those sold by private businesses, cannot be used for these tests).

On arrival in Scotland they must self-isolate at home or in the place they are staying for 10 days take a Coronavirus (Covid-19) test - on or before day 2 and on or after day 8 of their 10 day isolation. This option restricts travel as employment commitments do not allow for some people to self-isolate for 10 days following International travel which impacts on the economy, tourism and aviation sectors.

### **Option 2**

Remove the isolation period for double-vaccinated arrivals from amber countries completely, while retaining the pre-departure and day 2 testing requirements. This option balances the public health risk with the economic benefit from reopening travel compared with current measures, enabling tourism and business travel to resume. Retaining both in-country tests, as well as ensuring sequencing of all positive results, also reduces the risk of imported Variants Of Concern (VOCs).

### **Sectors and groups affected**

By 3 September over 4 million people in Scotland had received the first dose of vaccine and 3.2 million people had received both doses and the Scottish Government remains committed to the vaccine roll out programme, setting a target that by mid-September 2021 all adults in Scotland (4.5 million) should have had been completely vaccinated.

The Joint Committee for Vaccination and Immunisation (JCVI) have provided updated advice on the vaccination of 16 and 17 year olds on 4 August 2021.

The advice states that all 16 – 17-year olds should be offered a first dose of Pfizer-BNT162b2 vaccine. This is in addition to the existing offer of two doses of vaccine to 16 – 17 year olds who are in 'at-risk' groups. The JCVI have advised that further advice will follow as to whether or not this cohort should receive a second dose of the vaccine once further evidence on effectiveness

and safety have been reviewed due to evidence of rare occurrences of myocarditis and pericarditis after a second dose.

This new advice is an addition to the existing advice published on 19 July that states two doses of the Pfizer vaccine should be provided to:

- 17 year olds within three months of their 18th birthday
- 16 and 17 year olds who are in “at-risk”
- all 12 – 15 year olds who have underlying health conditions that put them at higher risk of severe Coronavirus (Covid-19).
- Children and young people aged 12 years and over who are household contacts of persons who are immunosuppressed.

This group also includes children with severe neuro-disabilities, Down’s syndrome, underlying conditions resulting in immunosuppression, and those with profound and multiple learning disabilities (PMLD), severe learning disabilities or who are on the learning disability register.

These measures are designed to benefit the population as a whole rather than a specific group or sector. However, it is acknowledged that some sectors of the economy will be impacted in different ways, depending on the composition of workforce and level of reliance on overseas travel and visitors. But at a high level we expect that they will primarily affect:

- Airports, airlines and the various ancillary businesses that support the air travel industry.
- Businesses that rely on inbound international travel for their demand. This includes travel agents, hospitality and trip organisers.
- Businesses with international supply chains or customers, or who have a multinational footprint, where international travel is necessary to ongoing business operations.

Other sectors of the economy may be affected, in cases where it is not possible to work from home and those travelling abroad may have been obliged to self-isolate in the absence of these measures. The International Travel restrictions which formed a key part of the Scottish Governments strategic approach to managing the risk of the virus, along with restrictions in place in other markets, resulted in a significant economic impact to those sectors most reliant on international travel including tourism, hospitality, and the transport (particularly aviation) sectors. Scotland’s hospitality industries were particularly hard-hit by the pandemic because of their customer facing nature. These sectors were significantly affected by existing restrictions, and have been closed or subject to significant restrictions both within and outside Scotland and the wider UK during much of the period since March 2020.

The tourism sector has been hard hit by the pandemic. While obtaining authoritative data on impacts on visitor numbers to Scotland is challenging, owing to surveys on visitor numbers being halted as a result of Coronavirus (Covid-19), it is clear that there were substantial reductions in inbound international travellers to Scotland in 2020.

ONS data for Scotland for Q1 2020 showed that there was a 17% decrease in overseas tourism visits to Scotland compared to Q1 2019, while ONS data for Q2 2020 indicated that international visits to the UK from overseas were 96% lower than Quarter 2 2019 as travel reduced because of Coronavirus (Covid-19) and the subsequent travel restrictions.

Visit Britain's forecasts [published December 2020] have suggested inbound tourism to the UK in 2020 declined by 76% in terms of visits to 9.7 million and by 80% in terms of spending to £5.7 billion. The total number of passengers per month to Scottish airports has decreased between 58% to 98% since the start of the Coronavirus (Covid-19) pandemic.

There may also be impacts on the domestic tourism sector within Scotland, should easing of restrictions on self-isolation encourage greater overseas travel among those who otherwise would have undertaken holiday travel within Scotland.

A detailed discussion on businesses in these sectors is provided in the Scottish Firm Impact Test section that follows later on in the BRIA.

## **Our approach to assessing options – (baseline)**

### **Option 1 - International travel restrictions remain in place**

Keeping the current restrictions in place have proven effective in conjunction with the vaccination roll out programme. By keeping these restrictions in place it is likely that we would avoid any risk of increasing the possibility of introducing variants of concern (VOC's).

There is evidence to suggest that the imposition of travel restrictions has had an impact on the mental and emotional health of people, as per the Equalities Impact Assessment published alongside this document. The inability for people not to be able to visit family and friends has become a source of strain for some people. Retaining the current restrictions will not alleviate these in any way.

Scotland's airports and tourism industries have already been particularly hard-hit by the pandemic because of their customer-facing nature. These sectors have been significantly affected by existing restrictions, and have been closed or subject to significant restrictions both within and outside Scotland and the wider UK during much of the period since March 2020.

Comparing June 2021 (i.e. the first full month of traffic light system) with June 2019 (pre-Coronavirus), passenger numbers at the main Scottish airports (those serving rest of UK and abroad) were down between 67% and 96%.

Travel and tourism have contracted significantly globally during 2020, with the UN World Tourism Organisation expecting reductions in international tourism arrivals globally of around 74% in 2020, which compares with a reduction of around 4% during the Great Financial Crisis.

International visits to Scotland are significant. In 2019, there were almost 3.5 million international overnight visits, spending around £2.5 billion. 2.1 million visits, and £1.6 billion expenditure, were for vacations. There were over 2.2 million international visits to Edinburgh (64% of Scotland's total), spending £1.2 billion (47% of total international spend in Scotland). These will form a substantial part of the business for Scotland's hotels: in 2020, there were estimated to be around 2,390 hotel premises in Scotland and 1,690 hotel businesses in Hotels and Similar Accommodation, while there were estimated to be 62,000 employed in Hotels and Similar Accommodation in 2019. International travel restrictions will also impact on broader business travel. In 2019, 371,000 inbound visits were for business purposes, while 423,000 outbound trips were undertaken by Scottish residents for the same purpose.

There is also substantial outbound travel from Scotland each year. In 2019, there were over 4 million overseas visits by Scottish residents for holiday purposes, and a further 1.19 million

international visits for visiting friends and relations. This activity will be partly serviced through Scottish airports and through Scottish firms. These include travel agents: in March 2020, there were 285 registered enterprises in the travel agencies activities sector in Scotland, while 4,500 were employed in this sector in 2019

## **Option 2 - Remove the isolation period and day 8 test for double-vaccinated arrivals from amber countries**

By keeping these restrictions in place it is likely that we would avoid any risk of increasing the possibility of introducing variants of concern (VOC's). As more data is analysed we shall become more certain of the impact of variants of concern on hospitalisations and disease severity, however current data is showing that the vaccine is continuing to protect. Vaccines are effective against Delta, Public Health England preliminary analysis shows that vaccines are highly effective against hospitalisation from Delta variant with similar vaccine effectiveness against hospitalisation seen with the Alpha and Delta variants<sup>2</sup>.

The restrictions on travel overseas limit the opportunities for people to partake in activities which contribute to wellbeing, including holidays and visiting friends and family. This may be substantial: between 2017 and 2019, there were around 1.3 million international outbound trips from Scotland each year on average to visit friends and relatives. There were also around 3.7 million overseas visits by Scottish residents each year on average for holiday purposes between 2017 and 2019, with over 4 million in 2019<sup>3</sup>. Not seeing friends and family living overseas could lead to increased isolation.

The current restrictions on International travel, along with restrictions in place in other markets, have already resulted in a significant economic impact to those sectors most reliant on international travel including travel agents and the transport (particularly aviation) sectors. Between 2017 and 2019, there were around 4.5 million visits to countries on the current Amber List<sup>4</sup> each year on average, representing around 82% of total outbound visits by Scottish residents each year on average<sup>5</sup>.

This option will positively affect the airport and travel agent sectors, through facilitation of a greater level of inbound travel and therefore scope for these businesses to generate additional revenues.

This option will also impact on other sectors supported by these activities through their impact on supply chains. This option will partially ameliorate economic harm, already resulting from the pandemic and restrictions on international travel: it may encourage the demand for inbound international travel by reducing both the costs of testing, and the opportunity cost arising from self-isolation of travellers.

This may act to encourage airlines to maintain flying routes to Scotland, which may be of benefit to both outbound travel and the domestic tourism and hospitality sectors whose business draws on inbound tourism of international markets. This option may partially ameliorate the negative

<sup>2</sup> [Coronavirus \(COVID-19\): state of the epidemic - 30 July 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19/state-of-the-epidemic-30-july-2021/pages/10-to-14.aspx)

<sup>3</sup> ONS (2020), Travel Trends 2019; ONS (2021); ONS (2021): Scottish Residents' Visits Abroad, 2017-2019 (ad hoc request provided by ONS)

<sup>4</sup> [Coronavirus \(COVID-19\): international travel and managed isolation \(quarantine\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-covid-19/international-travel-and-managed-isolation-quarantine/pages/10-to-14.aspx). Accessed at 26 July 2021.

<sup>5</sup> ONS (2021): Scottish Residents' Visits Abroad, 2017-2019 (ad hoc request provided by ONS)



impact on airports, airlines and ancillary businesses (such as ground handling) following on from previous regulations prohibiting international travel. This could have wider productivity and competitiveness effects.

The overall scale of impact arising from this option will be influenced by the extent to which the travelling population has been fully vaccinated. However, it will also be influenced by regulations and travel restrictions in place in Amber List countries for UK visitors, including whether they are content for travellers from the UK to travel to their countries; consumer confidence in international travel more generally; and consumers' appetite for risk relating to travel to Amber List countries, particularly if there is a possibility that the country could be reclassified to the Red List at short notice. The requirement for individual travellers to book and pay for a PCR test on their return to Scotland will also represent an upfront cost to the consumer, which may reduce the attractiveness of travelling abroad.

### **Conclusion**

Given the success of the vaccination programme and the continuing decline in number of cases and hospitalisations we have seen over recent months, this has to be weighed up with the ongoing impact these restrictions have on the other issues of peoples' mental health welfare and the impact on the economy. The vaccine is proving successful in protecting public health and therefore it is sensible to relax the very tight controls on travel restrictions. Therefore Option 2 is the recommended course of action.

### **Scottish Firms Impact Test:**

There has been engagement with businesses sectors most impacted as a result of these safeguards. This engagement is set out within the consultation section of this BRIA.

### **Coronavirus (Covid 19) – Impact on international travel key industries**

Checking of vaccination status will be the responsibility of airlines and ferry operators, who will potentially face penalties for conveying passengers claiming to be fully vaccinated when they are not; the precise obligations and penalties are still to be defined by UK Government. However, Border Force will not be checking vaccination status for all travellers at point of entry in the UK, due to the operational challenge of increasing passenger volumes this policy change (and the expected growth of the Green List) will present. However they are undertaking risk-based spot checking

There is no obvious recognition of the operational challenge this presents for airlines and their handling agents, but airlines have indicated that they will make any arrangements work given the significance to the industry of widening travel options.

The countries currently on the Amber List<sup>6</sup> represent a substantial portion of outbound travel from Scotland. On average between 2017 – 2019, there were around 4.5 million international outbound visits from Scotland to Amber List countries each year. The majority of visits were likely to be for vacation purposes: overall, around 3.7 million (67%) of total overseas visits by Scottish residents were for vacations, while a further 1.3 million (24%) were international visits for visiting friends and relations<sup>7</sup>.

<sup>6</sup> [Coronavirus \(COVID-19\): international travel and managed isolation \(quarantine\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/coronavirus/covid-19/international-travel-and-managed-isolation-quarantine). Accessed at 26 July 2021.

<sup>7</sup> ONS (2021): Scottish Residents' Visits Abroad, 2017-2019 (ad hoc request provided by ONS)

This activity will be partly serviced through Scottish airports and through Scottish firms. These include travel agents: in March 2020, there were 285 registered enterprises in the travel agencies activities sector in Scotland<sup>8</sup>, while 4,500 were employed in this sector in 2019<sup>9</sup>.

International travel restrictions will also impact on broader business travel. On average between 2017 and 2019, around 436,000 (8%) of total overseas visits by Scottish residents were for business purposes each year<sup>10</sup>.

## **Airports**

There has been engagement with Edinburgh airport and AGS airports through the Aviation Working Group comprising of representatives from the sector and government officials. The sector welcome vaccine certification for international travel, however they see this paper based solution as an interim solution until the digital app is launched. They have raised recent concerns in the media about delays at airports and problems at border control with passengers either not having the certificate or not receiving one in time before travel.

A protocol that is simple to use, respects privacy of personal information and, in so far as possible; reduces any travel restrictions and promotes the aviation sector recovery would be welcomed.

Feedback from Airlines UK and individual airlines reflects a clear willingness to help make these arrangements work. While these revised measures would benefit passengers arriving from 19 July 2021, numbers remain very low.

The number of aircraft movements is down between 46% and 97%. The largest decreases in flights and passengers is at Prestwick. So no notable difference is seen yet compared to earlier in the year.<sup>11</sup>

For airports serving Scottish islands and the mainland, passenger numbers are down between 19% and 91% compared to the same time pre-Coronavirus (Covid-19).

## **Hospitality/ Tourism**

Relaxation of restrictions on international travel may encourage a degree of substitution among Scottish residents who would otherwise travel for holiday purposes. This may impact on Scotland's domestic tourism sector, and particularly accommodation. In 2020, there were estimated to be around 2,390 hotel premises in Scotland<sup>12</sup> and 1,690 hotel businesses in Hotels and Similar Accommodation<sup>13</sup>, while there were estimated to be 62,000 employed in Hotels and Similar Accommodation in 2019<sup>14</sup>.

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<sup>8</sup> Scottish Government (2021): Businesses in Scotland 2020

<sup>9</sup> ONS, Business Register and Employment Survey (2020)

<sup>10</sup> ONS (2021): Scottish Residents' Visits Abroad, 2017-2019 (ad hoc request provided by ONS)

<sup>11</sup> [UK airport data | UK Civil Aviation Authority \(caa.co.uk\)](https://www.caa.co.uk/uk-airport-data)

<sup>12</sup> Non-Domestic Rates Valuation Roll, 2020

<sup>13</sup> ONS, Inter-Departmental Business Register, 2020

<sup>14</sup> ONS, Business Register and Employment Survey (2020)

There is also the possibility that people who had previously arranged to book vacations in the domestic tourism market, may now opt to cancel these and make arrangements for overseas travel now that there is no need to self-isolate when they return.

However, the scale of this impact would depend on the openness of international destinations; the extent to which consumers would be prepared to substitute domestic for international holidays, particularly after having booked a domestic holiday; or the extent to which consumers have instead been delaying future international trips or are prepared to meet the additional costs of travel (testing) and local restrictions that may apply in their destination.

**• Will it have an impact on the competitiveness of Scottish companies within the UK, or elsewhere in Europe or the rest of the world?**

The aviation and travel sectors will have increased business as the certification will allow international travel to re-start.

An increase in international travel may have a negative impact on Scotland's hospitality sector, as more travellers will go abroad rather than stay closer to home for "staycations." However, this may be offset by International Travellers who have been vaccinated in the EU or USA taking vacations in the UK.

**Competition Assessment:**

- **Will the measure directly or indirectly limit the number or range of suppliers?** No
- **Will the measure limit the ability of suppliers to compete?** No
- **Will the measure limit suppliers' incentives to compete vigorously?** No
- **Will the measure limit the choices and information available to consumers?** No

**Consumer Assessment:**

The following assessment sets out the Scottish Government's initial view on the impact of the introduction of vaccine certification for international travel on consumers.

**• Does the policy affect the quality, availability or price of any goods or services in a market?**

No

**• Does the policy affect the essential services market, such as energy or water?**

There is no expected impact on markets for essential services.

**• Does the policy involve storage or increased use of consumer data?**

Yes. Individuals do need to enter personal data on the Passenger Locator Form. This data is not held by the Scottish Government but by the UK Government and is required to ensure effective delivery of the policy. This data is passed to Public Health Scotland and Police Scotland as required for contact tracing and enforcement purposes.

**• Does the policy increase opportunities for unscrupulous suppliers to target consumers?**

No

**Test run of business forms:** N/A

**Digital Impact Test:**

At launch, the Passenger Locator Form (PLF) has an option to declare vaccination status (a tick-box). Full secure digital integration of vaccination status, e.g. by scanning a QR code or otherwise importing an authenticated record of status from the NHSX app into the PLF, with automated checking at e-gates, will not likely be delivered until end of September.

The SG Digital Health & Care team advised Ministers on 7 July that the Covid Status Certification Delivery Board has recommended implementing a biometric identity check within the NHS Scotland Covid Status App being developed, which will require procurement of a third party identity solution. This will delay delivery of the Scottish app from summer to early autumn. Engagement is ongoing with Home Office to ensure that the app will integrate with UK border systems when that comes live by October.

The interim paper-based solution will remain in place throughout, and is currently providing a paper certificate of vaccine status to individuals who request it within 2-3 working days. However, (a) travellers who are currently abroad and did not require this record for entry into the country they are visiting will not be able to access it to prove their status on return, and (b) opening up international travel further as the UK Government proposes will lead to more people requesting a certificate which could increase processing times.

PLF is owned by Home Office, which is a digitally capable department, and there is reasonable confidence in their ability to deliver; the test portal is contracted out by DHSC to a private firm, CTM.

**Legal Aid Impact Test:** N/A

**Enforcement, sanctions and monitoring:**

Public Health Scotland contact a sample of travellers via email and through the National Contact Tracing Centre with self-isolation guidance.

Carriers will check that all passengers have the appropriate records which include Passenger Locator Form, Pre-Departure Testing, managed isolation booking and testing packages if required. Border Force may request sight of these documents on arrival into Scotland. This is backed up by enforcement mechanisms.

In country enforcement will be undertaken by Police Scotland who will respond to any referrals or calls where an individual has committed an offence.

**Implementation and delivery plan and post-implementation review:**

Regulations and guidance come into force as follows –

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021 at 0400 on Monday 19 July 2021

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 6) Regulations 2021 at 0400 on Monday 19 July 2021

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021 at 0400 on Monday 02 August 2021

The Scottish Government is continuing constructive engagement with those sectors most affected and will review the need for these Regulations every 28 days.

## **Summary and recommendations:**

### **Introduction**

This BRIA has examined the Regulations introduced on Monday 19 July 2021 which provide that persons arriving in Scotland from an Amber list country or territory, are no longer required to stay in specified premises or take a day 8 test if they are fully vaccinated through the UK vaccination programme. It also includes an amendment which came into force on Monday 2 August to include travellers vaccinated in the EU member states\*, the European Free Trade Association (EFTA) countries, microstates of Andorra, Monaco, San Marino and Vatican City, and the USA

### **Options Appraisal**

Scotland's Strategic Framework set out how we plan to restore, in a phased way, greater normality to our everyday lives taking account of important developments.

The existing restrictions on international travel (option 1) have already had a significant economic impact for key sectors including aviation, tourism and hospitality. The continued measure of self-isolation for amber list travellers provides an additional safeguard against variants of concern, however this continues to have economic consequences. As the rate of infection continues to decline in Scotland and the success of the vaccination programme, the policy can now support key sectors within the Scottish economy opening up as we meet the criteria set out within Scotland's Strategic Framework.

The table below summarises the costs and benefits of each option.

### **Costs and benefits table**

<b>Measure</b>	<b>Benefits</b>	<b>Cost</b>
<b>Option 1</b>	Provides potential additional reduction of risk of importation of virus.	Direct additional costs to businesses low as no costs associated with complying with restrictions.  Indirect costs to businesses high. Demand and supply severely constrained and economic harm exacerbated. Restrictions increase losses.  The impact would be seen in terms of lower demand, reduced revenue,

		cancellation of routes could end international flights.
<b>Option 2</b>	Reduces risk of importation of virus.	<p>Direct additional costs to businesses low as no costs associated with complying with restrictions.</p> <p>Demand and supply no longer constrained and industry will be able to start to recover.</p> <p>Likely that we would avoid any risk of increasing the possibility of introducing variants of concern (VOC's).</p> <p>Removal of restrictions will decrease losses.</p>

## Conclusion

This BRIA has set out the relative costs and benefits of options, with the intended effect of restore, in a phased way, greater normality to our everyday lives taking account the successful vaccination programme

## Declaration and publication

### Sign-off for BRIA:

I have read the Business and Regulatory Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the measures set out in the Regulations and guidance. I am satisfied that business impact has been assessed with the support of businesses in Scotland.

**Signed: Michael Matheson**

**Date: 9 September 2021**

**Minister's name: Michael Matheson**

**Minister's title: Cabinet Secretary for Net Zero, Energy and Transport**