

Island Communities Assessment Record

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

Summary of aims and desired outcomes of policy

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021 ('the (No. 5) Regulations') 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 self-isolate 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.

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 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 (Covid-19) 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.

On 22 June 2021 the Scottish Government published the Coronavirus (Covid-19) Strategic Framework Update¹, which set out how we plan to restore, in a phased way, greater normality to our everyday lives taking account of important developments. 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 dose² 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. A booster vaccination programme will be rolled out from September to the most vulnerable groups first, providing additional protect to the public.

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.

¹ Coronavirus (COVID-19): Scotland's Strategic Framework update - June 2021 - gov.scot (www.gov.scot)

² [COVID-19 Daily Dashboard | Tableau Public](#)

Introduction

Our ambition for Scotland's recovery is set out in the core principles of our COVID-19: Framework for Decision Making³. This Framework sets out that the virus harms us in at least four ways: direct harm to health from Coronavirus (Covid-19); harm to our wider health and social care services; harm to our broader way of living and our society; and harm to our economy, which has profound effects on poverty and inequality.

The Equality and Human Rights Commission, the Scottish Human Rights Commission and the Children's Commissioner for Scotland stated in April 2020⁴ they had already found 'increasing evidence that some groups are experiencing disproportionately negative impacts of the virus and some of the responses to it'. International evidence suggests that crises responses often inadvertently discriminate. We are committed to ensuring that human rights, children's rights and equality are embedded in everything we do, and must be central to our response to the Coronavirus (Covid-19) outbreak. The Framework for Decision Making recognises that harms caused by the pandemic do not impact everyone equally and that we must work to advance equality and protect human rights.

Purpose of the Regulations

The Scottish Government's strategic framework, which was published on Tuesday 23 February 2021, identified the priorities for the Scottish Government in relation to managing the spread of the virus from overseas. The framework identifies two key risks to Scotland which were identified in relation to the spread of Coronavirus (Covid-19) from overseas; namely the re-importation of known strains and the importation of new variants and strains of Coronavirus (Covid-19) to Scotland with potential vaccine resistance or with higher rates of transmission.⁵

For this reason, international travel restrictions have formed a key part of the Scottish Government's strategic approach to managing the risk of the virus.

There have been mutations of the Coronavirus (Covid-19) virus, both at home and abroad against which vaccines have varying efficacies. Analysis of vaccine effectiveness against symptomatic disease with the Delta variant suggests that, while vaccine effectiveness is lower in Delta cases compared to Alpha cases after one dose, any difference in vaccine effectiveness after two doses of vaccine is likely to be small. A Public Health England recent study shows that after a single dose there was a 14% absolute reduction in vaccine effectiveness against symptomatic disease with Delta compared to Alpha, and a smaller 10% reduction in effectiveness after 2 doses⁶, which is in line with previous studies⁷. Public Health England preliminary analysis also shows

³ [Coronavirus \(COVID-19\): framework for decision making - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/framework-for-decision-making-2020/pages/1-4-introduction.aspx)

⁴ [Joint letter: Equality and Human Rights and the Coronavirus in Scotland - The Children and Young People's Commissioner Scotland \(cypcs.org.uk\)](https://www.cypcs.org.uk/news/joint-letter-equality-and-human-rights-and-the-coronavirus-in-scotland)

⁵ [Coronavirus \(COVID-19\): Strategic Framework update - February 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/framework-for-decision-making-2020/pages/1-4-introduction.aspx)

⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/998411/Vaccine_surveillance_report_-_week_26.pdf

⁷ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/992741/Vaccine_surveillance_report_-_week_23.pdf

that vaccines are highly effective against hospitalisation from Delta variant⁸ with similar vaccine effectiveness against hospitalisation seen with the Alpha and Delta variants⁹.

Legislative background

On 8 June 2020 the Scottish Government introduced the International Travel Regulations for the purpose of preventing the spread of infection or contamination with Coronavirus (Covid-19). At the same time, The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 were introduced relating to the duties that are also placed on transport operators to provide passengers with information throughout the passenger journey. These regulations were amended on 30 October 2020 to add to and tighten those duties.

The International Travel Regulations (in their original form) focus on two specific measures; the requirement to provide contact details through the Passenger Locator Form (PLF) and the requirement to self-isolate at the accommodation listed on their Passenger Locator Form on arrival in Scotland. Following updated scientific advice, on 14 December 2020, the regulations were amended to reduce the period a person must remain in their “specified premises” from 14 days to 10 days.

Since the introduction of the International Travel Regulations there have been numerous subsequent amendment regulations. The amendments have related mainly to the addition and removals of country specific exemptions in terms of the requirement to self-isolate, and sectoral exemptions from that same requirement.

Furthermore, The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 places a legal obligation on all international arrivals to take a Coronavirus (Covid-19) PCR test at least three days before they travel to Scotland. This has been the law since Monday 18 January 2021.¹⁰

The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021 came into force on 15 February 2021. The Regulations contained the requirement to check into managed self-isolation accommodation for all international travellers (subject to exemptions) from outside the Common Travel Area or from the Republic of Ireland who have departed from or transited through an acute risk country within the preceding 10 days. The Regulations also contained provisions requiring all travellers (subject to exemptions), who have been outside the Common Travel Area in the 10 days prior to arrival in Scotland, to book, pay for and undertake two PCR tests for the detection of Coronavirus (Covid-19) on days 2 and 8 of the self-isolation period. Impact Assessments were published alongside the regulations on Legislation.gov.uk¹¹.

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021 came into force on the 17 May 2021, introducing the red, amber, green “traffic light system”. As well as the

⁸ <https://www.gov.uk/government/news/vaccines-highly-effective-against-hospitalisation-from-delta-variant>

⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/998411/Vaccine_surveillance_report_-_week_26.pdf

¹⁰ [Coronavirus \(COVID-19\): international travel and managed isolation \(quarantine\) - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/health/coronavirus-international-travel)

¹¹ [The Health Protection \(Coronavirus\) \(International Travel\) \(Managed Accommodation and Testing\) \(Scotland\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

requirement for all international passengers to complete a passenger locator form (PLF) and Pre-Departure Testing (PDT), there are additional requirements for travellers depending on what country or area they have been in at any point in the 10 days before arriving in Scotland. Impact Assessments were published alongside the regulations on [Legislation.gov.uk](https://www.legislation.gov.uk)¹².

Measures

From 0400 on Monday 19 July 2021 all eligible travellers arriving in Scotland from a country or territory which is neither an exempt country or territory, or an acute risk country or territory (“red list country), and who have not within the preceding 10 days departed from or transited through a red list country, are no longer required to self-isolate in specified premises if they are fully vaccinated through the UK vaccination programme. Arrivals from France were still required to self-isolate¹³, even if they were fully vaccinated although this requirement was removed on 8 August 2021¹⁴.

From Monday 2 August 2021, this was extended to passengers travelling to Scotland from an amber list country and have been fully vaccinated in the EU member states, European Free Trade Association (EFTA) countries (Iceland, Liechtenstein, Norway and Switzerland), Andorra, Monaco, San Marino and Vatican City and the USA do not have to self-isolate or take a day 8 test upon arrival in Scotland. Fully vaccinated means that they have had their final dose of a COVID-19 vaccine through approved sources¹⁵, at least 14 days before they arrive in Scotland.

The International Travel Regulations, as amended by these Regulations and subsequent amending regulations, mean that a journey for people into Scotland from outside the CTA, or who are travelling by air into Scotland from elsewhere in the CTA having departed from or transited through a non-acute risk country within the previous 10 days will involve the following:

- undertaking a valid Coronavirus (Covid-19) PCR test no more than three days before departure to the UK and present a certified negative result in order to board the plane
- 14 days prior to arrival in Scotland, the individual must have received two doses of the Coronavirus (Covid-19) vaccination through the UK vaccination programme and have a vaccine certificate
- passengers travelling to Scotland from an amber list country and have been fully vaccinated in the EU member states, European Free Trade Association (EFTA) countries (Iceland, Liechtenstein, Norway and Switzerland), Andorra, Monaco, San Marino and Vatican City and the USA do not have to self-isolate or take a day 8 test upon arrival in Scotland.
- before departure, the individual must complete a Passenger Locator Form (PLF) and submit it to the Home Office. Within the PLF the individual will need to declare which countries they have been to during the 10 days prior

¹² [The Health Protection \(Coronavirus\) \(International Travel etc.\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 2\) Regulations 2021 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

¹³ [The Health Protection \(Coronavirus\) \(International Travel etc.\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 6\) Regulations 2021](https://www.legislation.gov.uk)

¹⁴ [The Health Protection \(Coronavirus\) \(International Travel etc.\) \(Miscellaneous Amendments\) \(Scotland\) \(No. 7\) Regulations 2021](https://www.legislation.gov.uk)

¹⁵ [Coronavirus \(COVID-19\): international travel and managed isolation \(quarantine\) - gov.scot \(www.gov.scot\)](https://www.gov.scot)

to arriving in the UK. They can also declare that they are exempt from providing proof of vaccine certification.¹⁶

A small number of people travelling directly to Scotland do not need to provide proof of being fully vaccinated or meet the testing requirements. The exemptions are for those who can prove they have or are participating in a clinical trial for vaccination against Coronavirus (Covid-19) carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004, or a child who is under 18 on arrival and who is ordinarily a UK resident or citizen.

There are additional exemptions which are tightly defined, predominantly focusing on exempting those involved in activities that are critical to national infrastructure. These are regularly reviewed. There are further exemptions linked to urgent medical procedures which are tightly defined¹⁷.

Arrivals from all countries outside the CTA need to take tests on day 2. The day two test is timed to:

- maximise recovery of positive samples for genomic sequencing;
- ensure that variant intelligence is received;
- and can be actioned through enhanced contact tracing and testing contacts before the end of the isolation period.

Analysis Following Data Gathering And Consultation

This section assesses whether there are any likely significantly different effects of the Regulations on the island communities.

There are no direct international inbound flights, or flights from parts of the UK beyond Scotland, direct to island airports. All access to the island airports is via mainland Scottish Airports. At the moment due to Covid-19, we are not sure when the Flights from Lerwick to Bergen Norway are due to start again

Stakeholder engagement raised concerns that island communities would be treated differently in terms of mobility. Island communities are not to be treated differently from the mainland in these Regulations, with no additional barriers to domestic freedom of movement from, to and within the islands.

Island communities have continually expressed concern regarding the fragility of island health services, the lack of resources to deal with an outbreak on islands and the vulnerability of an elderly population. Vaccine certification may be seen as a safeguard for both residents and visitors. For remote communities vaccine certification may have the potential to reduce the risks of visitors needing to self-isolate and no accommodation to do so in.

Digital connectivity for those in rural areas, including island communities may cause passengers issues. The position for the rest of the Scottish population is that they can request a paper copy of their vaccination status by phoning the Coronavirus (Covid-

¹⁶ [Coronavirus \(COVID-19\): international travel and managed isolation - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/coronavirus/covid-19-international-travel-and-managed-isolation)

¹⁷ [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)

19) status Helpline on 0808 196 8565. The helpline is open every day from 10.00am to 6.00pm and this provision extends to the island communities.

Analysis suggests there is no evidence of a direct positive or negative impact of the Regulations on our island communities. However, like the rest of the population, island residents will benefit from measures to suppress the virus to a level consistent with alleviating its harms while we recover and rebuild for a better future.

Conclusion

In the production of this ICIA, it has been concluded that the provisions in the Regulations are not likely to have effects on the island communities that are significantly different from their effects on other communities (including other island communities) in Scotland.

Declaration and Publication

I have read the Island Communities Impact Assessment and I am satisfied that it represents a fair and reasonable view of the expected islands impact of the Regulations.

Signed: Kerry Morgan

Date: 7 September 2021