

POLICY NOTE

The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 6) Regulations 2021

SSI 2021/265

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”). Section 122(5) of the 2008 Act states that regulations under section 94(1) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations, section 122(7) applies. Section 122(7) sets out that “emergency regulations” must be laid before the Scottish Parliament and cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the emergency regulations have been approved by a resolution of the Parliament.

Summary Box

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.

They exclude passengers who have departed from, or transited through mainland France (including Corsica), from being “eligible vaccinated arrivals” exempt from certain restrictions in those Regulations within the meaning of regulation 2A of those Regulations. They also remove the duty on an operator of a relevant service which commences in France to check such a passenger possesses the required evidence.

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) came into force on 8 June 2020, and were laid in the Scottish Parliament on 8 June 2020. This instrument makes further amendments to those principal Regulations and to the related Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/20).
2. The principal Regulations were made urgently in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases.

Policy Objectives

3. This instrument excludes passengers who have departed from, or transited through mainland France (including Corsica), from being “eligible vaccinated arrivals” exempt from certain restrictions in those Regulations within the meaning of regulation 2A of those Regulations. This means that those passengers will require to self-isolate in specified premises for 10 days and will require to take day 2 and day 8 tests, notwithstanding the changes made by the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021.

4. This change is being made following assessment of the risk of transmission within France, prevalence of variants of concern, evidence of exporting the variants and risk to sequencing capacity against the background of rising travel; double vaccinated travellers not being required to isolate from 0400 on 19 July; and rising case numbers domestically with associated risks to sequencing capacity. The Regulations also remove the duty on an operator of a relevant service which commences in mainland France (including Corsica) to check that such a passenger possesses the required evidence. The position as regards France will be kept under on-going review and any changes will be made depending on risk status as and when it is appropriate to do so.

Consultation

5. This instrument is being made urgently in Scotland to make further amendments to the public health measures in respect of international arrivals to the UK that were brought in on a UK-wide basis from 8 June 2020, to ensure that those restrictions remain appropriately targeted in light of relevant and continuously evolving clinical evidence and other evidence. The purpose of the principal Regulations is, as above, to help prevent further spread of the coronavirus. Each of the four nations in the UK is required under their own relevant regulations to conduct regular reviews, and as those reviews are conducted there is the possibility of divergence from that initial four nation aligned approach, either on the need for the principal Regulations themselves or for any of the measures imposed by those Regulations. Such policy divergence may include the Scottish Government, or any of the other three administrations in the UK, reaching a different view on exempt countries and territories or parts thereof under the Regulations, reflecting differences in the prevalence of COVID-19 in that particular nation at any review point.
6. This instrument makes further amendments to take into account the risk status of France against the changing context as outlined above. The continued pace of the work on this and changing circumstances both in Scotland and other countries has meant limited consultation with external stakeholders in Scotland, but there has been ongoing discussion and dialogue by Scottish Government with Police Scotland, COPFS, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

Impact Assessments

7. An impact assessment has not been prepared for this instrument.

Scottish Government
COVID Co-ordination Directorate
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