

POLICY NOTE

The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2021

SSI 2021/275

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 (“the principal regulations”).

Regulation 3 amends regulation 2A of the principal regulations to exclude certain arrivals from non-exempt but not acute risk countries or territories (primarily, those who have received a full course of vaccination in, or who are under 18 and ordinarily resident in, a specified country) from certain testing and self-isolation requirements.

Regulation 4 adds the European Tour Golf – Hero Open to the list of competitions that are specified in Part 1 of schedule 3A of the principal regulations for the purposes of elite sport. It also adds an entry to the list of specified events in Part 2 of schedule 3A of the principal regulations to provide that elite sportspersons who travel to Scotland having departed from or transited through Turkey within the preceding 10 days in order to participate in European club football fixtures are exempt from the managed isolation requirements in regulations 6A and 6B of the principal regulations.

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) (“the principal Regulations”) were made on 7 June 2020. The principal Regulations were laid in the Scottish Parliament and came into force on 8 June, 2020, and were laid in the Scottish Parliament on 8 June 2020.
2. This instrument makes amendments to the principal Regulations.
3. 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

4. This instrument amends the International Travel Regulations to provide that an eligible vaccinated EU/US passenger is required to take a coronavirus test only on the second day following their arrival in Scotland, as opposed to on the second day and the eighth day. It provides that certain arrivals from non-exempt but not acute risk countries (“eligible vaccinated passengers”) are not required to quarantine for 10 days in specified premises on arrival in Scotland.
5. 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 (known as “an amber list” country or territory) who—
 - has completed a course of doses of an authorised coronavirus vaccine,
 - has participated in, or is participating in, a clinical trial for an authorised vaccine (US only),
 - is a child who is ordinarily resident in the EU/US,
 - is an eligible overseas arrival.

The passenger is required to produce proof of eligible vaccinated status to an immigration officer or a transport operator. By virtue of the existing Regulation 2A(1A), these amendments do not apply to travellers from, or those who have transited through France.

6. Further amendments adds a new specified competition – European Tour Golf - Hero Open – for the purposes of elite sports and also provides that elite sportspersons who travel to Scotland having departed from or transited through Turkey, an acute list country, within the preceding 10 days in order to participate in European club football fixtures are exempt from the managed isolation requirement.

Consultation

7. 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. 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.
8. 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

9. Impact Assessments will be published on Legislation.gov.uk in due course.

Scottish Government
COVID Co-ordination Directorate
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