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## 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”) and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Operator Liability Regulations”).

### **Amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020**

Regulation 3 amends regulation 2A of the International Travel Regulations to remove the exclusion of passengers who have departed from, or transited through Metropolitan France, from status as “eligible vaccinated arrivals” within the meaning of regulation 2A of those Regulations. A consequential amendment, to remove regulation 6(1D) of the Operator Liability Regulations accordingly, is provided for in regulation 10(2)(b).

Regulation 3 also amends regulation 2A of the International Travel Regulations to make clear that a passenger purporting to meet the criteria to qualify as an eligible vaccinated arrival must provide proof of this if requested to do so by an immigration officer or the operator of the service on which they travel to Scotland. This regulation also makes a minor amendment to the definition of “marketing authorisation” at regulation 2A(10) of the International Travel Regulations.

Regulation 4 amends regulation 5C of the International Travel Regulations in relation to oil and gas workers covered by the sectoral exemption in paragraph 25 of schedule 2 of those Regulations. This makes provision for their exemption from requirements under those Regulations in relation to the purchase of day 2 and day 8 tests.

Regulation 5 amends regulation 6(1)(f) of the International Travel Regulations to permit students arriving in Scotland from an acute risk country or territory in order to attend boarding school anywhere in the United Kingdom to avoid entering managed self-isolation and instead self-isolate upon arrival at their boarding school, provided that they travel to their boarding school without undue delay as required by regulation 6(2) of those Regulations.

Regulation 6 makes amendments to the list of exempt countries, territories and parts of countries or territories in schedule A1 of the International Travel Regulations. Austria, Germany, Latvia, Norway, Romania, Slovakia and Slovenia are added to the list of exempt countries and territories specified in schedule A1. As of 4.00 am on 8 August 2021, passengers arriving in Scotland from Austria, Germany, Latvia, Norway, Romania, Slovakia and Slovenia will no longer be required to quarantine at specified premises 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.

Regulation 7 amends the list of acute risk countries, territories and parts of countries or territories in schedule A2 of the International Travel Regulations. As of 4.00 am on 8 August 2021 the following changes apply: Georgia, Réunion, Mayotte and Mexico 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. Bahrain, India, Qatar and the United Arab Emirates are removed from that list.

Regulation 8 amends paragraph 25 of schedule 2 of the International Travel Regulations, to remove from the scope of the sectoral exemption for oil and gas workers, those workers returning from an

*Status: This is the original version (as it was originally made).*

installation in the North Sea who have transited via a non-acute risk country (but have not entered that country or territory).

Regulation 9 amends the list of specified competitions in schedule 3A of the International Travel Regulations to amend the name of the Guinness PRO14 and Challenge Cup Rugby Union to reflect its new name – United Rugby Championship, and to add events.

### **Amendments to the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021**

Regulation 10 amends regulation 6 of the Operator Liability Regulations to require persons operating commercial transport services (“operators”) to ensure that passengers seeking to rely on certain exemptions in schedule 2 of the International Travel Regulations possess evidence that they are eligible for the exemption. It also makes an amendment to regulation 8 of the Operator Liability Regulations to provide that an operator who can show that a passenger presented a document purporting to be appropriate evidence of eligibility for such an exemption and which the operator could not reasonably have been expected to know was not appropriate evidence will have a defence to the offence in regulation 8(1)(a) of those Regulations. In addition, it expands the duty on operators 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, to include the evidence described at regulation 2A(2)(ca), (3A)(b) and (d) of the International Travel Regulations.

Regulation 10 also makes a minor amendment to regulation 9(1A) of the Operator Liability Regulations to make clear that an offence committed by an operator under regulation 6(1C) of the Operator Liability Regulations (i.e. where an operator fails to comply with the requirement to ensure that a passenger who purports to be an eligible vaccinated arrival within the meaning of regulation 2A of the International Travel Regulations possesses the required evidence of this) is covered by regulation 9 of the Operator Liability Regulations.

Impact assessments are being prepared and will be published online at [www.legislation.gov.uk](http://www.legislation.gov.uk) .