

2021 No. 278

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel etc.)
(Miscellaneous Amendments) (Scotland) (No. 7) Regulations
2021**

Approved by the Scottish Parliament

Made - - - - 5th August 2021

Laid before the Scottish Parliament 6th August 2021

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008^(a), and all other powers enabling them to do so.

In accordance with section 122(6) of that Act, the Scottish Ministers consider that these Regulations need to be made urgently, without a draft having been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021.

(2) Subject to paragraph (3) below, these Regulations come into force at 4.00 a.m. on 8th August 2021.

(3) Paragraphs (2)(a) and (3) of regulation 10 come into force at 4.00 a.m. on 12th August 2021.

Amendment of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020^(b) are amended in accordance with regulations 3 to 9.

Amendment of regulation 2A

3. In regulation 2A (eligible vaccinated arrivals)^(c)—

(a) omit paragraph (1A),

(a) 2008 asp 5.

(b) S.S.I. 2020/169, last amended by S.S.I. 2021/275.

(c) Regulation 2A was inserted by S.S.I. 2021/264 and was relevantly amended by S.S.I. 2021/265 and S.S.I. 2021/275.

- (b) in paragraph (2)(ca), for “required” substitute “requested”,
- (c) in paragraph (3)(b), after “participation” insert “if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland”,
- (d) in paragraph (3A)—
 - (i) in sub-paragraph (b), after “able” insert “, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland”,
 - (ii) in sub-paragraph (d), after “residence” insert “if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland”,
- (e) in paragraph (10), in sub-paragraph (a) in the definition of “marketing authorisation” for “regulation 2 (medicinal products)” substitute “regulation 8(1)(general interpretation)”.

Amendment of regulation 5C

- 4. In regulation 5C (testing following arrival in Scotland: general)(a)—
 - (a) at the end of paragraph (1)(b)(ii) insert “except for paragraph 25”,
 - (b) at the end of paragraph (1A)(b) insert “except for paragraph 25”.

Amendment of regulation 6

- 5. In regulation 6(1)(f) (requirement for boarding school students to stay in specified premises)(b) for “boarding school in Scotland” substitute “boarding school in the United Kingdom”.

Amendment of schedule A1

- 6. In Part 1 of schedule A1 (countries, territories or parts of countries or territories)(c)—
 - (a) after “Australia” insert “Austria”,
 - (b) after “Faroe Islands” insert “Germany”,
 - (c) after “Israel and Jerusalem” insert “Latvia”,
 - (d) after “New Zealand” insert “Norway” and “Romania”,
 - (e) after “Singapore” insert “Slovakia” and “Slovenia”.

Amendment of schedule A2

- 7. In schedule A2 (acute risk countries, territories or parts thereof)(d)—
 - (a) omit “Bahrain”,
 - (b) after “French Guiana” insert “Georgia”,
 - (c) omit “India”,
 - (d) after “Maldives” insert “Mayotte” and “Mexico”,
 - (e) omit “Qatar”,
 - (f) before “Rwanda” insert “Réunion”,
 - (g) omit “The United Arab Emirates”.

(a) Regulation 5C was inserted by S.S.I. 2021/74 and was relevantly amended by S.S.I. 2021/181, S.S.I. 2021/208, S.S.I. 2021/256, S.S.I. 2021/261 and S.S.I. 2021/264.

(b) Regulation 6(1)(f) was amended by S.S.I. 2021/208.

(c) Schedule A1 was inserted by S.S.I. 2020/209 and was relevantly amended by S.S.I. 2021/208 and S.S.I. 2021/264.

(d) Schedule A2 was inserted by S.S.I. 2021/5 and was relevantly amended by S.S.I. 2021/19, S.S.I. 2021/52, S.S.I. 2021/158, S.S.I. 2021/181, S.S.I. 2021/191, S.S.I. 2021/204 and S.S.I. 2021/230.

Amendment of schedule 2

8. In Part 2 of schedule 2 (persons not required to comply with regulation 6), in paragraph 25, omit sub-paragraphs (1A), (3) and (4)(a).

Amendment of schedule 3A

9. In schedule 3A (specified competitions)(b)—

(a) in Part 1—

(i) after paragraph 9B(c), insert—

“**9BA.** Golf – AIG Women’s Open Final Qualifying.”,

(ii) in paragraph 12(d), for “Guinness PRO14 and Challenge Cup Rugby Union” substitute “United Rugby Championship”,

(iii) after paragraph 27A(e), insert—

“**27B.** Professional GB Speedway Championship.

27C. British Curling Team – Wheelchair Curling Event.

27D. British Curling Team – Men’s and Women’s Team Events.

27E. Cycling – Tour of Britain.”,

(b) in Part 2, after paragraph 32(f) insert—

“**33.** International Football – UEFA Under-21 Championship fixtures involving Turkey.”.

Amendment of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021

10.—(1) The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021(g) are amended in accordance with this regulation.

(2) In regulation 6 (requirement to ensure passengers have completed a Passenger Locator Form)—

(a) for paragraph (1) substitute—

“(1) An operator must ensure that—

(a) a passenger who arrives at a port in Scotland on a relevant service has completed a Passenger Locator Form,

(b) a passenger possesses evidence that they are a person described in a paragraph of schedule 2 of the International Travel Regulations (persons not required to comply with regulations 3, 5A or 5D to 6B), where they have indicated on the Passenger Locator Form that they are such a person.

(1ZA) Paragraph (1)(b) does not apply in relation to a person described in paragraph 7 of schedule 2 of the International Travel Regulations (road haulage worker), who is the driver of a goods vehicle that has been or will be conveyed to Scotland on the relevant service.”,

(b) omit paragraph (1D)(h),

(c) in paragraph (4)(a)(a), for “(3)(b) or” substitute “(2)(ca), (3)(b), (3A)(b) and (d) or”.

(a) Paragraphs 25(1A), (3) and (4) were inserted by S.S.I. 2021/107.

(b) Schedule 3A was inserted by S.S.I. 2020/274 and was relevantly amended by S.S.I. 2021/237 and S.S.I. 2021/275.

(c) Paragraph 9B was inserted by S.S.I. 2021/237.

(d) Paragraph 12 was inserted by S.S.I. 2020/274.

(e) Paragraph 27A was inserted by S.S.I. 2021/237.

(f) Paragraph 32 was inserted by S.S.I. 2021/275.

(g) S.S.I. 2021/20, last amended by S.S.I. 2021/264.

(h) Paragraph (1D) was inserted by S.S.I. 2021/265.

(3) In regulation 8 (offences), for paragraph (3) substitute—

“(3) In relation to the offence in paragraph (1)(a), it is a defence—

- (a) for an operator alleged to have failed to ensure that a passenger has completed a Passenger Locator Form, to show that they recorded a unique passenger reference number for the relevant passenger before that passenger boarded the relevant service, or
- (b) for an operator alleged to have failed to ensure that a passenger possesses evidence of eligibility for an exemption claimed in a Passenger Locator Form, to show that the passenger presented a document purporting to be appropriate evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not appropriate evidence, before that passenger boarded the relevant service.”.

(4) In regulation 9(1A) (extra-territorial jurisdiction)(b)—

- (a) for “or 6(1B)” substitute “, 6(1B) or 6(1C)”,
- (b) for “either” substitute “any”.

Savings

11.—(1) The amendments made by regulations 3 to 9 do not apply in relation to any person who arrived in Scotland during the period beginning at 12.01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of these Regulations in accordance with regulation 1(2), and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if those amendments had not been made.

(2) Subject to paragraph (3), the amendments made by regulation 10 do not apply in relation to any passenger service which departs before these Regulations come into force in accordance with regulation 1(2), and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 continue to apply in respect of such a service as if those amendments had not been made.

(3) The amendments made by paragraphs (2)(a) and (3) of regulation 10 do not apply in relation to any passenger service which departs before these Regulations come into force in accordance with regulation 1(3), and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 continue to apply in respect of such a service as if those amendments had not been made.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew’s House,
Edinburgh
5th August 2021

(a) Regulation 6(4) was inserted by S.S.I. 2021/264.
(b) Regulation 9(1A) was inserted by S.S.I. 2021/74.

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 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.

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