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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 301**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021**

*Approved by the Scottish Parliament*

*Made - - - - 2nd September 2021*  
*Laid before the Scottish*  
*Parliament - - - - 3rd September 2021*  
*at 4.00 a.m. on 6th*  
*Coming into force - - September 2021*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008<sup>(1)</sup>, 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. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021 and come into force at 4.00 a.m. on 6 September 2021.

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

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020<sup>(2)</sup> are amended in accordance with regulations 3 to 7.

3. In regulation 5C (testing following arrival in Scotland: general) in paragraph (2)(d) omit “public”.

4. In regulation 5F (testing following arrival in Scotland: requirement to undertake tests)—
- (a) in paragraph (7)(a) after “public provider,” insert “or where P is a person to whom regulation 5C(1)(c) or regulation 6(1)(a) or (b) applies, a private provider”,
  - (b) after paragraph (8) insert—

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(1) 2008 asp 5.

(2) S.S.I. 2020/169, last amended by S.S.I. 2021/290.

“(9) In this regulation, “private provider” means a day 2 and day 8 test provider, other than a public provider, who:—

- (a) has made a self-declaration to the Department of Health and Social Care that the provider meets the minimum standards that private sector providers must meet for coronavirus tests for persons arriving in England in terms of schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021<sup>(3)</sup> and DHSC guidance, and
- (b) is currently on the UK Government published list of private day 2 and day 2 test providers for persons arriving in England<sup>(4)</sup>.”.

5. In regulation 6 (requirement for travellers to stay in specified premises), for paragraph (5) substitute—

“(5) Where P is a person described in paragraph 37 of schedule 2, paragraph (3)(a)(i) applies with the modification that the address at which P intends to stay for the purposes of regulation 6(2) must be—

- (a) the named farm (within the meaning of paragraph 37 of schedule 2), or
- (b) where it is not possible for P to stay at the named farm, the accommodation which the employer or farming enterprise concerned has provided or arranged for P for the purposes of regulation 6(2).”.

6. In regulation 7(1) (persons not required to comply with regulation 6), for sub-paragraph (ca) substitute—

- “(ca) any person described in paragraph 37 of schedule 2, but only—
  - (i) if the person is staying at the named farm, within the meaning of that paragraph (and not in any other accommodation mentioned in regulation 6(5)), and
  - (ii) while the person is carrying out the work or activities specified in that paragraph in fields or other property under the control of the farming enterprise.”.

7. In paragraph 37 of schedule 2 (seasonal work)—

- (a) in sub-paragraph (1), omit “, but only to the extent specified in sub-paragraph (3)”,
- (b) omit sub-paragraph (3).

St Andrew’s House,  
Edinburgh  
2nd September 2021

*MICHAEL MATHESON*  
A member of the Scottish Government

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(3) S.I. 2021/582.

(4) The list can be accessed through this web-site: <https://www.gov.uk/find-travel-test-provider>.

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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”). They come into force at 4.00 a.m. on 6 September 2021.

Currently the International Travel Regulations provide that coronavirus day 2 and day 8 tests must be carried out by public providers i.e. by the NHS in Scotland, England and Wales, and Northern Ireland. These amendments (regulations 3 and 4) open up those tests to private sector test providers, provided they are on a UK Government published list of day 2 and day 8 test providers for persons arriving in England. To get on the list the providers must self-declare compliance with relevant regulations and Department of Health and Social Care (“DHSC”) guidance. The listed providers are also monitored by DHSC for compliance and if in default removed from the list.

The International Travel Regulations also provide that travellers to Scotland must stay in specified premises. These amendments (regulations 5 to 7) amend an exemption for seasonal agricultural workers in paragraph 37 of schedule 2 of the International Travel Regulations. Unamended the International Travel Regulations make clear that those to whom the exemption applies must self-isolate at the named farm where they will be working after arrival in Scotland. The amendments in these Regulations allow these workers to alternatively self-isolate in other accommodation provided by the farm or employer. The amendments make clear that those workers staying at the alternative accommodation are not permitted to work on the named farm before the end of their isolation.