

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 18) REGULATIONS 2021

SSI 2021/307

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 provide for arrangements and exemptions from self-isolation, managed quarantine, day 2 and day 8 testing requirements and from completion of the Passenger Locator Form for persons attending or facilitating the international climate summit known as “COP26” and the COP26 World Leaders Summit, with the exemptions varying for different categories of attendees.

They also correct a technical error in regulation 5F(9)(b) of the International Travel Regulations.

#### Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) (“the International Travel Regulations”) were made on 7 June 2020. They were laid in the Scottish Parliament and came into force on 8 June 2020.
2. The International Travel 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. The UK is hosting the international climate summit known as “COP26” in Glasgow. This comprises the 26<sup>th</sup> session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (“UNFCCC”), the 16<sup>th</sup> session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, and the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.

4. COP26 will bring countries together to accelerate action towards the goals of the Paris Agreement and the UNFCCC, in order to address climate change at the international level.
5. COP26 is taking place from 31 October to 12 November 2021, with pre-session meetings running from 25 to 30 October. The UK is also hosting the COP26 World Leaders Summit (“WLS”) from 1 to 2 November.
6. COP26 and the WLS are being held in person because of the complex nature of negotiations and the need for secure discussions. In order for in person events to take place, attendees will require exemptions from travel restrictions set down in the International Travel Regulations.
7. The Regulations do this by adding a definition of “relevant international event” to include both the United Nations Climate Change Conference 2021 (known as COP 26) and the World Leaders summit, and to set out how the International Travel Regulations apply to those people attending or facilitating COP 26 and the WLS.
8. For all persons attending or facilitating the WLS, and all persons attending or facilitating COP26 who are to be granted privileges and immunities in connection with COP26 or who will be representatives of an international organisation accorded privileges and immunities in the UK, exemptions will apply in the following areas:
  - exemption from the requirement to self-isolate;
  - exemptions from the enhanced requirements for those entering from red list countries including managed quarantine and the requirement to enter through a designated port;
  - exemptions from day 2 and day 8 testing requirements;
  - exemption from the requirement to complete a Passenger Locator Form.
9. The same exemptions also apply to persons that have been invited to attend both COP26 and the WLS by Her Majesty’s Government.
10. For the WLS, persons will be confirmed by the relevant Department as attending or facilitating the WLS. For COP26, persons will need to have been registered to attend COP26, have received confirmation of registration from the secretariat of the UNFCCC, and have been confirmed by the relevant Department as attending or facilitating COP26.
11. More limited exemptions apply for persons attending or facilitating COP26 who are not to be granted privileges and immunities in connection with COP26 or to be a representative of an organisation described above, and who have not been invited to attend both COP26 and the WLS by Her Majesty’s Government. The exemptions are:
  - Unvaccinated persons that have been in a country or territory on the amber list in the 10 days before arrival in Scotland will not be required to self-isolate.
  - Fully vaccinated persons that have been in a country or territory on the red list in the 10 days before arrival in Scotland will be required to undertake 5 days of managed quarantine, rather than 10 days.
  - For delegates who must stay in managed isolation, the definition of ‘authorised vaccine’ for the above purposes is extended to include any vaccine authorised for use in the country in which it was administered.

12. There is no exemption to the pre-arrival testing requirement for any person arriving in Scotland to possess a negative result from a qualifying test.
13. In order for the exemptions for COP26 and the WLS to apply, the relevant head of mission or post, relevant foreign representative office, relevant organization, or the individual themselves will be required to provide written confirmation that they will comply with the Code of Conduct (“the Code”) for the events. The Code will mitigate the additional public health risks arising from holding in person events in the UK and the exemptions to travel restrictions.
14. The Code sets out measures including: a rigorous daily testing regime with procedures for tracing and isolating positive cases and their close contacts; physical distancing where possible, face coverings and provision of detailed contact information to ensure that testing and tracing procedures can be effectively implemented. Testing, tracing and any necessary isolation will play a crucial role in the safety of the event by minimising the risk of transmission of infection at the event and to the wider population.
15. These amendments also correct a technical error in regulation 5F(9)(b), where the second reference to day 2 test providers should be to day 8 test providers.

### **Consultation**

16. 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. 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 International Travel 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 or acute 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.
17. 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, Crown Office and Procurator Fiscal Service, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

## **Impact Assessments**

18. An Equalities Impact Assessment has been prepared and will be published on [Legislation.gov.uk](https://legislation.gov.uk).

Scottish Government  
COVID Co-ordination Directorate  
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