
Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel
and Operator Liability) (Scotland) Regulations 2021**

		<i>at 10.35 a.m. on</i>
<i>Made</i>	- - - -	<i>16th September 2021</i>
<i>Laid before the Scottish</i>		<i>at 3.00 p.m. on 16th</i>
<i>Parliament</i>	- - - -	<i>September 2021</i>
<i>Coming into force</i>	- -	<i>20th September 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008 ^{M1} (“the 2008 Act”), paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 ^{M2} (“the 2020 Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 122(6) of the 2008 Act and paragraph 6(2) and (3) of schedule 19 of the 2020 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.

Marginal Citations

M1 2008 asp 5.

M2 2020 c. 7.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

(2) These Regulations come into force on 20 September 2021.

Commencement Information

II Reg. 1 in force at 20.9.2021, see [reg. 1\(2\)](#)

Interpretation: general

2.—(1) In these Regulations—

F1 ...

...

F1 ...

...

[^{F2}“an arrival” means a person who arrives in Scotland from—

- (a) a country, territory or part of a country or territory which is not in the common travel area, or
- (b) elsewhere in the common travel area where that person has, within the preceding 10 days, departed from or transited through a country, territory or part of a country or territory which is not in the common travel area,]

“child” means a person under the age of 18,

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971 ^{M3},

F3 ...

...

“constable” has the meaning given in section 99(1) of the Police and Fire Reform (Scotland) Act 2012 ^{M4},

F3 ...

...

F3 ...

...

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus),

[^{F4}“COVID-19 vaccination eligibility criteria” means the conditions in any of [^{F5}regulations 3B to 3H],]

[^{F6}“cruise ship” means a vessel, certified to carry more than 200 passengers, engaged on a voyage primarily for leisure or recreation during which passengers stay overnight on board for at least two nights,]

“eligible vaccinated arrival” has [^{F7}, subject to paragraph (6) of this regulation,] the meaning given in [^{F8}regulation 3A],

[^{F9}“EU Digital COVID Certificate” means a certificate of COVID-19 records issued by either a member state of the European Union, European Economic Area or the European Free Trade Association, or a European microstate,

“European microstate” means Andorra, Liechtenstein, Monaco, San Marino, the Sovereign Order of St John or the Vatican City State,]

F1 ...

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F1 ...

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“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of schedule 2 of the Immigration Act 1971 ^{M5},

F3

...

“managed isolation package” (other than in regulation 22) has the meaning given in regulation 20(6),

F3

...

“passenger information” means the information specified in schedule 3 for the purposes of Part 2 of these Regulations (see regulation 4(2)) (requirement to provide passenger information),

“Passenger Locator Form” means the electronic form published by the Secretary of State for the provision of passenger information^{M6},

“port” means any port, and includes a seaport, airport or heliport),

“qualifying test” means a test that is a qualifying test for the purposes of Part 3 (see regulation 7(2)) (testing prior to arrival in Scotland),

“red list arrival” means [^{F10}, subject to paragraph (6) of this regulation,] a person who arrives in Scotland from—

- (a) a red list country, [^{F11}or]
- (b) [^{F12}another country, territory or part of a country or territory (whether or not within the common travel area) where that person has, within the preceding 10 days, departed from or transited through a red list country,]

“red list country” means a country, territory or part of a country or territory specified in schedule 1,

“relevant service” means a commercial transport service carrying passengers travelling to Scotland from outside the common travel area,

F3

...

F3

...

(2) For the purposes of these Regulations, a person has responsibility for a child if the person has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibilities or parental rights in relation to the child (within the meaning of sections 1(3) and 2(4) respectively of the Children (Scotland) Act 1995)^{M7}.

(3) For the purposes of these Regulations, a person (“P”) is not treated as departing from, or transiting through, a country or territory, or part of a country or territory if, at all times whilst in that country, territory or part thereof—

- (a) P remains on a conveyance on which no other passenger is permitted to be taken on board, or
- (b) P is kept separated from passengers who did not arrive on the same conveyance as P, and no such passengers are permitted to be taken on board the conveyance on which P leaves that country, territory or part thereof.

[^{F13}(4) For the purposes of these Regulations, a person (“P”) on a cruise ship, including a crew member, is not treated as arriving in Scotland if P travels to Scotland but does not disembark from the cruise ship at any point while it is—

- (a) moored at a port in Scotland, or
- (b) in the territorial waters adjacent to Scotland.]

^{F14}(5)

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

[^{F15}(6) A person who arrives in Scotland between 11.59 a.m. on 26 November 2021 and 4 a.m. on 27 November 2021 from—

- (a) a red list country, or
- (b) another country, territory or part of a country or territory (whether or not within the common travel area) where that person has, within the preceding 10 days, departed from or transited through a red list country,

is not a red list arrival nor is that person an eligible vaccinated arrival.]

Textual Amendments

- F1** Words in reg. 2(1) omitted (4.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(a)(ii)** (with reg. 17)
- F2** Words in reg. 2(1) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(a)(i)** (with reg. 17)
- F3** Words in reg. 2(1) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **3(a)** (with reg. 19)
- F4** Words in reg. 2(1) inserted (15.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/359\)](#), regs. 1(2), **3** (with reg. 14)
- F5** Words in reg. 2 substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **3(a)** (with regs. 14, 15)
- F6** Words in reg. 2(1) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(a)(iii)** (with reg. 17)
- F7** Words in reg. 2(1) inserted (26.11.2021 at 11.59 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 8\) Regulations 2021 \(S.S.I. 2021/440\)](#), regs. 1, **3(a)(i)** (with reg. 5)
- F8** Words in reg. 2 substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **3(b)** (with regs. 14, 15)
- F9** Words in reg. 2 inserted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **3(c)** (with regs. 14, 15)
- F10** Words in reg. 2(1) inserted (26.11.2021 at 11.59 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 8\) Regulations 2021 \(S.S.I. 2021/440\)](#), regs. 1, **3(a)(ii)** (with reg. 5)
- F11** Word in reg. 2(1) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(a)(iv)(aa)** (with reg. 17)
- F12** Words in reg. 2(1) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(a)(iv)(bb)** (with reg. 17)
- F13** Reg. 2(4) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **3(1)(b)** (with reg. 17)

- F14** Reg. 2(5) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **3(b)** (with reg. 19)
- F15** Reg. 2(6) inserted (26.11.2021 at 11.59 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 8\) Regulations 2021 \(S.S.I. 2021/440\)](#), regs. 1, **3(b)** (with reg. 5)

Commencement Information

- I2** Reg. 2 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

- M3** 1971 c. 77. Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.
- M4** 2012 asp 8.
- M5** 1971 c. 77. Paragraph 1 was amended by paragraph 3 of schedule 3 of the [Health Protection Agency Act 2004 \(c. 17\)](#), and by [S.I. 1993/1813](#).
- M6** The Passenger Locator Form is available on [www.gov.uk](#). No hard copy version is available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in Scotland if not completed in advance; assistance will be available for completion of the electronic form if required.
- M7** 1995 c. 36. Section 1 was amended by paragraph 48 of schedule 6(2) of the [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#). Section 2 was amended by paragraph 49 of schedule 6(2) of that Act.

[F16]PART 1A

Eligible vaccinated arrivals

Textual Amendments

- F16** Pt. 1A substituted for reg. 3 (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, 4 (with regs. 14, 15)

Interpretation of Part

3.—(1) In this Part—

“authorised vaccine” means a medicinal product for vaccination against coronavirus which—

- (a) in relation to doses received in the United Kingdom, is authorised—
- (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
- (ii) by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012,
- (b) in relation to doses received in a relevant country listed in the table in paragraph (2), is authorised for supply in that country following evaluation by the relevant regulator for that country,
- (c) in relation to doses received in any other country or territory (including a relevant country listed in schedule 1A (relevant countries)), is authorised in the United Kingdom in accordance with head (i) or (ii) of paragraph (a),

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

“clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004 (interpretation),

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,

“government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989,

“the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012,

“marketing authorisation”—

(a) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012,

(b) in relation to a vaccine authorised for supply in a relevant country listed in the table in paragraph (2) other than a member State, means a marketing authorisation granted by the relevant regulator for the country,

“medicinal product” has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012,

“NHS COVID pass” means the COVID-19 records available on the NHS smartphone app developed and operated by the Secretary of State, through NHS.uk or in a COVID-19 post-vaccination status letter obtained from the NHS,

“NHS England” means the health service continued under section 1(1) of the National Health Service Act 2006,

“NHS Scotland” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978,

“NHS Wales” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006,

“North American Certificate” means, in relation to a state, district or province listed in the table in paragraph (6), the certificate identified in the corresponding row of the second column of that table,

“relevant country” means a country, territory or part of a country or territory listed in the first column of the table in paragraph (2) or a country, territory or part of a country or territory listed in schedule 1A (relevant countries),

“relevant regulator”, in relation to a relevant country listed in the table in paragraph (2), means the regulator identified in the corresponding row of the second column of the table in paragraph (2), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organisation pursuant to the operation of the COVAX Facility^{F17},

“United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—

(a) Crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme, or

(b) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services,

“vaccine certificate” in relation to a passenger (“P”), means a certificate in English, French or Spanish issued by the competent health authority of a relevant country, other than a European country listed in the table in paragraph (2) or the United States of America, which contains—

- (a) P’s full name,
- (b) P’s date of birth,
- (c) the name and manufacturer of the vaccine that P received,
- (d) the date that P received each dose of the vaccine, and
- (e) details of either the identity of the issuer of the certificate or the country of vaccination, or both,

“WHO List vaccine” means a vaccine which is—

- (a) listed in lines [^{F18}10, 11, 12, 13 or 14] of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” published by the World Health Organisation on [^{F19}23 December 2021]^{F20}, and
- (b) authorised or certified in a country or territory, or part of a country or territory, listed in schedule 1A.

(2) The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

<i>Relevant country</i>	<i>Relevant regulator</i>
a member State	European Medicines Agency
Andorra	European Medicines Agency
Australia	The Therapeutic Goods Administration
Canada	Health Canada
Iceland	European Medicines Agency
Liechtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency

(3) Where a course of doses of an authorised vaccine or of a WHO List vaccine has been administered to a person (“P”) by a person acting on behalf of the United Nations and authorised to administer the vaccination in that capacity, P is to be treated as if they have received those doses in a relevant country listed in schedule 1A, and any reference to doses received in a relevant country, or to the competent health authority of a relevant country in these Regulations is to be construed as a reference to doses administered by the United Nations, and to the person acting on behalf of the United Nations.

(4) For the purposes of this Part, a child is to be treated as making a declaration on the Passenger Locator Form, and possessing any evidence required, if that declaration is made, and that evidence possessed, by a person who is travelling with, and has responsibility for, that child.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

(5) For the purpose of this Part the following countries and territories are approved third countries or territories—

- Albania,
- Armenia,
- [^{F21}Cape Verde]
- [^{F21}El Salvador]
- Faroe Islands,
- Israel,
- Morocco,
- North Macedonia,
- Panama,
- [^{F21}Togo]
- Turkey,
- Ukraine.

(6) The table referred to in the definition of “North American Certificate” in paragraph (2) follows—

<i>State, District or Province</i>	<i>Certificate Name</i>
California	Digital COVID-19 Vaccine Record
New York	Excelsior Pass Plus
Washington State	WA Verify

Textual Amendments

- F17** A list of the national regulatory authorities designated as Stringent Regulatory Authorities has been published by the World Health Organization and is available online at Product-Eligibility_COVAX-Facility_Dec2020_0.pdf (who.int).
- F18** Words in reg. 3(1) substituted (7.1.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/2\)](#), regs. 1(2), **3(a)** (with reg. 13(1))
- F19** Words in reg. 3(1) substituted (7.1.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/2\)](#), regs. 1(2), **3(b)** (with reg. 13(1))
- F20** The date refers to the day on which the relevant version of the Guidance Document “Status of COVID-19 Vaccines within WHO EUL/PQ evaluation process” was published. A copy of the relevant version may be downloaded from https://extranet.who.int/pqweb/sites/default/files/documents/Status_COVID_VAX_23Dec2021.pdf.
- F21** Words in reg. 3(5) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **4(a)** (with reg. 19)

Eligible vaccinated arrivals

- 3A.** A person (“P”) is an eligible vaccinated arrival if P—
 - (a) is not a red list arrival, and

- (b) meets any of the descriptions in regulations 3B to 3H.

Eligible vaccinated arrivals: vaccination conditions

3B.—(1) P meets the conditions of this regulation if P—

- (a) has completed a course of doses of an authorised vaccine or a WHO List vaccine with the final dose having been received before the start of the period beginning with the 14th day before the date of P’s arrival in Scotland,
 - (b) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of meeting the requirement in subparagraph (a), through—
 - (i) certification in paper or electronic form issued by NHS Scotland, or equivalent certification issued by NHS England, NHS Wales or the Department of Health in Northern Ireland, including through the NHS COVID pass,
 - (ii) the EU Digital COVID certificate,
 - (iii) the Centers for Disease Control and Prevention vaccination card,
 - (iv) a vaccine certificate,
 - (v) a North American Certificate, or
 - (vi) a certificate of COVID-19 records issued by an approved third country or territory, and
 - (c) has declared on P’s Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.
- (2) For the purposes of this regulation—
- (a) P has completed a course of doses if P has received the complete course of doses specified—
 - (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine or a WHO List vaccine, as the case may be, or
 - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012 for the authorised vaccine,
 - (b) if P has received a dose of one authorised vaccine or one WHO List vaccine and a dose of a different authorised vaccine or WHO List vaccine, P is deemed to have completed a course of doses of an authorised vaccine.

Eligible vaccinated arrivals: UK clinical trial conditions

3C. P meets the conditions of this regulation if P—

- (a) has participated, or is participating, in a clinical trial of a vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004,
- (b) is able to provide proof of such participation if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, and
- (c) has declared on P’s Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Eligible vaccinated arrivals: US clinical trial conditions

3D. P meets the conditions of this regulation if P—

- (a) has participated or is participating in a clinical trial regulated in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus,
- (b) is able, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card, and
- (c) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

Eligible vaccinated arrivals: Non-UK or US clinical trial conditions

3E.—(1) P meets the conditions of this regulation if P—

- (a) has participated, or is participating in, phase 2 (therapeutic exploratory studies) or phase 3 (clinical efficacy and safety studies) of a clinical trial of a vaccine for vaccination against coronavirus which is regulated by—
 - (i) the European Medicines Agency, or
 - (ii) a regulatory authority (other than such an authority in the United Kingdom or the United States of America) which is designated as a Stringent Regulatory Authority by the World Health Organization^{F22},
- (b) is able, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, to provide proof of such participation through a participation document, and
- (c) has declared on the Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

(2) For the purposes of this regulation, “participation document” means a document in English, French or Spanish issued by a relevant person which confirms—

- (a) P’s full name,
- (b) P’s date of birth,
- (c) the name and manufacturer of the vaccine,
- (d) the country or territory in which the clinical trial is taking, or took, place,
- (e) the regulatory authority responsible for the regulation of the clinical trial,
- (f) the phase of the clinical trial in which P is participating or participated.

(3) For the purposes of paragraph (2) “relevant person” means—

- (a) the competent health authority of the country or territory in which the relevant clinical trial is being, or was, carried out, or
- (b) the person who is conducting, or conducted, the relevant clinical trial.

Textual Amendments

F22 The current list national regulators designated as Stringent Regulatory Authorities is available here: <https://www.who.int/initiatives/who-listed-authority-reg-authorities/SRAs>.

Eligible vaccinated arrivals: UK clinical exemptions conditions

3F. P meets the conditions of this regulation if P—

- (a) is a person who cannot be vaccinated against coronavirus for medical reasons with an authorised vaccine or a WHO List vaccine,
- (b) is able to provide proof of that if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, and
- (c) has declared on P's Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

Eligible vaccinated arrivals: age conditions

3G. P meets the conditions of this regulation if P is under the age of 18 years upon arrival in Scotland.

Eligible vaccinated arrivals: UK vaccine rollout overseas conditions

3H.—(1) P meets the conditions of this regulation if P is either—

- (a) a person who—
 - (i) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received before the start of the period beginning with the 14th day before the date of P's arrival in Scotland,
 - (ii) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of meeting the requirement in head (i), and
 - (iii) has declared on P's Passenger Locator Form that P meets the COVID-19 vaccination eligibility criteria.

(2) For the purposes of this regulation—

- (a) P has completed a course of doses of a vaccine if P has received the complete course of doses specified—
 - (i) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine or a WHO List vaccine, as the case may be, or
 - (ii) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012 for the authorised vaccine or WHO List vaccine,
- (b) where P has received a dose of an authorised vaccine or WHO List vaccine and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas,
- (c) where P has received a dose of one vaccine under the United Kingdom vaccine roll-out overseas, and a dose of a different vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.

(3) Where P is a person described in paragraph (2)(b), the proof which P provides for the purposes of paragraph (1)(a)(ii) must include proof of having received the dose of an authorised vaccine or WHO List vaccine through—

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (a) certification in paper or electronic form issued by NHS Scotland, or equivalent certification issued by NHS England, NHS Wales or the Department of Health in Northern Ireland, including through the NHS COVID pass,
- (b) the EU Digital COVID certificate,
- (c) the Centers for Disease Control and Prevention vaccination card,
- (d) a vaccine certificate,
- (e) a North American Certificate,
- (f) a certificate of COVID-19 records issued by an approved third country or territory.]

PART 2

Passenger Information

Requirement to provide passenger information

4.—^[F23](1) Subject to regulation 6 (persons not required to comply) this regulation applies to a person (“P”) who is an arrival.]

- (2) P must provide to the Secretary of State—
 - (a) P's passenger information, and
 - (b) where P is accompanied by any child for whom P has responsibility, that child's passenger information.
- (3) The requirement in paragraph (2) can be complied with—
 - (a) by P, prior to P's arrival in Scotland, submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P's passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child's passenger information,
 - (b) where P has arrived in Scotland from England, Wales or Northern Ireland, by P prior to P's arrival in England, Wales or Northern Ireland submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P's passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child's passenger information,
 - (c) by P, as soon as reasonably practicable upon arriving in Scotland, submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P's passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child's passenger information.

(4) Where P has provided passenger information in accordance with paragraph (3)(a) or (b), P must provide evidence that P has done so if requested to do so by an immigration officer.

(5) Where paragraph (2) has not been complied with prior to the arrival in Scotland of a child who is travelling unaccompanied, a Passenger Locator Form containing passenger information relating to the child must be provided to the Secretary of State as soon as reasonably practicable by any person who has responsibility for the child following the child's arrival in Scotland.

Textual Amendments

- F23** Reg. 4(1) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **4(1)** (with reg. 17)

Commencement Information

- I3** Reg. 4 in force at 20.9.2021, see reg. 1(2)

Requirement to update passenger information

5.—(1) Subject to regulation 6, paragraph (3) applies where a person (“P”) is—

[^{F24}(a) an arrival who is—

(i) not an eligible vaccinated arrival, and

(ii) not a red list arrival, ^{F25} ...]

(aa) [^{F26}an eligible vaccinated arrival, or]

(b) a red list arrival who, in accordance with regulation 25, is not required to comply with Part 5 of these Regulations (managed isolation),

and the condition in paragraph (2) applies.

(2) The condition referred to in paragraph (1) is that prior to the expiry of the later of the periods referred to in regulation 26(2) (requirement to stay in specified premises) (where applicable) or, in all other cases, prior to the expiry of the period of 10 days beginning on the day after the date of arrival in Scotland—

(a) the passenger information provided by P in accordance with regulation 4 is no longer accurate, or

(b) passenger information relating to P or to a child accompanying P comes within P's knowledge or possession or under P's control.

(3) P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.

(4) Paragraph (5) applies where a person (“P”) is—

(a) a child referred to in regulation—

(i) 25(1)(g) (unaccompanied children), or

(ii) 25(1)(h) (boarding school pupils), and,

(b) prior to the expiry of the later of the periods referred to in regulation 26(2)—

(i) the passenger information provided by or on behalf of P in accordance with regulation 4 is no longer accurate, or

(ii) passenger information relating to P comes within the knowledge, possession or control of any person who has responsibility for P.

(5) The person with responsibility for P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Textual Amendments

- F24** Reg. 5(1)(a) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **4(2)** (with reg. 17)
- F25** Word in reg. 5(1)(a)(ii) omitted (30.11.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/443\)](#), regs. 1, **3** (with reg. 12)
- F26** Reg. 5(1)(aa) inserted (30.11.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/443\)](#), regs. 1, **3** (with reg. 12)

Commencement Information

- I4** Reg. 5 in force at 20.9.2021, see reg. 1(2)

Part 2: persons not required to comply

- 6.—(1) ^[F27]A person (“P”) is not required to comply with this Part where P is—
- (a) a child and that child's passenger information has been provided under regulations 4 or 5 (requirements to provide and update passenger information) by another person,
 - (b) a person who—
 - (i) has arrived from England, and
 - (ii) is in Scotland, temporarily, for a reason specified in regulation 32(2)(a) to (j),
 - ^[F28](ba) a person who, on arrival in the United Kingdom, passes through to another country or territory outside the common travel area without entering the United Kingdom,
 - ^[F29](c) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
 - (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
 - (bb) if P is a specified person, to P that P is not required to comply with this Part,
 - (iii) paragraphs 2, 3 and 4 (border and defence activities),
 - (d) a person described in any of the following paragraphs of Part 2 of schedule 4 (exemptions: transport)—
 - (i) paragraph 8 (road passenger transport worker),
 - (ii) paragraph 9(1) and (2) (seamen and masters etc.) who has travelled to the United Kingdom on a vessel in the course of work,
 - (iii) paragraph 9(3) (inspector or surveyor of ships),
 - (iv) paragraph 10 (aircraft crew),
 - (v) paragraph 12 (tunnel system transport workers),
 - (vi) paragraph 13 (civil aviation inspectors),
 - (vii) paragraph 14 (Channel Tunnel system workers),

(viii) paragraph 15 (road haulage worker).]

F30 ...

[^{F31}(2) In paragraph 1(c)(ii), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.]

^{F32}(3)

Textual Amendments

- F27** Word in reg. 6(1) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **5(a)(i)** (with reg. 19)
- F28** Reg. 6(1)(ba) inserted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **5(a)** (with regs. 14, 15)
- F29** Reg. 6(1)(c)(d) substituted for reg. 6(1)(c)-(e) (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **5(a)(ii)** (with reg. 19)
- F30** Words in reg. 6(1)(e) omitted (17.12.2021) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **5(c)(iii)** (with regs. 14, 15)
- F31** Reg. 6(2) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **5(b)** (with reg. 19)
- F32** Reg. 6(3) omitted (9.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), **5(b)** (with reg. 16(1))

Commencement Information

- I5** Reg. 6 in force at 20.9.2021, see [reg. 1\(2\)](#)

PART 3

Testing prior to arrival in Scotland

Part 3: interpretation

7.—(1) In this Part—

“device” means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002 ^{M8},

“sensitivity”, in relation to a device, means how often the device correctly generates a positive result, and

“specificity”, in relation to a device, means how often the device correctly generates a negative result.

(2) For the purposes of this Part—

(a) a test is a qualifying test if it complies with regulation 9(1), and

(b) a notification of a negative result is valid if—

[^{F33}(i) it is provided through the EU Digital [^{F34}COVID] Certificate, or

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

(ii) it includes the information specified in regulation 9(2).]

Textual Amendments

- F33** Reg. 7(2)(b)(i)(ii) substituted for words in reg. 7(2)(b) (9.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), **6** (with reg. 16(1))
- F34** Word in reg. 7(2)(b)(i) substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **6** (with regs. 14, 15)

Commencement Information

- I6** Reg. 7 in force at 20.9.2021, see reg. 1(2)

Marginal Citations

- M8** [S.I. 2002/618](#) to which there are amendments not relevant to these Regulations.

Requirement to possess notification of negative test result

8.—^{F35}(1) Subject to regulation 10 (persons not required to comply), this regulation applies to a person (“P”) who ^{F36}is—

- (a) a red list arrival, or
- (b) an arrival who is not an eligible vaccinated arrival.]]

(2) P must possess, on arrival in Scotland, valid notification of a negative test result from a qualifying test taken by P.

(3) Where P is travelling with a child aged ^{F37}12] or over and for whom P has responsibility, P must, on arrival in Scotland, possess valid notification of a negative test result from a qualifying test taken by that child.

(4) Where P possesses valid notification of a negative result from a qualifying test, P must produce that notification, physically or digitally, if requested to do so by a constable or an immigration officer.

^{F38}(5) For the purposes of this regulation, a child is to be treated as possessing a valid notification of a negative test result from a qualifying test taken by that child even if that notification is possessed by a person who is travelling with, and has responsibility for, that child.]

Textual Amendments

- F35** Reg. 8(1) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **5** (with reg. 17)
- F36** Words in reg. 8(1) substituted (7.1.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/2\)](#), regs. 1(2), **4** (with reg. 13(1))
- F37** Word in reg. 8(3) substituted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), regs. 1, **3(b)** (with reg. 8)
- F38** Reg. 8(5) inserted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), regs. 1, **3(c)** (with reg. 8)

Commencement Information

I7 Reg. 8 in force at 20.9.2021, see [reg. 1\(2\)](#)

Qualifying test and valid notification

- 9.—(1)** A test complies with this regulation if—
- (a) it is a test for the detection of coronavirus undertaken using a device which the manufacturer states has—
 - (i) a sensitivity of at least 80%,
 - (ii) a specificity of at least 97%, and
 - (iii) a limit of detection of less than or equal to 100,000 SARS-CoV-2 copies per millilitre,
 - (b) it is not a test provided or administered under—
 - (i) the National Health Service (Scotland) Act 1978 ^{M9},
 - (ii) the National Health Service Act 2006 ^{M10},
 - (iii) the National Health Service (Wales) Act 2006 ^{M11}, or
 - (iv) the Health and Personal Social Services (Northern Ireland) Order 1972 ^{M12}, and
 - (c) the test sample is taken from the person no more than [^{F39}2] days before—
 - (i) in the case of that person travelling to Scotland on a commercial transport [^{F40}service —
 - (aa) which does not involve the person transiting through a country or territory outside the common travel area, the service's scheduled time of departure,
 - (bb) which involves the person transiting through a country or territory outside the common travel area, the scheduled time of departure of the first part of the service, or]
 - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Scotland.
- [^{F41}(1A) For the purposes of sub-paragraph (1)(c), a person transits through a country or territory if they arrive in that country or territory for the sole purpose of continuing a journey to Scotland—
- (a) on a conveyance other than the conveyance on which they arrived, or
 - (b) on the same conveyance, having temporarily disembarked from it.]
- (2) Notification of a negative test result must include, in English, French or Spanish, the following information—
- (a) the name of the person from whom the sample was taken,
 - (b) that person's date of birth or age,
 - (c) the negative result of the test,
 - (d) the date the test sample was collected or received by the test provider,
 - (e) the name of the test provider and information sufficient to contact that provider, and
 - (f) the name of the device that was used for the test.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

- F39** Word in reg. 9(1)(c) substituted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), regs. 1, **4(a)(i)** (with reg. 8)
- F40** Words in reg. 9(1)(c)(i) substituted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), regs. 1, **4(a)(ii)** (with reg. 8)
- F41** Reg. 9(1A) inserted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), regs. 1, **4(b)** (with reg. 8)

Commencement Information

- I8** Reg. 9 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

- M9** 1978 c. 29.
M10 2006 c. 41.
M11 2006 c. 42.
M12 S.I. 1972/1265 (N.I.14).

Part 3: persons not required to comply

10.—(1) A person (“P”) is not required to comply with this Part where P is—

- (a) a child [^{F42}under the age of 12 years],
- [^{F43}(b) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
- (i) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
- (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
- (bb) if P is a specified person, to P that P is not required to comply with this Part,
- (ii) paragraphs 2, 3 and 4 (border and defence activities),
- (iii) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
- (aa) meets the description in paragraph 5 or, as the case may be, 6, and
- (bb) is not required to comply with this Part,
- (c) a person described in Part 2 of schedule 4 (exemptions: transport), other than in paragraph 11 (in-flight security officers),
- (d) a person described in Part 5 of schedule 4 (exemptions: healthcare).]

[^{F44}(2) In paragraph 1(b)(i), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.]

Textual Amendments

- F42** Words in **reg. 10(1)(a)** substituted (7.12.2021 at 4.00 a.m.) by **The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 12) Regulations 2021 (S.S.I. 2021/455)**, regs. 1, **5** (with **reg. 8**)
- F43** **Reg. 10(1)(b)-(d)** substituted for **reg. 10(1)(b)-(f)** (11.2.2022 at 4.00 a.m.) by **The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53)**, regs. 1(2), **6(a)** (with **reg. 19**)
- F44** **Reg. 10(2)** substituted (11.2.2022 at 4.00 a.m.) by **The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53)**, regs. 1(2), **6(b)** (with **reg. 19**)

Commencement Information

- I9** **Reg. 10** in force at 20.9.2021, see **reg. 1(2)**

PART 4

Testing following arrival in Scotland

Part 4: application and interpretation

11.—^{F45}(1) Subject to regulation 18 (persons not required to comply), this Part applies to a person (“P”) who is—

- (a) a red list arrival, or
- (b) an arrival who is not an eligible vaccinated arrival.]

^{F46}(1A) Regulations 15 and 16 apply to a person (“P”) who is—

- (a) a red list arrival, ^{F47}...

^{F48}(b)]

^{F49}(2)

(3) For the purposes of this Part—

“day 2 test” means a test which complies with regulation 14(9) and is undertaken in accordance with regulation 14(2),

“day 8 test” means a test provided in a testing package with a day 2 test which complies with regulation 14(9) and is undertaken in accordance with regulation 14(4),

“testing package” means—

- (a) in the case of a red list arrival ^{F50}..., a booking for a day 2 test and a day 8 test,
- (b) [^{F51}in other cases, a booking for a day 2 test,]

“test provider” means a provider who provides a test in accordance with regulation 14(9).

(4) In regulations 15 and 16, references to sharing designated accommodation means sharing the place where such persons are staying (as defined by regulation 21(3) and (4)).

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

- F45** Reg. 11(1) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(1)(a)** (with reg. 19)
- F46** Reg. 11(1A) inserted (7.1.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022 \(S.S.I. 2022/2\)](#), regs. 1(2), **5** (with reg. 13(1))
- F47** Word in reg. 11(1A)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(1)(b)(i)** (with reg. 19)
- F48** Reg. 11(1A)(b) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(1)(b)(ii)** (with reg. 19)
- F49** Reg. 11(2) omitted (30.11.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/443\)](#), regs. 1, **4(b)** (with reg. 12)
- F50** Words in reg. 11(3) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(1)(c)(i)** (with reg. 19)
- F51** Words in reg. 11(3) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(1)(c)(ii)** (with reg. 19)

Commencement Information

- I10** Reg. 11 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to possess testing package

- 12.**—(1) Where P is an adult, P must, on arrival in Scotland, possess a testing package—
- (a) for P, and
 - (b) for any child aged 11 or over [^{F52}who is a red list arrival] with whom P is travelling and for whom P has responsibility.
- (2) Where P is an adult who arrives in Scotland without possessing a testing package in accordance with paragraph (1), P must obtain a testing package as soon as practicable on arrival.
- (3) Where P is a child aged 11 or over and who is unaccompanied by an adult who has responsibility for P, a person with responsibility for P must obtain a testing package for P as soon as is practicable after P arrives in Scotland.
- (4) A person who possesses a testing package must provide evidence of it if requested to do so by an immigration officer.
- (5) Where P is required to comply with Part 5 (managed isolation), P is deemed to have complied with this regulation where P purchases a testing package as part of a managed isolation package in accordance with that Part.

Textual Amendments

- F52** Words in [reg. 12\(1\)\(b\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(2)** (with reg. 19)

Commencement Information

111 Reg. 12 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to provide information

13.—(1) Subject to paragraph (2), at the time the testing package is booked, P must notify the test provider that P is required to undertake the test or tests to which the testing package relates under these Regulations, and provide the test provider with—

- (a) P's full name,
- (b) P's sex,
- (c) P's date of birth,
- (d) P's NHS number (if known and applicable),
- (e) P's ethnicity,
- (f) the date of P's arrival in the United Kingdom,
- (g) P's coach number, flight number or vessel name (as appropriate),
- (h) the date on which P last departed from or transited through—
 - (i) a red list country, [^{F53}or]
 - [^{F54}(ii) failing which another country, territory or part of a country or territory which is not in the common travel area,]
- (i) the country or territory P was travelling from when P arrived in the United Kingdom, and any country or territory P transited through as part of that journey,
- (j) P's email address,
- (k) P's telephone number,
- (l) P's passport number or travel document reference number (as appropriate), and
- (m) P's home address, and, where relevant, the address or addresses of the specified premises where P intends to stay in accordance with Part 6 (self-isolation).

(2) Where P is a child, or a person with a disability who is unable for that reason to provide the notification and information set out or referred to in paragraph (1) to the test provider—

- (a) the notification and information set out or referred to in paragraph (1), other than the information set out in paragraph (1)(j) and (k), must be provided to the test provider on P's behalf by another person (“X”), and
- (b) either the information set out in paragraph (1)(j) and (k) must be provided by X to the test provider or, where appropriate, X must provide their own telephone number and email address to the test provider.

(3) At the time the testing package is booked, the test provider must give a test reference number to P and, where appropriate, also give that test reference number to X.

(4) For the purposes of paragraphs (2) and (3), where P is a child, “X” means a person who has responsibility for P.

Textual Amendments

F53 Word in reg. 13(1)(h)(i) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **6(2)(a)** (with reg. 17)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

F54 Reg. 13(1)(h)(ii) substituted for reg. 13(1)(h)(ii)(iii) (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **6(2)(b)** (with reg. 17)

Commencement Information

I12 Reg. 13 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to undertake tests

14.—(1) P must undertake the test or tests in their testing package in accordance with this regulation.

[^{F55}(1A) If a test is to be self-administered, P must undertake a test in accordance with the manufacturer's instructions for use.]

(2) P must undertake the day 2 test no later than the end of the 2nd day after the day on which P arrived in Scotland.

(3) Where P's day 2 test generates a positive result and P would otherwise be required to take the day 8 test, P is not required to undertake the day 8 test.

(4) Where P is required to undertake the day 8 test, P must undertake that test no earlier than the end of the 7th day after the day on which P arrived in Scotland.

(5) Where P is a child aged 11 or over, any person who has responsibility for P must, so far as reasonably practicable ensure that P undertakes a day 2 test and, where relevant, a day 8 test.

(6) Where P does not undertake either a day 2 test or a day 8 test by reason of a reasonable excuse (see regulation 30), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a replacement test complying with the requirements of paragraph (9).

(7) Where a replacement test is undertaken instead of—

- (a) a day 2 test, P is to be treated as if P had undertaken a day 2 test in accordance with this regulation,
- (b) a day 8 test, P is to be treated as if P had undertaken a day 8 test in accordance with this regulation.

(8) Where a test is undertaken by P after this regulation applies, and that test meets the requirements of paragraph (9) and generates a positive result, P is not required to undertake a subsequent day 2 test or day 8 test, as the case may be.

(9) The requirements of this regulation are that—

- (a) the test is provided by a public provider, or where P is [^{F56}not a red] list arrival, a public provider or a private provider, and

[^{F57}(b) the test complies with paragraph (9A).]

[^{F58}(9A) For the purposes of [^{F59}paragraph (9)(b)], a test complies with this paragraph if—

- (a) it is a semi-quantitative test for the detection of coronavirus which—
 - (i) targets a minimum of two distinguishable SARS-CoV-2 genes other than the S gene and performance reference controls,
 - (ii) includes routine in silico assurance against every variant of concern, and
 - (iii) produces a test solution that provides extracted nucleic acid that is suitable for whole genome sequencing using a specified method,
- (b) it is, in relation to a red list arrival, a test that can be self-administered,

- (c) the manufacturer of any device used for the purposes of the test states that the device—
 - (i) uses an established molecular detection method,
 - (ii) in relation to a day 2 test, has a specificity and a sensitivity greater than or equal to 99% (or a 95% two-sided confidence interval entirely above 97%),
 - (iii) in relation to a day 8 test, has a specificity greater than or equal to 97% (or a 95% two-sided confidence interval entirely above 95%),
 - (iv) in relation to a day 8 test, has a sensitivity greater than or equal to 95% (or a 95% two-sided confidence interval entirely above 90%),
 - (v) has a limit of detection of less than or equal to 1000 SARS-CoV-2 copies per millilitre, and
 - (vi) is suitable for identifying every variant of concern, and
- (d) any device used for the purposes of the test—
 - (i) can be put into service in accordance with Part 4 of the Medical Devices Regulations 2002, other than solely by virtue of regulation 39(2) of those Regulations, and
 - (ii) has been validated no more than 18 months before the test is administered or provided to P.]

^{F60}(9B)

(10) In this regulation, “public provider” means a test provider who provides or administers a test under—

- (a) the National Health Service (Scotland) Act 1978,
- (b) the National Health Service Act 2006,
- (c) the National Health Service (Wales) Act 2006, or
- (d) the Health and Personal Social Services (Northern Ireland) Order 1972.

(11) In this regulation “private provider” means a day 2 test ^{F61}... 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 ^{M13} and DHSC guidance, and
- (b) is currently on the UK Government published list of private day 2 test ^{F62}... providers for persons arriving in England ^{M14}.

[^{F63}(12) For the purposes of paragraph (9A)—

- (a) “specified method” means a targeted sequence method specific to SARS-CoV-2 or an equivalent—
 - (i) amplicon method, or
 - (ii) sequence bait capture method,
- (b) “validated”, in relation to a device, means confirmed as having the required sensitivity and specificity using at least 150 positive clinical samples and 250 negative clinical samples against a laboratory-based RT-PCR test that is itself within the performance specification of the target product profile published by the Medicines and Healthcare Products Regulatory Agency for laboratory based SARS-CoV-2 PCR tests, by—
 - (i) the Secretary of State, or

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (ii) a laboratory which is accredited to ISO standard 15189 or ISO/IEC standard 17025^{F64} by—
- (aa) the United Kingdom Accreditation Service^{F65}, or
 - (bb) an accreditation body that is a signatory to the International Laboratory Accreditation Cooperation (“ILAC”) Mutual Recognition Arrangement^{F66} or the European co-operation for Accreditation (“EA”) Multilateral Agreement^{F67},
- other than a laboratory which processes tests provided by the test provider for the purposes of this Part or which is owned by the test provider or the device manufacturer^{F68},
- (c) “variant of concern” means a variant of SARS-CoV-2 identified in a designation published by the UK Health Security Agency for the purposes of this paragraph^{F69}.]

Textual Amendments

- F55** Reg. 14(1A) inserted (31.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **3(2)**
- F56** Words in reg. 14(9)(a) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **6(3)** (with reg. 17)
- F57** Reg. 14(9)(b) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(3)(a)** (with reg. 19)
- F58** Reg. 14(9A) substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **7(a)** (with regs. 14, 15)
- F59** Words in reg. 14(9A) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(3)(b)** (with reg. 19)
- F60** Reg. 14(9B) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(3)(c)** (with reg. 19)
- F61** Words in reg. 14(11) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(3)(d)(i)** (with reg. 19)
- F62** Words in reg. 14(11)(b) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(3)(d)(ii)** (with reg. 19)
- F63** Reg. 14(12) inserted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **7(b)** (with regs. 14, 15)
- F64** ISO standards are published in Geneva by the International Organisation for Standardisation, and are available on their website (www.iso.org) or at ISO Central Secretariat, International Organization for Standardization (ISO), 1 rue de Varembe, Case postale 56, CH-1211, Geneva 20, Switzerland. ISO 15189 Medical Laboratories requirements for quality and competence was published in November 2012. ISO/IEC 17025 General requirements for the competence of testing and calibration laboratories was published in November 2017.
- F65** The United Kingdom Accreditation Service is a company limited by guarantee incorporated in England and Wales under number 3076190.

- F66** ILAC is an international organisation which coordinates the work of its signatory national accreditation bodies which are themselves involved in the accreditation of conformity assessment bodies, testing laboratories, and medical testing laboratories.
- F67** EA is a regional organisation which coordinates the work of its signatory national accreditation bodies. EA is recognised by and works closely with ILAC.
- F68** A body corporate established under section 232 of the Health and Social Care Act 2012 (c. 7).
- F69** Technical briefing documents on novel SARS-CoV-2 variants are published by the UK Health Security Agency and are available online at <https://www.gov.uk/government/publications/investigation-of-sars-cov-2-variants-technical-briefings>.

Commencement Information

- I13** Reg. 14 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

- M13** [S.I. 2021/582](#). Relevant amending instruments to schedule 8 are [S.I. 2021/682](#), [S.I. 2021/865](#) and [S.I. 2021/914](#).
- M14** The list can be accessed through this web-site: <https://www.gov.uk/find-travel-test-provider>.

Requirement to self-isolate on failure to undertake a test

15.—(1) Paragraphs (2) to (4) apply where—

(a) either—

(i) P fails to undertake a day 2 test, or

(ii) P's day 2 test generates a negative or inconclusive result, and

(b) P fails to undertake a [F70 required] day 8 test.

(2) Where P is required to comply with Part 5 (managed isolation), P must remain in the accommodation designated as part of P's managed isolation package in accordance with regulation 21 until the end of the 14th day after the day on which P arrived in Scotland.

(3) Where P is required to comply with Part 6 (self-isolation), P must remain in the specified premises in accordance with regulation 26 until the end of the 14th day after the day on which P arrived in Scotland.

(4) Where P is a child, any person who is sharing designated accommodation or specified premises with P must remain in such accommodation or premises until the expiry of the period mentioned in paragraph (2) or (3) (as the case may be).

Textual Amendments

- F70** Word in [reg. 15\(1\)\(b\)](#) inserted (30.11.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 10\) Regulations 2021 \(S.S.I. 2021/443\)](#), [regs. 1, 6](#) (with [reg. 12](#))

Commencement Information

- I14** Reg. 15 in force at 20.9.2021, see [reg. 1\(2\)](#)

Consequences of test results

16.—(1) Where a test undertaken by a person (“P”) in accordance with regulation 14(2) or (4) generates a positive result—

(a) P no longer has a defence under—

- (i) regulation 31(3)(a), where P is required to comply with Part 5, or
 - (ii) regulation 32(2)(a), where P is required to comply with Part 6, and
 - (b) P and, subject to paragraph (2), any person who is sharing designated accommodation or specified premises with P (“B”), must remain in that accommodation or premises in accordance with regulation 21 or 26 (as the case may be) until the end of the 10th day after the day P undertook the test.
- (2) Paragraph (1)(b) does not apply to B where—
- (a) the test referred to in paragraph (1) is P's day 8 test, and
 - (b) B undertook a day 2 test that generated a positive result.
- (3) Where an earlier test undertaken by P after this regulation applies meets the requirements of regulation 14(9) and generates a positive result, the requirement for P to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day P undertook that earlier test.
- (4) Where an earlier test undertaken by B after this regulation applies meets the requirements of regulation 14(9) and generates a positive result, the requirement for B to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day B undertook that earlier test.
- (5) Where P's day 2 test and P's day 8 test both generate a negative result, P must remain in the designated accommodation or specified premises until—
- (a) the later of—
 - (i) the date specified in regulation 21(1), where P is required to comply with Part 5, or
 - (ii) the date specified in regulation 26(2), where P is required to comply with Part 6, or
 - (b) the day on which P receives the result of P's day 8 test.
- (6) Subject to regulation 15, where a test undertaken by P generates an inconclusive result, P must remain in the designated accommodation or specified premises until—
- (a) the end of the 10th day after the day P undertook the test,
 - (b) where P undertakes a test to which paragraph (8) applies and the test generates a negative result, the later of—
 - (i) the end of the period of 10 days beginning with the day after the day of P's arrival in Scotland, or
 - (ii) the day on which P receives the negative result, or
 - (c) where P undertakes a test to which paragraph (8) applies and the test generates a positive result, until the end of the 10th day after the day P undertook the test.
- (7) Where paragraph (6)(c) applies, P is not required to undertake a day 8 test.
- (8) This paragraph applies to—
- (a) a day 8 test, and
 - (b) a replacement test—
 - (i) complying with the requirements for a day 8 test other than the requirement that the test be administered or provided to P no earlier than the beginning of the 7th day after the day on which P arrived in Scotland,
 - (ii) undertaken in the circumstances specified in regulation 14, and
 - (iii) undertaken during the period referred to in paragraph (6)(a).

Commencement Information

I15 Reg. 16 in force at 20.9.2021, see [reg. 1\(2\)](#)

Eligible vaccinated arrivals: notification of result of self-administered test

^{F71}**16A.**

Textual Amendments

F71 Reg. 16A omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(4)** (with [reg. 19](#))

Eligible vaccinated arrivals: confirmatory test

^{F72}**16B.**

Textual Amendments

F72 Reg. 16B omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **7(4)** (with [reg. 19](#))

Charge for testing package

17.—(1) The Scottish Ministers, or a person designated by the Scottish Ministers, may impose a charge in respect of a testing package provided by a test provider in accordance with regulation 14(9).

(2) The Scottish Ministers—

- (a) must publish details of the charges in such manner as they consider appropriate, and
- (b) may recover any sum owed by a person pursuant to such a charge as a debt.

Commencement Information

I16 Reg. 17 in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 4: persons not required to comply

18.—(1) [^{F73}A] person (“P”) is not required to comply with this Part where P is—

- (a) a child (without prejudice to regulations 12(1)(b) and (3), 13(2), 15 and 16),
- (b) a person who—
 - (i) has arrived from England, and
 - (ii) is in Scotland, temporarily, for a reason mentioned in regulation 32(2)(a) to (j),
- (c) a person who has arrived in Scotland from elsewhere within the common travel area in order to travel immediately onwards to—
 - (i) another part of the United Kingdom, or

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Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (ii) elsewhere outside of the United Kingdom,
- [^{F74}(d) a person who, on arrival in the United Kingdom—
 - (i) passes through to another country or territory outside the common travel area without entering the United Kingdom, or
 - (ii) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
 - (aa) remains within their port of entry until their departure from Scotland, or
 - (bb) travels directly from their port of entry to another port of departure in Scotland,]
- [^{F75}(da) a person who—
 - (i) arrives in Scotland on a cruise ship, and
 - (ii) is due to depart from Scotland on the same cruise ship within 48 hours of their arrival,]
- [^{F76}(e) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
 - (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
 - (bb) if P is a specified person, to P that P is not required to comply with this Part,
 - (iii) paragraphs 2, 3 and 4 (border and defence activities),
 - (iv) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (aa) meets the description in paragraph 5 or, as the case may be, 6, and
 - (bb) is not required to comply with this Part,
- (f) a person described in Part 2 of schedule 4 (exemptions: transport), other than in paragraph 11 (in-flight security officers),
- (g) a person described in Part 5 of schedule 4 (exemptions: healthcare).]
- ^{F77}(2)
- ^{F78}(3)
- [^{F79}(4) In paragraph 1(e)(ii), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.]

Textual Amendments

- F73** Word in reg. 18(1) substituted (9.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), 7(a) (with reg. 16(1))
- F74** Reg. 18(1)(d) substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, 8(a) (with regs. 14, 15)

- F75** Reg. 18(1)(da) inserted (4.10.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2021 (S.S.I. 2021/350), regs. 1, **6(4)(a)** (with reg. 17)
- F76** Reg. 18(1)(e)-(g) substituted for reg. 18(1)(e)-(j) (11.2.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), **7(5)(a)** (with reg. 19)
- F77** Reg. 18(2) omitted (11.2.2022 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), **7(5)(b)** (with reg. 19)
- F78** Reg. 18(3) omitted (9.10.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 4) Regulations 2021 (S.S.I. 2021/357), regs. 1(2), **7(b)** (with reg. 16(1))
- F79** Reg. 18(4) substituted (11.2.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), **7(5)(c)** (with reg. 19)

Commencement Information

- I17** Reg. 18 in force at 20.9.2021, see [reg. 1\(2\)](#)

PART 5

Managed isolation

Part 5: application

19. Subject to regulation 25 (persons not required to comply), this Part applies to a person (“P”) who is a red list arrival.

Commencement Information

- I18** Reg. 19 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to enter Scotland at a designated port and possess a managed isolation package

20.—(1) Subject to paragraph (2), P may only enter Scotland at one of the following ports—

- (a) Aberdeen Airport,
- (b) Edinburgh Airport,
- (c) Glasgow Airport, or
- (d) a military airfield or port.

(2) Paragraph (1) does not apply to P where the aircraft on which P is travelling lands at an airport not mentioned in that paragraph for—

- (a) a reason relating to the safety or security of the aircraft, or any person aboard it,
- (b) any other emergency reason, or
- (c) the reason that military personnel disembark at an airport not mentioned in that paragraph.

(3) P must, on arrival in Scotland, be in possession of a managed isolation package.

(4) The requirement in paragraph (3) may be complied with by P obtaining a managed isolation package either—

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- (a) before P's arrival in Scotland, or
 - (b) immediately upon P's arrival in Scotland.
- (5) Where P is a child, any person who has responsibility for P when P is travelling to Scotland must ensure, so far as is reasonably practicable, that P complies with paragraph (3).
- (6) A “managed isolation package” means—
- (a) a booking for a place in accommodation designated by the Scottish Ministers for the purposes of this regulation in relation to P's port of arrival in Scotland,
 - (b) a booking for transport facilitated by the Scottish Ministers from P's port of arrival in Scotland to the accommodation referred to in sub-paragraph (a), and
 - (c) a testing package within the meaning of regulation 11(3) (Part 4: application and interpretation).

Commencement Information

I19 Reg. 20 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to stay in managed accommodation

21.—(1) P must, on arrival in Scotland or, as the case may be, immediately after obtaining a managed isolation package, travel directly to the accommodation designated in the package using the means of transport designated in the package (where relevant) and, except to the extent that a defence would be available under regulation 31(3), and subject to paragraph (2), P must not leave the place they are staying within that accommodation until whichever is the later of—

- (a) the end of the 10th day after the day on which P arrived in Scotland, or
- (b) the end of the relevant period specified in regulation 15(2) or, as the case may be, 16(1)(b), (3), (5) or (6).

(2) Where regulation 16(3) results in a shorter period than that specified in paragraph (1)(a), that shorter period applies.

(3) The place referred to in paragraph (1) means—

- (a) the room in the designated accommodation where P is staying, including any balcony,
- (b) if connected to the room where P is staying, the room of any person with whom P travelled to Scotland.

(4) The place referred to in paragraph (3) does not include the communal areas within the accommodation except to the extent that P requires to move through any such area in order to access any part of the place where P is staying.

(5) Where P is a child, any person who has responsibility for P during the period P is required to comply with paragraph (1) must ensure, so far as is reasonably practicable, that P complies with the requirement in that paragraph.

(6) A person (“B”), may stay in the place where P is staying pursuant to this Part in order to provide assistance P reasonably requires by reason of—

- (a) P being a child, or
- (b) any disability of P's,

and paragraphs (1) and (2) apply to B as it applies to P for the same period that it applies to P.

Commencement Information

I20 Reg. 21 in force at 20.9.2021, see [reg. 1\(2\)](#)

Modification of regulations 20 and 21: relevant persons

22.—(1) Where a person (“P”) is a relevant person, the reference in regulation 20 to a managed isolation package is to be read as a reference to a package containing such provisions as to accommodation, transport and testing as the Secretary of State or the Scottish Ministers consider appropriate, and regulations 20 and 21 are to be read accordingly.

(2) P is a relevant person if—

(a) P is—

- (i) a person requiring urgent medical assistance,
- (ii) a person on immigration bail,
- (iii) a person who has been detained by an immigration officer,
- (iv) a person who has been refused leave to enter the UK,
- (v) an illegal entrant,
- (vi) an asylum seeker,
- (vii) a person who is in police custody,
- (viii) a prisoner,
- (ix) a potential victim of human trafficking,
- (x) a person whose arrival in the United Kingdom has been arranged, for safeguarding or welfare reasons, by the Foreign, Commonwealth and Development Office, or
- (xi) a person whom the Scottish Ministers consider requires exceptional arrangements to be made on compassionate grounds, and

(b) the Secretary of State has, or the Scottish Ministers have, confirmed in writing that P is a relevant person, and that confirmation has not been withdrawn.

Commencement Information

I21 Reg. 22 in force at 20.9.2021, see [reg. 1\(2\)](#)

Charge for managed isolation package

23. The Scottish Ministers, or a person designated by the Scottish Ministers, may impose a charge for a managed isolation package and the Scottish Ministers—

- (a) must publish details of such charges in such manner as they consider appropriate, and
- (b) may recover any sum owed by P pursuant to such a charge as a debt.

Commencement Information

I22 Reg. 23 in force at 20.9.2021, see [reg. 1\(2\)](#)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Appeals

24.—(1) While a person (“P”) is or would be required by regulation 21(1) to stay in the accommodation designated in P’s managed isolation package, P may appeal to the sheriff or the summary sheriff against the requirement that P—

- (a) possess a managed isolation package, or
- (b) remain in the accommodation so designated.

(2) An appeal under paragraph (1) is to be made by way of summary application.

(3) The court must determine an appeal brought under paragraph (1) within 3 working days beginning with the day after the day on which the summary application was lodged with the court.

Commencement Information
I23 Reg. 24 in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 5: persons not required to comply

25.—(1) A person (“P”) is not required to comply with this Part where P is—

- ^{F80}(a) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing that P is not required to comply with this Part,
 - (iii) paragraphs 2, 3 and 4 (border and defence activities),
 - (iv) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (aa) meets the description in paragraph 5 or, as the case may be, 6, and
 - (bb) is not required to comply with this Part,
- (b) a person described in Part 1A of schedule 4 (exemptions: law enforcement),
- (c) a person described in any of the following paragraphs of Part 2 of schedule 4 (exemptions: transport)—
 - (i) paragraph 9 (seamen and masters, etc.), unless that person has travelled to the United Kingdom in order to work, or has been repatriated to the United Kingdom after working, on board a cruise ship,
 - (ii) paragraph 10 (aircraft crew),
 - (iii) paragraph 11 (in-flight security officer),
 - (iv) paragraph 15 (road haulage workers),
- (d) a person described in Part 5 of schedule 4 (exemptions: healthcare),]
- ^{F80}(e)
- (f) a person whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme,
- (g) a child who is either—

- (i) accompanied by an adult on arrival in Scotland but that adult ceases to accompany P beyond their port of arrival, or
- (ii) unaccompanied by an adult,
- (h) a person who has travelled to the United Kingdom for the purpose of receiving education at a boarding school in the United Kingdom at which education and training is due to be provided for P,
- (i) a person who within the preceding 10 days has completed a period in managed accommodation equivalent to that required by this Part pursuant to an enactment in England, Wales or Northern Ireland.

(2) For the purposes of this regulation—

“boarding school” means a school which—

- (a) provides accommodation for its pupils on its own premises, or
- (b) arranges accommodation for its pupils to be provided elsewhere (other than in connection with a residential trip away from school), and

“school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980 ^{M15}.

[^{F81}“specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.]

- ^{F82}(3)
- ^{F82}(4)
- ^{F82}(5)
- ^{F82}(6)
- ^{F82}(7)

Textual Amendments

- F80** Reg. 25(1)(a)-(d) substituted for reg. 25(1)(a)-(e) (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **8(a)** (with reg. 19)
- F81** Words in reg. 25(2) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **8(b)** (with reg. 19)
- F82** Reg. 25(3)-(7) omitted (9.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), **8(b)** (with reg. 16(1))

Commencement Information

- I24** Reg. 25 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

- M15** 1980 c. 4. The definition of ‘school’ in section 135 has been amended by the Standards in [Scotland's Schools etc. Act 2000 \(asp 6\)](#), [schedule 3](#).

PART 6

Self-isolation

Requirement to stay in specified premises

26.—(1) Subject to regulation 27 (persons not required to comply), this regulation applies to a person (“P”) who is—

- ^{F83}(a)
- (b) a red list arrival described in—
 - ^{F84}(i)
 - (ii) regulation 25(1)(f), (refugee),
 - (iii) regulation 25(1)(g), (unaccompanied child),
 - (iv) regulation 25(1)(h) (boarding school pupil),
 - [^{F85}(v) the following paragraphs of schedule 4 (exemptions)—
 - (aa) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (bb) subject to regulation 27(1)(e), paragraph 1(2), (3) or (4) (international organisations, foreign representatives, etc.),
 - (cc) subject to regulation 27(1)(f), paragraphs 5 and 6 (essential government work, etc.),
 - (dd) paragraph 11 (in-flight security officer),]
- (c) not otherwise required to comply with this regulation (by virtue of [^{F86}sub-paragraph (b)] as read with regulation 27), and either—
 - (i) contravenes a requirement in regulation 8(2) (notification of negative test result), or
 - (ii) is a child in respect of whom the person responsible contravenes a requirement in regulation 8(3).

(2) P must, on arrival in Scotland, travel without undue delay to specified premises in Scotland and, except to the extent that a defence would be available under regulation 32(2), must not leave those premises until whichever is the later of the end of the—

- (a) 10th day after the day on which they last departed from or transited through [^{F87}another country, territory or part of a country or territory which is not in the common travel area], or
- (b) relevant period specified in regulation 15(3) or, as the case may be, 16(1)(b), (3), (5) or (6).

^{F88}(2A)

^{F89}(2B)

^{F90}(2C)

(3) Where ^{F91}... regulation 16(3) results in a shorter period than that specified in paragraph (2) (a), that shorter period applies.

(4) For the purposes of this regulation, the “specified premises” are—

- (a) unless paragraph (b), (c) or (d) applies—
 - (i) an address specified in P's Passenger Locator Form in accordance with paragraph 2(a) of schedule 3, as required by regulation 4, where P, or if P is a child any person who has responsibility for P, has completed a Passenger Locator Form,

- (ii) an address specified as the place P intends to stay for the duration of the period referred to in paragraph (2) where P, or if P is a child any person who has responsibility for P, has completed a form equivalent to a Passenger Locator Form pursuant to an enactment in England, Wales or Northern Ireland,
 - (iii) the premises at which P intends to stay for such part of the period specified in paragraph (2) as will apply while in Scotland where P has not completed a Passenger Locator Form or equivalent form as described in head (ii),
 - (iv) the premises at which P intends to stay for such part of the period specified in paragraph (2) as will apply while in Scotland where P is a person described in paragraph 1 of schedule 4 (other than one described in [F92]paragraph 1(2),(3) or (4) who is required to comply with Part 2 of these Regulations], or
 - (v) where it is not possible for P to stay at a place in accordance with heads (i) to (iv), in accommodation facilitated by the Secretary of State for P for the purposes of paragraph (2),
- (b) where P is an asylum seeker of at least 18 years or age, in accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999 M16,
 - (c) where P is a person described in paragraph 9(1) of schedule 10 of the Immigration Act 2016 M17 (powers of Secretary of State to enable person to meet bail conditions), in accommodation provided or arranged under that paragraph, or
 - (d) where P is an unaccompanied child for whom it is not possible to stay at a place in accordance with sub-paragraph (a)(i) to (iii), in accommodation provided or arranged by a local authority M18.
- (5) For the purposes of this regulation, where the specified premises are residential premises those premises include any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.
- (6) Where P is a person described in paragraph 41 of schedule 4 (seasonal agricultural worker), paragraph (4)(a) applies with the modification that the address at which P intends to stay for the purposes of this regulation must be—
- (a) the named farm (within the meaning of paragraph 41 of schedule 4), or
 - (b) where it is not possible 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 this regulation.
- F93(7)
- (8) Where P is a child, any person who has responsibility for P must ensure, so far as reasonably practicable, that P complies with this regulation.
- (9) Where P is a red list arrival mentioned in regulation 25(1)(g) (unaccompanied child) who travels to any specified premises referred to in paragraph (4)(a)(i) to (iii) in compliance with paragraph (2), any person who is sharing those premises with P must remain in the premises until the expiry of the period referred to in paragraph (2)(a), or the later of the periods referred to in paragraph (2)(b), depending on which of those periods applies to P.
- (10) Nothing in this regulation affects the operation of any requirement or restriction applying to P by virtue of schedule 21 of the Coronavirus Act 2020 M19 (powers relating to potentially infectious persons) or by virtue of an order made under Part 4 of the Public Health etc. (Scotland) Act 2008 M20.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Textual Amendments

- F83** Reg. 26(1)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(a)(i)** (with reg. 19)
- F84** Reg. 26(1)(b)(i) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(a)(i)** (with reg. 19)
- F85** Reg. 26(1)(b)(v) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(a)(ii)** (with reg. 19)
- F86** Words in reg. 26(1)(c) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(a)(iii)** (with reg. 19)
- F87** Words in reg. 26(2)(a) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021](#) (S.S.I. 2021/350), regs. 1, **8(1)(b)** (with reg. 17)
- F88** Reg. 26(2A) omitted (7.1.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022](#) (S.S.I. 2022/2), regs. 1(2), **8(a)** (with reg. 13(1))
- F89** Reg. 26(2B) omitted (7.1.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022](#) (S.S.I. 2022/2), regs. 1(2), **8(a)** (with reg. 13(1))
- F90** Reg. 26(2C) omitted (7.1.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022](#) (S.S.I. 2022/2), regs. 1(2), **8(a)** (with reg. 13(1))
- F91** Words in reg. 26(3) omitted (7.1.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2022](#) (S.S.I. 2022/2), regs. 1(2), **8(b)** (with reg. 13(1))
- F92** Words in reg. 26(4)(a)(iv) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(b)** (with reg. 19)
- F93** Reg. 26(7) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **9(1)(c)** (with reg. 19)

Commencement Information

- I25** Reg. 26 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

- M16** 1999 c. 33. Section 4 was amended by section 49 of the [Nationality, Immigration and Asylum Act 2002](#) (c. 41), by section 10(1) of the [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004](#) (c. 19), by section 43(7) of the [Immigration, Asylum and Nationality Act 2006](#) (c. 13), and by paragraph 1 of schedule 11 of the [Immigration Act 2016](#) (c. 19). Section 95 was amended by section 50(1) of the [Nationality, Immigration and Asylum Act 2002](#) and by paragraph 29 of schedule 10 of the [Immigration Act 2016](#).
- M17** 2016 c. 19.
- M18** “local authority” is defined in schedule 1 (definitions) of the [Interpretation and Legislative Reform \(Scotland\) Act 2010](#) (asp 10).
- M19** 2020 c. 7.
- M20** 2008 asp 5.

Part 6: persons not required to comply

27.—(1) Subject to regulation 26(1)(c), the following persons are not required to comply with regulation 26—

- (a) a person who—
 - (i) has arrived from England, and
 - (ii) is in Scotland, temporarily, for a reason mentioned in regulation 32(2)(a) to (j),
- (b) a person who has arrived in Scotland from elsewhere within the common travel area in order to travel immediately onwards to—
 - (i) another part of the United Kingdom, or
 - (ii) elsewhere outside of the United Kingdom,
- [^{F94}(c) a person who, on arrival in the United Kingdom—
 - (i) passes through to another country or territory outside the common travel area without entering the United Kingdom, or
 - (ii) enters the United Kingdom for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
 - (aa) remains within their port of entry until their departure from Scotland, or
 - (bb) travels directly from their port of entry to another port of departure in Scotland,]

^{F95}(ca)

^{F96}(d)

[^{F97}(e) a person described in paragraph 1(2), (3) or (4) (international organisations, foreign representatives, etc.) of schedule 4 (exemptions), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing that the person is not required to comply with this Part,

(f) a person described in paragraph 5 or 6 (essential government work, etc.) of schedule 4 (exemptions), where prior to P’s arrival in the United Kingdom the relevant Department or the Scottish Ministers have certified that P is not required to comply with this Part.]

^{F98}(1A)

^{F98}(2)

^{F98}(3)

Textual Amendments

F94 Reg. 27(1)(c) substituted (17.12.2021) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 13) Regulations 2021 (S.S.I. 2021/478), regs. 1, **9(a)** (with regs. 14, 15)

F95 Reg. 27(1)(ca) omitted (11.2.2022 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), **9(2)(a)(i)** (with reg. 19)

F96 Reg. 27(1)(d) omitted (30.11.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 10) Regulations 2021 (S.S.I. 2021/443), regs. 1, **9** (with reg. 12)

F97 Reg. 27(1)(e)(f) substituted for reg. 27(1)(e)-(j) (11.2.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), **9(2)(a)(ii)** (with reg. 19)

*Status: Point in time view as at 16/02/2022.**Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)*

F98 Reg. 27(1A)-(3) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **9(2)(b)** (with reg. 19)

Commencement Information

I26 Reg. 27 in force at 20.9.2021, see [reg. 1\(2\)](#)

PART 7

Parts 2 to 6: enforcement

Part 2 (information): offences and penalties

28.—(1) A person who contravenes a requirement in—

- (a) regulation 4(2), (4) or (5), or
- (b) regulation 5(3) or (5),

commits an offence (unless that person is a child).

(2) A person who provides false or misleading information for the purposes of regulations specified in paragraph (1)(a) and (b) commits an offence where that person—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is false or misleading.

(3) It is a defence to a charge of committing an offence under paragraph (1) or (2) to show that the person, in the circumstances, had a reasonable excuse.

(4) For the purposes of paragraph (3), a reasonable excuse includes, in particular where—

- (a) the information to be provided is not within P's knowledge or possession or under P's control,
- (b) P is accompanied by any child for whom P has responsibility and the child's passenger information has been submitted by someone else with responsibility for the child.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Commencement Information

I27 Reg. 28 in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 3 (testing before arrival in Scotland): offences and penalties

29.—(1) A person who contravenes a requirement in regulation 8 (requirement to possess notification of negative test result) commits an offence [^{F99}unless that person is a child].

(2) It is a defence to a charge of committing an offence under paragraph (1) to show that the person, in the circumstances, had a reasonable excuse.

(3) For the purposes of paragraph (2), a reasonable excuse includes, in particular where—

- (a) a person was medically unfit to provide a sample for a qualifying test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect,

- (b) it was not reasonably practicable for a person to obtain a qualifying test due to a disability,
 - (c) a person required medical treatment with such urgency that obtaining a qualifying test was not reasonably practicable,
 - (d) a person contracted coronavirus and required emergency medical treatment,
 - (e) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (c) or (d) where it was not reasonably practicable for the accompanying person to obtain a qualifying test,
 - (f) a person began their journey to Scotland in a country or territory in which—
 - (i) a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility, and
 - (ii) it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey,
 - (g) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Scotland meant that it was not reasonably practicable for them to meet the requirement in regulation 9(1)(c), and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure ^{F100},
 - (h) a person undertook a qualifying test on board the cruise ship on which the person arrived in Scotland, the result of the test was positive, and it was not reasonably practicable for the person to disembark in a country or territory other than Scotland].
- (4) A person does not commit an offence where they contravene a requirement in regulation 8 if they reasonably believed at the time of the contravention that the notification of a negative result was valid and from a qualifying test.
- (5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F99 Words in [reg. 29\(1\)](#) inserted (7.12.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 12\) Regulations 2021 \(S.S.I. 2021/455\)](#), [regs. 1, 6](#) (with [reg. 8](#))

F100 [Reg. 29\(3\)\(h\)](#) inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), [regs. 1, 9](#) (with [reg. 17](#))

Commencement Information

I28 [Reg. 29](#) in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 4 (testing following arrival in Scotland): offences and penalties

- 30.**—(1) It is an offence to contravene a requirement, without reasonable excuse, in—
- (a) [regulation 12](#) (requirement to possess testing package),
 - (b) [regulation 13\(1\)](#) or, in the case of a person with responsibility for a child, [regulation 13\(2\)](#) (requirement to provide information), ^{F101}...
 - (c) [regulation 14\(1\)](#) or (5) (requirement to undertake tests).
 - ^{F102}(d)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- F103**(e)
- (2) Reasonable excuses for contravening regulation 12 include, in particular where—
- (a) it was not reasonably practicable for a person to book a test due to a disability,
 - (b) a person reasonably considered, before arriving in Scotland, that it would not be reasonably practicable for the person (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test in accordance with regulation 14 due to a disability,
 - (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable,
 - (d) a person was accompanying a person described in paragraph (a) or (c) in order to provide support, where it was not reasonably practicable for the accompanying person to book a test,
 - (e) a person began their journey to Scotland in a country or territory in which the person—
 - (i) did not have reasonable access to the facilities or services required to book a test, with or without payment, and
 - (ii) such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey.
- (3) Reasonable excuses for contravening regulation 14(1) or (5) include, in particular, where—
- (a) it is not reasonably practicable for P to undertake a test due to a disability,
 - (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
 - (c) a test is cancelled for reasons beyond P's control,
 - (d) P has left the common travel area in accordance with regulation 31(3)(a),
 - (e) P has left Scotland in accordance with regulation 32(2)(a).
- (4) A person who commits an offence under paragraph (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F101** Word in [reg. 30\(1\)](#) omitted (1.11.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), [regs. 1\(3\)](#), [5\(a\)](#)
- F102** [Reg. 30\(1\)\(d\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [10\(1\)](#) (with [reg. 19](#))
- F103** [Reg. 30\(1\)\(e\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [10\(1\)](#) (with [reg. 19](#))

Commencement Information

- I29** [Reg. 30](#) in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 5 (managed isolation): offences and penalties

- 31.—**(1) It is an offence for a person to contravene a requirement in—
- (a) [regulation 20\(1\)](#) (requirement to enter at designated port),

- (b) regulation 20(3) (requirement to possess managed isolation package),
- (c) regulation 21(1) (requirement to travel to and remain in managed accommodation), or
- (d) regulation 21(5) (requirement in relation to a child).

(2) It is a defence to a charge of committing an offence under paragraph (1)(a), (b) or (d) to show that the person, in the circumstances, had a reasonable excuse.

(3) It is a defence to a charge of committing an offence under paragraph (1)(c) for a person (“P”) to show that they are outside of the place where they are staying in accordance with regulation 21(1) for one of the following reasons—

- (a) to travel, in order to leave the common travel area, provided that P does so directly, (except where regulation 16(1)(a)(i) applies in relation to P),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (c) on compassionate grounds, to attend a funeral of—
 - (i) a member of P's household,
 - (ii) a close family member, or
 - (iii) if no-one within heads (i) or (ii) is attending, a friend,
- (d) on compassionate grounds, for reasons relating to the end of a person's life,
- (e) for exercise,
- (f) with permission from a person authorised by the Scottish Ministers to grant permission,
- (g) in other exceptional circumstances, such as—
 - (i) to seek medical assistance where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health,
 - (ii) to access critical public services, including social services or services provided to victims (such as victims of crime),
 - (iii) to avoid injury, illness or to escape risk of harm,
 - (iv) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon.

(4) A person may only leave or be outside of the place where they are staying in reliance on the grounds mentioned in paragraph (3)(c), (d) or (e)—

- (a) if P has been given prior permission by a person authorised by the Secretary of State or the Scottish Ministers for this purpose;
- (b) if P complies with any reasonable requirements imposed by the person so authorised in relation to the exercise, the visit to the person or the attendance at the funeral.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Commencement Information

I30 Reg. 31 in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 6 (self-isolation): offences and penalties

32.—(1) It is an offence for a person to contravene a requirement in—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (a) regulation 26(2) (requirement to travel to and stay in specified premises), or
- (b) regulation 26(8) (requirement in relation to a child).

(2) It is a defence to a charge of committing an offence under paragraph (1)(a) for a person (“P”) to show that they are outside of the place where they are staying in accordance with regulation 26(2) for one of the following reasons—

- (a) to travel, in order to leave Scotland, provided that P does so directly (except where regulation 16(1)(a)(ii) applies in relation to P),
- (b) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household),
- (c) to seek medical assistance, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health,
- (d) to access veterinary services,
- (e) on compassionate grounds, to attend a funeral of—
 - (i) a member of P's household,
 - (ii) a close family member, or
 - (iii) if no-one within heads (i) or (ii) is attending, a friend,
- (f) on compassionate grounds, for reasons relating to the end of a person's life,
- (g) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (h) to access public services (including social services or victims' services) where—
 - (i) access to the service is critical to P's well-being, and
 - (ii) the service cannot be provided if P remains at P's specified premises,
- (i) to avoid injury, illness or to escape risk of harm,
- (j) to move to a different place for the purposes of regulation 26(2) where—
 - (i) a legal obligation requires P to change the specified premises where P is staying for the purposes of that regulation, or
 - (ii) P is otherwise unable to remain at the specified premises where P is staying for the purposes of that regulation.

(3) It is a defence to a charge under paragraph (1)(b) to show that P, in the circumstances, had a reasonable excuse.

(4) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Commencement Information

I31 Reg. 32 in force at 20.9.2021, see [reg. 1\(2\)](#)

Powers of direction and removal

33.—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) has contravened the requirement in regulation 21(1) (requirement to stay in managed accommodation) or 26(2) (requirement to stay in specified premises), the constable may—

- (a) direct P to return to the place where P is staying,

- (b) remove P to the place where P is staying,
 - (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to a hotel or other accommodation facilitated by the Secretary of State or the Scottish Ministers.
- (2) Paragraph (1)(b) and (c) do not apply where P is a person described in paragraph 1 of schedule 4 ^{F104}
- (3) A constable exercising the power in paragraph (1) may use reasonable force, if necessary, in doing so.
- (4) Where a child (“C”) is outside of the place where they are staying in accordance with regulation 21(1) or 26(2) and is accompanied by a person who has responsibility for the child (“A”)—
- (a) the constable may direct A to take C to the place where C is staying,
 - (b) A must, so far as reasonably practicable, ensure that C complies with any direction or instruction given by a constable to C.
- (5) Where a constable has reasonable grounds for suspecting that a child (“C”) has repeatedly contravened the requirement in regulation 21(1) or 26(2), the constable may direct any person who has responsibility for C to ensure, so far as reasonably practicable, that C complies with that requirement.
- (6) A constable may only exercise a power under paragraph (1), (4) or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement in regulation 21(1) or 26(2).
- (7) A constable exercising a power under paragraph (1), (4) or (5) may give to P or A any direction or instruction the constable considers necessary and proportionate.
- (8) Where P is a person required to comply with regulation 21(1), an authorised person may give a direction to P to ensure that P complies with the requirements of that regulation, including a direction—
- (a) that P remain in a particular area of a port to await transportation to P's designated accommodation,
 - (b) that P move to a particular place to board P's designated transportation,
 - (c) that P board P's designated transportation to travel to P's designated accommodation, or
 - (d) that P remain in, or return to, the place where P is staying in accordance with regulation 21(1).
- (9) For the purposes of paragraph (8), “authorised person” means a person authorised by the Scottish Ministers for the purposes of this regulation.

Textual Amendments

F104 Words in [reg. 33\(2\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **10(2)** (with [reg. 19](#))

Commencement Information

I32 [Reg. 33](#) in force at 20.9.2021, see [reg. 1\(2\)](#)

Further offences and penalties

34.—(1) It is an offence for a person to contravene a requirement imposed in or under regulation 33 (powers of direction and removal).

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

(2) It is an offence for a person to provide false or misleading information for the purposes of Parts 5, 6 or 7 where that person—

- (a) knows that the information is false or misleading,
- (b) is reckless as to whether the information is false or misleading.

(3) A person who deliberately obstructs any person carrying out a function under these Regulations commits an offence.

(4) It is a defence to a charge of committing an offence under paragraphs (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse.

(5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Commencement Information

I33 Reg. 34 in force at 20.9.2021, see [reg. 1\(2\)](#)

Fixed penalty notices

35.—(1) A constable may issue a fixed penalty notice to anyone that the constable has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) An immigration officer may issue a fixed penalty notice to anyone that the immigration officer has reasonable grounds to believe—

- (a) has committed—
 - (i) an information offence,
 - (ii) an offence under regulation 29(1) (testing before arrival in Scotland),
 - (iii) an offence under regulation 30(1)(a) (requirement to possess testing package),
 - (iv) an offence under regulation 31(1)(a) (requirement to enter at designated port),
 - (v) an offence under regulation 31(1)(b) (requirement to possess managed isolation package), or
 - (vi) an offence under regulation 34(3) (deliberate obstruction), and
- (b) is aged 18 or over.

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(4) For the purposes of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and
- (c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 ^{M21}, as provided for in sections 129 to 134 of that Act, and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995 ^{M22} subject to the modifications in paragraph (5).

(5) The modifications are—

- (a) section 129(1) is to be disregarded,
 - (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
 - (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
 - (d) section 130(1), (2) and (3)(f) is to be disregarded,
 - (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
 - (f) the reference in section 131(5) to “in accordance with this Part” is to be construed as a reference to these Regulations, and the reference to “a sum equal to one and a half times” is to be disregarded,
 - (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
 - (h) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph, and
 - (i) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226I(1) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph.
- (6) In paragraph (2)(a)(i), “information offence” means an offence under Part 2 (passenger information) or an offence under regulation 34(3) where the person is believed to have intentionally obstructed an immigration officers carrying out a function in relation to Part 2.

Commencement Information

I34 Reg. 35 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M21 [2004 asp 8](#). Sections 130(3), 131(6) and 132(1) were amended by paragraph 32(b) of schedule 1 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2007 \(asp 6\)](#) (“the 2007 Act”) and section 132(6) was repealed by paragraph 32(c) of schedule 1 of the 2007 Act.

M22 [1995 c. 46](#). Section 226B and 226I were inserted by section 55 of the [Criminal Proceedings etc. \(Reform\) \(Scotland\) Act 2006 \(asp 6\)](#) and amended by [S.S.I. 2020/339](#).

Fixed penalty notices: penalty amounts

36. The penalty payable in respect of a fixed penalty notice issued under these Regulations is £480.

Commencement Information

I35 Reg. 36 in force at 20.9.2021, see [reg. 1\(2\)](#)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

PART 8

Duties on operators

Part 8: Interpretation

37. In this Part—

“coronavirus notification” means notification of the result of a test for the detection of coronavirus which includes, in English, French or Spanish, the following information—

- (a) the name of the person from whom the test sample was taken,
- (b) that person's date of birth or age,
- (c) the negative result of that test,
- (d) the date the test sample was collected or received by the test provider,
- (e) the name of the test provider and information sufficient to contact that provider, and
- (f) the name of the device that was used for the test.

“international passenger service” means a commercial service by which passengers travel to a port in Scotland from outside the common travel area on a vessel or aircraft,

“operator” means an operator of an international passenger service,

“passenger” means a person travelling on a conveyance who is not a member of the conveyance's crew,

“relevant passenger” means a passenger who fails, without reasonable excuse—

- (a) to provide evidence of having provided passenger information when requested to do so by an immigration officer pursuant to regulation 4(4) of these Regulations, or
- (b) to produce a valid notification of a negative result when requested to do so by a constable or an immigration officer pursuant to regulation 8(4) of these Regulations.

“required information” means the information specified in schedule 7 and, where appropriate, schedule 8 as required by regulations [F10539 (provision of information before departure) and 41 (provision of information during journey)] of these Regulations,

“vessel” means a vessel which is 24 metres or more in length.

Textual Amendments

F105 Words in reg. 37 substituted (11.2.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(2), 11(1) (with reg. 19)

Commencement Information

I36 Reg. 37 in force at 20.9.2021, see reg. 1(2)

Provision of information before booking

F106 38.

Textual Amendments

F106 Reg. 39 substituted for regs. 38-40 (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(2)** (with reg. 19)

[^{F106} Provision of information between 24 and 48 hours before scheduled departure

39.—(1) Subject to paragraphs (2) and (3), an operator must ensure that a passenger (“P”) who arrives at a port in Scotland on an international passenger service provided by the operator was provided with the required information at least 24 hours prior to the scheduled departure time of that service.

(2) If another person (“A”) made the booking on behalf of P (whether or not A is also a passenger on the service), the requirement in paragraph (1) is to be treated as complied with if the required information was provided to A at least 24 hours prior to the scheduled departure time of the relevant service, along with a written request that A provide that information to P, unless A considers that, by virtue of P’s age or mental capacity, P is unlikely to be capable of understanding it.

(3) Where the booking was made for P to travel on the service within 24 hours of the scheduled departure time, the operator must ensure that P (or, where appropriate under paragraph (2), A) is provided with the required information prior to P’s departure on the service.]

Textual Amendments

F106 Reg. 39 substituted for regs. 38-40 (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(2)** (with reg. 19)

Provision of information before check-in

^{F106}40.

Textual Amendments

F106 Reg. 39 substituted for regs. 38-40 (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(2)** (with reg. 19)

Provision of information during journey

41. An operator must ensure that, every passenger who arrives at a port in Scotland on an international passenger service provided by the operator, has been provided with the required information before the vessel or aircraft arrives at that port.

Commencement Information

I37 Reg. 41 in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to ensure passengers have completed a Passenger Locator Form

42.—(1) Subject to paragraphs [F107(5) and (6)], an operator must [F108take all reasonable steps to] ensure that—

- (a) a passenger who arrives at a port in Scotland on a relevant service (“P”) has completed a Passenger Locator Form, and
- (b) P possesses evidence that they are a person described in a paragraph of schedule 4 (exemptions), where they have indicated on the Passenger Locator Form that they are such a person.

(2) Subject to paragraphs [F109(6) F110 ... and (7)], an operator must ensure that, where P is a person to whom Part 4 of these Regulations (testing following arrival in Scotland) applies, P has included in their Passenger Locator Form the information required by paragraph 4 of schedule 3 (testing package details).

(3) Subject to paragraphs [F111(6) F112 ..., and (8)], an operator must ensure that, where P is required to comply with Part 5 of these Regulations (managed isolation), P has included in their Passenger Locator Form the booking reference for the managed isolation package booked by or on behalf of P as required by paragraph 2(b) of schedule 3.

[F113(4) An operator must ensure that P is in possession of the required evidence if—

- (a) P has indicated on the Passenger Locator Form that P [F114meets the COVID-19 vaccination eligibility criteria], and
- (b) the fact that P [F115meets the COVID-19 vaccination eligibility criteria] is not indicated on the Passenger Locator Form as having been electronically verified.]

(5) Paragraph (1)(b) does not apply in relation to a person described in paragraph 15 of schedule 4 (road haulage worker) who is the driver of a goods vehicle that has been or will be conveyed to Scotland on the relevant service.

(6) Paragraphs (1) to (3) do not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to provide information under regulation 4(2) of these Regulations,
- (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from completing the Passenger Locator Form, or
- (c) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

F116(6A)

(7) Paragraph (2) does not apply where the operator, or a person acting on behalf of the operator, reasonably believes that—

- (a) P is not required to comply with Part 4 of these Regulations (testing following arrival in Scotland), or
- (b) P has a reasonable excuse for failing to comply with regulation 12(1) of these Regulations to arrive in Scotland in possession of a testing package.

(8) Paragraph (3) does not apply where the operator, or a person acting on behalf of the operator, reasonably believes that—

- (a) P is not required to comply with Part 5 of these Regulations (managed isolation), or
- (b) P has a reasonable excuse for failing to comply with the requirement in regulation 20(3) (requirement to possess managed isolation package).

(9) In paragraph (4), “the required evidence” means—

- (a) evidence of the description in regulation 3(2)(d) or (e), (3)(b), (4)(b) and (d) ^{F117}, (4A)(b)] or (6)(b) (where relevant), or
- (b) where P meets the description in regulation 3(5) or (7), evidence of P's age.

Textual Amendments

- F107** Words in reg. 42(1) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(3)(a)(i)** (with reg. 19)
- F108** Words in reg. 42(1) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(3)(a)(ii)** (with reg. 19)
- F109** Words in reg. 42(2) substituted (9.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), **10(3)** (with reg. 16(1))
- F110** Word in reg. 42(2) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(3)(b)** (with reg. 19)
- F111** Words in reg. 42(3) substituted (9.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(2), **10(4)** (with reg. 16(1))
- F112** Word in reg. 42(3) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(3)(b)** (with reg. 19)
- F113** Reg. 42(4) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **10(1)** (with reg. 17)
- F114** Words in reg. 42(4)(a) substituted (15.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/359\)](#), regs. 1(2), **8(a)** (with reg. 14)
- F115** Words in reg. 42(4)(b) substituted (15.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/359\)](#), regs. 1(2), **8(a)** (with reg. 14)
- F116** Reg. 42(6A) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(3)(c)** (with reg. 19)
- F117** Word in reg. 42(9) inserted (15.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/359\)](#), regs. 1(2), **8(b)** (with reg. 14)

Commencement Information

- I38** Reg. 42 in force at 20.9.2021, see reg. 1(2)

Requirement to ensure passengers possess notification of a negative test result

43.—(1) Subject to paragraph (3), an operator must ^{F118}take all reasonable steps to ensure that a passenger who arrives at a port in Scotland on a relevant service is in possession of a coronavirus notification.

(2) A child is to be treated as possessing a coronavirus notification if such a notification is possessed by a person who is travelling with, and has responsibility for, that child.

(3) Paragraph (1) does not apply in relation to a passenger—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes—
 - (i) is not required to comply with Part 3 of these Regulations (testing prior to arrival in Scotland), or
 - (ii) has a reasonable excuse for failing to comply with the requirements of that Part,
- (b) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation,

^{F119}(ba)

- (c) who is a child, travelling without a responsible adult, or
- (d) who is a transit passenger, who does not have the right to enter the country or territory from which the relevant service departs.

(4) In this regulation, “transit passenger” means a person who has arrived in the country or territory from which the relevant service departs with the intention of passing through to Scotland without entering that country or territory.

Textual Amendments

F118 Words in [reg. 43\(1\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **11(4)(a)** (with [reg. 19](#))

F119 [Reg. 43\(3\)\(ba\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **11(4)(b)** (with [reg. 19](#))

Commencement Information

I39 [Reg. 43](#) in force at 20.9.2021, see [reg. 1\(2\)](#)

Requirement to ensure that certain passengers arrive only at certain ports

44.—^{F120}(1) An operator must take all reasonable steps to ensure that no passenger who is required to comply with Part 5 of these Regulations (managed isolation) enters Scotland except in accordance with regulation 20(1) (requirement to enter Scotland at a designated port).

^{F121}(2)

Textual Amendments

F120 [Reg. 44](#) renumbered as [reg. 44\(1\)](#) (9.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), [regs. 1\(2\)](#), **12(2)** (with [reg. 16\(1\)](#))

F121 [Reg. 44\(2\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **11(5)** (with [reg. 19](#))

Commencement Information

I40 [Reg. 44](#) in force at 20.9.2021, see [reg. 1\(2\)](#)

Part 8: offences and penalties

45.—(1) An operator commits an offence if that operator fails to comply with—

- ^{F122}(a)
- (b) regulation 39(1) (provision of information before departure), [^{F123}or]
- ^{F124}(c)
- (d) regulation 41 (provision of information during journey).
- (2) An operator commits an offence if that operator fails to comply with—
- (a) regulation 42(1)(a) (requirement to ensure completion of PLF),
- (b) regulation 42(1)(b) (possession of evidence of an exemption),
- (c) regulation 42(2) (requirement to ensure completion of PLF: testing package),
- (d) regulation 42(3) (requirement to ensure completion of PLF: managed isolation package),
- (e) regulation 42(4) (requirement to ensure completion of PLF: eligible vaccinated arrivals),
- (f) regulation 43(1) (requirement to possess coronavirus notification), or
- (g) regulation 44 (requirement to ensure certain passengers arrive only at certain ports).
- (3) An offence under paragraph (1) or (2) is committed when the relevant service arrives at a port in Scotland.
- (4) In relation to the [^{F125}offence in paragraph (1)(b)], it is a defence for an operator to show that—
- (a) the booking ^{F126}... process was not managed directly by the operator, and
- (b) the operator took reasonable steps to ensure that the person managing the booking ^{F127}... process would provide the required information [^{F128}before departure], in the required manner.
- (5) In relation to the offence in paragraph (1)(d), it is a defence for an operator to show that they had a reasonable excuse for failing to provide the required information.
- (6) For the purposes of paragraph (5), “reasonable excuse” includes that a passenger who was not provided with the required information was, by virtue of age or mental capacity, unlikely to be able to understand the required information.
- (7) In relation to the offence in paragraph (2)(a) or (b), 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 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.
- (8) In relation to the offences in paragraph (2)(c) and (d), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that the relevant information provided by a passenger on their Passenger Locator Form was false, incorrect or incomplete.
- (9) In relation to the offence in paragraph (2)(e), it is a defence for an operator to show that the passenger presented a document purporting to be the required evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.
- ^{F129}(10) In relation to the offence in paragraph (2)(f), it is a defence for an operator to show that the relevant passenger—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

- (a) presented a document purporting to be a coronavirus notification which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not a coronavirus notification, or
- (b) undertook a qualifying test on board a cruise ship on which the relevant passenger arrived in Scotland, the result of that test was positive, and it was not reasonably practicable for the relevant passenger to disembark in a country or territory other than Scotland.]

(11) In relation to the offence in paragraph (2)(g), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that a passenger was required to comply with Part 5 (managed isolation).

(12) If, following the coming into force of any provision which amends the required information, an operator provides information to a passenger that would have complied with this Part but for the coming into force of the amending provision, it is a defence for the operator to show that it was not reasonably practicable for the amended required information to be provided.

(13) An offence under paragraph (1) or (2) is punishable—

- (a) on summary conviction, by a fine not exceeding the statutory maximum,
- (b) on conviction on indictment, by a fine.

(14) For the purposes of paragraph (7), “unique passenger reference number” means a reference number which has been provided by or on behalf of the relevant passenger and which includes the letters “UKVI” followed immediately by an underscore and 13 alphanumeric characters.

(15) For the purposes of paragraph (8), “relevant information” means the information mentioned in regulation 42(2) or 42(3) (as the case may be).

Textual Amendments

- F122** Reg. 45(1)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(a)(i)** (with reg. 19)
- F123** Word in reg. 45(1)(b) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(a)(ii)** (with reg. 19)
- F124** Reg. 45(1)(c) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(a)(iii)** (with reg. 19)
- F125** Words in reg. 45(4) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(b)(i)** (with reg. 19)
- F126** Words in reg. 45(4)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(b)(ii)** (with reg. 19)
- F127** Words in reg. 45(4)(b) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(b)(iii)(aa)** (with reg. 19)
- F128** Words in reg. 45(4)(b) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **11(6)(b)(iii)(bb)** (with reg. 19)
- F129** Reg. 45(10) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **10(2)** (with reg. 17)

Commencement Information

I41 Reg. 45 in force at 20.9.2021, see [reg. 1\(2\)](#)

Extra-territorial jurisdiction

46.—(1) An offence can be committed under regulation 45(1) (provision of information) where the failure to provide the required information occurs wholly or partly outside Scotland.

(2) An offence can be committed under regulation 45(2)(a) or (b) where the failure to [^{F130}take all reasonable steps to] ensure that a passenger who arrives at a port in Scotland on a relevant service has completed a Passenger Locator Form occurs wholly or partly outside Scotland.

(3) An offence can be committed under regulation 45(2) (c) to (e) where the failure to [^{F131}take all reasonable steps to] ensure that a passenger who arrives at a port in Scotland on a relevant service has completed the information in a Passenger Locator form as required by any of those regulations occurs wholly or partly outside Scotland.

(4) An offence can be committed under regulation 45(2)(f) where the failure to [^{F132}take all reasonable steps to] ensure that a passenger who arrives at a port in Scotland on a relevant service is in possession of a coronavirus notification occurs wholly or partly outside Scotland.

(5) An offence can be committed under regulation 45(2)(g) where the failure to take all reasonable steps to ensure that no passenger required to comply with Part 6 enters Scotland except at a port in accordance with regulation 20(1) occurs wholly or partly outside Scotland.

(6) An operator may be prosecuted, tried and punished for an offence under regulation 45(1) or (2) upon the arrival of the international passenger service or relevant service, as the case may be, in Scotland—

- (a) in the sheriff court district within which the port of arrival is located, or
- (b) in such other sheriff court district as the Lord Advocate may direct,

as if the offence has been committed in that district (and the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district).

Textual Amendments

F130 Words in [reg. 46\(2\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [11\(7\)](#) (with [reg. 19](#))

F131 Words in [reg. 46\(3\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [11\(7\)](#) (with [reg. 19](#))

F132 Words in [reg. 46\(4\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [11\(7\)](#) (with [reg. 19](#))

Commencement Information

I42 Reg. 46 in force at 20.9.2021, see [reg. 1\(2\)](#)

PART 9

Information sharing

Power to use and disclose information

47.—(1) This Part applies to a person in Scotland (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (3).

(2) P may only use relevant information where it is necessary—

- (a) for the purpose of carrying out a function under these Regulations,
- (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
- (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraphs (a) or (b).

(3) Subject to paragraph (6), P may only disclose relevant information to another person (“the recipient”) where it is necessary for the recipient to have the information—

- (a) for the purpose of carrying out a function of the recipient under—
 - (i) these Regulations, or
 - (ii) regulations made as respects England, Wales or Northern Ireland (as the case may be) that have the effect of requiring the isolation or quarantine of persons who have been outside the common travel area, for any of the purposes mentioned in subparagraph (b),
- (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
- (c) for a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).

(4) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B (see regulation 48(1)(c)) the following information—

- (a) confirmation that B possesses a testing package (within the meaning of regulation 11(3)) and the details of that testing package (including the time and date of the tests),
- (b) confirmation that B has undertaken any test in accordance with the testing package and, if not, an account of the reasons,
- (c) the result of any test B has undertaken in accordance with a testing package.

(5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach an obligation of confidence owed by the person making the disclosure.

(6) Nothing in this regulation limits the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

(7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.

(8) In paragraph (7), “the data protection legislation” and “personal data” have the meanings given in section 3 of the Data Protection Act 2018 ^{M23}.

Commencement Information

I43 Reg. 47 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M23 2018 c. 12.

Meaning of “relevant information”

48.—(1) For the purposes of regulation 47, “relevant information” means—

- (a) passenger information,
- (b) passenger information from elsewhere in the UK,
- (c) where a person (“B”) is required to comply with Part 5 or Part 6 of these Regulations—
 - (i) the details of any period of self-isolation (including the start and end dates of that period and the reason it was imposed),
 - (ii) a copy of any notice given to B which contains information about the requirement to self-isolate,
 - (iii) information generated where B books, or attempts to book, accommodation as part of a managed isolation package,
 - (iv) the details of any location in which B undertakes any period of managed isolation (including the name and address of the location),
 - (v) information relating to B obtained by P in the course of providing accommodation to B pursuant to a managed isolation package including—
 - (aa) B's room number,
 - (bb) the personal details of any of B's co-habitants,
 - (cc) the details of any absence of B, authorised or otherwise, from the place where B is self-isolating,
 - (vi) information relating to B obtained by P in the course of providing transport to a location at which B undertakes, or is due to undertake, any period of managed isolation,
 - (vii) information relating to B obtained by P in the course of providing any service in connection with a managed isolation package,
- (d) where B is required to obtain a testing package (within the meaning of regulation 11(3), or undertake a day 2 or day 8 test under these Regulations—
 - (i) information generated where B books, or attempts to book, a testing package,
 - (ii) a copy of any notice given to B which contains information about the requirement to book a testing package or to undertake a test,

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- (iii) the results of a test undertaken by B (whether or not that test was provided as part of a testing package),
- (iv) information obtained by P in the course of providing a test that falls within paragraph (iii) and is undertaken, or in the course of arranging for such a test to be undertaken, by B including—
 - (aa) confirmation that the test was undertaken,
 - (bb) details of when and where it was undertaken,
 - (cc) any reasons for a test not being undertaken,
 - (dd) the details of any replacement test to be undertaken,
- (e) where a sample taken in respect of a day 2 test (within the meaning of regulation 11(3)) has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed,
- (f) information provided to an immigration officer pursuant to these Regulations,
- (g) information provided by, or on behalf of, a person by way of explanation of for failing to comply with regulation 4 or 8,
- (h) information about the steps taken, pursuant to these Regulations, in relation to a person, including details of any fixed penalty notice issued under these Regulations.

(2) In this regulation, “passenger information from elsewhere in the UK” means information provided to a person in accordance with provision in regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations.

Commencement Information

I44 Reg. 48 in force at 20.9.2021, see [reg. 1\(2\)](#)

PART 10

Review, expiry, revocations, transitionals and savings

Review of need for restrictions

49. The Scottish Ministers must review the need for the requirements imposed by these Regulations at least once every 28 days, with the first review being carried out by 18 October 2021.

Commencement Information

I45 Reg. 49 in force at 20.9.2021, see [reg. 1\(2\)](#)

Expiry

50.—(1) These Regulations expire at the end of 16 May 2022.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

Commencement Information

I46 Reg. 50 in force at 20.9.2021, see [reg. 1\(2\)](#)

Revocations

51. The instruments listed in schedule 9 are revoked, subject to regulation 52(2).

Commencement Information

I47 Reg. 51 in force at 20.9.2021, see [reg. 1\(2\)](#)

Transitional and savings provisions

52.—(1) Schedule 10 makes transitional provisions.

(2) Nothing in these Regulations applies in relation to a person who arrived in Scotland before on 20 September 2021 (and accordingly, the regulations mentioned in schedule 9 continue to have effect in relation to such a person), subject to paragraph (1).

Commencement Information

I48 Reg. 52 in force at 20.9.2021, see [reg. 1\(2\)](#)

St Andrew's House,
Edinburgh

MICHAEL MATHESON
A member of the Scottish Government

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Regulation 2

Red list countries

Commencement Information

I49 Sch. 1 in force at 20.9.2021, see reg. 1(2)

F133
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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F134
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Textual Amendments

F134 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(a)** (with reg. 6)

Textual Amendments

F134 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(a)** (with reg. 6)

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F135 ...

Textual Amendments

F135 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(a)** (with reg. 4)

Textual Amendments

F135 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(a)** (with reg. 4)

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F136 ...

Textual Amendments

F136 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(b)** (with reg. 6)

Textual Amendments

F136 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(b)** (with reg. 6)

F133 ...

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

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F137 ...

Textual Amendments

F137 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(a)**

Textual Amendments

F137 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(a)**

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F138
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Textual Amendments

F138 Words in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(b)**

Textual Amendments

F138 Words in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(b)**

F139
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Status: Point in time view as at 16/02/2022.

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Textual Amendments

F139 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(c)**

Textual Amendments

F139 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(c)**

F140 ...

Textual Amendments

F140 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(b)** (with reg. 4)

Textual Amendments

F140 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(b)** (with reg. 4)

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F141 ...

Textual Amendments

F141 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(c)** (with reg. 6)

Textual Amendments

F141 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(c)** (with reg. 6)

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F142 ...

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Textual Amendments

F142 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(d)**

Textual Amendments

F142 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(d)**

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F143 ...

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Textual Amendments

F143 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(c)** (with reg. 4)

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F144 ...

Textual Amendments

F144 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(d)** (with reg. 6)

Textual Amendments

F144 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(d)** (with reg. 6)

F145 ...

Textual Amendments

F145 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(e)** (with reg. 6)

Textual Amendments

F145 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(e)** (with reg. 6)

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F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F146 ...

Textual Amendments

F146 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(f)** (with reg. 6)

Textual Amendments

F146 Word in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(f)** (with reg. 6)

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F147
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Textual Amendments

F147 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(g)** (with reg. 6)

Textual Amendments

F147 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(g)** (with reg. 6)

F148
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Textual Amendments

F148 Word in [sch. 1](#) omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(e)** (with reg. 4)

Textual Amendments

F148 Word in [sch. 1](#) omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(e)** (with reg. 4)

F149
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Textual Amendments

F149 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(h)** (with reg. 6)

F150
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Textual Amendments

F150 Word in [sch. 1](#) omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(f)** (with reg. 4)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

F150 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(f)** (with reg. 4)

F151 ...

Textual Amendments

F151 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(e)**

Textual Amendments

F151 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(e)**

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F152 ...

Textual Amendments

F152 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(f)**

Textual Amendments

F152 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(f)**

F133 ...

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

F133
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Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F153 ...

Textual Amendments

F153 Words in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(i)** (with reg. 6)

Textual Amendments

F153 Words in sch. 1 omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(i)** (with reg. 6)

F154 ...

Textual Amendments

F154 Words in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(g)** (with reg. 4)

Textual Amendments

F154 Words in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(g)** (with reg. 4)

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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.....
Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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.....
Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

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Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021](#) (S.S.I. 2021/357), regs. 1(3), **13** (with reg. 16(2))

F155
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Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

F155 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(h)** (with reg. 4)

Textual Amendments

F155 Word in sch. 1 omitted (22.9.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/328\)](#), regs. 1, **3(h)** (with reg. 4)

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F133 ...

Textual Amendments

F133 Words in sch. 1 omitted (11.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **13** (with reg. 16(2))

F156 ...

Textual Amendments

F156 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(g)**

Textual Amendments

F156 Word in sch. 1 omitted (31.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 6\) Regulations 2021 \(S.S.I. 2021/382\)](#), regs. 1(2), **6(g)**

F157 ...

Textual Amendments

F157 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(j)** (with reg. 6)

Textual Amendments

F157 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(j)** (with reg. 6)

F158 ...

Textual Amendments

F158 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(k)** (with reg. 6)

Textual Amendments

F158 Word in [sch. 1](#) omitted (15.12.2021 at 4.00 a.m.) by virtue of [The Public Health \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/470\)](#), regs. 1, **5(k)** (with reg. 6)

[^{F159}SCHEDULE 1A

Regulation 3

Relevant countries

Textual Amendments

F159 Sch. 1A inserted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **11** (with reg. 17)

[^{F160}Albania]

[^{F161}Algeria]

[^{F162}Angola]

[^{F162}Anguilla]

Antigua and Barbuda

[^{F162}Argentina]

[^{F162}Armenia]

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

[^{F162}Azerbaijan]
[^{F160}Bahamas]
Bahrain
[^{F160}Bangladesh]
Barbados
[^{F163}Belarus]
[^{F162}Belize]
[^{F162}Bermuda]
[^{F164}Bhutan]
[^{F163}Bolivia]
[^{F160}Bosnia and Herzegovina]
[^{F162}Botswana]
[^{F160}Brazil]
[^{F163}British Antarctic Territory]
[^{F163}British Indian Ocean Territory]
[^{F163}British Virgin Islands]
Brunei
[^{F162}Cambodia]
[^{F164}Cameroon]
[^{F162}Cayman Islands]
[^{F160}Chile]
[^{F161}China]
[^{F160}Colombia]
[^{F162}Costa Rica]
[^{F164}Cote d'Ivoire]
[^{F164}Cyprus, northern]
[^{F163}Democratic Republic of the Congo]
[^{F162}Djibouti]
Dominica
[^{F163}Dominican Republic]
[^{F163}Ecuador]
[^{F160}Egypt]
[^{F162}Eswatini]
[^{F163}Falkland Islands]
[^{F164}Fiji]
[^{F160}Georgia]

[^{F160}Ghana]
[^{F162}Gibraltar]
[^{F160}Grenada]
[^{F163}Guernsey]
[^{F161}Guatemala]
[^{F162}Guyana]
[^{F162}Honduras]
[^{F160}Hong Kong]
[^{F160}India]
[^{F160}Indonesia]
[^{F161}Iran]
[^{F164}Iraq]
[^{F163}Isle of Man]
Israel
[^{F160}Jamaica]
Japan
[^{F163}Jersey]
[^{F160}Jordan]
[^{F161}Kazakhstan]
[^{F160}Kenya]
[^{F160}Kosovo]
Kuwait
[^{F161}Kyrgyzstan]
[^{F163}Laos]
[^{F162}Lebanon]
[^{F162}Lesotho]
[^{F164}Liberia]
[^{F163}Libya]
[^{F161}Macau SAR]
[^{F162}Madagascar]
[^{F163}Malawi]
Malaysia
[^{F160}Maldives]
[^{F164}Mali]
[^{F164}Mauritania]
[^{F162}Mauritius]

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

[^{F161}Mexico]
[^{F160}Moldova]
[^{F162}Mongolia]
[^{F160}Montenegro]
[^{F163}Montserrat]
[^{F160}Morocco]
[^{F163}Mozambique]
[^{F160}Namibia]
[^{F162}Nepal]
New Zealand
[^{F164}Niger]
[^{F160}Nigeria]
[^{F160}North Macedonia]
[^{F162}Occupied Palestinian Territories]
[^{F160}Oman]
[^{F160}Pakistan]
[^{F164}Palau]
[^{F162}Panama]
[^{F164}Papua New Guinea]
[^{F164}Paraguay]
[^{F162}Peru]
[^{F163}Pitcairn, Henderson, Ducie and Oeno Islands]
Qatar
[^{F162}Rwanda]
[^{F163}Saint Helena, Ascension and Tristan da Cunha]
[^{F163}Samoa]
[^{F161}Sao Tome and Principe]
Saudi Arabia
[^{F163}Senegal]
[^{F160}Serbia]
[^{F162}Seychelles]
[^{F162}Sierra Leone]
Singapore
[^{F164}Solomon Islands]
[^{F160}South Africa]
[^{F163}South Georgia and the South Sandwich Islands]

South Korea

[^{F161}South Sudan]

[^{F164}The Gambia]

[^{F163}The Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus]

[^{F162}Sri Lanka]

[^{F160}St Kitts and Nevis]

[^{F160}St Lucia]

[^{F160}St Vincent and the Grenadines]

[^{F162}Suriname]

Taiwan

[^{F162}Tanzania]

[^{F160}Thailand]

[^{F160}The Philippines]

[^{F161}Timor-Leste]

[^{F161}Tonga]

[^{F162}Trinidad and Tobago]

[^{F162}Tunisia]

[^{F160}Turkey]

[^{F161}Turkmenistan]

[^{F163}Turks and Caicos Islands]

[^{F162}Uganda]

[^{F160}Ukraine]

the United Arab Emirates.

[^{F162}Uruguay]

[^{F164}Uzbekistan]

[^{F163}Vanuatu]

[^{F160}Vietnam]

[^{F163}Zambia]

[^{F163}Zimbabwe]]

Textual Amendments

F160 Words in sch. 1A inserted (11.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 4\) Regulations 2021 \(S.S.I. 2021/357\)](#), regs. 1(3), **14** (with reg. 16(2))

F161 Words in sch. 1A inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **12(a)** (with reg. 19)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- F162** Words in sch. 1A inserted (31.10.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 6) Regulations 2021 (S.S.I. 2021/382), regs. 1(2), 7
- F163** Words in sch. 1A inserted (17.12.2021) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 13) Regulations 2021 (S.S.I. 2021/478), regs. 1, 10 (with regs. 14, 15)
- F164** Words in sch. 1A inserted (10.1.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment Regulations 2022 (S.S.I. 2022/2), regs. 1(4), 11 (with reg. 13(3))

^{F165}SCHEDULE 2

Regulation 2

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Textual Amendments

F165 Sch. 2 omitted (4.10.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2021 (S.S.I. 2021/350), regs. 1, 12 (with reg. 17)

SCHEDULE 3

Regulation 2

Passenger Information

1. Personal details of the passenger—
 - (a) their full name,
 - ^{F166}(b)
 - (c) their date of birth,
 - ^{F167}(ca) their nationality,
 - (cb) their travel document type,]
 - (d) their passport number, or travel document reference number (as appropriate), issue and expiry dates and country of issue,
 - (e) their telephone number (including national dialling code, country and city code, if applicable),
 - (f) their home address, and
 - (g) their email address.

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Textual Amendments

F166 Sch. 3 para. 1(b) omitted (16.2.2022 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(3), 13(a)(i) (with reg. 19)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

F167 Sch. 3 para. 1(ca)(cb) inserted (16.2.2022 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53), regs. 1(3), **13(a)(ii)** (with reg. 19)

Commencement Information

I50 Sch. 3 para. 1 in force at 20.9.2021, see reg. 1(2)

2. Journey details of the passenger—

- (a) the address where—
 - (i) in the case of a person who is required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation), they intend to stay in accordance with the requirements of those Parts, or
 - (ii) in the case of any other person, they intend to stay during the period of 10 days beginning on the day after the date of their arrival in Scotland,
- (b) in the case of a person who is required to comply with Part 5, the booking reference number for the managed isolation package booked by or on behalf of that person,
- (c) the date, or planned date (as appropriate) of their arrival at an address specified in subparagraph (a),
- (d) the operator they are travelling with or through which their booking was made,
- (e) the flight number, train number or ticket number (as appropriate),
- ^{F168}(f)
- (g) the location at which they will arrive in the United Kingdom,
- (h) the country or territory they are travelling from,
- (i) the part of the country or territory they are travelling from, if that part—
 - (i) is specified in schedule 1 ^{F169} ..., or
 - (ii) is, where the country or territory itself is specified in [^{F170}schedule 1], expressly excluded in relation to that country or territory,
- (j) any other country or territory they have departed from or transited through in the period beginning with the 10th day before the date of their arrival in Scotland and in any such case, the dates of departing from or transiting through any such country or territory,
- (k) any part of that other country or territory which they have departed from or transited through during that period, including the dates of departure or transit, if that part—
 - (i) is specified in schedule 1 ^{F171} ..., or
 - (ii) is, where the country or territory itself is specified in [^{F172}schedule 1], expressly excluded in relation to that country or territory.
- (l) the date and time, or planned date and time, as appropriate, of their arrival in the United Kingdom,
- (m) whether they are connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
 - (i) the location at which they will depart from in the United Kingdom,
 - (ii) their final destination country or territory,
 - (iii) the operator they are travelling with or through which their booking was made for their onward journey,
 - (iv) the travel booking reference for their onward journey,

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

(v) the flight number, train number or ticket number (as appropriate) of their onward journey.

Textual Amendments

- F168** Sch. 3 para. 2(f) omitted (15.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 5\) Regulations 2021 \(S.S.I. 2021/359\)](#), regs. 1(2), **9** (with reg. 14)
- F169** Words in sch. 3 para. 2(i)(i) omitted (4.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **13(a)(i)** (with reg. 17)
- F170** Words in sch. 3 para. 2(i)(ii) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **13(a)(ii)** (with reg. 17)
- F171** Words in sch. 3 para. 2(k)(i) omitted (4.10.2021 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **13(b)(i)** (with reg. 17)
- F172** Words in sch. 3 para. 2(k)(ii) substituted (4.10.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2021 \(S.S.I. 2021/350\)](#), regs. 1, **13(b)(ii)** (with reg. 17)

Commencement Information

I51 Sch. 3 para. 2 in force at 20.9.2021, see reg. 1(2)

^{F173}3.

Textual Amendments

F173 Sch. 3 para. 3 omitted (16.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(3), **13(b)** (with reg. 19)

- 4. Where regulation 12 requires a testing package to be booked—
 - (a) the name of the provider of the tests, and
 - (b) the reference number for the tests provided to them by the test provider in accordance with regulation 13(3).

Commencement Information

I52 Sch. 3 para. 4 in force at 20.9.2021, see reg. 1(2)

[^{F174}5. Where the passenger is an eligible vaccinated arrival, a declaration that the passenger meets the COVID-19 vaccination eligibility criteria.]

Textual Amendments

F174 Sch. 3 para. 5 substituted (17.12.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 13\) Regulations 2021 \(S.S.I. 2021/478\)](#), regs. 1, **11** (with regs. 14, 15)

SCHEDULE 4

Regulations 6, 10, 18,25, 26, 27 and 42

Exemptions

PART 1

Diplomats, Crown Servants, visiting forces etc.

- ^{F175}1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
 - (b) a member of a consular post in the United Kingdom,
 - (c) passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
 - (d) a sovereign or other head of State who enjoys immunities and privileges by virtue of the State Immunity Act 1978,
 - (e) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (d),
 - (f) a diplomatic courier or a consular courier.
- (2) A person (“P”) described in sub-paragraph (5)(a) who meets the conditions set out in sub-paragraph (6).
- (3) A person (“P”) who is travelling to the United Kingdom to conduct official business who—
- (a) is described in sub-paragraph (5)(b) to (e) and meets the conditions set out in sub-paragraph (7),
 - (b) is described in sub-paragraph (5)(f) and meets the conditions set out in sub-paragraph (8).
- (4) A person (“P”) described in sub-paragraph (5)(f) to (h) who is travelling to the United Kingdom to conduct official business with the United Kingdom and meets the conditions set out in sub-paragraph (9).
- (5) A person who—
- (a) enjoys relevant immunities and privileges in the United Kingdom,
 - (b) is an officer or servant of an international organisation,
 - (c) is employed by an international organisation as an expert or on a mission,
 - (d) is a representative to an international organisation,
 - (e) is a member of the official staff of a representative to an international organisation,
 - (f) is a representative of a foreign country or territory,
 - (g) is a representative of the government of a British overseas territory,
 - (h) is a specified person.
- (6) The conditions referred to in sub-paragraph (2) are—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is travelling to the United Kingdom, the office held by P and the capacity in which P is travelling to the United Kingdom, and

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

- (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to fall within the description in sub-paragraph (5)(a).
- (7) The conditions referred to in sub-paragraph (3)(a) are—
 - (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to be travelling to the United Kingdom to conduct relevant work.
- (8) The conditions referred to in sub-paragraph (3)(b) are—
 - (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work relating to—
 - (i) essential maintenance and repair of an information technology or security system necessary for the functioning of a mission or consular post in the United Kingdom which represents the relevant foreign country, or
 - (ii) the holding of an election or referendum in accordance with the laws or regulations of a foreign country or territory, and
 - (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to be travelling to the United Kingdom to conduct the relevant work.
- (9) The conditions referred to in sub-paragraph (4) are—
 - (a) where P is not a specified person—
 - (i) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work, and
 - (ii) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in sub-head (i) that P is travelling to the United Kingdom to conduct official business with the United Kingdom,
 - (b) where P is a specified person—
 - (i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
 - (ii) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom.
- (10) For the purposes of this paragraph—

“consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963,

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,

“diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

“international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,

“member of a consular post” means a “consular officer”, “consular employee” and “members of the service staff” as defined in schedule 1 of the Consular Relations Act 1968, and “head of consular post” has the meaning given in that schedule,

“member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964,

“relevant immunities and privileges” means inviolability, immunity from arrest or detention, or any immunity or privilege with equivalent effect which is accorded (other than by virtue of being a person described in sub-paragraphs (1) or (5)(b) to (g)) to any person under the law of Scotland,

“relevant work” means—

- (a) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the functioning of the relevant international organisation,
- (b) where P is a person described in sub-paragraph (5)(f), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the foreign country represented by the relevant mission or consular post in the United Kingdom or the foreign territory represented by the relevant office in the United Kingdom (as the case may be),
- (c) where P is a person described in sub-paragraph (5)(g), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the relevant British overseas territory,

“specified person” means a person who is a member of the democratic opposition in a foreign country or territory, a member of a political party in a foreign country or territory, or who undertakes activities in a foreign country or territory that support government policy related to national security, the promotion and protection of human rights, the mitigation of, or adaptation to, climate change, the maintenance of international peace and security, or the maintaining or enhancing of biodiversity,

“stipulated person” means—

- (a) where P is a person described in sub-paragraph (5)(a), the head of the relevant international organisation, the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of office representing a foreign territory in the United Kingdom (as the case may be),
- (b) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), the head of the relevant international organisation,
- (c) where P is a person described in sub-paragraph (5)(f), the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of the office representing a foreign territory in the United Kingdom (as the case may be),
- (d) where P is a person described in sub-paragraph (5)(g), the relevant Governor of a British overseas territory.

(11) Any exemption provided for in this schedule or any other provision of these Regulations is without prejudice to any immunity or privilege which is accorded to any person under the law of Scotland.]

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

F175 Sch. 4 para. 1 substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(a)** (with reg. 19)

- 2.—(1) A Crown servant or government contractor who is—
- (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom ^{F176} ..., or
 - (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
 - (i) is required to return to the United Kingdom temporarily,
 - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.
- (2) For the purposes of sub-paragraph (1) and paragraph 3—
- “Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989 ^{M24} (“the 1989 Act”),
- “essential government work” means work which has been designated as such by the relevant Department or employer, and
- “government contractor” has the meaning given in section 12(2) of the 1989 Act.

Textual Amendments

F176 Words in sch. 4 para. 2(1)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(b)** (with reg. 19)

Commencement Information

I53 Sch. 4 para. 2 in force at 20.9.2021, see reg. 1(2)

Marginal Citations

M24 1989 c. 6.

- 3.—(1) A person who is a Crown servant, a government contractor or a member of a visiting force, who—
- (a) is required to undertake work necessary to the delivery of essential defence activities, ^{F177} ...
 - ^{F178}(b) has travelled from a point of origin, other than a red list country, on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any red list country, or]
 - (c) has undertaken a continuous period of at least 10 days immediately preceding their arrival aboard a vessel operated by or in support of Her Majesty’s Naval Service or by or in support of a visiting force, [^{F179}where the person has not disembarked] and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least 10 days immediately preceding its arrival in the United Kingdom.
- (2) For the purposes of sub-paragraph (1)—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

“defence” has the meaning given in section 2(4) of the Official Secrets Act 1989, and
“visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty's Government in the United Kingdom.

Textual Amendments

F177 Word in sch. 4 para. 3(1)(a) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(c)(i)** (with reg. 19)

F178 Sch. 4 para. 3(1)(b) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(c)(ii)** (with reg. 19)

F179 Words in sch. 4 para. 3(1)(c) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(c)(iii)** (with reg. 19)

Commencement Information

I54 Sch. 4 para. 3 in force at 20.9.2021, see [reg. 1\(2\)](#)

4. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- [^{F180}(a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom, or]
- (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty's Government on the operation of the Border controls within the United Kingdom.

Textual Amendments

F180 Sch. 4 para. 4(a) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(d)** (with reg. 19)

Commencement Information

I55 Sch. 4 para. 4 in force at 20.9.2021, see [reg. 1\(2\)](#)

^{F181}**4A.**

Textual Amendments

F181 Sch. 4 para. 4A omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(e)** (with reg. 19)

5.—(1) Any person who has been certified by the relevant Department or the Scottish Ministers as meeting the description in heads (a), (b) or (c)—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

- (a) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom [^{F182}or is returning from conducting essential policing or essential government work outside of the United Kingdom,]
- (b) a person [^{F183}required to undertake essential state business in the United Kingdom or] returning from conducting essential state business outside of the United Kingdom,
- [^{F184}(c) a person returning to the United Kingdom where this is necessary to facilitate essential government operations.]
- (2) For the purposes of sub-paragraph (1)—
- “consular post” means any consulate-general, consulate, vice-consulate or consular agency,
- “Crown Servant” and “government contractor” have the meanings given in paragraph 2(2),
- [^{F185}“essential government operations” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular, activity relating to the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty,]
- “essential government work” means work which has been designated as such by the relevant Department or the Scottish Ministers and includes, in particular—
- (a) work related to national security,
- (b) the work of the National Crime Agency in pursuance of its statutory functions, and
- (c) work related to immigration, coronavirus or any other crisis response,
- but does not include work of the description in paragraph 2 of this schedule,
- “essential policing” means policing which has been designated as such on behalf of the relevant chief officer or chief constable,
- “essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular—
- (a) bilateral or multilateral discussions with another state or international organisation, and
- (b) visits to another state on behalf of the United Kingdom or Her Majesty’s Government.

Textual Amendments

- F182** Words in sch. 4 para. 5(1)(a) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), [14\(1\)\(f\)\(i\)\(aa\)](#) (with reg. 19)
- F183** Words in sch. 4 para. 5(1)(b) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), [14\(1\)\(f\)\(i\)\(bb\)](#) (with reg. 19)
- F184** Sch. 4 para. 5(1)(c) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), [14\(1\)\(f\)\(i\)\(cc\)](#) (with reg. 19)
- F185** Words in sch. 4 para. 5(2) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), [14\(1\)\(f\)\(ii\)](#) (with reg. 19)

Commencement Information

- I56** Sch. 4 para. 5 in force at 20.9.2021, see [reg. 1\(2\)](#)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

6.—(1) A person ^{F186}required to undertake essential or emergency work in the United Kingdom or] returning from conducting essential or emergency work outside of the United Kingdom, which has been certified by the relevant Department or the Scottish Ministers as necessary to facilitate essential government work ^{F187}....

(2) For the purposes of sub-paragraph (1), “essential government work” ^{F188}has the meaning] given in paragraph 5.

Textual Amendments

F186 Words in sch. 4 para. 6(1) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(g)(i)(aa)** (with reg. 19)

F187 Words in sch. 4 para. 6(1) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(g)(i)(bb)** (with reg. 19)

F188 Words in sch. 4 para. 6(2) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(g)(ii)** (with reg. 19)

Commencement Information

I57 Sch. 4 para. 6 in force at 20.9.2021, see [reg. 1\(2\)](#)

^{F189}7.

Textual Amendments

F189 Sch. 4 para. 7 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(1)(h)** (with reg. 19)

[^{F190}PART 1A

Law enforcement

Textual Amendments

F190 Sch. 4 Pt. 1A inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(2)** (with reg. 19)

7A. An official of a foreign police force, required to travel to the United Kingdom to undertake policing activities, or a contractor directly supporting police activities, where the relevant Department, the chief constable of the Police Service of Scotland or other police force in the United Kingdom has certified that the activities are essential to the foreign police force.

7B. A person responsible for escorting a person for the purposes of the Repatriation of Prisoners Act 1984, the Colonial Prisoners Removal Act 1884, or the Extradition Act 2003.]

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

PART 2

Transport

8.—(1) A road passenger transport worker [^{F191}where they have travelled to the United Kingdom in the course of their work].

(2) For the purposes of this paragraph—

“road passenger transport worker” means—

- (a) the driver of a public service vehicle, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, ^{F192} ...,

“driver” includes a person who is travelling in a vehicle as a relief driver, and

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981 ^{M25}.

Textual Amendments

F191 Words in sch. 4 para. 8(1) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(3)(a)(i)** (with reg. 19)

F192 Words in sch. 4 para. 8(2) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(3)(a)(ii)** (with reg. 19)

Commencement Information

I58 Sch. 4 para. 8 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M25 1981 c. 81. Section 1 has been amended by the [Transport Act 1985 \(c. 67\)](#), [section 139](#) and schedule 8.

9.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995 ^{M26} (“the 1995 Act”), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) A pilot, as defined in paragraph 22(1) of schedule 3A of the 1995 Act ^{M27}, where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom.

(3) An inspector or a surveyor of ships, appointed under section 256 of the 1995 Act, or by a government of a relevant British possession as defined in section 313(1) of the 1995 Act, where they have travelled to the United Kingdom in the course of their work.

(4) For the purposes of sub-paragraph (1)—

“the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation, and

“the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation.

(5) For the purposes of this paragraph, a person does not travel to the United Kingdom in the course of their work where they—

- (a) arrive by air,
- (b) are returning to the United Kingdom for a period of contracted leave, and
- (c) are not under contract to work in the common travel area during the period during which they would, but for this paragraph, be required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations.

Commencement Information

I59 Sch. 4 para. 9 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M26 1995 c. 21.

M27 Schedule 3A was inserted by schedule 1 of the [Marine Safety Act 2003](#) (c. 16).

10.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
 - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
 - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016 ^{M28} or [^{F193}under Annex III or Annex VI of the Air Operations Regulation], or
 - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft,
- (b) travel for work purposes includes, in particular—
 - (i) where a member of aircraft crew resides outside of the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
 - (ii) travelling to attend work-related training in the United Kingdom,
 - (iii) returning to the United Kingdom following work-related training outside of the United Kingdom,
 - [^{F194}(iv) returning to the United Kingdom following work as a member of aircraft crew outside of the United Kingdom,]
- [^{F195}(c) “Air Operations Regulation” has the meaning given in paragraph 1 of schedule 1 of the Air Navigation Order 2016.]

Textual Amendments

F193 Words in sch. 4 para. 10(2)(a)(ii) substituted (30.9.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 2\) Regulations 2021](#) (S.S.I. 2021/343), regs. 1, **2(3)(a)**

F194 Sch. 4 para. 10(2)(b)(iv) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022](#) (S.S.I. 2022/53), regs. 1(2), **14(3)(b)** (with [reg. 19](#))

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

F195 Sch. 4 para. 10(2)(c) substituted (30.9.2021) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 2\) Regulations 2021 \(S.S.I. 2021/343\)](#), regs. 1, 2(3)(b)

Commencement Information

I60 Sch. 4 para. 10 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M28 [S.I. 2016/765](#).

11. An in-flight security officer who has travelled to the United Kingdom in the course of their work and is deployed pursuant to an international agreement to which the United Kingdom is a party.

Commencement Information

I61 Sch. 4 para. 11 in force at 20.9.2021, see [reg. 1\(2\)](#)

12.—(1) Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system, and
- (b) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.

(2) For the purposes of sub-paragraph (1) and paragraph 14—

“shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987^{M29}, and “tunnel system” has the meaning given in section 1(7) of that Act.

Commencement Information

I62 Sch. 4 para. 12 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M29 [1987 c. 53](#).

13. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944^{M30}, where they have travelled to the United Kingdom when engaged on inspection duties.

Commencement Information

I63 Sch. 4 para. 13 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M30 The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23 February 2018 (ISBN 978-92-9258-301-9).

14. Operational, rail maintenance, safety and security workers working on the tunnel system who have travelled to the United Kingdom in the course of their work.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Commencement Information

I64 Sch. 4 para. 14 in force at 20.9.2021, see [reg. 1\(2\)](#)

15.—(1) A road haulage worker [^{F196}where they have travelled to the United Kingdom in the course of their work].

(2) For the purposes of this paragraph—

(a) “road haulage worker” means—

(i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or

(ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council ^{M31} on common rules for access to the international road haulage market ^{F197}

(b) “driver” includes a person who is travelling in a vehicle as a relief driver,

(c) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988 ^{M32}.

Textual Amendments

F196 Words in [sch. 4 para. 15\(1\)](#) inserted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **14(3)(c)(i)** (with [reg. 19](#))

F197 Words in [sch. 4 para. 15\(2\)\(a\)\(ii\)](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **14(3)(c)(ii)** (with [reg. 19](#))

Commencement Information

I65 Sch. 4 para. 15 in force at 20.9.2021, see [reg. 1\(2\)](#)

Marginal Citations

M31 OJ No. L 300, 14.11.2009, p.72.

M32 1988 c. 52. There are amendments to section 192 but none is relevant.

^{F198}**16.**

Textual Amendments

F198 [Sch. 4 para. 16](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), **14(3)(d)** (with [reg. 19](#))

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

F199 PART 3

Extradition

Textual Amendments

F199 Sch. 4 Pt. 3 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(4)** (with reg. 19)

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F200 PART 4

Emergency, specialist and technical workers

Textual Amendments

F200 Sch. 4 Pt. 4 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(4)** (with reg. 19)

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PART 5 Healthcare

^{F201}35.

Textual Amendments

F201 Sch. 4 para. 35 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(a)** (with reg. 19)

36.—(1) A person who has travelled to the United Kingdom for the purpose of transporting material which consists of, or includes, human cells or blood and which is to be used for the provision of healthcare by a healthcare provider.

(2) For the purposes of sub-paragraph (1)—

“blood” includes blood components, and

[^{F202}“healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth.]

Textual Amendments

F202 Words in sch. 4 para. 36(2) substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(b)** (with reg. 19)

Commencement Information

I66 Sch. 4 para. 36 in force at 20.9.2021, see [reg. 1\(2\)](#)

^{F203}37.

Textual Amendments

F203 Sch. 4 paras. 37-40 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(c)** (with reg. 19)

^{F203}38.

Textual Amendments

F203 Sch. 4 paras. 37-40 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(c)** (with reg. 19)

^{F203}39.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

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Textual Amendments

F203 Sch. 4 paras. 37-40 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(c)** (with reg. 19)

F203 40.

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Textual Amendments

F203 Sch. 4 paras. 37-40 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(5)(c)** (with reg. 19)

F204 **PART 6**

Seasonal Agricultural Workers

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Textual Amendments

F204 Sch. 4 Pt. 6 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(6)** (with reg. 19)

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F205 **PART 7**

Sports and culture

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Textual Amendments

F205 Sch. 4 Pt. 7 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **14(6)** (with reg. 19)

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F206 **SCHEDULE 5**

Regulations 6(3), 18(3) and 25(3)

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Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

Textual Amendments

F206 Sch. 5 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **15** (with reg. 19)

F207 SCHEDULE 5A

Regulation 2(5)

Textual Amendments

F207 Sch. 5A omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **15** (with reg. 19)

F208 SCHEDULE 6

Regulations 2 and 25

Textual Amendments

F208 Sch. 6 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **15** (with reg. 19)

SCHEDULE 7

Regulation 37

Operators: required information

F209 1.

Textual Amendments

F209 Sch. 7 para. 1 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **16(a)** (with reg. 19)

F210 2.—(1) The required information to be provided under regulation 39 (provision of information before departure)—

- (a) may be provided in writing, by electronic communication or orally,
- (b) where provided in writing, is—

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021*. (See end of Document for details)

- (i) the information specified in Part 1 of schedule 8, and
- (ii) the text of the URLs to the following websites:

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>
<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>
<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>
<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>
<https://gov.wales/arriving-wales-overseas>
<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/>

- (c) where provided by electronic communication, is—
 - (i) the information specified in Part 1 of schedule 8, and
 - (ii) hyperlinks to each of the websites in head (b)(ii),
- (d) where provided orally, is the information specified in Part 1 of schedule 8.

(2) Where the required information is provided in writing or by electronic communication it must be provided in a way that draws the passenger’s attention to it by being particularly prominent and distinct from other information provided in relation to the booking.

(3) In this paragraph “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000.]

Textual Amendments

F210 Sch. 7 para. 2 substituted (11.2.2022 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **16(b)** (with reg. 19)

^{F211}**3.**

Textual Amendments

F211 Sch. 7 para. 3 omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), regs. 1(2), **16(a)** (with reg. 19)

4. The required information to be provided under regulation 41 (provision of information during journey)—

- (a) must be given orally before passengers disembark in Scotland,
- (b) must be given in English and an officially recognised language of the country of departure,
- (c) is the information specified in Part 2 of schedule 8.

Commencement Information

I67 Sch. 7 para. 4 in force at 20.9.2021, see reg. 1(2)

[^{F212}SCHEDULE 8

Regulation 37 and schedule 7

Passenger notices

Textual Amendments

F212 Sch. 8 substituted (11.2.2022 at 4.00 a.m.) by *The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022 (S.S.I. 2022/53)*, regs. 1(2), 17 (with reg. 19)

PART 1

ESSENTIAL INFORMATION TO ENTER SCOTLAND FROM OVERSEAS

All persons arriving in the UK must fill in a Passenger Locator Form before arrival.

Before departure to the UK check whether any of the countries you have visited in the past 10 days are on the red list.

If you have visited a country on the red list you must follow the red list rules.

If you have not visited any countries on the red list, what you have to do depends on your vaccination status. Check the rules before you travel at [gov.uk/coronavirus](https://www.gov.uk/coronavirus).

Public health requirements may vary depending on which nation of the UK you are travelling to. Check the relevant website if your final destination is in England, Northern Ireland or Wales.

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.

PART 2

The following is a public health message on behalf of the UK's public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test on or before day 2 after you arrive in the UK.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit [gov.uk/coronavirus](https://www.gov.uk/coronavirus) for more advice.]

SCHEDULE 9

Regulation 51

Revocations

Commencement Information

I68 Sch. 9 in force at 20.9.2021, see reg. 1(2)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Regulations revoked	References
The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.	(S.S.I. 2020/169).
The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020.	(S.S.I. 2020/170).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020.	(S.S.I. 2020/171).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2020.	(S.S.I. 2020/184).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020.	(S.S.I. 2020/209).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020.	(S.S.I. 2020/221).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020.	(S.S.I. 2020/224).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020.	(S.S.I. 2020/229).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020.	(S.S.I. 2020/233).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020.	(S.S.I. 2020/235).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020.	(S.S.I. 2020/242).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2020.	(S.S.I. 2020/252).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020.	(S.S.I. 2020/263).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020.	(S.S.I. 2020/271).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2020.	(S.S.I. 2020/274).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020.	(S.S.I. 2020/280).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020.	(S.S.I. 2020/288).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020.	(S.S.I. 2020/301).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020.	(S.S.I. 2020/307).
The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020.	(S.S.I. 2020/326).

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- The Health Protection (Coronavirus, Public Health Information for (S.S.I. 2020/328).
Passengers Travelling to Scotland) Amendment Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/330).
Amendment (No. 19) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/343).
Amendment (No. 20) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/354).
Amendment (No. 21) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/378).
Amendment (No. 23) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/404).
Amendment (No. 24) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel and Public (S.S.I. 2020/431).
Health Information) (Scotland) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel and Public (S.S.I. 2020/444).
Health Information) (Scotland) (No. 2) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2020/474).
Amendment (No. 25) Regulations 2020.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/5).
Amendment Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/6).
Amendment (No. 2) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/7).
Amendment (No. 3) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/19).
Amendment (No. 4) Regulations 2021.
- The Health Protection (Coronavirus) (Pre-Departure Testing and (S.S.I. 2021/20).
Operator Liability) (Scotland) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/21).
Amendment (No. 5) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel, Public (S.S.I. 2021/34).
Health Information and Pre-Departure Testing) (Scotland) Amendment
Regulations 2021.
- The Health Protection (Coronavirus) (International Travel, Prohibition (S.S.I. 2021/52,
on Travel from the United Arab Emirates) (Scotland) Amendment partially revoked by
Regulations 2021 (insofar as not already revoked). S.S.I. 2021/181).
- The Health Protection (Coronavirus) (International Travel) (Managed (S.S.I. 2021/74).
Accommodation and Testing) (Scotland) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/81).
Amendment (No. 6) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Managed (S.S.I. 2021/107).
Accommodation and Testing etc.) (Scotland) Amendment Regulations
2021.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/111). Amendment (No. 7) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/158). (Scotland) Amendment Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/179). Amendment (No. 8) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/181). (Miscellaneous Amendments) (Scotland) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/191). Amendment (No. 9) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/204). Amendment (No. 10) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/208). (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/212). Amendment (No. 11) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/230). Amendment (No. 12) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/237). Amendment (No. 13) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/256). Amendment (No. 14) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/261). (Miscellaneous Amendments) (Scotland) (No. 4) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/264). (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/265). (Miscellaneous Amendments) (Scotland) (No. 6) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/275). Amendment (No. 15) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel etc.) (S.S.I. 2021/278). (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/290). Amendment (No. 16) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/301). Amendment (No. 17) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/307). Amendment (No. 18) Regulations 2021.
- The Health Protection (Coronavirus) (International Travel) (Scotland) (S.S.I. 2021/319). Amendment (No. 19) Regulations 2021.
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SCHEDULE 10

Regulation 52

Transitional provisions

Interpretation

1. In this schedule, “the 2020 Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 ^{M33}, and references to numbered Parts and Schedules are to the Parts of those Regulations so numbered, unless the context otherwise requires.

Commencement Information

I69 Sch. 10 para. 1 in force at 20.9.2021, see reg. 1(2)

Marginal Citations

M33 [S.S.I. 2020/169](#), last amended by [S.S.I. 2021/319](#).

Part 2 (requirement to provide information)

2. Passenger information provided before 20 September 2021 by a person pursuant to regulation 3(2) of the 2020 Regulations in advance of arrival in Scotland is treated as passenger information provided for the purposes of regulation 4(2) of these Regulations where the person arrives in Scotland on or after that date.

Commencement Information

I70 Sch. 10 para. 2 in force at 20.9.2021, see reg. 1(2)

Part 2A (testing following arrival in Scotland)

3. Notification provided to the test provider before 20 September 2021 by a person pursuant to regulation 5E of the 2020 Regulations (obligation to provide information) in advance of arrival in Scotland is treated as notification provided for the purposes of regulation 13 of these Regulations where the person arrives in Scotland on or after that date.

Commencement Information

I71 Sch. 10 para. 3 in force at 20.9.2021, see reg. 1(2)

4. Confirmation given by the Foreign, Commonwealth and Development Office before 20 September 2021 that a person is not required to comply with regulations 5D to 5J of the 2020 Regulations pursuant to regulation 5K of the 2020 Regulations (exclusion of certain diplomatic etc. personnel) is treated as confirmation that the person is not required to comply with Part 4 in accordance with regulation 18 of these Regulations where the person arrives in Scotland on or after that date.

Commencement Information

I72 Sch. 10 para. 4 in force at 20.9.2021, see reg. 1(2)

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Part 3 (managed self-isolation package)

5. A booking of a managed self-isolation package made before 20 September 2021 which satisfies the requirements of regulation 6A(4) of the 2020 Regulations is treated as satisfying the requirements of regulation 20(3) of these Regulations where the person to whom the booking relates arrives in Scotland on or after that date.

Commencement Information

I73 Sch. 10 para. 5 in force at 20.9.2021, see reg. 1(2)

6. A designation by the Scottish Ministers pursuant to regulation 6A(6) of the 2020 Regulations of accommodation or transportation has effect as a designation of accommodation or transportation, as the case may be, under regulation 20(6) of these Regulations.

Commencement Information

I74 Sch. 10 para. 6 in force at 20.9.2021, see reg. 1(2)

7. A designation by the Scottish Ministers pursuant to regulation 6A(8) of the 2020 Regulations of a person who may impose a charge for the managed self-isolation package has effect as a designation under regulation 23 of these Regulations.

Commencement Information

I75 Sch. 10 para. 7 in force at 20.9.2021, see reg. 1(2)

8. Confirmation given by the Secretary of State or the Scottish Ministers before 20 September 2021 that P is a relevant person in accordance with regulation 6D of the 2020 Regulations (modification of regulations 6A and 6B) is treated as confirmation that the person is a relevant person in accordance with regulation 22 of these Regulations (modification of regulations 20 and 21) where the person arrives in Scotland on or after that date with references to a managed isolation package to be read accordingly.

Commencement Information

I76 Sch. 10 para. 8 in force at 20.9.2021, see reg. 1(2)

Part 4 (enforcement)

9. Authorisation by the Scottish Ministers under regulation 9(7)(g) and (8)(a) of the 2020 Regulations (offences and penalties – Parts 3 and 4) of a person who may grant permission under that regulation has effect as authorisation under regulation 31(3)(f) and (4)(a) of these Regulations.

Commencement Information

I77 Sch. 10 para. 9 in force at 20.9.2021, see reg. 1(2)

Schedule 2 (persons not required to comply with regulations 3, 5A or 5D to 6B)

10. Confirmation given by the Foreign, Commonwealth and Development Office before 20 September 2021 pursuant to paragraph 1(2)(b) of schedule 2 of the 2020 Regulations is treated as confirmation that a person is not required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations where the person arrives in Scotland on or after that date.

Commencement Information

I78 Sch. 10 para. 10 in force at 20.9.2021, see reg. 1(2)

11. Confirmation by the relevant Department before 20 September 2021 pursuant to paragraph 1(1A)(d) of schedule 2 of the 2020 Regulations (COP 26 etc.) is treated as confirmation under paragraph 1(3)(d) of schedule 4 ^{F213}... of these Regulations where the person concerned arrives in Scotland on or after that date, and that confirmation as not been withdrawn.

Textual Amendments

F213 Words in [sch. 10 para. 11](#) omitted (11.2.2022 at 4.00 a.m.) by virtue of [The Health Protection \(Coronavirus\) \(International Travel and Operator Liability\) \(Scotland\) Amendment \(No. 3\) Regulations 2022 \(S.S.I. 2022/53\)](#), [regs. 1\(2\)](#), [18](#) (with [reg. 19](#))

Commencement Information

I79 Sch. 10 para. 11 in force at 20.9.2021, see [reg. 1\(2\)](#)

12. Confirmation by the Foreign, Commonwealth and Development Office before 20 September 2021 pursuant to paragraph 1A of schedule 2 of the 2020 Regulations that a person is not required to comply with regulation 6 of those Regulations (requirement for travellers to stay in specified premises) is treated as confirmation that a person is not required to comply with Part 6 (self-isolation) of these Regulations pursuant to paragraph 7 of schedule 4 of these Regulations where the person arrives in Scotland on or after that date.

Commencement Information

I80 Sch. 10 para. 12 in force at 20.9.2021, see reg. 1(2)

13. A designation by the relevant Department or employer before 20 September 2021 pursuant to paragraph 2(2) of schedule 2 of work which is “essential government work” has effect as a designation under paragraph 2(2) of schedule 4 of these Regulations where the person to whom it applies arrives in Scotland on or after that date.

Commencement Information

I81 Sch. 10 para. 13 in force at 20.9.2021, see reg. 1(2)

14. Certification by the relevant Department or the Scottish Ministers under paragraphs 14 or 14A of schedule 2 of the 2020 Regulations issued before 20 September 2021 that a person is of the description or is undertaking work of the description in those paragraphs, is treated as certification that the person is of the description or is undertaking work of the description in paragraphs 5 or 6 of schedule 4 of these Regulations where the person concerned arrives in Scotland on or after that date.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Commencement Information

I82 Sch. 10 para. 14 in force at 20.9.2021, see reg. 1(2)

Schedule 2A (testing before arrival in Scotland)

15. Certification by the relevant Department or the Scottish Ministers pursuant to paragraph 4(1) (a) and (b) of schedule 2A of the 2020 Regulations and issued before 20 September 2021 that a person is not required to comply with regulation 5A of those Regulations is treated as certification pursuant to regulation 10(1)(c) and (d) of these Regulations that the person is not required to comply with Part 3 of these Regulations where the person concerned arrives in Scotland on or after that date.

Commencement Information

I83 Sch. 10 para. 15 in force at 20.9.2021, see reg. 1(2)

16. Confirmation given by the Foreign, Commonwealth and Development Office pursuant to paragraph 4(1)(c)(ii) of schedule 2A of the 2020 Regulations and issued before 20 September 2021 that a person is not required to comply with regulation 5A of those Regulations is treated as confirmation pursuant to regulation 10(1)(e)(ii) of these Regulations that the person is not required to comply with Part 3 of these Regulations where the person concerned arrives in Scotland on or after that date.

Commencement Information

I84 Sch. 10 para. 16 in force at 20.9.2021, see reg. 1(2)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”), the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Information Regulations”), and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Operator Liability Regulations”).

The International Travel Regulations, the Information Regulations and the Operator Liability Regulations have been extensively amended and are all due to expire on 20 September 2021. These Regulations revoke and replace those three sets of Regulations from 20 September 2021, and do not apply in relation to a person who arrived in Scotland before then.

For the purpose of preventing the spread of infection or contamination with coronavirus, these Regulations set out requirements for people arriving in Scotland, directly or indirectly, from outside the common travel area (that is, the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands). The Regulations also impose related requirements on persons (“operators”) operating commercial services for international

passengers travelling to Scotland by sea and air directly from outside the common travel area. In addition to minor and drafting amendments to clarify the application of the travel rules, these Regulations amend the application of the travel rules to In-flight Security Officers.

Part 1 of these Regulations, regulations 1 to 3, makes general provision, in particular for the meaning of terms used in these Regulations. Regulation 2 includes the meaning of red list country, green list country and amber list country, and red list arrival, green list arrival, and amber list arrival. Red lists countries are listed in schedule 1. Green list countries are listed in schedule 2. Amber list countries are countries or territories outside the common travel area that are not listed in schedule 1 or schedule 2. Different travel rules applies depending on whether a person is a red list, amber list or green list arrival.

Part 2, regulations 4 to 6, requires red list arrivals, amber list arrivals and green list arrivals to provide information listed in schedule 3 on a Passenger Locator Form (“passenger information”) before or on arrival in Scotland. Passengers are required to keep their passenger information up-to-date. Persons who are not required to comply with this Part are specified in regulation 6. This includes persons described in specified paragraphs of schedule 4. Schedule 4 provides a list of persons subject to specific exemptions in these Regulations.

Part 3, regulations 7 to 10, requires red list arrivals, amber list arrivals and green list arrivals to possess a notification of a negative coronavirus test upon arrival in Scotland. Persons not required to comply with this part are specified in regulation 10. This includes persons described in specified paragraphs of schedule 4.

Part 4, regulations 11 to 18, requires red list arrivals, amber list arrivals and green list arrivals to possess a testing package for the detection of coronavirus on arrival in Scotland or to obtain one as soon as possible on arrival. The provisions provide instructions in respect of the timings of tests, which differ depending upon whether a person is (a) a red list arrival or an amber list arrival, or (b) a green list arrival or an amber list arrival who is an eligible vaccinated arrival. The regulations provide for the consequences of obtaining a positive, negative or inconclusive test result with implications for the length of time relevant persons must remain in the specified premises or designated accommodation. These provisions enable charges to be imposed in respect of testing packages. Persons not required to comply with this part are specified in regulation 18. This includes persons described in specified paragraphs of schedule 4.

Part 5, regulations 19 to 25, requires red list arrivals, subject to limited exceptions, to enter Scotland through Aberdeen, Edinburgh, or Glasgow Airports, or a military airfield or port and to possess a “managed isolation package”, as defined in regulation 20(6). Persons to whom this Part applies are required to travel directly to the accommodation designated in the package using transport designated for this purpose (where relevant), and, with certain exceptions, to stay in the accommodation until the earlier of the end of the 10th day after arrival, or the date of the person's departure from the common travel area. The application of these provisions may be modified in respect of ‘relevant persons’ listed in regulation 22. Regulation 23 enables charges to be imposed in respect of a managed isolation package. Regulation 24 enables persons to appeal to the sheriff or summary sheriff against the requirement to possess a managed isolation package or to remain in the accommodation designated in that package. Persons who are exempted are listed in regulation 25, including persons described in specified paragraphs of schedule 4.

Part 6, regulations 26 and 27, requires amber list arrivals and red list arrivals specified in regulation 26(1)(b) to travel, without undue delay, on their arrival to Scotland to specified premises and stay there until whichever is the later of (a) the end of the 10th day after the day on which they last departed from or transited through an amber list country or, as the case may be, a red list country, or (b) the end of the relevant period specified in the Regulations. Regulation 26(4) provides a definition of “specified premises” for the purpose of this regulation. Persons not required to comply with this part are specified in regulation 27. This includes persons described in specified paragraphs of schedule 4, and international elite sportspersons attending specified competitions. Schedule 5 provides a list of COP 26 representatives and schedule 6 provides a list of specified competitions.

Status: Point in time view as at 16/02/2022.

Changes to legislation: There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021. (See end of Document for details)

Part 7, regulations 28 to 36, lists the offences and penalties for contravening specified regulations in the various parts of these Regulations. The provisions provide where a reasonable excuse or a specific defence is relevant in relation to specific offences. Constables are provided with powers of direction and removal and are able to issue fixed penalty notices to persons aged 18 years or over who they have reasonable grounds to believe have committed an offence under these Regulations. Immigration officers are able to issue fixed penalty notices if they have reasonable ground to believe that a person has committed specified offences under these Regulations. The penalty payable in respect of a fixed penalty notice issued under these Regulations is £480.

Part 8, regulations 37 to 46, consolidate requirements on operators operating commercial services for international passengers travelling to Scotland by sea and air from outside the common travel area. Regulations 38 to 41 require operators to ensure that passengers who arrive in Scotland have been provided with certain public health information (“required information”) on three separate occasions, before they book their travel, when they check-in and whilst they are on board the vessel or aircraft. The required information is specified in schedules 7 and 8. Regulation 42 requires operators to ensure that passengers who arrive in Scotland have completed a Passenger Locator Form and possess evidence that they are a person described in the schedule 4 list of exemptions where they have indicated on their form that they are such a person. Regulation 43 requires operators to ensure that passengers possess notification of a negative coronavirus test. Regulation 44 requires operators to take all reasonable steps to ensure that passengers who are required to comply with the managed isolation requirements of Part 5 arrive only at ports designated in regulation 20. Regulation 45 provides offences and penalties in respect of the requirements on operators. Regulation 46 sets out the circumstances under which an offence can be committed under this Part where the offence occurs wholly or partly outside Scotland.

Part 9, regulations 47 to 48, sets out when specific information in relation to these Regulations can be disclosed and used in Scotland.

Part 10 requires Scottish Ministers to review the need for the requirements imposed by these Regulations at least once every 28 days. The first review is to be carried out by 18 October 2021. These Regulations expire at the end of 16 May 2022. They revoke the instruments listed in schedule 9. The instruments that are revoked are the International Travel Regulations, the Information Regulations and the Operator Liability Regulations and the instruments that have amended them. Schedule 10 makes transitional provision in respect of specified matters, such as passenger information, testing following arrival in Scotland, managed self-isolation packages, enforcement and exemptions, which were undertaken pursuant to the International Travel Regulations. The effect of these provisions is that the specified matters are to be treated as if they were undertaken pursuant to the corresponding provisions in these Regulations.

An impact assessment has not been produced for this instrument.

Status:

Point in time view as at 16/02/2022.

Changes to legislation:

There are currently no known outstanding effects for the The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021.