
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

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

PART 7

Parts 2 to 6: enforcement

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.

(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.

(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.