

2021 No. 359

PUBLIC HEALTH

The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 5) Regulations 2021

Approved by the Scottish Parliament

Made - - - - at 12.45 p.m. on 14th October 2021

Laid before the Scottish Parliament at 2.30 p.m. on 14th October 2021

Coming into force - - - at 4.00 a.m. on 15th October 2021

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

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

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 5) Regulations 2021.

(2) These Regulations come into force at 4.00 a.m. on 15 October 2021.

Amendment of the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021

2. The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021(b) are amended in accordance with regulations 3 to 13.

Amendment to regulation 2

3. In regulation 2(1) (interpretation: general), after the definition of “coronavirus disease”(c) insert—

““COVID-19 vaccination eligibility criteria” means the conditions in any of paragraphs (2) to (7) of regulation 3,”.

(a) 2008 asp 5.

(b) S.S.I. 2021/322 was amended by S.S.I. 2021/343, 2021/350 and 2021/357.

(c) Regulation 2 was amended by S.S.I. 2021/350 and 2021/357.

Amendment to regulation 3

4. In regulation 3 (interpretation: eligible vaccinated arrivals)(a)—
- (a) in paragraph (2)(f), for the words “has completed a course of doses of an authorised vaccine” substitute “meets the COVID-19 vaccination eligibility criteria”,
 - (b) in paragraph (3)(c), for the words “has participated, or is participating, in such a trial” substitute “meets the COVID-19 vaccination eligibility criteria”,
 - (c) in paragraph (4)(c), for the words “has completed a course of doses of an authorised vaccine” substitute “meets the COVID-19 vaccination eligibility criteria”,
 - (d) after paragraph (4), insert—
“(4A) P—
 - (a) is a person who, by virtue of a determination made in accordance with—
 - (i) the Health Protection (Coronavirus) (Requirements) (Scotland) Regulations 2021**(b)**, or
 - (ii) the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021**(c)**,is not vaccinated for medical reasons,
 - (b) is able to provide proof of such a determination 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.”,
 - (e) in paragraph (6)(c), for the words “has completed a course of doses of a vaccine as described in sub-paragraph (a)” substitute “meets the COVID-19 vaccination eligibility criteria”.

Amendment to regulation 18

5. In regulation 18 (part 4: persons not required to comply)(d), in paragraph (1)(j), omit head (i).

Amendment to regulation 27

6. In regulation 27 (part 6: persons not required to comply)(e), after paragraph (1) insert—
“(1A) The full or partial disapplication of the requirement to comply with regulation 26 that is provided for in paragraph (1)(e) and (ea) does not apply to a person who is both—
 - (a) a red list arrival, and
 - (b) described in paragraph 1(1)(a) to (h) or (k) of schedule 4 or a person who is a member of the family forming part of the household of a person described in paragraph 1(1)(a), (b) or (h) of schedule 4.”.

Amendment to regulation 33

7. In regulation 33 (powers of direction and removal), in paragraph (2), at the end insert “or to whom paragraph 1(3) and (4) or paragraph 1(8) of schedule 5A applies”.

(a) Regulation 3 was amended by S.S.I. 2021/350 and 2021/357.
(b) S.S.I. 2021/277.
(c) S.I. 2021/582.
(d) Regulation 18 was amended by S.S.I. 2021/357.
(e) Regulation 27 was amended by S.S.I. 2021/357.

Amendment to regulation 42

8. In regulation 42 (requirements to ensure passengers have completed a passenger locator form)(a)—

- (a) in paragraph (4)(a) and (b), for “is an eligible vaccinated arrival” substitute “meets the COVID-19 vaccination eligibility criteria”,
- (b) in paragraph (9), after “(4)(b) and (d)” insert “, (4A)(b)”.

Amendment to schedule 3 (passenger information)

9. In schedule 3 (passenger information)(b), in paragraph 2, omit sub-paragraph (f).

Amendment to schedule 4 (exemptions)

10. In schedule 4 (exemptions)(c), in paragraph 1—

- (a) in sub-paragraph 1(1), in the opening words, for the words “described in sub-paragraph (3)” substitute “to whom paragraph 1(3) and (4) or paragraph 1(8) of schedule 5A applies”,
- (b) in sub-paragraph (1)(h), omit “described in head (a) or (b) who is”,
- (c) in sub-paragraph (2)(a)—
 - (i) in the opening words, omit “or conference”,
 - (ii) in sub-paragraph head (i)(aa), omit “mission, consular post,” and “conference, or office,”,
- (d) omit sub-paragraph (3),
- (e) in sub-paragraph (5) the following definitions are omitted—
 - (i) the definition of “registered participant”,
 - (ii) the definition of “relevant international event”,
 - (iii) the definition of “relevant person”.

Amendment to schedule 5A (application of regulations to COP 26 participants)

11. In schedule 5A (application of regulations to COP 26 participants)(d)—

- (a) in paragraph 2(1), omit sub-paragraph (a),
- (b) in the following paragraphs, for the words “described in paragraph 1(3) of schedule 4, who is attending the COP” substitute “who has been registered to attend the COP with the secretariat of the United Nations Framework Convention on Climate Change, and has confirmation of their registration from the secretariat”—
 - (i) paragraph 3(1)(b),
 - (ii) paragraph 4(1)(b),
 - (iii) paragraph 5(1)(b),
 - (iv) paragraph 6(1)(b),
- (c) in the following paragraphs, omit the words “notwithstanding regulation 6(1),”—
 - (i) paragraph 3(3)(a),
 - (ii) paragraph 4(2)(a),
 - (iii) paragraph 5(2)(b),

(a) Regulation 42 was amended by S.S.I. 2021/350.

(b) Schedule 3, paragraph 2, was amended by S.S.I. 2021/350.

(c) Schedule 4 was amended by S.S.I. 2021/350 and 2021/357.

(d) Schedule 5A was inserted by S.S.I. 2021/357.

(iv) paragraph 6(2)(a).

Amendment to schedule 7 (operators: required information)

12. In schedule 7 (operators: required information), in paragraph 2(b), omit head (iii).

Amendment to schedule 10 (transitional provisions)

13. In schedule 10 (transitional provisions), in paragraph 11, after “paragraph 1(3)(d) of schedule 4” insert “or, as the case may be, paragraph 1(4)(b) or (8)(d) of schedule 5A”.

Savings

14. The amendments made by these Regulations do not apply in relation to any person who arrived in Scotland before 4.00 a.m. on 15 October 2021, and the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 continue to apply to such persons as if the amendments made by these Regulations had not been made.

BEN MACPHERSON

Authorised to sign by the Scottish Government

St Andrew's House,
Edinburgh
At 12.45 p.m. on 14th October 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the International Travel Regulations”).

Regulation 3 amends regulation 2 of the International Travel Regulations to insert a definition of “COVID-19 vaccination eligibility criteria” which relates to eligible vaccinated arrivals.

Regulation 4 amends regulation 3 of the International Travel Regulations to require a passenger who is an eligible vaccinated arrival to include in the Passenger Locator Form a declaration that they meet the COVID-19 vaccination eligibility criteria. Regulation 8(a) makes a consequential change to regulation 42 of the International Travel Regulations, which requires operators to ensure passengers have completed a passenger locator form.

Regulation 4 also amends the meaning of an eligible vaccinated arrival to include a person who by virtue of a determination made under regulations specified in new paragraph (4A)(a) is not able to be vaccinated on medical grounds. A consequential change is made to regulation 42 by regulation 8(b).

Regulations 5, 7, 10, 11 and 13 make consequential amendments to regulations 18 and 33 and schedules 4, 5A and 10 of the International Travel Regulations in their application to diplomats and their dependents and participants at the “Conference of the Parties” relating to climate change and the World Leaders Summit in November 2021.

Regulation 6 amends regulation 27 of the International Travel Regulations in relation to the requirement of persons in Part 1 of schedule 4 who arrive from red list countries to self-isolate.

Regulation 9 and 12 amend schedules 3 and 7 of the International Travel Regulations to remove the requirement for a person to provide an allocated seat number on the Passenger Locator Form.

Regulation 14 makes saving provisions which set out the circumstances in which a person arriving in Scotland must comply with the International Travel Regulations as they had effect before the changes in these Regulations were made.

An impact assessment has not been produced for this instrument.

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