

**2021 No. 440**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 8) Regulations 2021**

*Approved by the Scottish Parliament*

*Made - - - -at 10.02 a.m. on 26th November 2021*

*Coming into force at 11.59 a.m. on 26th November 2021*

*Laid before the Scottish Parliament 29th November 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<sup>(a)</sup> and all other powers enabling them to do so.

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

**Citation and commencement**

1. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 8) Regulations 2021 and come into force at 11.59 a.m. on 26 November 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<sup>(b)</sup> are amended in accordance with regulations 3 and 4.

**Amendment of regulation 2 – interpretation: general**

3. In regulation 2 (interpretation: general)—

(a) in paragraph (1)—

(i) in the definition of “eligible vaccinated arrival” after “has” insert “, subject to paragraph (6) of this regulation,”,

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<sup>(a)</sup> 2008 asp 5.

<sup>(b)</sup> S.S.I. 2021/322; relevant amending instruments are S.S.I. 2021/343, S.S.I. 2021/350, S.S.I. 2021/357, S.S.I. 2021/359, S.S.I. 2021/382 and S.S.I. 2021/425.

- (ii) the definition of “red list arrival” after “means” insert “, subject to paragraph (6) of this regulation,”,
- (b) after paragraph (5)(a) insert—
  - “(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.”.

**Amendment of schedule 1 – red list countries**

**4.** In schedule 1 (red list countries) insert—

“Botswana,  
Eswatini,  
Lesotho,  
Namibia,  
South Africa,  
Zimbabwe”.

**Saving**

**5.** The amendments made by these Regulations do not apply in relation to any person who arrived in Scotland before 11.59 a.m. on 26 November 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.

*MICHAEL MATHESON*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
At 10.02 a.m. on 26th November 2021

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(a) Paragraph (5) was inserted by S.S.I. 2021/357.

## **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 the definitions of “red list arrival” and “eligible vaccinated arrival” as they apply to certain arrivals from red list countries.

Regulation 4 includes “Botswana, Eswatini, Lesotho, Namibia, South Africa and Zimbabwe” in schedule 1 as red list countries.

Regulation 5 makes savings provision to the effect that a person arriving in Scotland before these Regulations come into effect must comply with the International Travel Regulations as they had effect at the time of the person’s arrival in Scotland. The amendments made by these Regulations apply only in relation to persons arriving in Scotland at or after 11.59 a.m. on 26 November 2021.

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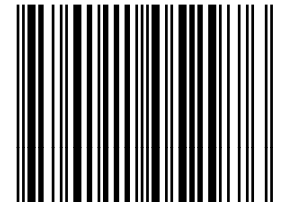
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