

2021 No. 443

PUBLIC HEALTH

The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 10) Regulations 2021

Approved by the Scottish Parliament

Made - - - - 29th November 2021

Coming into force at 4.00 a.m. on 30th November 2021

Laid before the Scottish Parliament at 9.00 a.m. on 30th 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^(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. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 10) Regulations 2021 and come into force at 4.00 a.m. on 30 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^(b) are amended in accordance with regulations 3 to 10.

^(a) 2008 asp 5.

^(b) 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, S.S.I. 2021/425, S.S.I. 2021/440 and S.S.I. 2021/441.

Amendment of regulation 5 – requirement to update passenger information

3. In regulation 5 (requirement to update passenger information) omit “or” at the end of paragraph (1)(a)(ii) and after paragraph (1)(a)(ii) insert—

“(aa) an eligible vaccinated arrival, or”.

Amendment of regulation 11 – Part 4: application and interpretation

4. In regulation 11 (Part 4: application and interpretation)—

- (a) in paragraph (1) omit “paragraph (2) and”,
- (b) omit paragraph (2).

Amendment of regulation 14 – requirement to undertake tests

5. In regulation 14 (requirement to undertake tests)—

- (a) for paragraph (9)(b) substitute—
 - “(b) the test is a test which complies with paragraph (9A)”,
- (b) omit paragraph (9B).

Amendment of regulation 15 – requirement to self-isolate on failure to undertake a test

6. In regulation 15(1)(b) (requirement to self-isolate on failure to undertake a test) after “a” insert “required”.

Omission of regulations 16A and 16B

7. Omit—

- (a) regulation 16A (eligible vaccinated arrivals: notification of result of self-administered test), and
- (b) regulation 16B (eligible vaccinated arrivals: confirmatory test).

Amendment of regulation 26 – requirement to stay in specified premises

8. In regulation 26 (requirement to stay in specified premises)—

- (a) after paragraph (2) insert—
 - “(2A) Where P is an eligible vaccinated arrival and P’s day 2 test generates a negative result, P is not required to remain in the specified premises after the time on which P receives the result of P’s day 2 test.”,
- (b) in paragraph (3) after “Where” insert “paragraph (2A) or”.

Amendment of regulation 27 – Part 6: persons not required to comply

9. In regulation 27 (Part 6: persons not required to comply) omit paragraph (1)(d).

Amendment of regulation 30 - Part 4 (testing following arrival in Scotland): offences and penalties)

10. In regulation 30 (Part 4 (testing following arrival in Scotland): offences and penalties) omit paragraph (1)(d) and (e).

Amendment to Schedule 8 – passenger notices

11. In schedule 8 (passenger notices)—

(a) in Part 1—

- (i) in the paragraph headed “Unvaccinated passengers or passengers vaccinated with unauthorised vaccines”, in sub-paragraph 2, after “Book” insert “PCR”,
- (ii) for the paragraph headed “Fully vaccinated passengers who are not red-list passengers” substitute—

“Fully vaccinated passengers who are not red-list passengers

1. Book a test for day 2 – this must be a PCR test

2. Complete a Passenger Locator Form

3. Self-isolate on arrival and until the result of your day 2 test is known. You may only leave self-isolation if the test is negative.”

(b) in Part 2, for the paragraph starting “Unless exempt” substitute—

“If you are fully vaccinated or otherwise meet the eligibility criteria, you must take a PCR test on or before day 2 after you arrive. You must self-isolate on arrival and may only leave self-isolation if the result of the test is negative.

Unvaccinated passengers must self-isolate for 10 days and take a test on day 2 and day 8 after you arrive.”.

Saving

12. The amendments made by these Regulations do not apply in relation to any person who arrived in Scotland before 4.00 a.m. on 30 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.

HUMZA YOUSAF

A member of the Scottish Government

St Andrew’s House,
Edinburgh
29th November 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 5 of the International Travel Regulations to require eligible vaccinated arrivals to update passenger information.

Regulation 4 amends regulation 11 of the International Travel Regulations to extend the application of regulations 15 and 16 of the International Travel Regulations on the requirement to isolate on failure to undertake a test, and the consequences of test results to eligible vaccinated arrivals.

Regulation 5 amends regulation 14 the International Travel Regulations to the effect that a “day 2 test” or a “day 8 test” (as defined in regulation 11(3) of the International Travel Regulations) must comply with the regulation 14(9A) of the International Travel Regulations. Regulation 6 makes a minor change to regulation 15 of the International Travel Regulations in consequence of the amendments made to regulation 11.

Regulation 7 removes regulations 16A and 16B of the International Travel Regulations in consequence of the changes made by regulation 4.

Regulation 8 amends regulation 26 of the International Travel Regulations to provide that a person who receives a negative day 2 test result is no longer required to self-isolate in specified premises.

Regulation 9 removes the exemption from self-isolation requirements for eligible vaccinated arrivals currently contained in regulation 27(1)(d) of the International Travel Regulations.

Regulation 10 makes consequential changes to regulation 30 of the International Travel Regulations as a result of the removal of regulations 16A and 16B.

Regulation 11 makes amendments to schedule 8 regarding the information to be contained in passenger notices.

Regulation 12 makes a saving 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 4.00 a.m. on 30 November 2021.

An impact assessment is being prepared and will be published online at www.legislation.gov.uk

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