

## POLICY NOTE

### THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL, PROHIBITION ON TRAVEL FROM THE UNITED ARAB EMIRATES) (SCOTLAND) AMENDMENT REGULATIONS 2021

#### SSI 2021/52

The above instrument was made in exercise of the powers conferred by sections 94(1)(b) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”). Section 122(5) of the 2008 Act states that regulations under section 94(1) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations, section 122(7) applies.

#### Summary Box

This instrument makes a further amendment to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169, “the principal Regulations”), which impose requirements on international travellers, to reduce the public health risks posed by the spread of coronavirus (severe acute respiratory syndrome coronavirus 2, or SARS-CoV-2) in Scotland which causes the coronavirus disease (COVID-19).

This instrument prohibits the arrival in Scotland of aircraft travelling directly from the United Arab Emirates but not commercially operated aircraft carrying no passengers, or aircraft operated by, or in support of, Her Majesty’s Government in the United Kingdom. It makes it an offence to fail to comply with this prohibition.

The amendment of the principal Regulations made by this instrument adds Burundi, Rwanda and the United Arab Emirates to the “acute risk countries or territories” contained in schedule A2. Persons who have departed from or transited through the countries and territories, or parts thereof, within schedule A2 and members of their household are required to stay in specified premises and no exemptions to the quarantine requirement or the requirement to complete the Passenger Locator Form are available.

#### Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) (“the principal Regulations”) were made on 7 June and came into force on 8 June, 2020, and were laid in the Scottish Parliament on 8 June 2020.
2. This instrument makes a further amendment to the principal Regulations to take into account periodic review of data on point prevalence and other data on coronavirus in other countries and territories.
3. The principal Regulations were urgently implemented in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases. The Scottish Government amended the principal Regulations on 10 July to allow for territorial exemptions from the requirement to remain at specified premises for 10 days after the day of

their arrival (“the quarantine requirement”). However, this requirement is being kept under constant review with a view to ensuring that constraints can be minimised wherever appropriate and proportionate.

## **Policy Objectives**

4. The amendments made to the principal Regulations by this instrument add Burundi, Rwanda and The United Arab Emirates to the “acute risk countries and territories” in schedule A2. A person and members of the household of a person who have departed from or transited through countries and territories, or parts thereof, which are an “acute risk country or territory” in schedule A2 are required to stay in specified premises, and sector-specific exemptions from that requirement, as well as exemptions to the requirement to complete the Passenger Locator Form, do not apply.

5. Burundi and Rwanda have been identified as being at risk of community transmission of the South African variant (VOC202012/02) owing to proximity to Democratic Republic of the Congo and Tanzania, already included in schedule A2. Proximity of these countries to Zambia is a consideration as sequencing has confirmed community transmission of the South African variant.

6. The United Arab Emirates is added to schedule A2 owing to the risk of importation of the South African variant to Scotland from persons who have travelled via the United Arab Emirates. This includes persons who have travelled through United Arab Emirates with a travel history in other acute risk countries and those with no travel history in an acute risk country. Therefore, infection by this variant may have been acquired within the United Arab Emirates.

7. Studies of the South African variant, have found that it poses a significant re-infection risk owing to a mutation which is largely resistant to neutralising antibodies elicited by infection with previously circulating lineages. This also presents a risk to vaccine efficacy.

8. This instrument prohibits the arrival in Scotland of aircraft travelling directly from the United Arab Emirates but not commercially operated aircraft carrying no passengers, or aircraft operated by, or in support of, Her Majesty’s Government in the United Kingdom. It makes it an offence to fail to comply with this prohibition with the offence triable either summarily or on indictment. This prohibition is necessary as there are currently direct commercial flights to Scotland from the United Arab Emirates whereas there have not been from other countries within schedule A2. The prohibition will allow for the continued operation of cargo flights to Scotland from the United Arab Emirates.

9. The list of countries and territories in schedule A2 of the principal Regulations will be subject to on-going review and further countries and territories will be added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

## **Consultation**

10. This instrument is being made urgently in Scotland to make a further amendment to the public health measures in respect of international arrivals to the UK that were brought in on a UK-wide basis from 8 June 2020. The purpose of the principal Regulations is, as above, to help prevent further spread of the coronavirus. Each of the four nations is required under their own Regulations to conduct regular reviews, and as those reviews are conducted there is the

possibility of divergence from that initial four nation aligned approach, either on the need for the Regulations themselves or for any of the measures imposed by those Regulations. Such policy divergence may include the Scottish Government, or any of the other three administrations in the UK, reaching a different view on exempt countries and territories or parts thereof under the Regulations, reflecting differences in the prevalence of COVID-19 in that particular nation at any review point.

11. This instrument makes a further amendment to the principal Regulations to take into account the outcome of a review of those regulations. The continued pace of the work on this and changing circumstances both in Scotland and other countries has meant limited consultation with external stakeholders in Scotland, but there has been ongoing discussion and dialogue by Scottish Government with Police Scotland, COPFS, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

### **Impact Assessments**

12. No further impact assessments have been undertaken.

Scottish Government  
COVID-19 Public Health Directorate  
28 January 2021