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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (the “International Travel Regulations”).

Regulation 5 inserts regulation 5C to 5K into the International Travel Regulations. Those regulations specify requirements for certain persons to book and pay for two tests for the detection of coronavirus provided by a public provider prior to or immediately upon the person’s arrival in Scotland; to provide information in relation to the tests; and to undertake the tests following arrival. Those regulations also provide for the consequences of a positive, negative or inconclusive test; requirements to continue to remain in the specified premises or designated accommodation upon failure to undertake a test and a positive test result. The provisions enable charging for tests. New regulation 5J provides for an offence of contravening requirements in relation to testing, without a reasonable excuse.

Regulation 6(1) amends regulation 6 (requirement for travellers or others to stay in specified premises) of the International Travel Regulations. The requirements in regulation 6(2) of those Regulations for travellers to stay in “specified premises” will now apply to a person who (i) arrives in Scotland from the common travel area having transited from or transited through a non-exempt country and (ii) arrives in Scotland from a non-exempt country or territory (excluding an acute risk country or territory) where the person has an exemption in accordance with regulation 7(1)(ba) to (d) of schedule 2 of the International Travel Regulations. A person may in some circumstances require to stay in “specified premises” at times, even though they have an exemption in accordance with regulation 7 and schedule 2.

Regulation 6(2) inserts new regulations 6A to 6D of the International Travel Regulations. New regulation 6A requires certain persons who arrive in Scotland from outside the common travel area (“CTA”) or from the Republic of Ireland who has within the preceding 10 days departed from or transited through an acute risk country or territory, to enter Scotland at one of Aberdeen, Edinburgh or Glasgow Airports, or a military airfield or port, and to be in possession of a managed self-isolation package, either before the person’s arrival in Scotland, or immediately upon arrival. There are exceptions which permit entry at another airport in Scotland, as described in regulation 6A(3). A “managed self-isolation package” is described in regulation 6A(6).

New regulation 6B requires certain travellers arriving in Scotland from outside the CTA or from the Republic of Ireland having transited through an acute risk country to travel directly to the accommodation designated in the package, using transport as so designated where relevant, and to stay in the accommodation until the earlier of the end of the 10th day after arrival, or the date of the person’s departure from the common travel area. New regulation 6C enables a person to appeal to the sheriff or summary sheriff against the requirement to possess a managed self-isolation package or to remain in the accommodation designated in that package. New regulation 6D makes provision to modify the application of regulations 6A and 6B for certain relevant persons as defined in that regulation.

Regulation 7 makes amendments to the persons who are exempted from the requirements of regulation 6(2) for persons to stay in “specified premises”. This provides that some of the persons listed in schedule 2 are exempt from the requirement in regulation 6(2), when the person is outside of the specified premises where the person is staying in accordance with that regulation, in order to travel directly to or from any place where the person’s presence is required for the purposes of

*Status: This is the original version (as it was originally made).*

their work or activity, and when the person is in attendance at that place. Further amendments are made in consequence of that provision.

Regulation 7 also inserts new regulation 7A of the International Travel Regulations, to list certain persons who are not required to comply with the managed accommodation provisions in new regulations 6A and 6B.

Regulations 8 and 9 and 10 make amendments to the enforcement, offences and penalties provisions in the International Travel Regulations.

Regulation 11 amends the powers to disclose information in connection with the additional tests required by these Regulations.

Regulation 12 amends schedule 1 (passenger information) of the International Travel Regulations, to add in requirements to provide information in the Passenger Locator Form, in relation to the booking reference number for a managed self-isolation package, and the name of the provider and reference number of tests provided in accordance with these Regulations.

Regulation 13 amends schedule 2 of the International Travel Regulations concerning persons not required to comply with the passenger information or isolation at home requirements in regulation 3 or regulation 6 of those Regulations following a review of those exemptions.

Regulation 14 adds UEFA Youth League fixtures to the list of specified competitions in schedule 3A of the International Travel Regulations.

Regulation 15 amends the Health Protection (Coronavirus) (Public Health Information for Passengers Travelling to Scotland) Regulations 2020 to update the information that operators are required to provide to passengers who arrive in Scotland.

Regulation 16 makes various amendments to the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021, in consequence of the amendments made to the International Travel Regulations, so as to—

- a) require persons operating commercial transport services (“operators”) for passengers travelling to Scotland from outside the common travel area to ensure that passengers who arrive in Scotland on such services have included in their Passenger Locator Form details of the test booking arrangements and managed self-isolation package,
- b) require operators for passengers travelling to Scotland from outside the common travel area to take reasonable steps to ensure that passengers to whom regulation 6A of the International Travel Regulations applies arrive in Scotland only in accordance with that regulation 6A (see new regulation 7A),
- c) create offences for the breach of those requirements, and
- d) make consequential amendments.

Regulation 17 makes a saving provision, so that the amendments made to the International Travel Regulations by these Regulations do not apply to any person who arrives in Scotland before the time of coming into force of these Regulations.

An impact assessment is being prepared and will be available at [www.legislation.gov.uk](http://www.legislation.gov.uk).