

POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 6) REGULATIONS 2021

SSI 2021/81

The above instrument is made in exercise of the powers conferred by sections 94(1)(b) and 122(2) 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 further amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 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).

It amends regulation 6A so that the requirement to possess a managed self-isolation package applies to persons who travel to Scotland from England, where they would otherwise be required to comply with equivalent regulations in England.

The Regulations also amend regulation 9(1) of the International Travel Regulations to add the requirements in regulations 6A(2) and 6A(4) to the list of provisions of which breach is a criminal offence. Finally, amendments are made to regulation 11 so that an immigration officer may issue a fixed penalty notice for a failure to comply with regulations 6A(2) and 6A(4).

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 further amendments to the principal Regulations. It amends regulations relating to the regime of managed self-isolation for international travellers arriving in Scotland.
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.

Policy Objectives

4. This instrument amends regulations 6A and 6B so that the requirements to possess a managed self-isolation package and to stay in managed accommodation applies to those persons who arrive in Scotland from England having travelled by air and who would otherwise

have been required to comply with equivalent regulations as respects England. Regulations 7 and regulation 7A, persons not required to comply with regulations 6, 6A and 6B, are also amended to reflect these changes.

5. This instrument amends the offences contained in regulation 9 so that breach of regulations 6A(2) and 6A(4) are made criminal offences. This criminalises a failure to comply with the requirement for certain travellers to enter Scotland at designated ports and failure for passengers to possess a managed self-isolation package as required. Regulation 11 is amended so that an immigration officer may issue a fixed penalty notice in relation to those offences. These offences are punishable by fixed penalty notice of £480 or by summary prosecution where a maximum fine of level 5 on the standard scale can be imposed.

Consultation

6. This instrument is being made urgently to make further amendments 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.

7. This instrument makes further amendments to the principal Regulations to amend regulations relating to the regime of managed self-isolation for international travellers arriving in Scotland. 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

8. No further impact assessments have been undertaken.

Scottish Government
COVID-19 Public Health Directorate
17 February 2021