

2022 No. 53

PUBLIC HEALTH

The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022

Approved by the Scottish Parliament

Made - - - -at 11.10 a.m. on 10th February 2022

Laid before the Scottish Parliament at 2.00 p.m. on 10th February 2022

Coming into force

*for the purpose of regulation 1(2) at
4.00 a.m. on 11th February 2022*

*for the purpose of regulation 1(3) at
4.00 a.m. on 16th February 2022*

*for the purpose of regulation 1(4) at
4.00 a.m. on 28th February 2022*

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, or approved by resolution of, the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 3) Regulations 2022.

(2) With the exception of those regulations mentioned in paragraphs (3) and (4), these Regulations come into force at 4.00 a.m. on 11 February 2022.

(3) Regulation 13 comes into force at 4.00 a.m. on 16 February 2022.

(4) Regulations 4(b) and 12(b) come into force at 4.00 a.m. on 28 February 2022.

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(a) are amended in accordance with regulations 3 to 18.

Amendments to Part 1 (general)

3. In regulation 2 (interpretation: general)—

(a) in paragraph (1), omit the following definitions—

“Conference of the Parties”,

“COP”,

“COP World Leaders summit event”,

“Kyoto Protocol”,

“Paris Agreement”,

“specified competition”,

“United Nations Framework Convention on Climate Change”,

(b) omit paragraph (5).

Amendments to Part 1A (eligible vaccinated arrivals)

4. In regulation 3(5) (interpretation of Part)—

(a) in the appropriate places in alphabetical order insert—

“Cape Verde”,

“El Salvador”,

“Togo”,

(b) in the appropriate places in alphabetical order insert—

“Georgia”,

“Lebanon”,

“Moldova”,

“Montenegro”,

“New Zealand”,

“Serbia”,

“Singapore”,

“Taiwan”,

“Thailand”,

“Tunisia”,

“United Arab Emirates”,

“Uruguay”.

(a) S.S.I. 2021/322, as relevantly amended by S.S.I. 2021/343, 2021/350, 2021/357, 2021/359, 2021/382, 2021/425, 2021/440, 2021/443, 2021/455, 2021/470, 2021/478, 2022/2 and 2022/25.

Amendments to Part 2 (passenger information)

5. In regulation 6 (Part 2: persons not required to comply)—

- (a) in paragraph (1)—
 - (i) for “Subject to paragraph (2), a” substitute “A”,
 - (ii) for sub-paragraphs (c) to (e) substitute—
 - “(c) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
 - (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
 - (bb) if P is a specified person, to P that P is not required to comply with this Part,
 - (iii) paragraphs 2, 3 and 4 (border and defence activities),
 - (d) a person described in any of the following paragraphs of Part 2 of schedule 4 (exemptions: transport)—
 - (i) paragraph 8 (road passenger transport worker),
 - (ii) paragraph 9(1) and (2) (seamen and masters etc.) who has travelled to the United Kingdom on a vessel in the course of work,
 - (iii) paragraph 9(3) (inspector or surveyor of ships),
 - (iv) paragraph 10 (aircraft crew),
 - (v) paragraph 12 (tunnel system transport workers),
 - (vi) paragraph 13 (civil aviation inspectors),
 - (vii) paragraph 14 (Channel Tunnel system workers),
 - (viii) paragraph 15 (road haulage worker).”
 - (b) for paragraph (2) substitute—
 - “(2) In paragraph 1(c)(ii), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.”.

Amendments to Part 3 (testing prior to arrival in Scotland)

6. In regulation 10 (Part 3: persons not required to comply)—

- (a) for paragraph (1)(b) to (f) substitute—
 - “(b) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
 - (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
 - (bb) if P is a specified person, to P that P is not required to comply with this Part,
 - (ii) paragraphs 2, 3 and 4 (border and defence activities),

- (iii) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (aa) meets the description in paragraph 5 or, as the case may be, 6, and
 - (bb) is not required to comply with this Part,
- (c) a person described in Part 2 of schedule 4 (exemptions: transport), other than in paragraph 11 (in-flight security officers),
- (d) a person described in Part 5 of schedule 4 (exemptions: healthcare).”,
- (b) for paragraph (2) substitute—
 - “(2) In paragraph 1(b)(i), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.”.

Amendments to Part 4 (testing following arrival in Scotland)

- 7.—(1) In regulation 11 (Part 4: application and interpretation)—
- (a) for paragraph (1) substitute—
 - “(1) Subject to regulation 18 (persons not required to comply), this Part applies to a person (“P”) who is—
 - (a) a red list arrival, or
 - (b) an arrival who is not an eligible vaccinated arrival.”,
 - (b) in paragraph (1A)—
 - (i) at the end of sub-paragraph (a), omit “or”,
 - (ii) omit sub-paragraph (b),
 - (c) in paragraph (3), in the definition of “testing package”—
 - (i) in paragraph (a), omit “or an arrival who is not an eligible vaccinated arrival”,
 - (ii) for paragraph (b), substitute—
 - “(b) in other cases, a booking for a day 2 test.”.
- (2) In regulation 12(1)(b) (requirement to possess testing package) after “over” insert “who is a red list arrival”.
- (3) In regulation 14 (requirement to undertake tests)—
- (a) in paragraph (9), for sub-paragraph (b) substitute—
 - “(b) the test complies with paragraph (9A).”.
 - (b) in paragraph (9A) for “paragraph (9)(b)(i)” substitute “paragraph (9)(b)”,
 - (c) omit paragraph (9B),
 - (d) in paragraph (11)—
 - (i) in the opening words, omit “and a day 8 test”,
 - (ii) in sub-paragraph (b), omit “and day 8 test”.
- (4) Omit regulations 16A (eligible vaccinated arrivals: notification of result of self-administered test) and 16B (eligible vaccinated arrivals: confirmatory test).
- (5) In regulation 18 (Part 4: persons not required to comply)—
- (a) for paragraph (1)(e) to (j) substitute—
 - “(e) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),

- (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing—
 - (aa) if P is not a specified person, to the stipulated person or person acting on their authority that P is not required to comply with this Part,
 - (bb) if P is a specified person, to P that P is not required to comply with this Part,
- (iii) paragraphs 2, 3 and 4 (border and defence activities),
- (iv) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (aa) meets the description in paragraph 5 or, as the case may be, 6, and
 - (bb) is not required to comply with this Part,
- (f) a person described in Part 2 of schedule 4 (exemptions: transport), other than in paragraph 11 (in-flight security officers),
- (g) a person described in Part 5 of schedule 4 (exemptions: healthcare).”.
- (b) omit paragraph (2),
- (c) for paragraph (4) substitute—

“(4) In paragraph 1(e)(ii), “specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.”.

Amendments to Part 5 (managed isolation)

8. In regulation 25 (Part 5: persons not required to comply)—

- (a) for paragraph (1)(a) to (e) substitute—
 - “(a) a person described in any of the following paragraphs of Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—
 - (i) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (ii) paragraph 1(2), (3) and (4) (international organisations, foreign representatives, etc.), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing that P is not required to comply with this Part,
 - (iii) paragraphs 2, 3 and 4 (border and defence activities),
 - (iv) paragraphs 5 and 6 (essential government work, etc.) where, prior to P’s arrival in the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (aa) meets the description in paragraph 5 or, as the case may be, 6, and
 - (bb) is not required to comply with this Part,
 - (b) a person described in Part 1A of schedule 4 (exemptions: law enforcement),
 - (c) a person described in any of the following paragraphs of Part 2 of schedule 4 (exemptions: transport)—
 - (i) paragraph 9 (seamen and masters, etc.), unless that person has travelled to the United Kingdom in order to work, or has been repatriated to the United Kingdom after working, on board a cruise ship,
 - (ii) paragraph 10 (aircraft crew),
 - (iii) paragraph 11 (in-flight security officer),
 - (iv) paragraph 15 (road haulage workers),
 - (d) a person described in Part 5 of schedule 4 (exemptions: healthcare).”.

- (b) at the end of paragraph (2) insert—
““specified person” and “stipulated person” have the meanings given in paragraph 1(10) of schedule 4.”.

Amendments to Part 6 (self-isolation)

- 9.**—(1) In regulation 26 (requirement to stay in specified premises)—
- (a) in paragraph (1)—
 - (i) omit sub-paragraph (a) and (b)(i),
 - (ii) for sub-paragraph (b)(v) substitute—
 - “(v) the following paragraphs of schedule 4 (exemptions)—
 - (aa) paragraph 1(1) (diplomats, consuls, heads of State etc.),
 - (bb) subject to regulation 27(1)(e), paragraph 1(2), (3) or (4) (international organisations, foreign representatives, etc.),
 - (cc) subject to regulation 27(1)(f), paragraphs 5 and 6 (essential government work, etc.),
 - (dd) paragraph 11 (in-flight security officer),”,
 - (iii) in paragraph (1)(c) for “sub-paragraphs (a) and (b)” substitute “sub-paragraph (b)”,
 - (b) in paragraph (4)(a)(iv) for “regulation 27(1)(e)” substitute “paragraph 1(2),(3) or (4) who is required to comply with Part 2 of these Regulations”,
 - (c) omit paragraph (7).
- (2) In regulation 27 (Part 6: persons not required to comply)—
- (a) in paragraph (1)—
 - (i) omit sub-paragraph (ca),
 - (ii) for sub-paragraphs (e) to (j) substitute—
 - “(e) a person described in paragraph 1(2), (3) or (4) (international organisations, foreign representatives, etc.) of schedule 4 (exemptions), where prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing that the person is not required to comply with this Part,
 - (f) a person described in paragraph 5 or 6 (essential government work, etc.) of schedule 4 (exemptions), where prior to P’s arrival in the United Kingdom the relevant Department or the Scottish Ministers have certified that P is not required to comply with this Part.”,
 - (b) omit paragraphs (1A) to (3).

Amendments to Part 7 (Parts 2 to 6: enforcement)

10.—(1) In regulation 30(1) (Part 4 (testing following arrival in Scotland): offences and penalties), omit sub-paragraphs (d) and (e).

(2) In regulation 33(2) (powers of direction and removal), omit from “or” where first occurring to the end.

Amendments to Part 8 (duties on operators)

11.—(1) In regulation 37 (Part 8: interpretation) in the definition of “required information” for “38 to 41” substitute “39 (provision of information before departure) and 41 (provision of information during journey)”,

(2) For regulations 38 to 40 (provision of information before booking, departure and check-in) substitute—

“Provision of information before departure

39.—(1) Subject to paragraphs (2) and (3), an operator must ensure that a passenger (“P”) who arrives at a port in Scotland on an international passenger service provided by the operator was provided with the required information at least 24 hours prior to the scheduled departure time of that service.

(2) If another person (“A”) made the booking on behalf of P (whether or not A is also a passenger on the service), the requirement in paragraph (1) is to be treated as complied with if the required information was provided to A at least 24 hours prior to the scheduled departure time of the relevant service, along with a written request that A provide that information to P, unless A considers that, by virtue of P’s age or mental capacity, P is unlikely to be capable of understanding it.

(3) Where the booking was made for P to travel on the service within 24 hours of the scheduled departure time, the operator must ensure that P (or, where appropriate under paragraph (2), A) is provided with the required information prior to P’s departure on the service.”.

(3) In regulation 42 (requirement to ensure passengers have completed a Passenger Locator Form)—

(a) in paragraph (1)—

(i) for “(5), (6), and (6A)” substitute “(5) and (6)”,

(ii) after “must” insert “take all reasonable steps to”,

(b) in paragraphs (2) and (3) omit “, (6A)”,

(c) omit paragraph (6A).

(4) In regulation 43 (requirement to ensure passengers possess notification of a negative test result)—

(a) in paragraph (1) after “must” insert “take all reasonable steps to”,

(b) omit paragraph (3)(ba).

(5) Omit regulation 44(2) (requirement to ensure that certain passengers arrive only at certain ports).

(6) In regulation 45 (Part 8: offences and penalties)—

(a) in paragraph (1)—

(i) omit sub-paragraph (a),

(ii) at the end of sub-paragraph (b) insert “or”,

(iii) omit sub-paragraph (c),

(b) in paragraph (4)—

(i) for “offences in paragraph (1)(a), (b) or (c)” substitute “offence in paragraph (1)(b)”,

(ii) in sub-paragraph (a) omit “or check-in”,

(iii) in sub-paragraph (b)—

(aa) omit “or check-in” where it first appears,

(bb) for “at the booking, pre-departure or check-in time (as the case may be)” substitute “before departure”.

(7) In regulation 46(2), (3) and (4) (extra-territorial jurisdiction) before “ensure” insert “take all reasonable steps to”.

Amendments to schedule 1A (relevant countries)

12. In schedule 1A (relevant countries)—

(a) in the appropriate places in alphabetical order insert—

“Algeria”,
“China”,
“Guatemala”,
“Iran”,
“Kazakhstan”,
“Kyrgyzstan”,
“Macau SAR”,
“Mexico”,
“Sao Tome and Principe”,
“South Sudan”,
“Timor-Leste”,
“Tonga”,
“Turkmenistan”,

(b) omit—

“Albania”,
“Armenia”,
“Georgia”,
“Israel”,
“Lebanon”,
“Moldova”,
“Montenegro”,
“Morocco”,
“New Zealand”,
“North Macedonia”,
“Panama”,
“Serbia”,
“Singapore”,
“Taiwan”,
“Thailand”,
“the United Arab Emirates”,
“Tunisia”,
“Turkey”,

“Ukraine”,
“Uruguay”.

Amendments to schedule 3 (passenger information)

13. In schedule 3 (passenger information)—

- (a) in paragraph 1—
 - (i) omit sub-paragraph (b),
 - (ii) after sub-paragraph (c) insert—
 - “(ca) their nationality,
 - (cb) their travel document type,”
- (b) omit paragraph 3.

Amendments to schedule 4 (exemptions)

14.—(1) In Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.)—

(a) for paragraph 1 substitute—

“**1.—**(1) A person (“P”) who is—

- (a) a member of a diplomatic mission in the United Kingdom,
- (b) a member of a consular post in the United Kingdom,
- (c) passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
- (d) a sovereign or other head of State who enjoys immunities and privileges by virtue of the State Immunity Act 1978^(a),
- (e) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (d),
- (f) a diplomatic courier or a consular courier.

(2) A person (“P”) described in sub-paragraph (5)(a) who meets the conditions set out in sub-paragraph (6).

(3) A person (“P”) who is travelling to the United Kingdom to conduct official business who—

- (a) is described in sub-paragraph (5)(b) to (e) and meets the conditions set out in sub-paragraph (7),
- (b) is described in sub-paragraph (5)(f) and meets the conditions set out in sub-paragraph (8).

(4) A person (“P”) described in sub-paragraph (5)(f) to (h) who is travelling to the United Kingdom to conduct official business with the United Kingdom and meets the conditions set out in sub-paragraph (9).

(5) A person who—

- (a) enjoys relevant immunities and privileges in the United Kingdom,
- (b) is an officer or servant of an international organisation,
- (c) is employed by an international organisation as an expert or on a mission,
- (d) is a representative to an international organisation,
- (e) is a member of the official staff of a representative to an international organisation,

(a) 1978 c. 33.

- (f) is a representative of a foreign country or territory,
 - (g) is a representative of the government of a British overseas territory,
 - (h) is a specified person.
- (6) The conditions referred to in sub-paragraph (2) are—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is travelling to the United Kingdom, the office held by P and the capacity in which P is travelling to the United Kingdom, and
 - (b) prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to fall within the description in sub-paragraph (5)(a).
- (7) The conditions referred to in sub-paragraph (3)(a) are—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work, and
 - (b) prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to be travelling to the United Kingdom to conduct relevant work.
- (8) The conditions referred to in sub-paragraph (3)(b) are—
- (a) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work relating to—
 - (i) essential maintenance and repair of an information technology or security system necessary for the functioning of a mission or consular post in the United Kingdom which represents the relevant foreign country, or
 - (ii) the holding of an election or referendum in accordance with the laws or regulations of a foreign country or territory, and
 - (b) prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in head (a) that it considers P to be travelling to the United Kingdom to conduct the relevant work.
- (9) The conditions referred to in sub-paragraph (4) are—
- (a) where P is not a specified person—
 - (i) the stipulated person, or a person acting on their authority, confirms in writing to the Foreign, Commonwealth and Development Office that P is required to undertake relevant work, and
 - (ii) prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the confirmation referred to in sub-head (i) that P is travelling to the United Kingdom to conduct official business with the United Kingdom,
 - (b) where P is a specified person—
 - (i) P has been invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
 - (ii) prior to P's arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the United Kingdom to conduct official business with the United Kingdom.
- (10) For the purposes of this paragraph—

“consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963,

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,

“diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

“international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,

“member of a consular post” means a “consular officer”, “consular employee” and “members of the service staff” as defined in schedule 1 of the Consular Relations Act 1968(a), and “head of consular post” has the meaning given in that schedule,

“member of a diplomatic mission” means the “head of the mission”, “members of the diplomatic staff”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964(b),

“relevant immunities and privileges” means inviolability, immunity from arrest or detention, or any immunity or privilege with equivalent effect which is accorded (other than by virtue of being a person described in sub-paragraphs (1) or (5)(b) to (g)) to any person under the law of Scotland,

“relevant work” means—

- (a) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the functioning of the relevant international organisation,
- (b) where P is a person described in sub-paragraph (5)(f), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the foreign country represented by the relevant mission or consular post in the United Kingdom or the foreign territory represented by the relevant office in the United Kingdom (as the case may be),
- (c) where P is a person described in sub-paragraph (5)(g), work which the relevant stipulated person confirms in writing to the Foreign, Commonwealth and Development Office is essential to the relevant British overseas territory,

“specified person” means a person who is a member of the democratic opposition in a foreign country or territory, a member of a political party in a foreign country or territory, or who undertakes activities in a foreign country or territory that support government policy related to national security, the promotion and protection of human rights, the mitigation of, or adaptation to, climate change, the maintenance of international peace and security, or the maintaining or enhancing of biodiversity,

“stipulated person” means—

- (a) where P is a person described in sub-paragraph (5)(a), the head of the relevant international organisation, the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of office representing a foreign territory in the United Kingdom (as the case may be),
- (b) where P is a person described in sub-paragraph (5)(b), (c), (d) or (e), the head of the relevant international organisation,

(a) 1968 c. 18.

(b) 1964 c. 81.

- (c) where P is a person described in sub-paragraph (5)(f), the relevant head of the mission or head of consular post in the United Kingdom or the relevant head of the office representing a foreign territory in the United Kingdom (as the case may be),
- (d) where P is a person described in sub-paragraph (5)(g), the relevant Governor of a British overseas territory.

(11) Any exemption provided for in this schedule or any other provision of these Regulations is without prejudice to any immunity or privilege which is accorded to any person under the law of Scotland.”,

- (b) in paragraph 2(1)(a) omit from “within” to “Regulations”,
- (c) in paragraph 3(1)—
 - (i) at the end of head (a) omit “or”,
 - (ii) after head (a) insert—
 - “(b) has travelled from a point of origin, other than a red list country, on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in any red list country, or”,
 - (iii) in head (c) after “force,” insert “where the person has not disembarked”,
- (d) for paragraph 4(a) substitute—
 - “(a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom, or”,
- (e) omit paragraph 4A,
- (f) in paragraph 5—
 - (i) in sub-paragraph (1)—
 - (aa) in head (a) for “within” to the end substitute “or is returning from conducting essential policing or essential government work outside of the United Kingdom,”,
 - (bb) in head (b) after “person” insert “required to undertake essential state business in the United Kingdom or”,
 - (cc) for head (c) substitute—
 - “(c) a person returning to the United Kingdom where this is necessary to facilitate essential government operations.”,
 - (ii) in sub-paragraph (2) before the definition of “essential government work” insert—
 - ““essential government operations” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular, activity relating to the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty,”,
- (g) in paragraph 6—
 - (i) in sub-paragraph (1)—
 - (aa) after “person” insert “required to undertake essential or emergency work in the United Kingdom or”,
 - (bb) omit “or essential state business”,
 - (ii) in sub-paragraph (2) for “and” to “meanings” substitute “has the meaning”,
- (h) omit paragraph 7,

(2) After Part 1 of schedule 4 (exemptions: diplomats, Crown servants, visiting forces etc.) insert—

“PART 1A

Law enforcement

7A. An official of a foreign police force, required to travel to the United Kingdom to undertake policing activities, or a contractor directly supporting police activities, where the relevant Department, the chief constable of the Police Service of Scotland or other police force in the United Kingdom has certified that the activities are essential to the foreign police force.

7B. A person responsible for escorting a person for the purposes of the Repatriation of Prisoners Act 1984(a), the Colonial Prisoners Removal Act 1884(b), or the Extradition Act 2003(c).”.

(3) In Part 2 of schedule 4 (exemptions: transport)—

(a) in paragraph 8—

(i) in sub-paragraph (1) after “worker” insert “where they have travelled to the United Kingdom in the course of their work”,

(ii) in sub-paragraph (2), in the definition of “road passenger transport worker” omit “and who is acting in the course of their employment”,

(b) after paragraph 10(2)(b)(iii) insert—

“(iv) returning to the United Kingdom following work as a member of aircraft crew outside of the United Kingdom,”,

(c) in paragraph 15—

(i) in sub-paragraph (1) after “worker” insert “where they have travelled to the United Kingdom in the course of their work”,

(ii) in sub-paragraph (2)(a)(ii) omit “, and who is acting in the course of their employment”,

(d) omit paragraph 16.

(4) Omit Parts 3 (exemptions: extradition) and 4 (exemptions: emergency, specialist and technical workers) of schedule 4.

(5) In Part 5 of schedule 4 (exemptions: healthcare)—

(a) omit paragraph 35,

(b) in paragraph 36(2) for the definition of “healthcare” substitute—

““healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth.”,

(c) omit paragraphs 37 to 40.

(6) Omit Parts 6 (exemption: seasonal agricultural workers) and 7 (exemption: sports and culture) of schedule 4.

Omission of schedules 5 (COP 26 representatives), 5A (application of regulations to COP 26 participants) and 6 (specified competitions)

15. Omit schedules 5 (COP 26 representatives), 5A (application of regulations to COP 26 participants) and 6 (specified competitions).

Amendments to schedule 7 (operators: required information)

16. In schedule 7 (operators: required information)—

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- (a) 1984 c. 47.
(b) 1884 c. 31.
(c) 2003 c. 41.

- (a) omit paragraphs 1 and 3,
- (b) for paragraph 2 substitute—

“2.—(1) The required information to be provided under regulation 39 (provision of information before departure)—

- (a) may be provided in writing, by electronic communication or orally,
- (b) where provided in writing, is—

- (i) the information specified in Part 1 of schedule 8, and
- (ii) the text of the URLs to the following websites:

<https://www.gov.uk/guidance/red-list-of-countries-and-territories>

<https://www.gov.uk/guidance/travel-to-england-from-another-country-during-coronavirus-covid-19>

<https://www.gov.uk/provide-journey-contact-details-before-travel-uk>

<https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

<https://gov.wales/arriving-wales-overseas>

<https://www.gov.scot/publications/coronavirus-covid-19-international-travel-quarantine/>

- (c) where provided by electronic communication, is—
 - (i) the information specified in Part 1 of schedule 8, and
 - (ii) hyperlinks to each of the websites in head (b)(ii),

- (d) where provided orally, is the information specified in Part 1 of schedule 8.

(2) Where the required information is provided in writing or by electronic communication it must be provided in a way that draws the passenger’s attention to it by being particularly prominent and distinct from other information provided in relation to the booking.

(3) In this paragraph “electronic communication” has the meaning given in section 15(1) of the Electronic Communications Act 2000(a).”.

Amendments to schedule 8 (passenger notices)

17. For schedule 8 (passenger notices) substitute—

“SCHEDULE 8 Regulation 37 and schedule 7

Passenger Notices

PART 1

ESSENTIAL INFORMATION TO ENTER SCOTLAND FROM OVERSEAS

All persons arriving in the UK must fill in a Passenger Locator Form before arrival.

Before departure to the UK check whether any of the countries you have visited in the past 10 days are on the red list.

If you have visited a country on the red list you must follow the red list rules.

(a) 2000 c. 7; section 15(1) was amended by paragraph 158 of schedule 17 of the Communications Act 2003 (c. 21).

If you have not visited any countries on the red list, what you have to do depends on your vaccination status. Check the rules before you travel at gov.uk/coronavirus.

Public health requirements may vary depending on which nation of the UK you are travelling to. Check the relevant website if your final destination is in England, Northern Ireland or Wales.

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. You may be fined if you fraudulently claim an exemption.

PART 2

The following is a public health message on behalf of the UK's public health agencies.

If you are not fully vaccinated or do not meet the eligibility criteria, you must take a test on or before day 2 after you arrive in the UK.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the Public Health guidance for the area you are living or travelling in.

Visit gov.uk/coronavirus for more advice.”.

Amendment to schedule 10 (transitional provisions)

18. In paragraph 11 omit “or, as the case may be, paragraph 1(4)(b) or (8)(d) of schedule 5A”.

Transitional and Savings

19.—(1) Subject to paragraph (2), the amendments made by these Regulations do not apply in relation to a person (“P”) who arrived in Scotland before the coming into force of these Regulations, and the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the International Travel Regulations”) continue to apply in relation to P as if the amendments made by these Regulations had not been made.

(2) Regulations 11(1A) (Part 4: application), 15 (requirement to self-isolate on failure to undertake a test), 16 (consequences of test results) and 26(1)(a) and (2) (requirement to stay in specified premises) of the International Travel Regulations do not continue to apply to P as if the amendments made by these Regulations had not been made, where—

- (a) P is not an eligible vaccinated arrival (within the meaning of those Regulations), and
- (b) either—
 - (i) P is not required to comply with Part 4 (testing following arrival in Scotland) of those Regulations, or
 - (ii) before or after 4.00 a.m. on 11 February 2022, P undertakes the day 2 test in accordance with regulation 14(2) (requirement to undertake tests) of those Regulations.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 11.10 a.m. on 10th February 2022

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”). Except where noted below, they come into effect at 4.00 a.m. on 11 February 2022.

Regulation 3 amends provision in Part 1 of the International Travel Regulations on the interpretation of those Regulations. Regulation 3(b) removes specific provision relating to COP 26, which ended in November 2021. Consequential amendments are made by regulations 3(a), 10(2), 11(3)(a)(i), (b) and (c), (4)(b) and (5), 15 and 18.

Regulation 4 amends provision in Part 1A of the International Travel Regulations defining who is an eligible vaccinated arrival for the purposes of those Regulations, to whom different travel rules apply. Regulation 4(a) adds 3 countries (Cape Verde, El Salvador and Togo) to the list of countries who are approved to provide proof of vaccination by a certificate of COVID-19 records. Regulation 4(b) adds, from 28 February 2022, a further 12 countries (Georgia, Lebanon, Moldova, Montenegro, New Zealand, Serbia, Singapore, Taiwan, Thailand, Tunisia, the United Arab Emirates and Uruguay) to this list.

Regulation 5 makes amendments to the requirements to provide passenger information before, or on, arrival in Scotland in Part 2 of the International Travel Regulations. Regulation 5 consolidates, with amendments, provision on particular categories of person who are exempt from the requirement to provide such information. Civil aviation inspectors are no longer required to comply with the requirements, and diplomats and other representatives of foreign countries or international organisations remain exempt even if arriving from a red list country or territory.

Regulation 6 makes amendments to the requirements to possess a notification of a negative coronavirus test upon arrival in Scotland in Part 3 of the International Travel Regulations. Regulation 6 consolidates, with amendments, provision on particular categories of person who are exempt from these requirements. Road passenger transport workers and Channel Tunnel system workers are now exempt from the requirements, and the exemption for workers with specialist technical skills required for emergency works or services is removed.

Regulation 7 makes amendments to the requirements to possess a testing package for the detection of coronavirus on arrival in Scotland in Part 4 of the International Travel Regulations.

Regulation 7(1) amends the application and interpretation of Part 4 of the International Travel Regulations. Eligible vaccinated arrivals, who are not arriving from a red list country or territory, are no longer required to possess a testing package on arrival. The testing package now required of persons who are not eligible vaccinated arrivals, and not arriving from a red list country or territory, is for a day 2 test, and requirements to self-isolate on failure to undertake a test and certain consequences of test results in those Regulations no longer apply to them. Consequential amendments are made by regulations 7(3) and (4) and 10(1).

Regulation 7(2) provides that where an adult arrives with a child aged 11 or over with whom they are travelling, or have responsibility for, the adult is only required to possess a testing package for the child if the child is arriving from a red list country or territory.

Regulation 7(5) consolidates, with amendments, provision on particular categories of person who are exempt from the requirement to possess a testing package. Persons returning to the UK to facilitate essential government operations are now exempt from the requirements, and the exemptions for prisoner and custody escorts, certain emergency, specialist and technical workers, those travelling for healthcare reasons (other than human tissue carriers) and elite sportspersons are removed (see also regulation 15).

Regulation 8 makes amendments to the requirements to enter Scotland at a designated port and possess a managed isolation package in Part 5 of the International Travel Regulations, for persons arriving from a red list country or territory. Regulation 8 consolidates, with amendments, provision on particular categories of persons who would be exempt from the requirements. Certain

foreign representatives would now be exempted in particular circumstances, and elite sportspersons travelling or returning from specified competitions would no longer be exempt.

Regulation 9 makes amendments to the requirements to travel to, and self-isolate at, specified premises on arrival in Scotland in Part 6 of the International Travel Regulations. It provides that these requirements no longer apply to any person arriving in Scotland, unless they arrive from a red list country or territory and are certain persons who are exempt from the requirements for managed isolation. Those involved in border security, foreign policing or prisoner and custody escort activities would no longer be required to self-isolate if arriving from a red list country or territory, but diplomats (and other representatives of foreign countries or international organisations), essential government workers, and in-flight security officers would, subject to certain exceptions.

Regulation 11 makes amendments to the duties on operators of an international passenger service in Part 8 of the International Travel Regulations.

Regulation 11(2) replaces the duties on an operator to provide a passenger with information before booking, between 24 hours and 48 hours before departure, and before check-in, with a duty to provide information before departure. Consequential amendments are made by regulations 11(1) and (6). Regulations 16 and 17 amend the required information in schedules 7 and 8 to be provided prior to departure, and the manner in which it may be provided.

Regulation 11(3)(a)(ii) and 11(4)(a) amend the requirements on operators to ensure passengers have completed a Passenger Locator Form, and possess notification of a negative test result, to be duties on operators to take all reasonable steps to do so. Consequential amendments are made by regulation 11(7).

Regulation 12 amends the relevant countries listed in schedule 1A of the International Travel Regulations whose competent health authorities may issue a vaccine certificate as proof of vaccination. Regulation 12(a) adds 13 countries to the list (Algeria, China, Guatemala, Iran, Kazakhstan, Kyrgyzstan, Macao, Mexico, Sao Tome and Principe, South Sudan, Timor-Leste, Tonga and Turkmenistan). Regulation 12(b) removes, with effect from 4.00 a.m. on 28 February 2022, 20 countries from the list, all of which are, or will be (see regulation 4(b)), countries approved to provide proof of vaccination by a certificate of COVID-19 records.

Regulation 13 amends, with effect from 4.00 a.m. on 16 February 2022, the passenger information required by schedule 3 of the International Travel Regulations.

Regulation 14 amends the categories of persons described in schedule 4 of the International Travel Regulations who are exempt from certain requirements in Parts 2 to 6 of those Regulations. A number of categories are removed following amendments to those requirements, and the persons they apply to, by these Regulations. Minor amendments and consolidations are made to the remaining categories relating to diplomats, Crown servants and visiting forces, foreign policing, prisoner and custody escorts, transport workers and human tissue carriers.

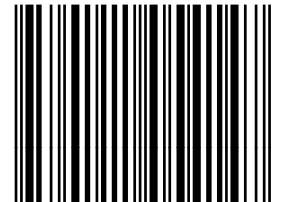
Regulation 19 makes transitional and saving provisions to the effect that a person arriving in Scotland before these Regulations come into effect must comply with the International Travel Regulations as they had effect at the time of the person's arrival. Transitional provision is made for persons who were not eligible vaccinated arrivals and arrived in Scotland before 4.00 a.m. on 11 February 2022. The requirements to self-isolate on failure to undertake a test, the consequences of a test result and the requirement to stay in specified premises under those Regulations do not continue to apply to such persons once they undertake their day 2 test, or if they were not required to possess a testing package.

Impact assessments have been prepared and will be published online at www.legislation.gov.uk.

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