

Equality Impact Assessment
The Health Protection (Coronavirus) (International Travel and Operator Liability)
(Scotland) Revocation Regulations 2022

Introduction

1. The Scottish Government, along with the UK Government and the other Devolved Administrations, introduced emergency public health measures at the UK border, designed to reduce the public health risks posed by coronavirus (COVID-19), by limiting the further spread of the disease.
2. [The Coronavirus \(Covid-19\): Framework for Decision-Making](#) published in 2020 made clear that COVID-19 is first and foremost a public health crisis, and the measures to combat it have been necessary to save lives. The Framework identified four main categories of harm: **direct health impacts, non-COVID-19 health harms, societal impacts and economic impacts**. These harms are deeply inter-related: health harms impact on society and the economy, just as the societal and economic effects impact on physical and mental health and wellbeing.
3. On February 2022, the Scottish Government published the Coronavirus (Covid-19) Strategic Framework Update¹, which set out plans to restore, in a phased way, greater normality to our everyday lives taking account of important developments.
4. Our strategic intent was previously to suppress the virus to the lowest possible level whilst we sought to minimise the broader harms of the virus. Now that the direct health harms caused by the virus are reducing, the broader harms of the crisis grow relatively more important in our decision-making.
5. This assessment has sought to use existing and emerging information, evidence and analysis, as part of the decision making process and sets out our current understanding of the policy impact. We have worked closely with a number of our partners to bring this policy and the accompanying regulations together including Police Scotland, the Crown Office and Procurator Fiscal Service, Border Force in Scotland, Public Health Scotland and key airports in Scotland.

Legislative background

6. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 and the Health Protection (Coronavirus, Public Health information for Passengers Travelling to Scotland) Regulations 2020 came into force on 8 June 2020.
7. The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 generally came into force on 15 January 2021 (with some specified provisions coming into force on 1 February 2021).

¹ [Coronavirus \(COVID-19\): Scotland's Strategic Framework update - June 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/coronavirus-strategic-framework-update-june-2021/pages/1-1-introduction-and-contents.aspx)

8. The above Regulations were due to expire on 20 September 2021 and were revoked and replaced by the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the consolidated International Travel Regulations”) on that date. These Regulations consolidated the provisions in the Regulations being replaced.
9. The consolidated International Travel Regulations set out requirements for people arriving into Scotland including:-
- to provide particular passenger information before or on arrival into Scotland;
 - to possess a notification of a negative coronavirus test taken prior to departure;
 - to possess a testing package for the detection of coronavirus before or upon arrival into Scotland and to undertake such tests;
 - to stay in specified premises (e.g. at home) for a specified period upon arrival into Scotland;
 - to stay in managed isolation accommodation for a specified period upon arrival into Scotland.
10. The application of these requirements varies depending on a person’s vaccination status, which country outside the Common Travel Area a person has arrived from or travelled through, as well as whether any particular exemption is applicable. It is a criminal offence to fail to comply with the requirements in accordance with the consolidated International Travel Regulations.
11. The Regulations also impose related requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland.
12. The consolidated International Travel Regulations have been amended on a number of occasions since their introduction on 20 September 2021 to ease the level of restriction. This has included provision to expand the ways in which a person may be considered an “eligible vaccinated arrival” for the purposes of the Regulations and so benefit from fewer restrictions. There has also been an easing of the testing requirements applicable to both those considered “eligible vaccinated arrivals” and those who do not fall within the definition.
13. The consolidated International Travel Regulations are also time limited and were due to expire on 16 May 2022.

Revocation of the Legislation

14. The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Revocation Regulations 2022 revoke the consolidated International Travel Regulations and the amending instruments. The key effects of this revocation will be to:
- remove the distinction by vaccination status and associated testing measures for unvaccinated arrivals, such that no arrivals will be required to possess

proof of a pre-departure test, to undertake testing arrival in Scotland or to isolate, and

- remove the requirement for arrivals (of all kinds) to complete the passenger locator form (PLF)

Key Findings

15. The Scottish Government has recognised that the revocation of the consolidated International Travel Regulations may have an impact(s) on one or more of the protected characteristics.

16. The Scottish Government continues to consider any newly identified evidence and review existing, mitigating actions in relation to the impacts of revocation of the consolidated International Travel Regulations, as they relate to each of the protected characteristics, and makes further adjustments, as appropriate, in line with the requirements of the Public Sector Equality Duty (PSED).

17. All measures are given thorough consideration on the basis of their impact, including on equality and human rights.

Assessing the impacts and identifying opportunities to promote equality

Title of Proposal: The consolidated International Travel Regulations will be revoked.		
Impact: Travellers to Scotland will no longer be required to complete a PLF, and the remaining testing requirements will be removed.		
Differential impacts	Age: Children and Younger People	As all under 18s are currently treated as eligible vaccinated arrivals, we are not aware of any evidence that suggests this further easing of international travel restrictions will create any particular inequalities for this protected characteristic.
	Age: Older People	Older people have been disproportionately impacted by COVID-19, and under-65s have a higher propensity to travel for leisure ^{2/3} , therefore over 65s are more likely to travel for reasons other than leisure purposes. The removal of the remaining testing requirements for unvaccinated arrivals increases the risk that an older person may come into contact with the virus, either through their journey to Scotland or post arrival. This can be mitigated by the continued domestic legal requirements, such as face coverings on flights, and domestic guidance such as physical distancing where possible to prevent exposure to the virus. The Spring Booster Dose will prioritise over 75 year olds, residents in care homes for older adults and individuals aged 12 years and over who are immunosuppressed. This programme has commenced at the beginning of March.

² Bernini, C.; Cracolici, MF. (2015). Demographic change, tourism expenditure and life cycle behaviour. *Tourism Management*, [s. l.], v. 47, p. 191–205.

³ Riker, D. (2014). Population aging and the economics of international travel. *Tourism Economics*, 2014, 20 (1), 21–38

	<p>Digital access usually reduces with age. As of 2019, 20% of over-55s in the UK do not own a smartphone⁴ and only 47% of adults aged 75+ use a smartphone to access the internet, compared to 98% of 16-24 year olds. Removing the requirement for travellers to complete the PLF will benefit this group as it removes the barrier some travellers face when completing forms digitally.</p>
Sex: Women	<p>We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.</p>
Sex: Men	<p>We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.</p>
Race	<p>Early in the Coronavirus (Covid-19) crisis, evidence emerged at UK and international level that suggested some minority ethnic groups may be disproportionately impacted by Coronavirus (Covid-19), both in terms of immediate, adverse health outcomes and in a wider context, including economically.</p> <p>Analysis by National Records of Scotland published in July 2020 showed that deaths amongst people in the South Asian ethnic group were more likely to involve Coronavirus (Covid-19) than deaths in the White ethnic group, (after accounting for age group, sex, area-level deprivation and urban rural classification) and that there was no evidence of a significant difference for the other minority ethnic groups analysed.⁵</p> <p>The removal of the remaining testing requirements for unvaccinated arrivals increases the risk that people come into contact with the virus, either through their journey to Scotland or post arrival. This can be mitigated by the continued domestic legal requirements, such as face coverings on flights, and domestic guidance such as physical distancing where possible to prevent exposure to the virus.</p>
Religion & Faith	<p>We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.</p>
Disability	<p>Around a third of adults reported a limiting longstanding health condition or illness. According to the 2017 Scottish Health survey 29% of men and 34% of women in Scotland reported living with a limiting long-term condition.⁶ For people aged 75 and over, 56% had a limiting long-term condition. One in 5 Scots identify as disabled and more than a quarter of working age people acquire an impairment. The Scottish Learning Disabilities Observatory have published statistics on the mortality rate for people with learning/intellectual disabilities in Scotland during the Coronavirus (Covid-19) pandemic. The statistics show that people within the learning/intellectual disabilities population were more than three</p>

⁴ Deloitte (2019). [Global Mobile Consumer Survey: UK cut. Plateauing at the peak: the state of the smartphone](#). UK-representative sample (n = 4,150).

⁵ [Report \(nrscotland.gov.uk\)](#)

⁶ [Scottish Government \(2018\) A Fairer Scotland for Disabled People: employment action plan](#)

	<p>times more likely to die from Coronavirus (Covid-19) than those in the general population.⁷ Research in England has also highlighted that the rates of death involving Coronavirus (Covid-19) for more-disabled and less-disabled males were 3.1 and 1.9 times greater, respectively, than for non-disabled males. Among women, the risk of death was 3.5 times greater for more-disabled women and 2 times greater for less-disabled women, compared with non-disabled women.⁸ Individuals aged 12 years and over who are immunosuppressed will be invited to a Spring / Summer booster from March 2022.</p> <p>The removal of the remaining testing requirements for unvaccinated arrivals increases the risk that people come into contact with the virus, either through their journey to Scotland or post arrival. This can be mitigated by the continued domestic legal requirements, such as face coverings on flights, and domestic guidance such as physical distancing where possible to prevent exposure to the virus.</p> <p>In some circumstances there has previously been some unvaccinated travellers with disabilities who were allowed exemption from testing requirements. The removal of the remaining testing requirements for this group of people will benefit this group as it will be a means of enhancing freedom to travel.</p>
Sexual Orientation	We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.
Marriage and Civil Partnership	We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.
Pregnancy and Maternity	We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.
Gender Reassignment	We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.
Socio-economic disadvantage	We are not aware of any evidence that suggests this easing of international travel restrictions will create any particular inequalities for this protected characteristic.
Mitigating actions: continued use of face coverings on flights, physical distancing, reference to domestic guidance, continued use of lateral flow testing as good practice.	

Do you think that the policy impacts on people because of their age?

Age	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.

⁷ [Home | Scottish Learning Disabilities Observatory \(sldo.ac.uk\)](https://www.sldo.ac.uk/)

⁸ [Updated estimates of coronavirus \(COVID-19\) related deaths by disability status, England - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/)

Advancing equality of opportunity	X			The removal of the PLF will make travelling easier for this group.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts disabled people?

Disability	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation	X			Non-eligible vaccinated travellers, who were not able to be vaccinated due to a disability, and not previously exempt will benefit from revocation as travel will be easier for them.
Advancing equality of opportunity	X			Non-eligible vaccinated travellers, who were not able to be vaccinated due to a disability, and not previously exempt will benefit from revocation as travel will be easier for them.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts on men and women in different ways?

Sex	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact

				identified at this time.
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Do you think that the policy impacts on women because of pregnancy and maternity?

Pregnancy and Maternity	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think your policy impacts on people proposing to undergo, undergoing, or who have undergone a process for the purpose of reassigning their sex? (NB: the Equality Act 2010 uses the term ‘transsexual people’ but ‘trans people’ is more commonly used, although it may include a wide range of people not covered by the Act).

Gender reassignment	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think that the policy impacts on people because of their sexual orientation?

Sexual orientation	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good			X	No evidence of a

relations				differential impact identified at this time.
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Do you think the policy impacts on people on the grounds of their race?

Race	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people because of their religion or belief?

Religion or belief	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.
Promoting good relations			X	No evidence of a differential impact identified at this time.

Do you think the policy impacts on people because of their marriage or civil partnership?⁹

Marriage and Civil Partnership	Positive	Negative	None	Reasons for your decision
Eliminating unlawful discrimination, harassment and victimisation			X	No evidence of a differential impact identified at this time.
Advancing equality of opportunity			X	No evidence of a differential impact identified at this time.

⁹ The PSED does not apply to the protected characteristic of marriage and civil partnership
<https://www.gov.uk/guidance/equality-act-2010-guidance>

Promoting good relations			X	No evidence of a differential impact identified at this time.
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Assessing the impacts

Conclusion

18. The provisions set out in the revocation regulations are intended to balance the restrictions necessary to protect people from the potential direct harms to health from importation of new variants of Coronavirus (Covid-19), with the potential of any harms continuing the restrictions may have.

19. The view of the Scottish Government is that revoking the regulations are a justified and a proportionate means of managing the public health risks posed by Coronavirus (Covid-19), while recognising there is also a need to balance the approach with the obligations set out in the Public Sector Equality Duty.