POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL AND OPERATOR LIABILITY) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/328

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) 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.

Section 122(7) of the 2008 Act sets out that emergency regulations must be laid before the Scottish Parliament and cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the emergency regulations have been approved by a resolution of the Parliament.

These Regulations amend the list of acute countries, territories and parts of countries or territories.

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) ("the International Travel Regulations") and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI 2020/170) ("the Information Regulations") were made on 7 June 2020. They were laid in the Scottish Parliament and came into force on 8 June 2020.

2. The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (SSI 2021/20) ("the Operator Liability Regulations") were made on 14 January 2021. They were laid in the Scottish Parliament on 15 January with provisions coming into force on that date and also on 1 February 2021.

3. The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 ("the Consolidation Regulations") revoked and replaced the existing regulations from 20 September 2021.

4. The above named regulations were made urgently in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases.

Policy Objectives

5. The policy intention behind this instrument is to amend the existing list of acute countries, territories and parts of countries or territories as per below.

    - No additions

- Remove:
    - Bangladesh
    - Egypt
    - Kenya
    - Maldives
    - Oman
    - Pakistan
    - Sri Lanka
    - Turkey

6. The amendments made by this instrument apply only in relation to persons arriving in Scotland at or after 4:00 am on 22 September 2021.

Consultation

7. This instrument is being made urgently in Scotland to make further amendments to the public health measures in respect of international arrivals to the UK.

8. Each of the four nations in the UK is required under their own relevant 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 International Travel 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 or acute 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.

9. 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, Crown Office and Procurator Fiscal Service, Border Force in Scotland, Public Health Scotland and key airports in Scotland as the policy has continued to be shaped.

Impact Assessments

10. Assessment of the impact of the changes to country status as set out in this instrument, was previously undertaken and following reconsideration, no changes are required for these amendments. You can access the original assessment via https://www.legislation.gov.uk/ssi/2021/208/resources

Scottish Government
COVID Co-ordination Directorate
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