SCOTTISH STATUTORY INSTRUMENTS

2020 No. 431

PUBLIC HEALTH

The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020

Approved by the Scottish Parliament

Made - - - -at 11.30 a.m. on 11th December 2020

Laid before the Scottish Parliament at 2.30 p.m. on 11th December 2020

Coming into force in accordance with regulation 1(2) and (3)

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) 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, and approved by resolution of, the Scottish Parliament.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020.

(2) These Regulations, apart from regulations 3, 4 and 5(2) to (4), come into force at 04:00 a.m. on 12 December 2020.

(3) Regulations 3, 4 and 5(2) to (4) come into force on 14 December 2020.

(4) In these Regulations—

(a) "the International Travel Regulations" means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020(**b**),

(b) "the Information Regulations" means the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(**c**).

Amendment of the International Travel Regulations

2.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 9(6) (offences and penalties – Parts 3 and 4), after sub-paragraph (d), insert—

(**a**) 2008 asp 5.

(**b**) S.S.I. 2020/169, as amended by S.S.I. 2020/171, S.S.I. 2020/184, S.S.I. 2020/209, S.S.I. 2020/221, S.S.I. 2020/224, S.S.I. 2020/229, S.S.I. 2020/233, S.S.I. 2020/235, S.S.I. 2020/242, S.S.I. 2020/252, S.S.I. 2020/263, S.S.I. 2020/271, S.S.I. 2020/274, S.S.I. 2020/280, S.S.I. 2020/288, S.S.I. 2020/301, S.S.I. 2020/307, S.S.I. 2020/326, S.S.I. 2020/330, S.S.I. 2020/343, S.S.I. 2020/354 , S.S.I. 2020/358, S.S.I. 2020/378, S.S.I. 2020/404 and S.I. 2020/942.

(**c**) S.S.I. 2020/170, as amended by S.S.I. 2020/328.

"(da) on compassionate grounds, for reasons related to the end of a person's life,".

(3) In Part 1 of schedule A1 (countries, territories, or parts of countries or territories)—

(a) after "Bonaire, Sint Eustatius and Saba" insert "Botswana",

(b) omit "The Canary Islands",

(c) after "Samoa" insert "Saudi Arabia".

(4) After paragraph 38A(1)(b) of schedule 2 (persons not required to comply with regulation 6) insert—

"(c) an elite sportsperson ("P") who—

(i) has entered into a contract with a business in Scotland to compete in elite sports events on behalf of that business,

(ii) has travelled to Scotland in order to participate in an elite sports event or in training for such an event on behalf of that business,

(iii) is in receipt of written evidence from a United Kingdom or Scottish sport national governing body confirming that P is an elite sportsperson who meets the condition specified in sub-head (i),

(iv) is attending an elite sports event or training for such an event, or is travelling directly—

(aa) to or from such an event or training, or

(bb) between locations where such an event or training is taking place,".

Amendment of the International Travel Regulations – references to 14 days

3.—(1) The International Travel Regulations are amended as follows.

(2) In regulation 3(1)(b) (requirement to provide information), for "14th day" substitute "10th day".

(3) In regulation 6(1)(b) (requirement for travellers to stay in specified premises), for "14 days" substitute "10 days".

(4) In regulation 6(2)(a), for "fourteenth day" substitute "tenth day".

(5) In paragraph 2(a)(ii) of schedule 1 (passenger information), for "14 days" substitute "10 days".

(6) In paragraph 2(ha) of schedule 1, for "14th day" substitute "10th day".

(7) In paragraph 3(1)(b) of schedule 2, for "14 days" in both places it occurs, substitute "10 days".

(8) In paragraph 38(2) of schedule 2, in the definition of "international elite sportsperson", for "14th day" substitute "10th day".

Amendment of the Information Regulations

4.—(1) The Information Regulations are amended as follows.

(2) After regulation 6(5), insert—

"(6) If, following the coming into force of any provision which amends the required information, an operator provides information to a passenger that would have complied with these regulations but for the coming into force of the amending provision, it is a defence for the operator to prove that it was not reasonably practicable for the amended required information to be provided.".

(3) In Part 1 of schedule 2, for "14 days" substitute "10 days".

(4) In Part 2 of schedule 2, for "14 days" substitute "10 days".

Transitional and saving provision

5.—(1) The amendments made by regulation 2(3) and (4) do not apply in relation to any person who arrived in Scotland during the period beginning at 12.01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of those amendments, and the International Travel Regulations continue to apply to such persons as if those amendments had not been made.

(2) Paragraph (3) applies where, immediately before regulation 3(4) comes into force—

(a) a person ("P") is required to remain in specified premises in accordance with regulation 6(2) of the International Travel Regulations, and

(b) the period within which P must remain in those premises in accordance with that regulation ends after regulation 3(4) comes into force.

(3) Regulation 6(2)(a) of the International Travel Regulations applies to P as if for "fourteenth day" there were substituted "tenth day".

(4) The Information Regulations apply as if the amendments made by regulation 4 had not been made in relation to any—

(a) booking made,

(b) pre-departure notification given,

(c) check-in which takes place, or

(d) international passenger service which departs,

before regulation 4 comes into force.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
At 11.30 a.m. on 11th December 2020

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") and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 ("the Information Regulations").

Regulation 2(2) amends regulation 9(6) of the International Travel Regulations to provide that a person has a defence to the charge that they have committed an offence under regulation 6(2) of the International Travel Regulations if they can show that they were outside of the place they are staying in accordance with that regulation on compassionate grounds, for reasons related to the end of a person's life.

Regulation 2(3) removes the Canary Islands from, and adds Botswana and Saudi Arabia to, the list of exempt countries and territories in schedule A1 to the International Travel Regulations. As of 04.00 a.m. on Saturday 12 December 2020, travellers arriving in Scotland having departed from or transited through the Canary Islands will be subject to the movement restriction in regulation 6 of the International Travel Regulations, and travellers arriving in Scotland from Botswana or Saudi Arabia will no longer be subject to the movement restriction in regulation 6 of the International Travel Regulations.

Regulation 2(4) adds a further category of elite sportsperson to the exemption in paragraph 38A of schedule 2 of the International Travel Regulations. This allows new signings to professional sports clubs to be exempt from the requirement to stay in specified premises when they are travelling to, from or between, or participating in, elite sports events or training for such events.

Regulation 3(4) reduces from 14 days to 10 days the period within which a person must remain in specified premises where they have arrived in Scotland having departed from or transited through a non-exempt country or territory. Regulation 4 makes consequential amendments to the Information Regulations. The remaining provisions in regulation 3 change other references to 14 days in the International Travel Regulations to 10 days.

Regulation 5 makes transitional provision, so that the reduction in the quarantine period from 14 days to 10 days applies to persons who are subject to the movement restriction immediately before regulation 3 comes into force, and whose period of quarantine ends after regulation 3(4) comes into force. This makes clear that the reduction from 14 days to 10 days applies to all those who are quarantining at the time the change takes effect as well as to those who arrive in Scotland after the change takes effect. If a person is beyond the 10th day of their quarantine period at the point the change takes effect, they may immediately cease quarantining. Regulation 5 also provides that the amendments to the Information Regulations made by regulation 4 do not apply to bookings made, pre-departure notifications given, check-ins taking place or journeys departing before those amendments come into force.

An impact assessment has not been produced for this instrument.

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