POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL AND PUBLIC HEALTH INFORMATION) (SCOTLAND) REGULATIONS 2020

SSI 2020/431

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) 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 a further amendment to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169, "the principal Regulations"), 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). This instrument removes the Canary Islands from the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1 and adds Botswana and Saudi Arabia to the list of exempt countries or territories or parts of countries or territories in schedule A1, Part 1. Persons arriving in Scotland are not subject to the requirement in regulation 6 of the principal Regulations for travellers to stay in specified premises if, during the 14 days preceding their arrival they have only been in exempt countries or territories or exempt United Kingdom overseas territories. This instrument also adds a further category of elite sportsperson to schedule 2 to allow new signings to sports clubs to be exempt from the quarantine requirement. Further, this instrument reduces the period a person must remain in specified premises ("the quarantine requirement") in regulation 6 from 14 days to 10 days; makes related consequential amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020; adjusts other references to 14 days in the principal Regulations to 10 days; and makes transitional provision so that the reduction in the quarantine period from 14 days to 10 days applies to persons who subject to the quarantine requirement immediately before it comes into force, and whose period of quarantine ends after it comes into force. Finally this instrument also adds a further defence to a charge of committing an offence whilst subject to the quarantine requirement in regulation 6(2).

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) ("the principal Regulations") were: made on 7 June; came into force on 8 June 2020; and were laid in the Scottish Parliament on 8 June 2020.

2. Amendments were made to the principal Regulations by: the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020 (SSI 2020/171); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2020 (SSI 2020/184); by the Health Protection (Coronavirus) (International

Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/221); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/224); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/229); by the by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/233); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/235); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/242); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2020 (SSI 2020/252); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/263); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/271); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2020 (SSI 2020/274); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020 (SSI 2020/280); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020 (SSI 2020/288); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020 (SSI 2020/301); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020 (SSI 2020/307); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 (SSI 2020/326); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020 (SSI 2020/330); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 20) Regulations 2020 (SSI 2020/343); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 21) Regulations 2020 (SSI 2020/354); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 22) Regulations 2020 (SSI 2020/358); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 23) Regulations 2020 (SSI 2020/378) and by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 24) Regulations 2020 (SSI 2020/404).

3. This instrument makes a further amendment to the principal Regulations to take into account periodic review of data on point prevalence and other data on coronavirus in other countries and territories.

4. 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. The Scottish Government amended the principal Regulations on 10 July to allow for territorial exemptions from the requirement to remain at specified premises for 14 days after the day of their arrival. However, this requirement is being kept under constant review with a view to ensuring that constraints can be minimised wherever appropriate and proportionate.

Policy Objectives

5. The amendments made to the principal Regulations by this instrument remove the Canary Islands from the list of exempt countries or territories or parts of countries or territories in Part 1 of schedule A1. Travellers are exempt from the quarantine requirement where, during the 14 days preceding their arrival in Scotland, they have only been in "exempt countries or

territories or parts thereof". The Canary Islands are being removed from the list in schedule A1 Part 1 as the public health risk of importation of coronavirus infection to Scotland from the Canary Islands has been deemed to have increased to a level that presents a significant risk of importation of coronavirus into Scotland.

6. The amendments made by this also instrument add Botswana and Saudi Arabia to the list of exempt countries or territories or parts of countries or territories in schedule A1 Part 1. Travellers are exempt from the quarantine requirement where, during the 14 days preceding their arrival in Scotland, they have only been in "exempt countries or territories or parts thereof". Botswana and Saudi Arabia have been added to the list in schedule A1, as the public health risk of importation of coronavirus infection to Scotland from Botswana and Saudi Arabia has been deemed sufficiently low to merit an exemption.

7. The removal of the Canary Islands from the list of exempt countries or territories in schedule A1 part 1 of the principal regulations will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of the relevant parts of this instrument.

8. The addition of Botswana and Saudi Arabia to the list of exempt countries or territories or parts of countries or territories in schedule A1 of the principal Regulations will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of the relevant parts of this instrument.

9. The lists in schedule A1 of the principal regulations will be subject to on-going review and further countries will be added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

10. The amendments made by this instrument also add a new category of elite sportsperson to the exemption in paragraph 38A of schedule 2. This allows new signings to professional sports clubs to be exempt from the quarantine requirement when they are travelling to, from or between, or participating in, elite sports events or training for such events.

11. These amendments will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of this instrument.

12. This instrument also reduces the period of quarantine in regulation 6 of the principal Regulations from 14 days to 10 days. As of Monday 14 December, a person who is subject to the quarantine requirement will be required to remain in specified premises for 10 days and not 14 days. This change applies to those who arrive in Scotland on or after 14 December as well as to those who are subject to the quarantine requirement at the time of the change. If a person is beyond the 10th day of their quarantine period at the point the change takes effect, they may immediately cease quarantining.

13. The regulations also make consequential amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020, amending schedule 2 of those regulations (passenger notices) to reflect the reduced quarantine period, and ensuring that information provided to passengers is up to date. The regulations also add a defence to a charge of failing to provide the required information, where the required information has been amended and an operator can show that it was not reasonably

practicable to provide the amended information. Further, the amendments made by this instrument also adjust other references to 14 days in the principal Regulations to 10 days.

14. Finally this instrument also adds a new defence of leaving specified premises on compassionate grounds for reasons related to the end of a person's life to a charge of committing an offence whilst subject to the quarantine requirement in regulation 6(2).

Consultation

15. This instrument is being made urgently in Scotland to make a further amendment 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. Such policy divergence may include the Scottish Government, or any of the other three administrations in the UK, reaching a different view on exempt 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.

16. This instrument makes a further amendment to the principal Regulations to take into account the outcome of a review of those regulations. 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 on implementation of the policy in Scotland has continued to be shaped.

Impact Assessments

17. No further impact assessments have been undertaken.

Scottish Government
COVID-19 Public Health Directorate
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