POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (MANAGED ACCOMMODATION AND TESTING ETC.) (SCOTLAND) AMENDMENT REGULATIONS 2021

SSI 2021/107

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

Summary Box

This instrument makes further amendments to the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 ("the International Travel Regulations"). Those Regulations 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).

It amends regulations 6A and 6B of the International Travel Regulations so that the requirements to possess a managed self-isolation package and to stay in managed accommodation apply to certain persons who arrive in Scotland from elsewhere within the common travel area, where that person has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory. The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 are also amended to reflect this change.

This instrument amends the International Travel Regulations so that persons whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme are not required to stay in managed accommodation but are required to stay in a specified premises.

Schedule 2 of the International Travel Regulations is amended so that oil and gas workers returning from an installation in the North Sea who have transited via a non-acute risk country or territory (but have not entered that country or territory) are not required to stay in managed accommodation but are required to stay in specified premises (such as their own home).

Background

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

2. This instrument makes further amendments to those Regulations. It amends regulations relating to the regime of managed self-isolation for international travellers arriving in Scotland.

3. The International Travel 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.

Policy Objectives

4. This instrument amends regulation 5H of the International Travel Regulations to clarify that a person who tests positive following a day 2 or day 8 test may not leave Scotland or the common travel area under regulations 9(6)(a) or 9(7)(a), as would otherwise be possible. Regulation 3(e) and (f) also correct a couple of minor drafting errors in regulation 5J of the International Travel Regulations.

5. This instrument amends regulation 6 of the International Travel Regulations so that persons who arrive in Scotland from outside the common travel area, or from elsewhere within the common travel area but having departed from or travelled through a non-exempt country in the preceding 10 days, under a UK refugee resettlement scheme are not required to stay in managed accommodation. Such persons must isolate in specified premises in accordance with regulation 6(2), and undertake testing in accordance with regulation 5C.

6. This instrument amends the requirements for certain travellers to possess a managed self-isolation package and to stay in the managed accommodation, so that it applies to certain persons who arrive in Scotland from elsewhere within the common travel area where the person has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory. This amendment reduces the public risk posed by international travellers who have departed from or transited through acute risk countries, arriving in Scotland through routes which were previously unforeseen. Consequential amendments are made to reflect these changes.

7. Schedule 2 is amended by this instrument so that certain offshore oil and gas workers, carrying out types of work as specified in paragraph 25 of schedule 2, are exempt from the requirement to stay in managed accommodation, where they have returned to the United Kingdom having departed from or transited through another non-acute risk country or territory without entering that other country or territory. The exemption in that paragraph 25 is amended to apply to workers who work on offshore installations and petroleum infrastructure in the exclusive economic zones of Denmark and the Faroe Islands, Germany, Iceland, the Netherlands and Norway. This amendment allows for the effective carrying out of work by North Sea oil and gas workers.

8. This instrument amends the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020, to amend the passenger notices to reflect that travellers who are direct international arrivals, or who have arrived from the common travel area and travelled through an acute risk country or territory in the last 10 days, must quarantine for 10 days unless exempt.

Consultation

9. This instrument is being made urgently to make further amendments 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 International Travel 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.

10. This instrument makes further amendments to the International Travel Regulations to amend regulations relating to the regime of managed self-isolation for international travellers arriving in Scotland. 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 has continued to be shaped.

Impact Assessments

11. No further impact assessments have been undertaken.

Scottish Government
COVID-19 Public Health Directorate
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