POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 11) REGULATIONS 2021

SSI 2021/212

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2) (a) and (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 further amendments 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).

Regulation 3 amends regulation 7A of the International Travel Regulations to limit the exemption of seafarers and inspectors and surveyors of ships from the requirement to enter Scotland only at a designated port and the requirement to take out and comply with a managed self-isolation package (hotel accommodation, transport to it and testing). Seafarers and inspectors and surveyors of ships will no longer benefit from the exemption where they have entered the UK in order to work on a cruise ship, or after having worked on a cruise ship.

Regulation 4 makes saving provision such that a person who arrives in Scotland on or after 12:01 am on 8 June 2020, but before the coming into effect of an amendment made by these Regulations, must comply with the International Travel Regulations as they were at the time at which the person arrived in Scotland.

Background

1. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (SSI 2020/169) ("the principal 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 the principal Regulations.

3. 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.

Policy Objectives

4. Regulation 3 amends regulation 7A of the International Travel Regulations to limit the exemption of seafarers and inspectors and surveyors of ships from the requirement to enter Scotland only at a designated port and the requirement to take out and comply with a managed self-isolation package (hotel accommodation, transport to it and testing). This is to resolve an identified issue of seafarers from red list countries being able to arrive in the UK to join cruise ships in customer-facing roles, putting large numbers of passengers at risk, and seafarers who had been in passenger-facing roles on cruise ships returning to the UK from red list countries.

5. Regulation 4 makes saving provision such that a person who arrives in Scotland on or after 12:01 am on 8 June 2020, but before the coming into effect of an amendment made by these Regulations, must comply with the International Travel Regulations as they were at the time at which the person arrived in Scotland.

Consultation

6. 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 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.

7. This instrument makes further amendments to the principal 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 has continued to be shaped.

Impact Assessments

8. Impact assessments will be made available on www.legislation.gov.uk.

Scottish Government
COVID-19 Public Health Directorate
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