POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 4) REGULATIONS 2020

SSI 2020/221

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

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 adds Spain to the list of exempt countries and 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.

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 original 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); and the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209).

3. This instrument makes a further amendment to the principal Regulations to take into account the outcome of the statutory review of those regulations, which required to be completed by 20th July 2020.

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 ("the quarantine requirement"). 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 amendment made by this instrument to the original Regulations is to add Spain to the list of exempt countries and territories in 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". Spain has been added to the list in Schedule A1, as the public health risk of importation of coronavirus infection to Scotland from there has been deemed sufficiently low to merit an exemption. The list in Schedule A1 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.

6. The addition of Spain to the list of exempt countries and territories (Schedule A1 of those regulations) will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of this instrument.

Consultation

7. This instrument is being made urgently in Scotland 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 was, as above, to help prevent further spread of the coronavirus and a possible second wave. 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 under the Regulations, reflecting differences in the prevalence of COVID-19 in that particular nation at any review point.

8. This instrument makes a further amendment to the principal Regulations to take into account the outcome of the statutory review of those regulations, which required to be completed by 20th July 2020. 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

9. No further impact studies have been conducted.

Scottish Government
COVID-19 Public Health Directorate
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