POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 5) REGULATIONS 2021

SSI 2021/21

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 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). This instrument removes all countries and territories from the list of exempt countries or territories in schedule A1 of the principal Regulations. 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 10 days preceding their arrival they have only been in exempt countries or territories or exempt United Kingdom overseas territories. In practice, this exemption to the requirement in regulation 6 will cease to exist.

This instrument also amends the principal Regulations to remove persons engaged in film or TV production and performing arts professionals from schedule 2. Schedule 2 provides that certain persons are not required to comply with the requirement in regulations 3 and 6. The above named persons were previously exempt from regulation 6.

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, and have been subject to various amendments.

2. This instrument makes further amendments 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.

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. The Scottish Government amended the principal Regulations on 10 July to allow for territorial exemptions from the requirement to remain at specified premises for 10 days after the day of their arrival ("the quarantine requirement"). This requirement is being kept under constant

review with a view to ensuring that constraints can be minimised wherever appropriate and proportionate.

Policy Objectives

4. The amendments made to the principal Regulations by this instrument remove all countries and territories from the list of exempt countries or territories or parts of countries or territories in Part 1 of schedule A1 of the principal regulations and remove all countries and territories from the list of exempt United Kingdom overseas territories in Part 2 of schedule A1. Travellers are exempt from the quarantine requirement where, during the 10 days preceding their arrival in Scotland, they have only been in "exempt countries or territories or parts thereof" or in exempt "United Kingdom overseas territories". All countries and territories are now being removed from the lists in schedule A1 Part 1 and Part 2 as the public health risk of importation of coronavirus infection, and in particular variants of the virus, to Scotland is deemed to have increased to a level that presents a significant risk of importation of coronavirus into Scotland.

5. The removal of all countries and territories from the list of exempt countries or territories in schedule A1 Part 1 and the removal of all countries and territories from the list of exempt United Kingdom overseas territories in Part 2 of schedule A1 will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of this instrument.

6. The changes are a further response to the emergence of novel variants of coronavirus with potential for increased transmissibility and/or resistance to vaccines. Variants have previously been identified in Brazil, South Africa and Denmark, as well as in the UK. The Joint Biosecurity Centre assesses that limited genomic sequencing capacity worldwide means further variants that may emerge have a high risk of not being detected before they enter the UK, and that these further restrictions on international travel are necessary.

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

8. The amendments made to the principal Regulations by this instrument remove persons engaged in film or high-end TV production, persons engaged in television production and performing arts professionals from schedule 2. Schedule 2 provides that certain persons are not required to comply with the requirement in regulations 3 and 6. The above named persons were previously exempt from regulation 6(2). The removal of these persons from schedule 2 further reduces the public health risk of importation of coronavirus infection, and variants of the virus, to Scotland.

Consultation

9. 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.

10. 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

11. No further impact assessments have been undertaken.

Scottish Government
COVID-19 Public Health Directorate
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