POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 7) REGULATIONS 2021

SSI 2021/111

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

The amendment of the principal Regulations made by this instrument removes the Falkland Islands from the "acute risk countries or territories" contained in schedule A2.

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 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.

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. A regime of managed self-isolation for international travellers was introduced from 15 February 2021.

Policy Objectives

4. The amendment made to the principal Regulations by this instrument removes the Falkland Islands from the "acute risk countries and territories" in schedule A2. Persons arriving in Scotland having travelled from or transited through an acute risk country and territory in the preceding 10 days are required to stay in managed accommodation. Removing Falkland Islands from schedule A2 means that persons arriving in Scotland from elsewhere in the common travel area, having travelled from or transited through the Falkland Islands in the preceding 10 days, will not be required to stay in managed accommodation.

5. The Falkland Islands had been added to schedule A2 as it had been identified as being at high risk of community transmission of the Brazilian variant of the coronavirus. The latest assessment of data on prevalence in other countries suggests that this is no longer the case.

6. The list of countries and territories in schedule A2 of the principal Regulations will be subject to on-going review and further countries and territories will be added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

Consultation

7. 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.

8. 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 has continued to be shaped.

Impact Assessments

9. No further impact assessments have been undertaken.

Scottish Government
COVID-19 Public Health Directorate
26 February 2021