POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT (NO. 9) REGULATIONS 2021

SSI 2021/191

The above instrument was made in exercise of the powers conferred by sections 94(1)(b)(i) 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 (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 7A of the principal Regulations is amended so that persons travelling to Scotland for the purpose of transporting material containing human cells or blood for use in the provision of healthcare by a healthcare provider will be exempt from the requirements to possess a managed self-isolation package and to stay in managed accommodation when arriving in Scotland from outside the common travel area where they have in the previous 10 days departed from, or transited through, an acute risk country or territory.

This instrument adds India to the "acute risk countries and territories" in schedule A2.

This instrument amends schedule 1, passenger information, so that a person must provide the name of the country which issued their passport or travel document, not the name of the issuing authority.

This instrument adds "Curling - World Mixed Doubles Championship" to part 1 of schedule 3A.

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 made urgently in order to reduce the likelihood that an increase in coronavirus infections in Scotland would arise as a result of imported cases. Managed self-isolation for international travellers was introduced from 15 February 2021.

Policy Objectives

4. Regulation 7A of the principal Regulations is amended. This provides that those travelling to Scotland to transport material containing human cells or blood for use in the provision of healthcare by a healthcare provider will be exempt from the requirements to possess a managed self-isolation package and to stay in managed accommodation when arriving in Scotland from outside the common travel area where they have in the previous 10 days departed from, or transited through, an acute risk country or territory. This allows for the carrying out of essential healthcare work. Transportation of human cells and blood often requires that these materials be supervised during transit and can take place at short notice and with the need for delivery in short timescales.

5. This instrument amends schedule A2 to add India to the "acute risk countries and territories" in schedule A2. A person who has departed from or transited through countries and territories, or parts thereof, which are an "acute risk country or territory" in schedule A2 is required to stay in managed accommodation. Certain of the sector-specific exemptions which apply to the requirement to self-isolate at a specified address, as well as exemptions to the requirement to complete the Passenger Locator Form, do not apply to the requirement to stay in managed accommodation.

6. India has been added following assessment of the risk of transmission within this country, prevalence of variants of concern and variants under investigation, evidence of exporting the variants, sequencing capacity and proximity or strong travel links to other high risk countries or territories. The list of countries and territories in schedule A2 of the principal Regulations is subject to on-going review and further countries and territories are added or removed, informed by their risk status, when it is appropriate and proportionate to do so.

7. This instrument amends schedule 1, passenger information, so that a person subject to regulation 3 must provide the name of the country which issued their passport or travel document, not the name of the issuing authority. This regulation comes into force on 26 April 2021 and is made to reflect changes to how ePassport gates will operate at airports.

8. This instrument adds "Curling - World Mixed Doubles Championship" to part 1 of schedule 3A. Certain sportspersons taking part in specified competitions are not required to comply with regulation 6.

Consultation

9. 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.

10. This instrument makes further amendments 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

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

Scottish Government
COVID-19 Public Health Directorate
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