**POLICY NOTE**

**THE HEALTH PROTECTION (CORONAVIRUS) (INTERNATIONAL TRAVEL) (SCOTLAND) AMENDMENT REGULATIONS 2021**

**SSI 2021/5**

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 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 removes Botswana, Israel and Jerusalem, Mauritius and Seychelles from the list of exempt countries or territories or parts of countries or 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 10 days preceding their arrival they have only been in exempt countries or territories or exempt United Kingdom overseas territories.

This instrument amends the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 to add new schedule A2 containing countries or territories which are "acute risk countries or territories". The Regulations specify the following countries or territories as acute risk countries or territories in addition to South Africa: Angola; Botswana; Eswatini; Lesotho; Malawi; Mauritius; Mozambique; Namibia; Seychelles; Zambia; Zimbabwe.

This instrument also amends the principal Regulations to extend the requirement to stay in specified premises to members of the household of a person who has arrived in Scotland having departed from or transited through acute risk countries or territories ("acute risk arrivals"). It removes exemptions from the requirements to stay in specified premises and to complete the Passenger Locator Form for acute risk arrivals.

**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 principal 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); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/209); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020 (SSI 2020/221); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020 (SSI 2020/224); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020 (SSI 2020/229); by the by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020 (SSI 2020/233); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020 (SSI 2020/235); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020 (SSI 2020/242); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2020 (SSI 2020/252); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020 (SSI 2020/263); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020 (SSI 2020/271); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2020 (SSI 2020/274); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020 (SSI 2020/280); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020 (SSI 2020/288); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020 (SSI 2020/301); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020 (SSI 2020/307); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020 (SSI 2020/326); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020 (SSI 2020/330); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 20) Regulations 2020 (SSI 2020/343); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 21) Regulations 2020 (SSI 2020/354); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 22) Regulations 2020 (SSI 2020/358); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 23) Regulations 2020 (SSI 2020/378); by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 24) Regulations 2020 (SSI 2020/404); by the Health Protection (Coronavirus, International Travel and Public Health Information) (Scotland) Regulations 2020 (SSI 2020/431); by the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020 (SSI 2020/444) and by the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 25) Regulations 2020 (SSI 2020/474).

3. 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.

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 10 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 amendments made to the principal Regulations by this instrument remove Botswana, Israel and Jerusalem, Mauritius, and Seychelles from the list of exempt countries or territories or parts of countries or territories in Part 1 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". Botswana, Israel and Jerusalem, Mauritius and Seychelles are being removed from the lists in schedule A1 Part 1 and Part 2 as the public health risk of importation of coronavirus infection to Scotland from these countries and territories has been deemed to have increased to a level that presents a significant risk of importation of coronavirus into Scotland.

6. The removal of Botswana, Israel and Jerusalem, Mauritius and Seychelles from the list of exempt countries or territories in schedule A1 part 1 of the principal regulations, will not affect the quarantine requirement for persons arriving in Scotland before the coming into force of this instrument.

7. The amendments made to the principal Regulations by this instrument also extends the requirement to stay in specified premises for persons and members of the household of a person who have departed from or transited through countries and territories or parts thereof which are an "acute risk country or territory" in schedule A2. This schedule includes South Africa and adds other countries and territories where there is likely community transmission of the VOC202012/02 variant (South African variant) of the virus or strong travel links to South Africa. This variant has increased transmissibility between humans. This instrument amends section 8 of the principal Regulations to extend the powers of enforcement conferred on police constables to include enforcement of the requirement on members of the household to self-isolate.

8. The lists in schedule A1 and A2 of the principal regulations 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.

**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 and the spread of the South African variant. 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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