POLICY NOTE

THE HEALTH PROTECTION (CORONAVIRUS, PUBLIC HEALTH INFORMATION FOR PASSENGERS TRAVELLING TO SCOTLAND) AMENDMENT REGULATIONS 2020

SSI 2020/328

The above instrument was made in exercise of the powers conferred by section 94 of the Public Health (Scotland) Act 2008 ("the 2008 Act).

Section 122(5) of the 2008 Act states that regulations under section 94(2) 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 amendments to The Health Protection Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (SSI 2020/170 the "principal Regulations") which impose requirements on operators of commercial transport services on which passengers travel to Scotland from outside the common travel area to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Scotland which causes the disease Covid-19. This instrument requires operators of relevant services to provide passengers with the required information 24 to 48 hours before the relevant service is scheduled to depart, and stipulates the information to be provided and the manner in which it must be provided by an operator in order to comply with the principal Regulations.

Background

1. The principal Regulations 2020 were: made on 7 June 2020; came into force on 8 June; and were laid before the Scottish Parliament on 8 June.

2. The principal Regulations were urgently implemented in order to maintain compliance with the public health guidance and limit the further spread of the disease by increasing public awareness of, and thereby compliance with, public health measures to be taken to reduce the spread of SARS-CoV-2 which causes the disease Covid-19. They make provision to require an operator of a commercial transport service on which passengers travel to Scotland from outside the common travel area on a vessel or aircraft to ensure that a passenger who arrives at a port is provided with public health information at three stages of the "passenger journey".

Policy Objectives

3. The amendments made to the principal regulations by this instrument require operators of relevant services to provide passengers with information at an additional stage of the "passenger journey", namely 24 to 48 hours before the relevant service is scheduled to depart.

4. The amendments made by this instrument stipulate that the required information to be provided 24 to 48 hours before the relevant service is scheduled to depart is to be provided by text message, push notification, email or orally in order to comply with the principal Regulations.

5. The amendments made by this instrument also replace the schedule of the principal Regulations with schedules 1 and 2, which provides the manner and content of the required information to be provided at each stage of the passenger journey. The information provided will be the latest public health guidance about coronavirus, coronavirus disease and related duties including, in particular, duties and guidance applying to passengers arriving in Scotland. This would include the requirement to provide passenger, travel and destination information before entering Scotland, and the requirement to self-isolate for 14 days after arrival.

6. Finally the Regulations further provide that an operator who fails to comply with the information requirement in respect of the new stage of the passenger journey commits an offence and will be liable on conviction or indictment to an unlimited fine.

7. In order that information requirements on operators flying into different parts of the UK are aligned, the Regulations will come into force on 30 October 2020, at the same time as regulations making corresponding amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to England) Regulations 2020 made by the UK Government.

Consultation

8. There has been no public consultation in relation to this instrument.

Impact Assessments

9. Impact Assessments have not been prepared for this instrument because of the need to make and lay the instrument urgently to encourage self-isolation and minimise the risks to public health arising from Covid-19. The provisions of the Regulations are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government
COVID-19 Public Health Directorate
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