

2021 No. 107

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel)
(Managed Accommodation and Testing etc.) (Scotland)
Amendment Regulations 2021**

Approved by the Scottish Parliament

Made - - - - 24th February 2021

Coming into force in accordance with regulation 1(2) and (3)

Laid before the Scottish Parliament 25th February 2021

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b) and 122(2) of the Public Health etc. (Scotland) Act 2008(a), and all other powers enabling them to do so.

In accordance with section 122(6) of that Act, the Scottish Ministers consider that these Regulations need to be made urgently, without a draft having been laid before, and approved by resolution of, the Scottish Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021.

(2) With the exception of the regulation mentioned in paragraph (3) these Regulations come into force at 4.00 a.m. on 26 February 2021.

(3) Regulation 8(b) comes into force at 4.00 a.m. on 25 February 2021.

Amendment of the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020(b) are amended in accordance with regulations 3 to 8.

(a) 2008 asp 5.

(b) S.S.I. 2020/169, as amended by S.S.I. 2020/171, S.S.I. 2020/184, S.S.I. 2020/209, S.S.I. 2020/221, S.S.I. 2020/224, S.S.I. 2020/229, S.S.I. 2020/233, S.S.I. 2020/235, S.S.I. 2020/242, S.S.I. 2020/252, S.S.I. 2020/263, S.S.I. 2020/271, S.S.I. 2020/274, S.S.I. 2020/280, S.S.I. 2020/288, S.S.I. 2020/301, S.S.I. 2020/307, S.S.I. 2020/326, S.S.I. 2020/330, S.S.I. 2020/343, S.S.I. 2020/354, S.S.I. 2020/358, S.S.I. 2020/378, S.S.I. 2020/404, S.S.I. 2020/431, S.S.I. 2020/444, S.S.I. 2020/474, S.S.I. 2021/5, S.S.I. 2021/6, S.S.I. 2021/7, S.S.I. 2021/19, S.S.I. 2021/20, S.S.I. 2021/21, S.S.I. 2021/34, S.S.I. 2021/74, S.S.I. 2021/81 and S.I. 2020/942.

Amendment of Part 2A

3. In Part 2A (pre-departure testing)—

- (a) in the heading, after “testing” insert “and testing following arrival in Scotland”,
- (b) in regulation 5E(1), for “the test”, in the second place it occurs, substitute “a day 2 test and a day 8 test”,
- (c) in regulation 5H(1)(a), after “Scotland” insert “or the common travel area”,
- (d) in regulation 5H(2), omit “who”,
- (e) in regulation 5J(1)(c), at the end insert “or (3)”,
- (f) in regulation 5J(3)(d), for “regulation 6(2)(b)” substitute “regulation 9(6)(a)”.

Amendment of Part 3

4. In Part 3 (requirement for travellers to stay in specified premises or managed accommodation)—

- (a) in regulation 6(1)(a), for “regulation 7(1)(ba)”, substitute “regulation 7(1)(c)”,
- (b) in regulation 6(1)(a), at the end omit “or”,
- (c) in regulation 6(1)(b), after “non-exempt country or territory” insert “which is not an acute risk country or territory”,
- (d) after regulation 6(1)(b), insert—
 - “, or
 - (c) arrives in Scotland from—
 - (i) outside the common travel area, or
 - (ii) elsewhere within the common travel area where P has within the preceding 10 days departed from or transited through a non-exempt country or territory where P’s arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme.”
- (e) in regulation 6A(1)(a)—
 - (i) at the end of sub-paragraph (a) insert “or”,
 - (ii) for sub-paragraph (b) substitute—
 - “(b) elsewhere within the common travel area where P has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory.”,
 - (iii) omit sub-paragraph (c),
- (f) in regulation 6B(1)(b)—
 - (i) at the end of sub-paragraph (a), insert “or”,
 - (ii) for sub-paragraph (b), substitute—
 - “(b) elsewhere within the common travel area where P has, at any time in the period beginning with the 10th day before the date of their arrival in Scotland, departed from or transited through an acute risk country or territory.”,
 - (iii) omit sub-paragraph (c),
- (g) omit regulation 7(1)(ba),
- (h) in regulation 7A(3)(c)—
 - (i) omit “or who is described in regulation 6A(1)(b) or (c)”,

(a) Regulation 6A was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/81.

(b) Regulation 6B was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/81.

(c) Regulation 7A was inserted by S.S.I. 2021/74 and amended by S.S.I. 2021/81.

- (ii) after “acute risk country or territory” insert “or who is described in regulation 6A(1)(b)”.

Amendment of regulation 9

5. In regulation 9(7)(a) (offences and penalties – Parts 3 and 4) after “directly” insert “(except where regulation 5H(1)(a) applies in relation to P)”.

Amendment of regulation 11

6. In regulation 11(2)(a)(ia) (fixed penalty notices) for “regulation 5J(1)” insert “regulation 5J(1)(a)”.

Amendment of regulation 13

7. In regulation 13(2) (power to use and disclose information)—

- (a) sub-paragraph “(f)” becomes sub-paragraph “(e)”,
- (b) sub-paragraph “(g)” becomes sub-paragraph “(f)”.

Amendment of schedule 2

8. In schedule 2 (persons not required to comply with regulation 3 or regulation 6)—

- (a) in the title, for “or regulation 6” substitute “regulation 5A or regulations 5D to 6B”,
- (b) in paragraph 25—

(i) after sub-paragraph (1), insert—

“(1A) A worker who has travelled to the United Kingdom immediately after undertaking any of the activities described in sub-paragraph (1)(a) to (d) where the worker has returned to the United Kingdom after departing from or transiting through another country or territory without entering that other country or territory.”,

(ii) after sub-paragraph (2), insert—

“(3) For the purposes of the reference in sub-paragraph (1A) to activities described in sub-paragraph (1)(a) to (d), “offshore installation”, “upstream petroleum infrastructure” and “well” have the meanings given in sub-paragraph (2) with the following modifications—

- (a) for the definition of “offshore installation”, “relevant waters” in section 44(4) of the Petroleum Act 1998 is to be read as including a reference to the exclusive economic zones of Denmark and the Faroe Islands, Germany, Iceland, the Netherlands and Norway,
- (b) for the definition of “upstream petroleum infrastructure”, section 9H(2) of that Act is to be read as including petroleum which exists in its natural condition in strata within the exclusive economic zones of Denmark and the Faroe Islands, Germany, Iceland, the Netherlands and Norway,
- (c) the definition of “well” in section 45A(10) of that Act includes a well situated in the exclusive economic zones of Denmark and the Faroe Islands, Germany, Iceland, the Netherlands and Norway.

(4) For the purposes of sub-paragraph (3), references to the “exclusive economic zone” of a country are to the exclusive economic zone of that country established in accordance with international law, or, if such a zone has not been established, such area adjacent to the territorial sea of that country and extending not more than 200 nautical miles from the baselines from which the breadth of that sea is measured as may have been determined by the country in question in accordance with international law.”.

Amendment of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020

9.—(1) The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(a) are amended as follows.

(2) In schedule 2 (passenger notices)—

- (a) in Part 1(b), in paragraph “3”, for “the Republic of Ireland” substitute “elsewhere within the common travel area”,
- (b) in Part 2(c), for “the Republic of Ireland”, substitute “elsewhere within the common travel area”.

Savings

10.—(1) The amendments made by regulations 2 to 8 do not apply in relation to any person who arrived in Scotland during the period beginning at 12.01 a.m. on 8 June 2020 and ending immediately prior to the coming into force of those regulations, and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if the amendments made by those regulations had not been made.

(2) The amendments made by regulation 9 do not apply in relation to any—

- (a) booking made,
- (b) check-in which takes place, or
- (c) international passenger service which departs,

prior to the coming into force of regulation 9, and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 continue to apply to any such booking, check-in or service as if the amendments made by regulation 9 had not been made.

MICHAEL MATHESON

A member of the Scottish Government

St Andrew’s House,
Edinburgh
24th February 2021

(a) S.S.I. 2020/170, relevantly amended by S.S.I. 2020/328, S.S.I. 2021/34 and S.S.I. 2021/74.
(b) Part 1 was substituted by S.S.I. 2021/34 and subsequently amended by S.S.I. 2021/74.
(c) Part 2 was amended by S.S.I. 2021/74.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”).

Regulation 3 makes some minor drafting changes to the International Travel Regulations.

Regulation 4 makes amendments to Part 3 of the International Travel Regulations. In particular it amends regulations 6A and 6B so that persons who arrive in Scotland from elsewhere within the Common Travel Area, having in the previous 10 days departed from or transited through an acute risk country or territory, are required to—

- enter Scotland only at one of the ports designated in regulation 6A(2),
- possess a managed self-isolation package in accordance with regulation 6A(4), and
- stay in managed accommodation in accordance with regulation 6B.

Regulation 4(d) provides that persons whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme are not required to stay in managed accommodation but are required to stay in a specified premises.

Regulation 8(b) makes changes to the sectoral exemption for oil and gas workers, so that workers returning from an installation in the North Sea who have transited via a non-acute risk country or territory (but have not entered that country or territory) are not required to stay in managed accommodation but are required to stay in specified premises (such as their own home).

Regulation 9 makes amendments to the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 which are consequential upon the changes made to the International Travel Regulations by regulation 4.

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