

2021 No. 275

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International Travel)
(Scotland) Amendment (No. 15) Regulations 2021**

Approved by the Scottish Parliament

Made - - - - 29th July 2021

Laid before the Scottish Parliament 30th July 2021

Coming into force in accordance with regulation 1

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) 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) (Scotland) Amendment (No. 15) Regulations 2021.

(2) Subject to paragraph (3) below, these Regulations come into force at 4.00 a.m. on 31 July 2021.

(3) Regulation 3 comes into force at 4.00 a.m. on 2 August 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 5.

Amendment of regulation 2A

3. In regulation 2A (eligible vaccinated arrivals)—

(a) in paragraph (2)—

(i) in sub-paragraph (b), after “United Kingdom” insert “or a relevant country”,

(a) 2008 asp 5.

(b) S.S.I. 2020/169, last amended by S.S.I. 2021/265.

- (ii) after sub-paragraph (b) insert—
 - “(ba) if the course of doses was received in the United States of America, is ordinarily resident in the United States of America,”
- (iii) in sub-paragraph (c), for the words “by way of letter of certification” to “pass” substitute—
 - “through—
 - (i) letter of certification issued by NHS Scotland, or equivalent certification issued, in paper or electronic form, by NHS England, NHS Wales or the Department of Health in Northern Ireland, including through the NHS COVID pass,
 - (ii) the EU Digital COVID certificate, or
 - (iii) the Centers for Disease Control and Prevention vaccination card”,
- (iv) in sub-paragraph (c), at end, omit “and”,
- (v) after sub-paragraph (c), insert—
 - “(ca) is able to provide proof if required by an immigration officer or the operator of the relevant service on which P travels to Scotland of meeting the requirement in sub-paragraph (ba), and”,
- (b) after paragraph (3) insert—
 - “(3A) P—
 - (a) has participated or is participating in a clinical trial regulated in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus,
 - (b) is able to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card,
 - (c) has declared on the Passenger Locator Form that P has completed a course of doses of an authorised vaccine, and
 - (d) is ordinarily resident in the United States of America and is able to provide proof of that residence.”,
- (c) in sub-paragraph (b) of paragraph (4), after “United Kingdom” insert “or a relevant country”,
- (d) in paragraph (10)—
 - (i) for the definition of “authorised vaccine” substitute—
 - ““authorised vaccine” means a medicinal product for vaccination against coronavirus authorised—
 - (a) in relation to doses received in the United Kingdom—
 - (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012,
 - (b) in relation to doses received in a relevant country, for supply in that country following evaluation by the relevant regulator for that country,”
 - (ii) for the definition of “marketing authorisation” substitute—
 - ““marketing authorisation”—
 - (a) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012,

(b) in relation to a vaccine authorised for supply in a relevant country other than a member State, means a marketing authorisation granted by the relevant regulator for the country,”,

(iii) after the definition of “NHS Wales” insert—

““relevant country” means a country listed in the first column of the table in paragraph (11),

“relevant regulator”, in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (11), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a Stringent Regulatory Authority by the World Health Organization pursuant to the operation of the COVAX Facility(a),”,

(e) after paragraph (10) insert—

“(11) The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

<i>Relevant country</i>	<i>Relevant regulator</i>
a member State	European Medicines Agency
Andorra	European Medicines Agency
Iceland	European Medicines Agency
Liechtenstein	European Medicines Agency
Monaco	European Medicines Agency
Norway	European Medicines Agency
San Marino	European Medicines Agency
Switzerland	Swissmedic
the United States of America	United States Food and Drug Administration
Vatican City State	European Medicines Agency”.

Amendment of schedule 3A

4. In schedule 3A (specified competitions)—

(a) in Part 1, after paragraph 9D(b) insert—

“9E. European Tour Golf – Hero Open.”,

(b) in Part 2, after paragraph 31(c) insert—

“32. European Professional Club Football fixtures, including UEFA Champions League, Europa League and Europa Conference League fixtures, involving a professional football club which has departed from or transited through Turkey within the preceding 10 days.”.

Savings

5.—(1) Subject to paragraph (2), the amendments made by these Regulations 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 these Regulations in accordance with regulation 1(2), and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if the amendments made by these Regulations had not been made.

(a) A list of the national regulatory authorities designated as Stringent Regulatory Authorities has been published by the World Health Organization and is available online at https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility_COVAX-Facility_Dec2020_0.pdf.

(b) Paragraph 9D was inserted by S.S.I. 2021/254.

(c) Paragraph 31 was inserted by S.S.I. 2021/254.

(2) The amendment made by regulation 3 of these Regulations does 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 regulation 3 in accordance with regulation 1(3), and the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 continue to apply to such persons as if the amendment made by regulation 3 of these Regulations had not been made.

MICHAEL MATHESON
A member of the Scottish Government

St Andrew's House,
Edinburgh
29th July 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Regulation 3 amends regulation 2A of the principal regulations to exclude certain arrivals from non-exempt but not acute risk countries or territories (primarily, those who have received a full course of vaccination in, or who are under 18 and ordinarily resident in, a specified country) from certain testing and self-isolation requirements.

Regulation 4 adds the European Tour Golf – Hero Open to the list of competitions that are specified in Part 1 of schedule 3A of the principal regulations for the purposes of elite sport. It also adds an entry to the list of specified competitions in Part 2 of schedule 3A of the principal regulations to provide that elite sportspersons who travel to Scotland having departed from or transited through Turkey within the preceding 10 days in order to participate in European club football fixtures are exempt from the managed isolation requirements in regulations 6A and 6B of the principal regulations.

Impact assessments are being prepared and will be published online at www.legislation.gov.uk.

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