
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 307

PUBLIC HEALTH

**The Health Protection (Coronavirus) (International
Travel) (Scotland) Amendment (No. 18) Regulations 2021**

Approved by the Scottish Parliament

Made - - - - 9th September 2021
Laid before the Scottish
Parliament - - - - 10th September 2021
at 4.00 a.m. on 13th
Coming into force - - September 2021

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⁽¹⁾, 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. These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021 and come into force at 4.00 a.m. on 13 September 2021.

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

2.—(1) The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020⁽²⁾ are amended in accordance with this regulation.

(2) In regulation 2(1) (interpretation)—

(a) after the definition of “common travel area”, insert—

““Conference of the Parties” means, except in relation to the Kyoto Protocol and the Paris Agreement, the Conference of the Parties to the United Nations Framework Convention on Climate Change,”

⁽¹⁾ 2008 asp 5.

⁽²⁾ S.S.I. 2020/169, as relevantly amended by S.S.I. 2020/184, 2020/209, 2020/474, 2021/74, 2021/107, 2021/158, 2021/208, 2021/212, 2021/256 and 2021/301.

- (b) after the definition of “constable”, insert—
- ““COP” means the conference convened by the Conference of the Parties, comprising—
- (a) the 26th session of the Conference of the Parties,
 - (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,
 - (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,
 - (d) all related pre-session meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom,
- “COP World Leaders summit event” means—
- (a) the event organised by Her Majesty’s Government between 1 and 2 November 2021 in connection with the COP,
 - (b) any meeting connected with that event between representatives of States, territories or organisations which are represented at that event,”
- (c) after the definition of “information offence”, insert—
- ““Kyoto Protocol” means the Protocol to the United Nations Framework Convention on Climate Change signed in Kyoto on 11 December 1997(3),”
- (d) after the definition of “managed self-isolation package”, insert—
- ““Paris Agreement” means the agreement adopted at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change, signed in Paris on 12 December 2015(4),”
- (e) after the definition of “specified competition” insert—
- ““United Nations Framework Convention on Climate Change” means the United Nations Framework Convention on Climate Change adopted in New York on 9 May 1992(5).”
- (3) In regulation 3 (requirement on passengers to provide information)—
- (a) in paragraph (4), for “paragraph (7)” substitute “paragraphs (7) and (8)”,
 - (b) after paragraph (7), insert—

“(8) Notwithstanding paragraph (4), P is required to comply with the requirement in paragraph (2) if—

 - (a) P is a person described in paragraph 1(1A) of schedule 2, who is attending the COP, and
 - (b) P is not—
 - (i) a person invited by Her Majesty’s Government to attend both the COP World Leaders summit event and the COP,
 - (ii) a person described in schedule 2ZA (COP representatives).”
- (4) In regulation 5C (testing following arrival in Scotland: general), after paragraph (1A), insert—
- “(1B) Notwithstanding paragraph (1A), regulations 5D to 5J apply to a person—
- (a) described in paragraph 1(1A) of schedule 2, who is attending the COP, and
 - (b) who is not—

(3) Cm. 6485.
 (4) Cm. 9338.
 (5) Cm. 2833.

(i) a person invited by Her Majesty’s Government to attend both the COP World Leaders summit event and the COP,

(ii) a person described in schedule 2ZA (COP representatives).”.

(5) In regulation 5F (testing following arrival in Scotland: requirement to undertake tests), in paragraph (9)(b), for “day 2 and day 2” substitute “day 2 and day 8”.

(6) In regulation 7 (persons not required to comply with regulation 6), at the end of paragraph (1) (c) insert “or any person described in paragraph 1(1A) of that schedule.”.

(7) In regulation 7A (persons not required to comply with regulation 6A or 6B)—

(a) after paragraph (3)(a), insert—

“(ab) subject to paragraph (4), a person described in paragraph 1(1A) of schedule 2,”.

(b) after paragraph (3), insert—

“(4) Notwithstanding paragraph (1), regulations 6A and 6B apply to a person (“P”) who—

(a) is a person described in paragraph 1(1A) of schedule 2, who is attending the COP, and

(b) is not—

(i) a person invited by Her Majesty’s Government to attend both the World Leaders summit event and the COP,

(ii) a person described in schedule 2ZA (COP representatives).

(5) Where regulations 6A and 6B apply by virtue of paragraph (4), and P satisfies—

(a) the requirements in regulation 2A(2), (3), (3A), (4), (5) or (6), or

(b) the requirements in paragraphs (6) and (7),

these Regulations apply to P as if, in regulation 6B(2)(a), the reference to “the 10th day” were a reference to “the 5th day”.

(6) P satisfies the requirements in this paragraph if—

(a) P has completed a course of doses of an authorised vaccine, and P received the final dose before the start of the period beginning with the 9th day before the date of P’s arrival in the United Kingdom,

(b) P has participated, or is participating, in a clinical trial regulated by the relevant regulator in the country where the trial is carried out of a vaccine for vaccination against coronavirus, or

(c) P is under the age of 18 when P enters the United Kingdom for the purposes of attending or facilitating the COP.

(7) P satisfies the requirements of this paragraph if P has declared on the Passenger Locator Form that P meets the applicable requirement in paragraph (6).

(8) For the purposes of paragraph (6)—

(a) P has completed a course of doses of an authorised vaccine if P has received the complete course of doses of that vaccine as specified in the manufacturer’s guidance for that vaccine,

(b) “authorised vaccine” means a vaccine against coronavirus authorised, in relation to doses received in another country, for supply in that country—

(i) following evaluation by the relevant regulator for that country, or

(ii) otherwise by the government of that country, or pursuant to its authority,

- (c) in sub-paragraph (b), “another country” means a country other than the United Kingdom or a relevant country for the purposes of regulation 2A.”.
- (8) In paragraph 1 of schedule 2 (persons not required to comply with regulations 3, 5A or 5D to 6B)—
 - (a) in sub-paragraph (1), after “(“P”)” insert “, other than a person described in sub-paragraph (1A),”,
 - (b) after sub-paragraph (1) insert—
 - “(1A) A person (“P”) where—
 - (a) P travelled to the United Kingdom—
 - (i) for the purpose of attending or facilitating a relevant international event, and P is in Scotland for the purpose of attending or facilitating a relevant international event, or for the purpose of travelling to leave the United Kingdom,
 - (ii) for another purpose, but following P’s arrival in Scotland P is attending, facilitating or travelling to or from a relevant international event,
 - (b) P has been invited by Her Majesty’s Government to attend or facilitate the relevant international event or, where the relevant international event is the COP, P is a registered participant for the COP,
 - (c) the relevant person has provided written confirmation to the relevant Department that P will comply with the health protocols for the relevant international event, and
 - (d) the relevant Department has provided written confirmation to the relevant person that P is a person described in this sub-paragraph and has not withdrawn that confirmation.”,
 - (c) in sub-paragraph (3), at the end of the list of definitions insert—
 - ““registered participant”, in relation to the COP, means a person who has been registered to attend the COP with the secretariat of the United Nations Framework Convention on Climate Change, and has confirmation of their registration from the secretariat,
 - “relevant international event” means—
 - (a) the COP,
 - (b) the COP World Leaders summit event,
 - “relevant person” means—
 - (a) where P is to attend or facilitate a relevant international event on behalf of a State, a foreign territory or an organisation, the head of the relevant mission or post, the office representing the foreign territory in the United Kingdom or the organisation,
 - (b) where P is to attend or facilitate an international event on their own behalf, P.”,
 - (d) in sub-paragraph (4), after “(1)” insert “or (1A)”.
 - (9) After schedule 2 insert schedule 2ZA set out in the schedule of these Regulations.

St Andrew's House,
Edinburgh
9th September 2021

MICHAEL MATHESON
A member of the Scottish Government

Status: This is the original version (as it was originally made).

SCHEDULE

Regulation 2(9)

COP Representatives

“SCHEDULE 2ZA

Regulation 3(8)

COP Representatives

1. A representative of a party to the United Nations Framework Convention on Climate Change, a party to the Kyoto Protocol or a party to the Paris Agreement who is, or is to be, a representative at the COP.

2. A representative of an observer state who is, or is to be, a representative at the COP.

3. A representative of the Executive Board of the Clean Development Mechanism who is, or is to be, a representative at a meeting hosted by the Executive Board forming part of the COP.

4. An executive head of a specialized agency of the United Nations, or a person acting on their behalf, who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.

5. An officer of a specialized agency of the United Nations, other than a person who is locally recruited and assigned to hourly rates of pay, who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.

6. An expert performing a mission for a specialized agency of the United Nations who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.

7. An official of the Adaptation Fund, the Green Climate Fund or the Global Environment Facility who is, or is to be, a representative at the COP and who is essential to the participation of that organisation in the COP in order to enable that organisation to discharge, and report on, its mandate to—

- (a) the 26th session of the Conference of the Parties,
- (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, or
- (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.

8. An officer of the United Nations, other than a person who is locally recruited and assigned to hourly rates of pay, who is participating in or performing official functions in connection with the COP.

9. An expert, other than an officer of the United Nations, who is performing a mission on behalf of the United Nations in connection with the COP.

10. A representative of an international organisation, within the meaning of paragraph 1(3) of schedule 2, who is participating in or performing official functions in connection with the COP.

11. In this schedule—

- (a) “observer state” means an observer state referred to in—
 - (i) paragraph 6 of Article 7 of the United Nations Framework Convention on Climate Change,
 - (ii) paragraph 8 of Article 13 of the Kyoto Protocol, or
 - (iii) paragraph 8 of Article 16 of the Paris Agreement,
- (b) the specialized agencies of the United Nations are—

- (i) the Food and Agriculture Organization,
 - (ii) the International Civil Aviation Organization,
 - (iii) the International Fund for Agricultural Development,
 - (iv) the International Labour Organization,
 - (v) the International Monetary Fund,
 - (vi) the International Maritime Organization,
 - (vii) the International Telecommunications Union,
 - (viii) the United Nations Educational, Scientific and Cultural Organization,
 - (ix) the United Nations Industrial Development Organization,
 - (x) the Universal Postal Union,
 - (xi) the World Bank, comprising—
 - (aa) the International Bank for Reconstruction and Development,
 - (bb) the International Development Association,
 - (cc) the International Finance Corporation,
 - (dd) the International Centre for Settlement of Investment Disputes, and
 - (ee) the Multilateral Investment Guarantee Agency,
 - (xii) the World Health Organization,
 - (xiii) the World Intellectual Property Organization,
 - (xiv) the World Meteorological Organization,
 - (xv) the World Tourism Organization.”
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (International Travel) (Coronavirus) (Scotland) Regulations 2020 (“the International Travel Regulations”) to add a definition of “relevant international event” to include both the United Nations Climate Change Conference 2021 (known as COP 26) and the World Leaders summit organised by the United Kingdom Government in connection with COP 26, and to set out how the International Travel Regulations are to apply to those people attending or facilitating COP 26 and the World Leaders summit. The events are being hosted in Glasgow.

These Regulations also correct a technical error in regulation 5F(9)(b) of the International Travel Regulations, where the second reference to day 2 test providers should be to day 8 test providers.