

**2020 No. 169**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel)  
(Scotland) Regulations 2020**

*Approved by the Scottish Parliament*

*Made - - - - 7th June 2020*

*Coming into force - - 8th June 2020*

*Laid before the Scottish Parliament at 9.00 a.m. on 8th June 2020*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 94(1)(b)(i) 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.

**PART 1**

**General**

**Citation and commencement**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020.

(2) These Regulations come into force on 8 June 2020.

**Interpretation**

2.—(1) In these Regulations—

“child” means a person under the age of 16,

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971(b),

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012(c),

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(a) 2008 asp 5.

(b) 1971 c.77. Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.

(c) 2012 asp 8.

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),  
“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of schedule 2 of the Immigration Act 1971(a),  
“information offence” means an offence under regulation 5(1) or (2) or an offence under regulation 9(4) where the person is believed to have intentionally obstructed an immigration officer carrying out a function in relation to Part 2,  
“passenger information” means the information specified in schedule 1, and  
“Passenger Locator Form” means the electronic form published by the Secretary of State for the provision of passenger information(b).

(2) For the purposes of these Regulations, an individual has responsibility for a child if the individual has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibilities or parental rights in relation to the child (see sections 1(3) and 2(4) of the Children (Scotland) Act 1995)(c).

## PART 2

### Requirement to provide information

3.—(1) This regulation applies where a person (“P”) arrives in Scotland—

- (a) from outside the common travel area, or
- (b) from within the common travel area, if P has been outside the common travel area at any time in the period beginning with the 14th day before P’s arrival into Scotland.

(2) P must provide to the Secretary of State—

- (a) P’s passenger information, and
- (b) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child.

(3) The requirement in paragraph (2) can be complied with—

- (a) by P prior to P’s arrival into Scotland submitting electronically to the Secretary of State a Passenger Locator Form containing—
  - (i) P’s passenger information, and
  - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child,
- (b) where P has arrived in Scotland from England, Wales or Northern Ireland by P prior to P’s arrival into England, Wales or Northern Ireland having submitted electronically to the Secretary of State a Passenger Locator Form containing—
  - (i) P’s passenger information, and
  - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child, or
- (c) by P as soon as reasonably practicable upon arriving in Scotland submitting electronically, using a facility provided by the Secretary of State for this purpose, a Passenger Locator Form, containing—

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(a) 1971 c.77. Paragraph 1 was amended by paragraph 3 of schedule 3 of the Health Protection Agency Act 2004 (c.17), and by S.I. 1993/1813.

(b) The Passenger Locator Form is available on [www.gov.uk](http://www.gov.uk). No hard copy version is available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in Scotland if not completed in advance; assistance will be available for completion of the electronic form if required.

(c) 1995 c.36. Section 1 was amended by paragraph 48 of schedule 6(2) of the Human Fertilisation and Embryology Act 2008 (c.22). Section 2 was amended by paragraph 49 of schedule 6(2) of the Human Fertilisation and Embryology Act 2008.

- (i) P's passenger information, and
  - (ii) where P is accompanied by any child for whom P has responsibility, passenger information pertaining to that child.
- (4) P is not required to comply with the requirement in paragraph (2) where P is—
- (a) a child and the child's passenger information has been provided under paragraph (3)(a)(ii), (b)(ii) or (c)(ii) by another person,
  - (b) a person described in described in regulation 7(1)(a), or
  - (c) a person described in any of paragraphs 1 to 4 of schedule 2.
- (5) A person who has provided passenger information in accordance with paragraph (3)(a) or (b) must provide evidence that they have done so if requested by an immigration officer.
- (6) Nothing in this regulation requires P to provide passenger information if the information is not within P's knowledge or possession or under P's control.

#### **Requirement to update passenger information**

- 4.—(1) Paragraph (2) applies where—
- (a) P is required to comply with the requirement in regulation 6(2), and
  - (b) prior to the expiry of the period referred to in regulation 6(2)(a),
    - (i) the passenger information provided by P in accordance with regulation 3 is no longer accurate, or
    - (ii) passenger information relating to P or a child accompanying P comes within P's knowledge or possession or under P's control.
- (2) P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.
- (3) Nothing in this regulation requires P to provide passenger information if the information is not within P's knowledge or control.

#### **Passenger information: offences and penalties**

- 5.—(1) A person who contravenes the requirement in regulation 3 or 4(2) commits an offence.
- (2) It is an offence for P to provide false or misleading information for the purposes of regulation 3 or 4, where P—
- (a) knows that the information is false or misleading, or
  - (b) is reckless as to whether the information is false or misleading.
- (3) It is a defence to a charge of committing an offence under paragraph (1) or (2) to show that the person, in the circumstances, had a reasonable excuse.
- (4) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

## **PART 3**

#### **Requirement for travellers to stay in specified premises**

- 6.—(1) This regulation applies where a person ("P")—
- (a) arrives in Scotland from outside the common travel area, or
  - (b) arrives in Scotland from elsewhere within the common travel area, and has within the preceding 14 days been outside the common travel area.

(2) P must, on their arrival in Scotland, travel without undue delay to specified premises in Scotland and, except to the extent that a defence would be available under regulation 9(6), must not leave those premises until whichever is the earlier of—

- (a) the end of the fourteenth day after the day on which they arrived in the common travel area, or
- (b) their departure from Scotland.

(3) For the purposes of this regulation, the “specified premises” are—

- (a) unless paragraph (b) or (c) applies—
  - (i) an address specified in P’s Passenger Locator Form as the place they intend to stay in for the duration of the period specified in paragraph (2) as required by regulation 3, where P has completed a Passenger Locator Form,
  - (ii) an address specified as the place they intend to stay for the duration of the period specified in paragraph (2) where P has completed a form equivalent to a Passenger Locator Form pursuant to an enactment in England, Wales or Northern Ireland,
  - (iii) the premises at which they intend to stay for such part of the period specified in paragraph (2) as will apply while in Scotland where P is a person described in paragraph (1)(b) who has not completed a Passenger Locator Form or equivalent form as described in head (ii),
  - (iv) the premises at which they intend to stay for such part of the period specified in paragraph (2) as will apply while in Scotland, where P is a person described in paragraph 1 of schedule 2 (other than one described in regulation 7(1)(c)(i)), or
  - (v) where it is not possible for P to stay at a place in accordance with paragraph (i) to (iv), in accommodation facilitated by the Secretary of State for P for the purposes of paragraph (2),
- (b) where P is an asylum seeker, in accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999(a), or
- (c) where P is a person described in paragraph 9(1) of schedule 10 of the Immigration Act 2016(b) (powers of Secretary of State to enable person to meet bail conditions), in accommodation provided or arranged under that paragraph.

(4) For the purposes of this regulation, where the specified premises are residential premises those premises include any garden, yard, passage, stair, garage, outhouse or other appurtenance of such premises.

(5) Where P is a person described in paragraph 38 of schedule 2, paragraph (3)(a)(i) applies with the modification that the address at which P intends to stay for the purposes of regulation 6(2) must be the named farm (within the meaning of paragraph 38 of schedule 2).

(6) P may not leave, or be outside of, the premises where they are staying in accordance with paragraph (2) in reliance on any reasonable excuse described in regulation 8(4) or (5) of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020 (offences and penalties) except to the extent that such excuse falls within the reasons specified in regulation 10(4)(c).

(7) If P is a child, any person who has responsibility for the child must ensure, so far as reasonably practicable, that the child complies with this regulation.

(8) Nothing in this regulation affects the operation of any requirement or restriction on P by virtue of schedule 21 of the Coronavirus Act 2020(d) (powers relating to potentially infectious

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(a) 1999 c.33. Section 4 was amended by section 49 of the Nationality, Immigration and Asylum Act 2002 (c.41), by section 10(1) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (c. 19), by section 43(7) of the Immigration, Asylum and Nationality Act 2006 (c.13), and by paragraph 1 of schedule 11 of the Immigration Act 2016 (c.19). Section 95 was amended by section 50(1) of the Nationality, Immigration and Asylum Act 2002 and by paragraph 29 of schedule 10 of the Immigration Act 2016.

(b) 2016 c.19.

(c) 2020/103, as amended by S.S.I. 2020/106, S.S.I. 2020/126 and S.S.I. 2020/164.

(d) 2020 c.7.

persons) or by virtue of an order made under Part 4 of the Public Health etc. (Scotland) Act 2008(a).

### **Persons not required to comply with regulation 6**

7. The following persons are not required to comply with the requirements in regulation 6—
- (a) any person described in regulation 6(1)(b) who—
    - (i) has arrived from England, and
    - (ii) is in Scotland, temporarily, for a reason specified in regulation 9(6),
  - (b) any person who has arrived at a port in Scotland in order to travel immediately onwards to—
    - (i) another part of the United Kingdom, or
    - (ii) elsewhere outside of the United Kingdom,
  - (c) any person described in paragraph 1(1)(a) to (k) of schedule 2 who meets the conditions set out in paragraph 1(2) of that schedule, any person described in paragraph 38 of schedule 2 where that person is required to work in fields or other property under the control of the farming enterprise, but only to the extent specified in that paragraph, or
  - (d) any person described in any other paragraph of schedule 2.

## **PART 4**

### **Enforcement of Part 3**

#### **Enforcement of requirement in regulation 6(2)**

8.—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) has contravened the requirement in regulation 6(2) the constable may—

- (a) direct P to return to the place where P is staying in accordance with regulation 6(2),
- (b) remove P to the place where P is staying in accordance with regulation 6(2), or
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to a hotel or other accommodation facilitated by the Secretary of State.

(2) Paragraph (1)(b) and (c) do not apply where P is a person described in paragraph 1 of schedule 2.

(3) A constable exercising the power in paragraph (1) may use reasonable force, if necessary, in doing so.

(4) Where a child is outside of the place where they are staying in accordance with regulation 6(2) and is accompanied by an individual who has responsibility for the child (“A”)—

- (a) a constable may direct A to take the child to the place where the child is staying in accordance with regulation 6(2), and
- (b) A must, so far as reasonably practicable, ensure that the child complies with any direction or instruction given by a constable to the child.

(5) Where a constable has reasonable grounds for suspecting that a child has repeatedly contravened the requirement in regulation 6(2), the constable may direct any individual who has responsibility for the child to ensure, so far as reasonably practicable, that the child complies with that requirement.

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(a) 2008 asp 5.

(6) A constable may only exercise a power in paragraph (1), (4), or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement in regulation 6(2).

(7) A constable exercising a power under paragraph (1), (4) or (5) may give to P or A any direction or instruction the constable considers necessary and proportionate.

#### **Offences and penalties - Parts 3 and 4**

9.—(1) It is an offence to contravene a requirement in—

- (a) regulation 6(2), or
- (b) regulation 6(7).

(2) It is an offence to contravene a requirement in or imposed under regulation 8.

(3) It is an offence for P to provide false or misleading information for the purposes of Part 3 or 4 where P—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is false or misleading.

(4) A person who deliberately obstructs any person carrying out a function under these Regulations commits an offence

(5) It is a defence to a charge of committing an offence under paragraph (1)(b), (2) (3) or (4) to show that the person, in the circumstances, had a reasonable excuse.

(6) It is a defence to a charge of committing an offence under paragraph (1)(a) for the person to show that they are outside of the place where they are staying in accordance with regulation 6(2) for one of the following reasons—

- (a) to travel in order to leave Scotland, provided that they do so directly,
- (b) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household),
- (c) to seek medical assistance, including to access any of the services referred to in paragraph 37 or 38 of schedule 1 of the Health Protection (Coronavirus) (Restrictions) (Scotland) Regulations 2020(a),
- (d) on compassionate grounds, to attend a funeral of—
  - (i) a member of the person’s household,
  - (ii) a close family member, or
  - (iii) if no-one within sub-paragraphs (i) or (ii) is attending, a friend
- (e) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (f) to access public services (including social services or victims’ services) where—
  - (i) access to the service is critical to P’s well-being, and
  - (ii) the service cannot be provided if P remains at the premises,
- (g) to avoid injury, illness or to escape a risk of harm, or
- (h) to move to a different place for the purposes of regulation 6(2) where—
  - (i) a legal obligation requires P to change the premises at which P resides for the purposes of regulation 6(2), or
  - (ii) P is otherwise unable to remain at the premises at which P is residing for the purpose regulation 6(2).

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(a) S.S.I. 2020/103, as amended by S.S.I. 2020/106, S.S.I. 2020/126 and S.S.I. 2020/164.

## Penalties for offences under regulation 9

10. A person who commits an offence under regulation 9 is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

### Fixed penalty notices

11.—(1) A constable may issue a fixed penalty notice to anyone that the constable has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) Subject to regulation 12(3) an immigration officer may issue a fixed penalty notice to anyone that the immigration officer has reasonable grounds to believe—

- (a) has committed an information offence, and
- (b) is aged 18 or over.

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(4) For the purposes of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and
- (c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004<sup>(a)</sup>, as provided for in sections 129 to 134 of that Act, and section 226B and 226I of the Criminal Procedure (Scotland) Act 1995<sup>(b)</sup> subject to the modification in paragraph (5).

(5) The modifications are—

- (a) section 129(1) is to be disregarded,
- (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
- (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
- (d) section 130(1), (2) and (3)(f) is to be disregarded,
- (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
- (f) the reference in section 131(5) to “in accordance with this Part” is to be construed as a reference to these Regulations and the reference to “a sum equal to one and a half times” is to be disregarded,
- (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
- (h) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph, and
- (i) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004” is to be construed as a reference to that section as modified by this paragraph.

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(a) 2004 asp 8. Sections 130, 131, 132 were amended by para 32(b) of schedule 1 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6). Section 132 was amended by para 32(c) of schedule 1 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6).

(b) 1995 c. 46. Sections 226B and 226I were inserted by the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 asp 6 (Scottish Act) Pt 3 s.55. Sections 226B and 226I have been amended by none is relevant.

### **Fixed penalty notices – penalty amounts**

12.—(1) The penalty payable in respect of a fixed penalty notice issued in respect of an information offence, subject to paragraph (2), is £60.

(2) Unless paragraph (3) applies, if £30 is paid before the end of the period of 28 days beginning with the date of the fixed penalty notice, then that is the amount of the fixed penalty (and the fixed penalty notice must make known the effect of this paragraph).

(3) If the person to whom a fixed penalty notice in respect of an information offence is given has already received a fixed penalty notice under these Regulations—

- (a) paragraph (1) does not apply, and
- (b) the penalty payable in the case of—
  - (i) the second fixed penalty notice received is £120,
  - (ii) the third and subsequent fixed penalty notice received is double the amount specified in the last fixed penalty notice received by that person, to a maximum of £480.

(4) The penalty payable is £480 in respect of a fixed penalty notice issued in respect of an offence under—

- (a) regulation 9(1), or
- (b) regulation 9(2) (where the person is believed to have intentionally obstructed any person carrying out a function in relation to regulation 6 or 8).

## **PART 5**

### **Information sharing**

#### **Power to use and disclose information**

13.—(1) This regulation applies to a person in Scotland (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (4).

(2) For the purposes of this regulation, “relevant information” is—

- (a) information provided in accordance with regulation 3, or
- (b) passenger information from elsewhere in the UK.

(3) P may only use the relevant information where it is necessary for the purpose of—

- (a) carrying out a function under these Regulations,
- (b) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
- (c) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
- (d) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
- (e) for a purpose connected with, or otherwise incidental to a purpose described in sub-paragraph (a) to (d).

(4) Subject to paragraph (6), P may only disclose relevant information to another person (the “recipient”) where it is necessary for the recipient to have the information—

- (a) for the purpose of carrying out a function of the recipient under—
  - (i) these Regulations, or
  - (ii) regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations,

- (b) for the purpose of—
  - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
  - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
  - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
- (c) a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).

(5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach an obligation of confidence owed by the person making the disclosure.

(6) Despite paragraphs (3), (4) and (5), this regulation does not limit the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.

(7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.

(8) For the purposes of this regulation—

- (a) “data protection legislation” and “personal data” have the same meanings as in section 3 of the Data Protection Act 2018(a), and
- (b) “passenger information from elsewhere in the UK” means information provided to a person in accordance with provision in regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations.

## PART 6

### Review and expiry of Regulations

#### **Review of need for restrictions**

14. The Scottish Ministers must review the need for the requirements imposed by these Regulations at least once every 21 days, with the first review being carried out by 29 June 2020.

#### **Expiry of Regulations**

15.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

*JEANE FREEMAN*  
A member of the Scottish Government

St Andrew’s House,  
Edinburgh  
7th June 2020

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(a) 2018 c.12.

## SCHEDULE 1

Regulation 2(1)

### Passenger information

1. Personal details of the passenger—
  - (a) their full name,
  - (b) their sex,
  - (c) their date of birth,
  - (d) their passport number, or travel document reference number (as appropriate), issue and expiry dates and issuing authority,
  - (e) their telephone number (including national dialling code, country and city code, if applicable),
  - (f) their home address, and
  - (g) their email address.
2. Journey details of the passenger—
  - (a) the address where they intend to stay in accordance with regulation 6(2),
  - (b) the date, or planned date, as appropriate of their arrival at an address specified in subparagraph (a),
  - (c) the operator they are travelling with or through which their booking was made,
  - (d) their travel booking reference,
  - (e) the flight number, train number, or ticket number (as appropriate),
  - (f) the name of the organised travel group with whom they are travelling,
  - (g) the location at which they will arrive in the United Kingdom,
  - (h) the country they are travelling from,
  - (i) the date and time, or planned date and time, as appropriate, of their arrival in the United Kingdom, and
  - (j) whether they are connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
    - (i) the location at which they will depart from in the United Kingdom,
    - (ii) their final destination country,
    - (iii) the operator they are travelling with or through which their booking was made for their onward journey,
    - (iv) the travel booking reference for their onward journey, and
    - (v) the flight number, train number, or ticket number (as appropriate) of their onward journey.
3. Whether they are providing passenger information on behalf of another person.
4. Where the passenger is travelling with a child for whom they have responsibility—
  - (a) the full name and date of birth of that child, and
  - (b) the relationship of the passenger to that child.
5. Details of an emergency contact—
  - (a) their full name, and
  - (b) their telephone number.

## Persons not required to comply with regulation 3 or regulation 4

## PART 1

## Persons not required to comply with regulation 3 or 4

- 1.—(1) A person (“P”) who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) a person employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within paragraph (f),
  - (h) described in paragraph (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British overseas territory,
  - (k) a diplomatic courier or a consular courier, or
  - (l) a member of the family forming part of the household of a person falling within any of paragraphs (a) to (k),
- is not required to comply with regulation 3.
- (2) The conditions referred to in regulation 7(1)(c)(i) (persons who are not required to comply with regulation 6) are that—
- (a) the relevant head of the mission, consular post, international organisation, or conference, office representing a foreign territory in the United Kingdom or a Governor of a British overseas territory (as the case may be), or a person acting on their authority, confirms in writing to the Foreign and Commonwealth Office that—
    - (i) P is required to undertake work which is essential to the functioning of the mission, consular post, international organisation, conference, or office, or to undertake work which is essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and
    - (ii) that work cannot be undertaken whilst P is complying with regulation 6, and
  - (b) prior to P’s arrival in the United Kingdom, the Foreign and Commonwealth Office—
    - (i) has confirmed in writing to the person giving the confirmation referred to in paragraph (a) that it has received that confirmation, and
    - (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in paragraph (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with regulation 6.

(3) For the purposes of this paragraph—

“consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963(a),

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,

“diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

“international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,

“member of a consular post” means “consular officer”, “consular employee” and “member of the service staff” as defined in schedule 1 of the Consular Relations Act 1968(b), and “head of consular post” has the meaning given in that schedule, and

“member of a diplomatic mission” means “head of the mission”, “members of the diplomatic service”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964(c).

(4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) under the law of Scotland apart from these Regulations.

2.—(1) A Crown servant or government contractor where they are—

(a) required to undertake essential government work related to the United Kingdom border in the United Kingdom within 14 days of their arrival, or

(b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—

(i) are required to return to the United Kingdom temporarily,

(ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 3—

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(d),

“essential government work” means work which has been designated as such by the relevant Department or employer, and

“government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

3.—(1) A person who is a Crown servant, a government contractor, or a member of a visiting force, who—

(a) is required to undertake work necessary to the delivery of essential defence activities, or

(b) has undertaken a continuous period of at least 14 days immediately preceding their arrival aboard a vessel operated by or in support of Her Majesty’s Naval Service and that vessel

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(a) 24th April 1963, entered into force 19th March 1967.

(b) 1968 c.18.

(c) 1964 c.81.

(d) 1989 c.6. Section 12 was amended by paragraph 22 of schedule 10 of the Reserve Forces Act 1996 (c.14), by paragraph 30 of schedule 12 of the Government of Wales Act 1998 (c.38), by paragraph 26 of schedule 8 of the Scotland Act 1998 (c.46), by paragraph 9(3) of schedule 13 of the Northern Ireland Act 1998 (c.47), by paragraph 9 of schedule 6 of the Police (Northern Ireland) Act 2000 (c.32), by paragraph 6 of schedule 14 of the Energy Act 2004 (c.20), by paragraph 58 of schedule 4 of the Serious Organised Crime and Police Act 2005, by paragraph 34 of schedule 10, and paragraph 1 of schedule 12, of the Government of Wales Act 2006 (c.32), and by paragraph 36 of schedule 8 of the Crime and Courts Act 2013 (c.22).

has not taken on any persons or docked in any port outside of the common travel area for a period of at least 14 days immediately preceding its arrival in the United Kingdom.

(2) For the purposes of sub-paragraph (1)—

“defence” has the meaning given in section 2(4) of the Official Secrets Act 1989, and

“visiting force” means a visiting force within the meaning given in section 12(1) of the Visiting Forces Act 1952(a), where that force is from a country which is listed under section 1(1)(a), or designated under section 1(1)(b) or 1(2), of the Visiting Forces Act 1952(b), or which is a country member of the North Atlantic Treaty Organisation.

4. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that they are required to undertake essential border security duties in the United Kingdom within 14 days of arrival and that that work cannot be undertaken whilst the person is complying with regulation 6, or
- (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of the Border controls within the United Kingdom.

## PART 2

### Persons not required to comply with regulation 6

5. The persons specified in paragraphs 4 to 38 of this schedule are not required to comply with regulation 4.

6. A transit passenger who is a person who, on arrival in the United Kingdom, passes through to another country or territory without entering the United Kingdom.

7.—(1) A road haulage worker or a road passenger transport worker.

(2) For the purposes of this paragraph—

“driver” includes a person who is travelling in a vehicle as a relief driver,

“goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988(c),

“road haulage worker” means—

- (a) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council [on common rules for access to the international road haulage market](d), and who is acting in the course of their employment,

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(a) 1952 c.67. The definition of “visiting force” in section 12(1) was amended by paragraph 14(1) of schedule 15 of the Criminal Justice Act 1988 (c.33).

(b) 1952 c.67. Section 1(a) has been amended numerous, times. The countries listed are: Canada, Australia, New Zealand, South Africa, India, Pakistan, Ceylon, Ghana, Malaysia, the Republic of Cyprus, Nigeria, Sierra Leone, Tanganyika, Jamaica, Trinidad and Tobago, Uganda, Kenya, Zanzibar, Malawi, Zambia, Malta, The Gambia, Guyana, Botswana, Lesotho, Singapore, Barbados, Mauritius, Swaziland, Tonga, Fiji, the Bahamas, Bangladesh, Solomon Islands, Tuvalu, Dominica, St. Lucia, Kiribati, St Vincent and the Grenadines, Papua New Guinea, Western Samoa and Nauru, Zimbabwe, the New Hebrides, Belize, Antigua and Barbuda, Saint Christopher and Nevis, Brunei, Maldives, Namibia, Cameroon and Mozambique. Section 1(2) has been amended by section 33 of the Armed Forces Act 1996 (c.46).

(c) 1988 c.52.

(d) OJ No. L 300, 14.11.2009, p.72.

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(a),

“road passenger transport worker” means—

- (a) the driver of a public service vehicle, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services and amending Regulation (EC) No. 561/2006 (b) of the European Parliament and of the Council and who is acting in the course of their employment.

**8.**—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(c), where they—

- (a) have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006, or the Work in Fishing Convention, 2007, and
- (b) are required to undertake work as a seaman or master which commences during the period specified in regulation 6(2).

(2) For the purposes of sub-paragraph (1) and paragraph 9—

“the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation(d), and

“the work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation(e).

**9.** A pilot, as defined in paragraph 22(1) of schedule 3A of the Merchant Shipping Act 1995(f), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

**10.** An inspector or surveyor of ships appointed under section 256 of the Merchant Shipping Act 1995(g), where they have travelled to the United Kingdom in the course of their work.

**11.** Crew, as defined in paragraph 1 of schedule 1 of the Air Navigation Order 2016(h), where such crews have travelled to the United Kingdom in the course of their work.

**12.** Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944(i), where they have travelled to the United Kingdom when engaged on inspection duties.

**13.** Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system,
- (b) operational, rail maintenance, safety and security workers working on the tunnel system,
- (c) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.

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(a) 1981 c.14. Section 1 was amended by section 139(3) of the Transport Act 1985 (c.67).

(b) OJ No. L 300, 14.11.2009, p. 88–105.

(c) 1995 c.21. There are amendments to section 313(1) but none is relevant.

(d) Cm. 7049. ISBN 978 010 1889 766.

(e) Cm 7375 same as above.

(f) Schedule 3A was inserted by schedule 1 of the Marine Safety Act 2003 (c. 16).

(g) There are amendments to section 256 but none is relevant

(h) S.I. 2016/765. There are amendments to schedule 1 but none is relevant.

(i) The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23rd February 2018 (ISBN 978-92-9258-301-9).

(2) For the purposes of sub-paragraph (1)—

“shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987<sup>(a)</sup>, and

“tunnel system” has the meaning given in section 1(7) of that Act.

**14.**—(1) A Crown servant or government contractor who is—

(a) required to undertake essential policing or essential government work in the United Kingdom within 14 days of their arrival,

(b) undertaking essential policing or essential government work outside of the United Kingdom but—

(i) is required to return to the United Kingdom temporarily, and

(ii) will thereafter depart to undertake essential policing or essential government work outside of the United Kingdom, or

(c) conducting bi-lateral or multilateral discussions with another state or international organisation.

(2) For the purposes of sub-paragraph (1)—

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989,

“essential government work” means work which has been designated as such by the relevant Department or employer, and includes, in particular, work related to national security, the work of the National Crime Agency in pursuance of its statutory functions, immigration, the coronavirus disease and any other crisis response, but does not include work of the description in paragraph 2 of Part 1 of this schedule,

“essential policing” means policing which has been designated as such on behalf of the relevant chief officer or chief constable, and

“government contractor” has the meaning given in section 12(2) of the Official Secrets Act 1989.

**15.** A person designated by the relevant Ministers under section 5(3) of the Repatriation of Prisoners Act 1984<sup>(b)</sup>.

**16.** A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003<sup>(c)</sup> or sought for extradition pursuant to any other extradition arrangements.

**17.** A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been order pursuant to any provision of the Extradition Act 2003.

**18.**—(1) Workers engaged in essential or emergency works—

(a) related to water supplies and sewerage services, and

(b) carried out by, for or on behalf of Scottish Water, or a person who provides a private water supply,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

“essential or emergency works” includes—

(a) inspections, maintenance, repairs, and asset replacement activities,

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(a) 1987 c.53.

(b) 1984 c.47.

(c) 2003 c.41.

- (b) monitoring, sampling and analysis of water supplies under the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(a) or the Public Water Supplies (Scotland) Regulations 2014), and
- “Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002(b).

**19. Workers engaged in essential or emergency works—**

- (a) related to—
- (i) a generating station,
  - (ii) an electricity interconnector,
  - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014(c),
  - (iv) communal heating as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014,
  - (v) automated ballast cleaning and track re-laying systems on a network, or
  - (vi) the commissioning, maintenance and repair of industrial machinery for use on a network, or
- (b) carried out by or on behalf of—
- (i) the national system operator,
  - (ii) a person holding a transmission licence,
  - (iii) a person holding a distribution licence,
  - (iv) a person holding a licence under section 7 and 7ZA of the Gas Act 1986(d),
  - (v) a LNG import or export facility as defined in section 48 of the Gas Act 1986(e),
  - (vi) a person holding a network licence under section 8 of the Railways Act 1993,
- where they have travelled to the United Kingdom for the purposes of their work.

(2) For the purposes of this sub- paragraph (1)—

“distribution licence” means a licence granted under section 6(1)(c) of the Electricity Act 1989(f),

“electricity interconnector”, “generating station” and “transmission system” have the meanings given in section 64(1) of the Electricity Act 1989(g),

“essential or emergency works” includes commissioning, inspections, maintenance, repairs, and asset replacement activities,

“national system operator” means the person operating the national transmission system for Great Britain,

“network”, in sub-paragraph (1)(a)(v) and (vi), has the meaning given in section 83(1) of the Railways Act 1993(h), and

“transmission licence” means a licence granted under section 6(1)(b) of the Electricity Act 1989.

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(a) S.S.I 2017/282.

(b) 2002 asp 3.

(c) S.I. 2014/3120. There are no relevant amending instruments.

(d) 1986 c.44. Section 7ZA was inserted by section 149(6) of the Energy Act 2004 (c.20).

(e) The definition was inserted by S.I. 2011/2704.

(f) 1989 c.29.

(g) The definition of “electricity interconnector” was inserted by section 147(7) of the Energy Act 2004 (c.20). The definition of “transmission system” was substituted by paragraph 15 of schedule 19 of the 2004 Act.

(h) 1993 c.43.

**20.**—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder,
- (c) an agency inspector, or
- (d) a Euratom inspector, provided that they arrive in the United Kingdom before IP completion day,

where the person has travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

“agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000(a),

“Euratom inspector” means an inspector sent to the United Kingdom by the Commission of the European Union in accordance with Articles 81 and 82 of the Euratom Treaty,

“nuclear emergency responder” means a person providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done at Vienna on 26 September 1986, who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,

“nuclear personnel” means—

- (a) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted,
- (b) an employee of the Nuclear Decommissioning Authority(b), and

“nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965(c).

**21.** An Inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996(d), who has travelled to the United Kingdom for the purposes of an inspection.

**22.**—(1) A person who is—

- (a) carrying out a critical function at a space site or spacecraft controller who is responsible for command and control of a launch vehicle or spacecraft for nominal operations, collision avoidance or anomalies,
- (b) employed by, or contracted to provide services to, a person who operates or maintains space situational awareness capabilities,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

“space site” has the meaning given in paragraph 5(3) of schedule 4 of the Space Industry Act 2018(e),

“space situational awareness capabilities” means the sensors, systems and analytical services needed to provide time-sensitive warnings of space weather events, orbital collisions, orbital fragmentations or the re-entry of man-made objects from orbit,

“spacecraft” has the meaning given in section 2(6) of the Space Industry Act 2018, and

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(a) 2000 c.5.

(b) The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004 (c.20).

(c) 1965 c.57. Section 1 was substituted by paragraph 17 of schedule 2 of the Energy Act 2013 (c.32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”.

(d) 1996 c.6.

(e) 2018 c.5.

“spacecraft controller” means a person competent, authorised and responsible for maintaining safe and secure operation of spacecraft through monitoring the status of a spacecraft, issuing manoeuvre commands or controlling other aspects of the spacecraft that influence its behaviour including its motion in space.

**23.—**(1) A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

“specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft), and

“specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency<sup>(a)</sup>.

**24.—**(1) A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where—

(a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of crude oil based fuels to consumers in the United Kingdom or persons carrying on business in the United Kingdom, and

(b) the activities are required to ensure continued safe operation of the facility, where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

(a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil, and

(b) “specified activities” are—

(i) storing oil,

(ii) handling oil,

(iii) the carriage of oil by sea or inland water,

(iv) conveying oil by pipes, and

(v) refining or otherwise processing oil.

**25.—**(1) A worker undertaking, or required to commence

(a) activities on or in relation to offshore installations,

(b) activities on or in relation to upstream petroleum infrastructure,

(c) critical safety work on offshore installations and wells that are being decommissioned or which are being preserved pending demolition or reuse, or

(d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in paragraphs (a) to (c),

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(a) The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c.75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c.16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91.

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of sub-paragraph (1)—

“off-shore installations” has the meaning given in section 44 of the Petroleum Act 1998(a),  
“upstream petroleum infrastructure” has the meaning given in section 9H of that Act(b), and  
“wells” has the meaning given in section 45A(10) of that Act(c).

**26.** A postal operator, as defined in section 27(3) of the Postal Services Act 2011(d), where they have travelled to the United Kingdom in the course of their work.

**27.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work.

**28.** A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works (including commissioning, maintenance, repairs and safety checks) or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste (including energy from waste), where they have travelled to the United Kingdom in the course of their work.

**29.**—(1) Any of the following—

(a) a person (“P”) who—

- (i) before travelling to the United Kingdom has made arrangements with a provider in the United Kingdom to receive healthcare (or, where P is a child, on whose behalf such arrangements have been made),
- (ii) is in possession of written confirmation of the arrangements from the provider,
- (iii) has travelled to the United Kingdom to receive that healthcare, and
- (iv) is attending a place to receive that healthcare or is travelling directly between that place and the place where they are staying in accordance with regulation 6(2),

(b) a person who—

- (i) is accompanying P for the purpose of providing necessary care or support to P in the circumstances referred to in sub-paragraph (1)(a)(iv), or
- (ii) is travelling, for the purpose of so accompanying P, directly between the place where they are staying in accordance with regulation 6(2) and either of the places referred to in sub-paragraph (1)(a)(iv), where that person has travelled to the United Kingdom for that purpose and is in possession of the confirmation referred to in sub-paragraph (1)(a)(ii) or a copy of it,

(c) an accompanying child who is accompanying P or, where P is a child, is accompanying a person referred to in sub-paragraph (1)(b),

(d) a live donor who is attending a place for the purpose referred to in the definition of “live donor” or is travelling directly between that place and the place where they are staying in accordance with regulation 6(2).

(2) For the purposes of this paragraph—

“accompanying child”, in relation to P, means a child who has arrived in the United Kingdom with P and for whom P has responsibility, or where P is a child, a child who has arrived in the

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(a) 1998 c.17. Section 44 was amended by paragraph 11 of schedule 1 of the Energy Act 2008 (c.32).

(b) Section 9H was substituted by section 74(2) of the Energy Act 2016 (c.20).

(c) Section 46A was inserted by section 75(1) of the Energy Act 2008 (c.32).

(d) 2011 c.5.

United Kingdom with the person referred to in sub-paragraph (1)(b) and for whom that person has responsibility,

“healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth,

“live donor” means a person who—

- (a) has travelled to the United Kingdom for the purpose of donation of material which consists of or includes their human cells pursuant to arrangements made with a provider in the United Kingdom before travelling to the United Kingdom and which are to be used by the provider for the purpose of providing healthcare, and
- (b) is in possession of written confirmation of the arrangements from the provider, and

“provider” means a provider of healthcare.

**30.**—(1) A person who has travelled to the United Kingdom for the purpose of transporting, to a healthcare provider, material which consists of, or includes, human cells or blood which are to be used for the purpose of providing healthcare.

(2) For the purposes of sub-paragraph (1)—

- (a) “blood” includes blood components, and
- (b) “healthcare” has the meaning given in paragraph 29(2).

**31.** A person who is an “inspector” within the meaning given in regulation 8(1) of the Human Medicines Regulations 2012 who has travelled to the United Kingdom to undertake activities in relation to their role as such a person.

**32.**—(1) A person who—

- (a) has travelled to the United Kingdom to—
  - (i) conduct a clinical trial within the meaning of “conducting a clinical trial” in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004,
  - (ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or
  - (iii) carry out any necessary compliance activity in relation to a clinical trial that cannot be conducted remotely,
- (b) is a “qualified person” within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or
- (c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations, or carries out the functions or duties of a sponsor, of a clinical trial and has travelled to the United Kingdom to undertake activities in relation to a clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

**33.** A person who has travelled to the United Kingdom to conduct a “clinical investigation” within the meaning of the Medical Devices Regulations 2002, or to undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation or carry out any other necessary compliance activity in relation to a clinical investigation that cannot be conducted remotely.

**34.** A person who is—

- (a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012,
- (b) a “responsible person” within the meaning of regulation 45(1) of those Regulations, or
- (c) “an appropriately qualified person responsible for pharmacovigilance” within the meaning of regulation 182(2)(a) of those Regulations,

where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

**35.—**(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities, and
- (b) an information technology and telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
  - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
  - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018<sup>(a)</sup>.

**36.** A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
  - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003<sup>(b)</sup> (including such work relating to maintenance and repair of submarine cables connecting the United Kingdom with other countries), or
  - (ii) the BBC’s broadcasting transmission network and services,
- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,

where they have travelled to the United Kingdom in the course of their work.

**37.—**(1) A person who has an offer of employment for seasonal work to carry out specified activities in edible horticulture on a named farm or farming land, but only to the extent specified in sub-paragraph (3).

(2) For the purposes of sub-paragraph (1)—

“seasonal work” is employment which fluctuates or is restricted due to the season or time of the year,

“edible horticulture” means growing—

- (a) protected vegetables grown in glasshouse systems,
- (b) field vegetables grown outdoors, including vegetables, herbs, leafy salads and potatoes,
- (c) soft fruit grown outdoors or under cover,
- (d) trees that bear fruit,
- (e) vines and bines,
- (f) mushrooms,

“specified activities” means—

- (a) crop maintenance,
- (b) crop harvesting,
- (c) tunnel construction and dismantling,
- (d) irrigation installation and maintaining,

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(a) S.I. 2018/506.

(b) 2003 c.21. The definition of “electronic communications network” was amended by S.I. 2011/1210.

- (e) crop husbandry,
- (f) packing and processing of crops on employers premises,
- (g) preparing and dismantling growing areas and media,
- (h) general primary production work in edible horticulture,
- (i) activities relating to supervising teams of horticulture workers.

(3) A person described in sub-paragraph (1) is required to comply with regulation 6(2) as modified by regulation 6(5).

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

For the purpose of preventing the spread of infection or contamination with coronavirus, these Regulations impose requirements on people arriving in Scotland who have been outside the common travel area (that is, the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands) in the 14 days prior to their arrival.

Regulation 3 requires people to provide (where applicable) information listed in schedule 1 on a Passenger Locator Form (“passenger information”) before or on arrival in Scotland.

Regulation 4(2) obliges people to keep their passenger information up-to-date until the end of the fourteenth day after the day on which they arrived in Scotland from outwith the common travel area.

Regulation 5 sets out that it is an offence to fail to provide passenger information in accordance with regulation 3 or to fail to keep it up-to-date in accordance with regulation 4(2). A person who commits such an offence is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

Regulation 6(2) requires a person to travel without undue delay on their arrival to Scotland to specified premises and stay there until whichever is the earlier of (a) the end of the fourteenth day after the day on which they arrived in the common travel area, or (b) their departure from Scotland. Regulation 6(7) provides that a person with responsibility for a child (as defined in regulation 2) must ensure, so far as reasonably practicable, that the child complies with the requirement to stay at the specified premises. A person is permitted to leave the specified premises where one of the reasons in regulation 9(6) applies.

Regulation 7 lists the persons exempt from the requirement in regulation 6.

Regulation 8 provides police officers with powers to direct or remove persons to a place where they are required to stay, if they suspect that the person is in breach of a requirement in regulation 6(2).

Regulations 9 to 11 make provision for offences, penalties and fixed penalty notices under these Regulations.

Regulation 13 sets out when passenger information can be disclosed and used in Scotland.

The necessity and proportionality of these Regulations must be reviewed at least once every 21 days (regulation 14) and they will expire 12 months beginning with the day on which they come into force (regulation 15).

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