

## POLICY NOTE

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

#### SSI 2020/170

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

Section 122(5) of the 2008 Act states that regulations under section 94(2) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations section 122(7) applies.

**Purpose of instrument.** This instrument makes provision for the purpose of enabling a number of emergency public health measures to be taken in relation to people arriving into Scotland from outside the common travel area, to reduce the public health risks posed by the spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Scotland which causes the disease Covid-19.

#### Policy Objectives

1. It is critical for the Scottish Government to take all reasonable steps to prevent the community transmission of disease, where possible. Severe acute respiratory coronavirus 2 (SARS-CoV-2) has been declared by World Health Organisation a Public Health Emergency of International Concern. These measures are deemed necessary to maintain compliance with the public health guidance and limit the further spread of the disease. The aim is to allow those wishing to travel to Scotland to make an informed choice about whether to complete their journey and increase public awareness of, and thereby compliance with, public health measures to be taken to reduce the spread of SARS-CoV-2 which causes the disease Covid-19.
2. The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Regulations”) provide for measures in respect of international travellers arriving from outside the Common Travel Area at the UK Border in Scotland in order to reduce the risk of the introduction of new infections of COVID-19 into the community.
3. The Regulations contain provisions to require an operator of a commercial transport service on which passengers travel to Scotland from outside the common travel area on a vessel or aircraft to ensure that a passenger who arrives at a port is provided with public health information. The measures are aimed at:
  - a. Aviation: at all aircraft and air-taxi operators (airlines) operating international commercial passenger services to Scotland;

b. Maritime: all commercial fee-paying international passenger carrying shipping that operates to Scotland. Most commonly these will be ferries and cruise vessels but would include any commercial fee-paying passenger carrying vessel over 24m.

4. The information provided will be the latest public health guidance about coronavirus, coronavirus disease and related duties including, in particular, duties and guidance applying to passengers arriving in Scotland. This would include the requirement to provide passenger, travel and destination information before entering Scotland, and the requirement to self-isolate for 14 days after arrival.

5. The Regulations specify that the information must be provided at certain times on the passenger journey:

(a) where, prior to departure a booking was made for the passenger to travel on the relevant service, before the booking was made;

(b) where, prior to departure the passenger was checked in to travel on the relevant service, at the time of check-in; and

(c) while the passenger was on board the vessel or aircraft.

6. The Regulations further provide that an operator who fails to comply with the information requirement commits an offence and will be liable on conviction or indictment to an unlimited fine.

7. All measures contained in this instrument are time-limited and will expire at the end of the period of twelve months beginning with the day on which they come into force. Moreover, the Regulations are subject to a requirement to review restrictions or requirements every three weeks and for those to be lifted as soon as they are no longer deemed necessary to prevent, protect against or control the incidence or the spread of coronavirus.

8. The UK Government have brought in similar emergency public health measures in relation to England as are the devolved administration in Wales and Northern Ireland.

## **Consultation**

9. This instrument is being made urgently in Scotland as part of a four nation approach of new public health measures at the UK border to help, as above, prevent further spread of the coronavirus and a possible second wave. UKG DfT have led on the measures in this instrument, and issued operational guidance on 11 May to thousands of carriers, outlining what carriers were now being asked to do voluntarily, and advising that regulations would follow. Operators have therefore had lead in time for this instrument coming into force, and have indeed been operating on a voluntary basis in anticipation of the requirements coming into force on 8 June. DfT have held regular Ministerial and official level meetings with the aviation and maritime sectors between 7th May and 4th June.

## **Impact Assessments**

10. Impact Assessments have not been prepared for this instrument because of the need to make and lay the instrument urgently to encourage self-isolation and minimise the risks to

public health arising from Covid-19. The provisions of the Regulations are however subject to strict obligations on the Scottish Government to review their necessity.

Scottish Government  
COVID-19 Public Health Directorate

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