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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 158**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus) (International Travel etc.) (Scotland) Amendment Regulations 2021**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>19th March 2021</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>22nd March 2021</i>
		<i>at 4.00 a.m. on 20th</i>
<i>Coming into force</i>	- -	<i>March 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by sections 94(1)(b)(i) and 122(2)(b) of the Public Health etc. (Scotland) Act 2008<sup>(1)</sup>, 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 etc.) (Scotland) Amendment Regulations 2021 and come into force at 4.00 a.m. on 20 March 2021.

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

2. The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020<sup>(2)</sup> are amended in accordance with regulations 3 to 9.

**Testing following arrival**

3.—(1) In regulation 5F (testing following arrival in Scotland: requirement to undertake tests), for paragraph (4), substitute—

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<sup>(1)</sup> 2008 asp 5.

<sup>(2)</sup> S.S.I. 2020/169, as amended by S.S.I. 2020/171, S.S.I. 2020/184, S.S.I. 2020/209, S.S.I. 2020/221, S.S.I. 2020/224, S.S.I. 2020/229, S.S.I. 2020/233, S.S.I. 2020/235, S.S.I. 2020/242, S.S.I. 2020/252, S.S.I. 2020/263, S.S.I. 2020/271, S.S.I. 2020/274, S.S.I. 2020/280, S.S.I. 2020/288, S.S.I. 2020/301, S.S.I. 2020/307, S.S.I. 2020/326, S.S.I. 2020/330, S.S.I. 2020/343, S.S.I. 2020/354, S.S.I. 2020/358, S.S.I. 2020/378, S.S.I. 2020/404, S.S.I. 2020/431, S.S.I. 2020/444, S.S.I. 2020/474, S.S.I. 2021/5, S.S.I. 2021/6, S.S.I. 2021/7, S.S.I. 2021/19, S.S.I. 2021/20, S.S.I. 2021/21, S.S.I. 2021/34, S.S.I. 2021/74, S.S.I. 2021/81, S.S.I. 2021/107, S.S.I. 2021/111 and S.I. 2020/942.

“(4) Where a test undertaken by P (after this regulation applies) meets the requirements of paragraph (7) and generates a positive result, P is not required to undertake a subsequent day 2 test or day 8 test, as the case may be.”.

(2) In regulation 5H (testing following arrival in Scotland: consequences of test results), after paragraph (2), insert—

“(2A) Where an earlier test undertaken by P (after this regulation applies) meets the requirements of regulation 5F(7) and generates a positive result, the requirement for P to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day P undertook that earlier test.

(2B) Where an earlier test undertaken by B (after this regulation applies) meets the requirements of regulation 5F(7) and generates a positive result, the requirement for B to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day B undertook that earlier test.”.

(3) After regulation 6(2) (requirement to stay in specified premises)(3), insert—

“(2A) Where regulation 5H(2A) results in a shorter period than paragraph (2)(a), that shorter period applies.”.

(4) After regulation 6B(2) (requirement to stay in managed accommodation), insert—

“(2A) Where regulation 5H(2A) results in a shorter period than paragraph (2)(a), that shorter period applies.”.

### **Amendments to Part 3**

4. In regulation 6(1) (requirement for travellers to stay in specified premises)—

(a) in sub-paragraph (b), at the end omit “or”,

(b) after sub-paragraph (c), insert—

“, or

(d) arrives in Scotland from—

(i) an acute risk country or territory or

(ii) elsewhere within the common travel area where P has within the preceding 10 days departed from or transited through an acute risk country or territory, where P meets the description in regulation 7A(3)(c).”.

5. In regulation 7A(3) (persons not required to comply with regulation 6A or 6B)—

(a) in sub-paragraph (b), after “3(1)” insert “4B(1), 4C, 4D, 4E(1),”,

(b) after sub-paragraph (b) insert—

“(c) a person described in paragraph 38(1) of schedule 2, where that person has—

(i) travelled to Scotland having departed from, or transited through, an acute risk country or territory in order to participate in an event specified in Part 2 of schedule 3A, or

(ii) returned to Scotland having departed from, or transited through, an acute risk country or territory, where that person travelled to or transited through that acute risk country or territory in order to participate in an event specified in Part 2 of schedule 3A.”.

(3) A regulation (2A) was omitted by [S.S.I. 2021/74](#).

### **Amendment to Part 6**

6. In regulation 15(1) (expiry), for “at the end of the period of 12 months beginning with the day on which they come into force” substitute “on 20 September 2021”.

### **Amendments to schedule A2**

7. In schedule A2 (acute risk countries, territories or parts thereof)—

- (a) after “Eswatini” insert “Ethiopia”,
- (b) omit “Mauritius”,
- (c) after “Namibia” insert “Oman”,
- (d) after “Peru” insert “Qatar”,
- (e) omit “Portugal”,
- (f) after “Seychelles” insert “Somalia”.

### **Amendment to schedule 2**

8. In paragraph 38(2) of schedule 2 (persons not required to comply with regulation 3, regulation 5A or regulations 5D to 6B), for the definition of “domestic elite sportsperson”, substitute—

““domestic elite sportsperson” means—

- (a) an individual who—
  - (i) derives a living from competing in a sport,
  - (ii) is a senior representative nominated by a relevant sporting body,
  - (iii) is a member of the senior training squad for a relevant sporting body, or
  - (iv) is aged 16 or above and on an elite development pathway,
- (b) is in Scotland, after departing from, or transiting through, a non-exempt country or territory, and
- (c) either—
  - (i) has departed from or transited through the non-exempt country or territory in order to participate in an elite sporting event, or to participate in training for an elite sporting event in which the participants compete to qualify for the right to represent Great Britain and Northern Ireland at the Tokyo or Beijing Olympic or Paralympic Games, and has returned to Scotland with the intention of continuing activities as a sportsperson, or
  - (ii) is a United Kingdom sportsperson who is not habitually resident in the United Kingdom and has travelled to Scotland in order to participate in training for, or to compete in, an elite sports event.”.

### **Amendments to schedule 3A**

9. In schedule 3A (specified competitions)—

- (a) the existing list becomes Part 1, and
- (b) after Part 1 insert—

## “Part 2

28. UEFA European Championship fixtures.”.

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

10. In regulation 9(1) of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(4) (expiry), for “at the end of the period of 12 months beginning with the day on which they come into force” substitute “on 20 September 2021”.

### **Amendment of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021**

11. In regulation 12(1) of the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021(5) (expiry), for “8 June 2021” substitute “20 September 2021”.

### **Saving**

12. The amendments made by these Regulations, except for regulation 3, do not apply in relation to any person who arrived in Scotland during the period beginning at 12:01 am on 8 June 2020 and ending immediately prior to the coming into force of these Regulations, 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.

St Andrew’s House,  
Edinburgh  
19th March 2021

*MICHAEL MATHESON*  
A member of the Scottish Government

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(4) S.S.I. 2020/170, as amended by S.S.I. 2020/328, S.S.I. 2020/431, S.S.I. 2020/444, S.S.I. 2021/34 and S.S.I. 2021/74.

(5) S.S.I. 2021/20, as amended by S.S.I. 2021/34 and S.S.I. 2021/74.

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## EXPLANATORY NOTE

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

These Regulations amend the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”), the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Information Regulations”) and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Pre-Departure Testing Regulations”).

Regulation 3 adjusts the International Travel Regulations so that a person who tests positive for coronavirus earlier than the day on which they take a day 2 or day 8 test under the regulations must only continue to isolate until the end of the 10th day following the day on which the earlier test was taken.

Regulation 4 amends regulation 6 of the International Travel Regulations so that individuals arriving in Scotland from acute risk countries or territories and who are travelling for certain elite sporting events are required to isolate in accordance with the requirements of regulation 6(2) when not participating in those events in connection with their exemption.

Regulation 5 makes adjustments to regulation 7A of the International Travel Regulations in connection with the exemptions that apply in respect of the requirement to remain in managed isolation under regulations 6A and 6B.

Regulations 6, 10 and 11 amend the date on which the International Travel Regulations, the Information Regulations and Part 2 of the Pre-Departure Testing Regulations respectively expire.

Regulation 7 amends the list of acute risk countries and territories specified in schedule A2 of the International Travel Regulations. Ethiopia, Oman, Qatar and Somalia are added to the list of acute risk countries and territories, and Portugal and Mauritius are removed from that list. Passengers who arrive in Scotland either directly or via the common travel area, and who have in the previous 10 days departed from, or transited through, an acute risk country or territory may only enter Scotland at a designated airport, and they must be in possession of a managed self-isolation package.

Regulation 8 amends schedule 2 of the International Travel Regulations by making a technical amendment to the definition of “domestic elite sportsperson” in paragraph 38(2), to address a numbering issue.

Regulation 9 adds a new Part 2 to schedule 3A of the International Travel Regulations. Elite sportspersons who travel to Scotland having departed from, or transited through, an acute risk country in order to participate in the event specified in the new Part 2 of schedule 3A are exempt from the managed isolation requirements in regulations 6A and 6B.

Regulation 12 makes savings provision.

An impact assessment has not been produced for this instrument.