
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

**The Health Protection (Coronavirus) (International Travel
and Operator Liability) (Scotland) Regulations 2021**

PART 3

Testing prior to arrival in Scotland

Part 3: interpretation

7.—(1) In this Part—

“device” means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002(1),

“sensitivity”, in relation to a device, means how often the device correctly generates a positive result, and

“specificity”, in relation to a device, means how often the device correctly generates a negative result.

(2) For the purposes of this Part—

(a) a test is a qualifying test if it complies with regulation 9(1), and

(b) a notification of a negative result is valid if it includes the information specified in regulation 9(2).

Requirement to possess notification of negative test result

8.—(1) Subject to regulation 10 (persons not required to comply), this regulation applies to a person (“P”) who is—

(a) a red list arrival,

(b) an amber list arrival, or

(c) a green list arrival.

(2) P must possess, on arrival in Scotland, valid notification of a negative test result from a qualifying test taken by P.

(3) Where P is travelling with a child aged 11 or over and for whom P has responsibility, P must, on arrival in Scotland, possess valid notification of a negative test result from a qualifying test taken by that child.

(4) Where P possesses valid notification of a negative result from a qualifying test, P must produce that notification, physically or digitally, if requested to do so by a constable or an immigration officer.

Qualifying test and valid notification

9.—(1) A test complies with this regulation if—

- (a) it is a test for the detection of coronavirus undertaken using a device which the manufacturer states has—
 - (i) a sensitivity of at least 80%,
 - (ii) a specificity of at least 97%, and
 - (iii) a limit of detection of less than or equal to 100,000 SARS-CoV-2 copies per millilitre,
- (b) it is not a test provided or administered under—
 - (i) the National Health Service (Scotland) Act 1978⁽²⁾,
 - (ii) the National Health Service Act 2006⁽³⁾,
 - (iii) the National Health Service (Wales) Act 2006⁽⁴⁾, or
 - (iv) the Health and Personal Social Services (Northern Ireland) Order 1972⁽⁵⁾, and
- (c) the test sample is taken from the person no more than 3 days before—
 - (i) in the case of that person travelling to Scotland on a commercial transport service, the service's scheduled time of departure, or
 - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Scotland.

(2) Notification of a negative test result must include, in English, French or Spanish, the following information—

- (a) the name of the person from whom the sample was taken,
- (b) that person's date of birth or age,
- (c) the negative result of the test,
- (d) the date the test sample was collected or received by the test provider,
- (e) the name of the test provider and information sufficient to contact that provider, and
- (f) the name of the device that was used for the test.

Part 3: persons not required to comply

10.—(1) A person ("P") is not required to comply with this Part where P is—

- (a) a child (without prejudice to regulation 8(3)),
- (b) a person described in any of the following paragraphs of schedule 4—
 - (i) 2, 3, 4 or 7 (Crown servants, government contractors etc.),
 - (ii) 9 (seamen and masters etc.),
 - (iii) 10 (aircraft crew),
 - (iv) 13 (civil aviation inspectors),
 - (v) 15 (road haulage workers),
 - (vi) 36 (persons transporting blood or human cells),

(2) 1978 c. 29.

(3) 2006 c. 41.

(4) 2006 c. 42.

(5) S.I. 1972/1265 (N.I.14).

- (c) a person described in paragraph 5(1)(b) or 6 of schedule 4 (essential government workers etc.) where, prior to P's departure to the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (i) meets the description in paragraph 5 or, as the case may be, 6, and
 - (ii) is not required to comply with this Part,
 - (d) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom or is returning from conducting such work outside the United Kingdom where, prior to P's departure to the United Kingdom, the relevant Department or the Scottish Ministers have certified that P meets this description and is not required to comply with this Part,
 - (e) a representative of a foreign country or territory, or of the government of a British overseas territory, who is travelling to the United Kingdom to conduct official business with the United Kingdom where, prior to P's departure to the United Kingdom—
 - (i) the relevant head of the mission, consular post, or 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, Commonwealth and Development Office that P is required 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) the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the notification in head (i) that—
 - (aa) it has received that confirmation, and
 - (bb) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with this Part,
 - (f) a worker with specialist technical skills, where those specialist technical skills are required for 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 or services, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.
- (2) In paragraph (1)—
- (a) in sub-paragraph (d), the following expressions have the meanings given in paragraph 5(2) of schedule 4—
 - “Crown servant”,
 - “essential government work”,
 - “essential policing”,
 - “government contractor”,
 - (b) in sub-paragraph (e), the following expressions have the meanings given in paragraph 1(5) of schedule 4—
 - “consular post”,
 - “head of consular post”,
 - “head of the mission”.