
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

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

PART 5

Managed isolation

Part 5: application

19. Subject to regulation 25 (persons not required to comply), this Part applies to a person (“P”) who is a red list arrival.

Requirement to enter Scotland at a designated port and possess a managed isolation package

20.—(1) Subject to paragraph (2), P may only enter Scotland at one of the following ports—

- (a) Aberdeen Airport,
- (b) Edinburgh Airport,
- (c) Glasgow Airport, or
- (d) a military airfield or port.

(2) Paragraph (1) does not apply to P where the aircraft on which P is travelling lands at an airport not mentioned in that paragraph for—

- (a) a reason relating to the safety or security of the aircraft, or any person aboard it,
- (b) any other emergency reason, or
- (c) the reason that military personnel disembark at an airport not mentioned in that paragraph.

(3) P must, on arrival in Scotland, be in possession of a managed isolation package.

(4) The requirement in paragraph (3) may be complied with by P obtaining a managed isolation package either—

- (a) before P’s arrival in Scotland, or
- (b) immediately upon P’s arrival in Scotland.

(5) Where P is a child, any person who has responsibility for P when P is travelling to Scotland must ensure, so far as is reasonably practicable, that P complies with paragraph (3).

(6) A “managed isolation package” means—

- (a) a booking for a place in accommodation designated by the Scottish Ministers for the purposes of this regulation in relation to P’s port of arrival in Scotland,
- (b) a booking for transport facilitated by the Scottish Ministers from P’s port of arrival in Scotland to the accommodation referred to in sub-paragraph (a), and
- (c) a testing package within the meaning of regulation 11(3) (Part 4: application and interpretation).

Requirement to stay in managed accommodation

21.—(1) P must, on arrival in Scotland or, as the case may be, immediately after obtaining a managed isolation package, travel directly to the accommodation designated in the package using the means of transport designated in the package (where relevant) and, except to the extent that a defence would be available under regulation 31(3), and subject to paragraph (2), P must not leave the place they are staying within that accommodation until whichever is the later of—

- (a) the end of the 10th day after the day on which P arrived in Scotland, or
- (b) the end of the relevant period specified in regulation 15(2) or, as the case may be, 16(1)(b), (3), (5) or (6).

(2) Where regulation 16(3) results in a shorter period than that specified in paragraph (1)(a), that shorter period applies.

(3) The place referred to in paragraph (1) means—

- (a) the room in the designated accommodation where P is staying, including any balcony,
- (b) if connected to the room where P is staying, the room of any person with whom P travelled to Scotland.

(4) The place referred to in paragraph (3) does not include the communal areas within the accommodation except to the extent that P requires to move through any such area in order to access any part of the place where P is staying.

(5) Where P is a child, any person who has responsibility for P during the period P is required to comply with paragraph (1) must ensure, so far as is reasonably practicable, that P complies with the requirement in that paragraph.

(6) A person (“B”), may stay in the place where P is staying pursuant to this Part in order to provide assistance P reasonably requires by reason of—

- (a) P being a child, or
- (b) any disability of P’s,

and paragraphs (1) and (2) apply to B as it applies to P for the same period that it applies to P.

Modification of regulations 20 and 21: relevant persons

22.—(1) Where a person (“P”) is a relevant person, the reference in regulation 20 to a managed isolation package is to be read as a reference to a package containing such provisions as to accommodation, transport and testing as the Secretary of State or the Scottish Ministers consider appropriate, and regulations 20 and 21 are to be read accordingly.

(2) P is a relevant person if—

- (a) P is—
 - (i) a person requiring urgent medical assistance,
 - (ii) a person on immigration bail,
 - (iii) a person who has been detained by an immigration officer,
 - (iv) a person who has been refused leave to enter the UK,
 - (v) an illegal entrant,
 - (vi) an asylum seeker,
 - (vii) a person who is in police custody,
 - (viii) a prisoner,
 - (ix) a potential victim of human trafficking,

- (x) a person whose arrival in the United Kingdom has been arranged, for safeguarding or welfare reasons, by the Foreign, Commonwealth and Development Office, or
- (xi) a person whom the Scottish Ministers consider requires exceptional arrangements to be made on compassionate grounds, and
- (b) the Secretary of State has, or the Scottish Ministers have, confirmed in writing that P is a relevant person, and that confirmation has not been withdrawn.

Charge for managed isolation package

23. The Scottish Ministers, or a person designated by the Scottish Ministers, may impose a charge for a managed isolation package and the Scottish Ministers—

- (a) must publish details of such charges in such manner as they consider appropriate, and
- (b) may recover any sum owed by P pursuant to such a charge as a debt.

Appeals

24.—(1) While a person (“P”) is or would be required by regulation 21(1) to stay in the accommodation designated in P’s managed isolation package, P may appeal to the sheriff or the summary sheriff against the requirement that P—

- (a) possess a managed isolation package, or
- (b) remain in the accommodation so designated.

(2) An appeal under paragraph (1) is to be made by way of summary application.

(3) The court must determine an appeal brought under paragraph (1) within 3 working days beginning with the day after the day on which the summary application was lodged with the court.

Part 5: persons not required to comply

25.—(1) A person (“P”) is not required to comply with this Part where P is—

- (a) a person described in paragraphs 1(1)(a) to (k) of schedule 4 where the conditions in paragraph 1(2) of that schedule are met,
- (b) subject to paragraph (3), a person described in paragraph 1(3) of schedule 4,
- (c) a person described in any of the following paragraphs of schedule 4—
 - (i) paragraph 2(1) (border activities),
 - (ii) paragraph 3(1) (defence activities),
 - (iii) paragraph 4 (border security),
 - (iv) paragraphs 5(1) and 6(1) (essential government work etc.),
 - (v) paragraph 9(2) (pilot),
 - (vi) paragraph 10(1) (aircraft crew),
 - (vii) paragraph 11 (in-flight security officer),
 - (viii) paragraphs 17 to 19 (extradition), or
 - (ix) paragraph 36 (human tissue carrier),
- (d) a person described in paragraph 9(1) or (3) (seamen and masters and inspectors and surveyors of ships) of schedule 4, unless that person has travelled to the United Kingdom in order to work, or has been repatriated to the United Kingdom after working, on board a cruise ship,

- (e) a person who meets the description in paragraph 42 of schedule 4 (elite sportspersons) where that person has—
 - (i) travelled to Scotland in order to participate in an event specified in Part 2 of schedule 6 (specified competitions), or
 - (ii) returned to Scotland having travelled abroad in order to participate in an event specified in Part 2 of schedule 6 (specified competitions),
 - (f) a person whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme,
 - (g) a child who is either—
 - (i) accompanied by an adult on arrival in Scotland but that adult ceases to accompany P beyond their port of arrival, or
 - (ii) unaccompanied by an adult,
 - (h) a person who has travelled to the United Kingdom for the purpose of receiving education at a boarding school in the United Kingdom at which education and training is due to be provided for P,
 - (i) a person who within the preceding 10 days has completed a period in managed accommodation equivalent to that required by this Part pursuant to an enactment in England, Wales or Northern Ireland.
- (2) For the purposes of this regulation—
- “boarding school” means a school which—
- (a) provides accommodation for its pupils on its own premises, or
 - (b) arranges accommodation for its pupils to be provided elsewhere (other than in connection with a residential trip away from school), and
- “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽¹⁾.
- (3) Notwithstanding paragraph (1), this Part applies to P where P—
- (a) is a person described in paragraph 1(3) of schedule 4, who is attending the COP, and
 - (b) 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 5 (COP representatives).
- (4) Where this Part applies by virtue of paragraph (3), and P satisfies—
- (a) the requirements in regulation 3(2),(3), (4), (5), (6) or (7), or
 - (b) the requirements in paragraphs (5) and (6) below,
- these Regulations apply to P as if, in regulation 26(2)(a), the reference to “the 10th day” were a reference to “the 5th day”.
- (5) 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

(1) 1980 c. 4. The definition of ‘school’ in section 135 has been amended by the Standards in Scotland’s Schools etc. Act 2000 (asp 6), schedule 3.

- (c) P is under the age of 18 when P enters the United Kingdom for the purposes of attending or facilitating the COP.
- (6) P satisfies the requirements of this paragraph if P has declared on the Passenger Locator Form that P meets the applicable requirement in paragraph (5).
- (7) For the purposes of paragraph (5)—
 - (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 3 (interpretation: eligible vaccinated arrivals).