
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

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

PART 6

Self-isolation

Requirement to stay in specified premises

26.—(1) Subject to regulation 27 (persons not required to comply), this regulation applies to a person (“P”) who is—

- (a) an amber list arrival,
- (b) a red list arrival described in—
 - (i) regulation 25(1)(e) (elite sportsperson) (subject to regulation 27(1)(h)),
 - (ii) regulation 25(1)(f), (refugee),
 - (iii) regulation 25(1)(g), (unaccompanied child),
 - (iv) regulation 25(1)(h) (boarding school pupil),
 - (v) subject to regulation 27(1)(i), the following paragraphs of schedule 4—
 - (aa) paragraph 4 (border security),
 - (bb) paragraph 11 (in-flight security officer), or
 - (cc) paragraph 19 (extradition), or
- (c) not otherwise required to comply with this regulation (by virtue of sub-paragraphs (a) or (b) as read with regulation 27), and either—
 - (i) contravenes a requirement in regulation 8(2) (notification of negative test result), or
 - (ii) is a child in respect of whom the person responsible contravenes a requirement in regulation 8(3).

(2) P must, on 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 32(2), must not leave those premises until whichever is the later of the end of the—

- (a) 10th day after the day on which they last departed from or transited through an amber list country or, as the case may be, a red list country, or
- (b) relevant period specified in regulation 15(3) or, as the case may be, 16(1)(b), (3), (5) or (6).

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

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

- (a) unless paragraph (b), (c) or (d) applies—

- (i) an address specified in P's Passenger Locator Form in accordance with paragraph 2(a) of schedule 3, as required by regulation 4, where P, or if P is a child any person who has responsibility for P, has completed a Passenger Locator Form,
 - (ii) an address specified as the place P intends to stay for the duration of the period referred to in paragraph (2) where P, or if P is a child any person who has responsibility for 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 P intends to stay for such part of the period specified in paragraph (2) as will apply while in Scotland where P has not completed a Passenger Locator Form or equivalent form as described in head (ii),
 - (iv) the premises at which P intends 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 4 (other than one described in regulation 27(1)(e)), or
 - (v) where it is not possible for P to stay at a place in accordance with heads (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 of at least 18 years or age, in accommodation provided or arranged under section 4, 95 or 98 of the Immigration and Asylum Act 1999(1),
- (c) where P is a person described in paragraph 9(1) of schedule 10 of the Immigration Act 2016(2) (powers of Secretary of State to enable person to meet bail conditions), in accommodation provided or arranged under that paragraph, or
- (d) where P is an unaccompanied child for whom it is not possible to stay at a place in accordance with sub-paragraph (a)(i) to (iii), in accommodation provided or arranged by a local authority(3).
- (5) 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.
- (6) Where P is a person described in paragraph 41 of schedule 4 (seasonal agricultural worker), paragraph (4)(a) applies with the modification that the address at which P intends to stay for the purposes of this regulation must be—
- (a) the named farm (within the meaning of paragraph 41 of schedule 4), or
 - (b) where it is not possible to stay at the named farm, the accommodation which the employer or farming enterprise concerned has provided or arranged for P for the purposes of this regulation.
- (7) Where P is a red list arrival mentioned in regulation 25(1)(h) (boarding school pupil), paragraph (4)(a) applies with the modification that the address at which P intends to stay for the purposes of this regulation must be the boarding school at which education and accommodation is due to be provided for P.
- (8) Where P is a child, any person who has responsibility for P must ensure, so far as reasonably practicable, that P complies with this regulation.

(1) 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.

(2) 2016 c. 19.

(3) "local authority" is defined in schedule 1 (definitions) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(9) Where P is a red list arrival mentioned in regulation 25(1)(g) (unaccompanied child) who travels to any specified premises referred to in paragraph (4)(a)(i) to (iii) in compliance with paragraph (2), any person who is sharing those premises with P must remain in the premises until the expiry of the period referred to in paragraph (2)(a), or the later of the periods referred to in paragraph (2)(b), depending on which of those periods applies to P.

(10) Nothing in this regulation affects the operation of any requirement or restriction applying to P by virtue of schedule 21 of the Coronavirus Act 2020⁽⁴⁾ (powers relating to potentially infectious persons) or by virtue of an order made under Part 4 of the Public Health etc. (Scotland) Act 2008⁽⁵⁾.

Part 6: persons not required to comply

27.—(1) Subject to regulation 26(1)(c), the following persons are not required to comply with regulation 26—

- (a) a person who—
 - (i) has arrived from England, and
 - (ii) is in Scotland, temporarily, for a reason mentioned in regulation 32(2)(a) to (j),
- (b) a person who has arrived in Scotland from elsewhere within the common travel area in order to travel immediately onwards to—
 - (i) another part of the United Kingdom, or
 - (ii) elsewhere outside of the United Kingdom,
- (c) a person who enters the UK for the sole purpose of continuing a journey to a country or territory outside the common travel area and—
 - (i) remains within their port of entry until their departure from Scotland, or
 - (ii) travels directly from their port of entry to another port of departure in Scotland.
- (d) a person who is an eligible vaccinated arrival within the meaning of regulation 3,
- (e) a person described in paragraph 1(1)(a) to (k) of schedule 4 (diplomats etc.), where the conditions in paragraph 1(2) of that schedule are met,
- (f) a person described in paragraph 7 of schedule 4 (specified persons on official business),
- (g) a person described in paragraph 41 of schedule 4 (seasonal agricultural worker), but only—
 - (i) if the person is staying at the named farm, within the meaning of that paragraph (and not in any other accommodation mentioned in regulation 26(6)), and
 - (ii) while the person is carrying out the work or activities specified in that paragraph in fields or other property under the control of the farming enterprise,
- (h) an international elite sportsperson or an international ancillary sportsperson within the meaning of paragraph 42 of schedule 4, where that person is—
 - (i) travelling directly to or from, or attending the location of, the specified competition or training for the specified competition (as the case may be), or
 - (ii) travelling between different locations where the specified competition or training for the specified competition (as the case may be) is taking place,
- (i) a person described in any paragraph of schedule 4 mentioned in paragraph (2), but only where that person is—

(4) 2020 c. 7.

(5) 2008 asp 5.

- (i) travelling directly to or from any place where that person's presence is required in connection with the work or activity (as the case may be) referred to in the relevant paragraph of schedule 4, or
 - (ii) attending the location of that work or activity (as the case may be),
 - (j) a person described in any paragraph of schedule 4 that is not otherwise mentioned in this regulation, including any person who is a domestic elite sportsperson or a domestic ancillary sportsperson within the meaning of paragraph 42 of that schedule.
- (2) The paragraphs of schedule 4 referred to in paragraph (1)(i) are—
- (a) 4 (border security)
 - (b) 11 (in-flight security officers),
 - (c) 13 (civil aviation inspectors),
 - (d) 19 (extradition escorts),
 - (e) 20 to 28 (essential and emergency workers etc.),
 - (f) 30 to 34 (specialist technical and communications workers),
 - (g) 35 (except for paragraph 35(1)(b)) (persons with pre-arranged healthcare),
 - (h) 37 to 40 (healthcare workers etc.),
 - (i) 43 (Edinburgh International Festival worker).
- (3) Paragraph (2) does not apply to a person described in head (b) of paragraph 35(1) of schedule 4, but the requirements of that head apply to that person.