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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 322**

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

**PART 4**

Testing following arrival in Scotland

**Part 4: persons not required to comply**

**18.**—(1) Subject to paragraph (3), a person (“P”) is not required to comply with this Part where P is—

- (a) a child (without prejudice to regulations 12(1)(b) and (3), 13(2), 15 and 16),
- (b) 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),
- (c) 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,
- (d) 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,
- (e) a person described in paragraph 1(1)(a) to (h) or (k) of schedule 4 or a member of the family forming part of their household,
- (f) a person described in paragraph 1(1)(i) or (j) of schedule 4 where the conditions in paragraph (2) are met,
- (g) a member of the family forming part of the household of a person referred to in sub-paragraph (f) where the Foreign, Commonwealth and Development Office—
  - (i) has been notified of P’s arrival, and
  - (ii) has confirmed that P is not required to comply with this Part,
- (h) a specified person travelling to the United Kingdom to conduct official business with the United Kingdom, where—
  - (i) P was invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
  - (ii) Prior to P’s departure to the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to P that they are travelling to the

- United Kingdom to conduct official business with the United Kingdom and are not required to comply with this Part,
- (i) a member of the family forming part of the household of a person to whom sub-paragraph (h) applies, where—
    - (i) the Foreign, Commonwealth and Development Office has been notified of P's arrival, and
    - (ii) the Foreign, Commonwealth and Development Office has confirmed that P is not required to comply with this Part,
  - (j) a person described in any of the following provisions of schedule 4—
    - (i) paragraph 1(3) (relevant international event),
    - (ii) paragraphs 2 to 6 (except for paragraph 5(1)(c)) (Crown servants, government contractors etc.),
    - (iii) paragraphs 8 to 15 (except for paragraph 11) (transportation),
    - (iv) paragraphs 17 to 19 (extradition),
    - (v) paragraph 28 (oil workers),
    - (vi) paragraph 34 (telecommunications),
    - (vii) paragraphs 35 or 36 (healthcare and human tissue carriers), or
    - (viii) paragraph 42 (elite sportspersons).
- (2) The conditions referred to in paragraph (1)(f) are that, prior to P's departure to the United Kingdom—
- (a) 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 in the United Kingdom which is essential to the foreign territory represented by the mission or consular post, the foreign territory represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and
  - (b) the Foreign Commonwealth and Development office has then confirmed in writing to the person giving the confirmation referred to in sub-paragraph (a) that—
    - (i) it has received that confirmation, and
    - (ii) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with this Part.
- (3) Notwithstanding paragraph 1(j)(i), this Part applies to a person—
- (a) described in paragraph 1(3) of schedule 4, who is attending the COP, and
  - (b) who 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) A word or expression used in this regulation has the same meaning as it has in schedule 4.