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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 1**

**General**

**Interpretation: general**

**2.—(1)** In these Regulations—

“amber list arrival” means a person who arrives in Scotland from—

- (a) an amber list country,
- (b) a green list country where that person has, within the preceding 10 days, departed from or transited through an amber list country, or
- (c) elsewhere within the common travel area where that person has, within the preceding 10 days, departed from or transited through an amber list country,

“amber list country” means any country, territory or part of a country or territory which is—

- (a) not in the common travel area, and
- (b) not a red list country or a green list country,

“child” means a person under the age of 18,

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971<sup>(1)</sup>,

“Conference of the Parties” means, except in relation to the Kyoto Protocol and the Paris Agreement, the Conference of the Parties to the United Nations Framework Convention on Climate Change,

“constable” has the meaning given in section 99(1) of the Police and Fire Reform (Scotland) Act 2012<sup>(2)</sup>,

“COP” means the conference convened by the Conference of the Parties, comprising—

- (a) the 26th session of the Conference of the Parties,
- (b) the 16th session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,
- (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement,
- (d) all related pre-sessional meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom,

“COP World Leaders summit event” means—

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<sup>(1)</sup> 1971 c. 77. Section 1(3) provides that the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland are collectively referred to in that Act as “the common travel area”.

<sup>(2)</sup> 2012 asp 8.

- (a) the event organised by Her Majesty’s Government between 1 and 2 November 2021 in connection with the COP,
- (b) any meeting connected with that event between representatives of states, territories or organisations which are represented at that event,

“coronavirus” means severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2),

“coronavirus disease” means COVID-19 (the official designation of the disease which can be caused by coronavirus),

“eligible vaccinated arrival” has the meaning given in regulation 3,

“green list arrival” means a person who arrives in Scotland from—

- (a) a green list country where that person has not, within the preceding 10 days, departed from or transited through a red list country or an amber list country, or
- (b) elsewhere within the common travel area where that person—
  - (i) has been outside the common travel area within the preceding 10 days, and
  - (ii) while outside the common travel area during those 10 days, has only been in green list countries.

“green list country” means a country, territory or part of a country or territory specified in schedule 2,

“immigration officer” means a person appointed by the Secretary of State as an immigration officer under paragraph 1 of schedule 2 of the Immigration Act 1971(3),

“Kyoto Protocol” means the Protocol to the United Nations Framework Convention on Climate Change signed in Kyoto on 11 December 1997(4),

“managed isolation package” (other than in regulation 22) has the meaning given in regulation 20(6),

“Paris Agreement” means the agreement adopted at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change, signed in Paris on 12 December 2015(5),

“passenger information” means the information specified in schedule 3 for the purposes of Part 2 of these Regulations (see regulation 4(2)) (requirement to provide passenger information),

“Passenger Locator Form” means the electronic form published by the Secretary of State for the provision of passenger information (6),

“port” means any port, and includes a seaport, airport or heliport),

“qualifying test” means a test that is a qualifying test for the purposes of Part 3 (see regulation 7(2)) (testing prior to arrival in Scotland),

“red list arrival” means a person who arrives in Scotland from—

- (a) a red list country,
- (b) an amber list country or a green list country where that person has, within the preceding 10 days, departed from or transited through a red list country, or
- (c) elsewhere within the common travel area where that person has, within the preceding 10 days, departed from or transited through a red list country,

(3) 1971 c. 77. Paragraph 1 was amended by paragraph 3 of schedule 3 of the Health Protection Agency Act 2004 (c. 17), and by S.I. 1993/1813.

(4) Cm. 6485.

(5) Cm. 9338.

(6) The Passenger Locator Form is available on [www.gov.uk](http://www.gov.uk). No hard copy version is available but, where a person arrives at a place staffed by Immigration Officers, they will be provided with the ability to complete the form electronically on their arrival in Scotland if not completed in advance; assistance will be available for completion of the electronic form if required.

“red list country” means a country, territory or part of a country or territory specified in schedule 1,

“relevant service” means a commercial transport service carrying passengers travelling to Scotland from outside the common travel area,

“specified competition” means a competition listed in schedule 6 for the purposes of regulations 25(1)(e) and 27(1)(h) and paragraph 42 of schedule 4,

“United Nations Framework Convention on Climate Change” means the United Nations Framework Convention on Climate Change adopted in New York on 9 May 1992(7).

(2) For the purposes of these Regulations, a person has responsibility for a child if the person has—

- (a) custody or charge of the child for the time being, or
- (b) parental responsibilities or parental rights in relation to the child (within the meaning of sections 1(3) and 2(4) respectively of the Children (Scotland) Act 1995)(8).

(3) For the purposes of these Regulations, a person (“P”) is not treated as departing from, or transiting through, a country or territory, or part of a country or territory if, at all times whilst in that country, territory or part thereof—

- (a) P remains on a conveyance on which no other passenger is permitted to be taken on board, or
- (b) P is kept separated from passengers who did not arrive on the same conveyance as P, and no such passengers are permitted to be taken on board the conveyance on which P leaves that country, territory or part thereof.

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(7) Cm. 2833.

(8) 1995 c. 36. Section 1 was amended by paragraph 48 of schedule 6(2) of the Human Fertilisation and Embryology Act 2008 (c. 22). Section 2 was amended by paragraph 49 of schedule 6(2) of that Act.