
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

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

PART 7

Parts 2 to 6: enforcement

Part 4 (testing following arrival in Scotland): offences and penalties

- 30.**—(1) It is an offence to contravene a requirement, without reasonable excuse, in—
- (a) regulation 12 (requirement to possess testing package),
 - (b) regulation 13(1) or, in the case of a person with responsibility for a child, regulation 13(2) (requirement to provide information), or
 - (c) regulation 14(1) or (5) (requirement to undertake tests).
- (2) Reasonable excuses for contravening regulation 12 include, in particular where—
- (a) it was not reasonably practicable for a person to book a test due to a disability,
 - (b) a person reasonably considered, before arriving in Scotland, that it would not be reasonably practicable for the person (or, as the case may be, the child for whom the person has responsibility) to provide a sample for a test in accordance with regulation 14 due to a disability,
 - (c) a person required medical treatment with such urgency that booking a test was not reasonably practicable,
 - (d) a person was accompanying a person described in paragraph (a) or (c) in order to provide support, where it was not reasonably practicable for the accompanying person to book a test,
 - (e) a person began their journey to Scotland in a country or territory in which the person—
 - (i) did not have reasonable access to the facilities or services required to book a test, with or without payment, and
 - (ii) such facilities or services were not reasonably accessible in their last point of departure if this was different to where they began their journey.
- (3) Reasonable excuses for contravening regulation 14(1) or (5) include, in particular, where—
- (a) it is not reasonably practicable for P to undertake a test due to a disability,
 - (b) P requires medical treatment with such urgency that undertaking a test is not reasonably practicable,
 - (c) a test is cancelled for reasons beyond P's control,
 - (d) P has left the common travel area in accordance with regulation 31(3)(a),
 - (e) P has left Scotland in accordance with regulation 32(2)(a).

(4) A person who commits an offence under paragraph (1) is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.