

## SCHEDULES

### SCHEDULE 4

#### Exemptions

#### PART 1

#### Diplomats, Crown Servants, visiting forces etc.

- 1.—(1) A person (“P”), other than a person described in sub-paragraph (3), who is—
- (a) a member of a diplomatic mission in the United Kingdom,
  - (b) a member of a consular post in the United Kingdom,
  - (c) an officer or servant of an international organisation,
  - (d) a person employed by an international organisation as an expert or on a mission,
  - (e) a representative to an international organisation,
  - (f) a representative at an international or United Kingdom conference who is granted privileges and immunities in the United Kingdom,
  - (g) a member of the official staff of a representative to an international organisation, or of a person falling within head (f),
  - (h) described in head (a) or (b) who is passing through the United Kingdom to commence or continue their functions at a diplomatic mission or consular post in another country or territory, or to return to the country of their nationality,
  - (i) a representative of a foreign country or territory travelling to the United Kingdom to conduct official business with the United Kingdom,
  - (j) a representative of the government of a British Overseas Territory,
  - (k) a diplomatic courier or a consular courier, or
  - (l) a member of the family forming part of the household of a person falling within any of heads (a) to (k).
- (2) The conditions referred to in regulations 25(1)(a) and 27(1)(e) are that—
- (a) the relevant head of the mission, consular post, international organisation or conference, 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—
    - (i) P is required to undertake work which is—
      - (aa) essential to the functioning of the mission, consular post, international organisation, conference, or office, or
      - (bb) essential to the foreign country represented by the mission or consular post, the foreign territory represented by the office or the British overseas territory, and

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- (ii) that work cannot be undertaken while P is complying with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations, and
- (b) prior to P’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office—
  - (i) has confirmed in writing to the person giving the confirmation referred to in head (a) that it has received that confirmation, and
  - (ii) where P is a representative of a foreign country or territory, has then confirmed in writing to the person giving the confirmation referred to in head (a) that P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation), of these Regulations.
- (3) A person (“P”) where—
  - (a) P travelled to the United Kingdom—
    - (i) for the purpose of attending or facilitating a relevant international event, and P is in Scotland for the purpose of attending or facilitating a relevant international event, or for the purpose of travelling to leave the United Kingdom,
    - (ii) for another purpose, but following P’s arrival in Scotland P is attending, facilitating or travelling to or from a relevant international event,
  - (b) P has been invited by Her Majesty’s Government to attend or facilitate the relevant international event or, where the relevant international event is the COP, P is a registered participant for the COP,
  - (c) the relevant person has provided written confirmation to the relevant Department that P will comply with the health protocols for the relevant international event, and
  - (d) the relevant Department has provided written confirmation to the relevant person that P is a person described in this sub-paragraph and has not withdrawn that confirmation.
- (4) This paragraph is without prejudice to any immunity from jurisdiction or inviolability which is accorded to any person described in sub-paragraph (1) or (3) under the law of Scotland apart from these Regulations.

- (5) For the purposes of this paragraph—

“consular courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a consular courier in accordance with Article 35(5) of the Vienna Convention on Consular Relations of 1963,

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,

“diplomatic courier” means a person who has been provided by the State on behalf of which they are acting with an official document confirming their status as a diplomatic courier in accordance with Article 27(5) of the Vienna Convention on Diplomatic Relations of 1961,

“international organisation” means an international organisation accorded privileges and immunities in the United Kingdom,

“member of a consular post” means “consular officer”, “consular employee”, and “member of the service staff” as defined in schedule 1 of the Consular Relations Act 1968(1), and “head of consular post” has the meaning given in that schedule,

“member of a diplomatic mission” means “head of the mission”, “members of the diplomatic service”, “members of the administrative and technical staff” and “members of the service staff” as defined in schedule 1 of the Diplomatic Privileges Act 1964(2),

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(1) 1968 c. 18.  
(2) 1964 c. 81.

“registered participant”, in relation to the COP, means a person who has been registered to attend the COP with the secretariat of the United Nations Framework Convention on Climate Change, and has confirmation of their registration from the secretariat,

“relevant international event” means—

- (a) the COP,
- (b) the COP World Leaders summit event, and

“relevant person” means—

- (a) where P is to attend or facilitate a relevant international event on behalf of a State, a foreign territory or an organisation, the head of the relevant mission or post, the office representing the foreign territory in the United Kingdom or the organisation,
- (b) where P is to attend or facilitate an international event on their own behalf, P.

2.—(1) A Crown servant or government contractor who is—

- (a) required to undertake essential government work related to the United Kingdom border in the United Kingdom within the period during which they would, but for this paragraph, have had to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations, or
- (b) undertaking essential government work related to the United Kingdom border outside of the United Kingdom but—
  - (i) is required to return to the United Kingdom temporarily,
  - (ii) will thereafter depart to undertake essential government work related to the United Kingdom border outside of the United Kingdom.

(2) For the purposes of sub-paragraph (1) and paragraph 3—

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989(3) (“the 1989 Act”),

“essential government work” means work which has been designated as such by the relevant Department or employer, and

“government contractor” has the meaning given in section 12(2) of the 1989 Act.

3.—(1) A person who is a Crown servant, a government contractor or a member of a visiting force, who—

- (a) is required to undertake work necessary to the delivery of essential defence activities,
- (b) has travelled from a point of origin within the common travel area or from a green list country on a vessel or aircraft operated by, or in support of, Her Majesty’s armed forces or by, or in support of, a visiting force and that vessel or aircraft has not taken on any persons, docked in any port or landed in a red list country or an amber list country, or
- (c) has undertaken a continuous period of at least 10 days immediately preceding their arrival aboard a vessel operated by or in support of Her Majesty’s Naval Service or by or in support of a visiting force, and that vessel has not taken on any persons or docked in any port outside of the common travel area for a period of at least 10 days immediately preceding its arrival in the United Kingdom.

(2) For the purposes of sub-paragraph (1)—

“defence” has the meaning given in section 2(4) of the Official Secrets Act 1989, and

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(3) 1989 c. 6.

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“visiting force” means any body, contingent or detachment of the forces of a country, being a body, contingent or detachment for the time being present in the United Kingdom (including United Kingdom territorial waters), on the invitation of Her Majesty’s Government in the United Kingdom.

4. An official of a foreign Government, required to travel to the United Kingdom to undertake essential border security duties, or a contractor directly supporting these essential border security duties where—

- (a) they are in possession of a written notice signed by a senior member of their foreign Government confirming that—
  - (i) they are required to undertake essential border security duties in the United Kingdom within the period during which they would, but for this paragraph, have had to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations, and
  - (ii) that work cannot be undertaken whilst the person is complying with the requirements of those Parts, or
- (b) their deployment is pursuant to a standing bilateral or multilateral agreement with Her Majesty’s Government on the operation of the Border controls within the United Kingdom.

5.—(1) Any person who has been certified by the relevant Department or the Scottish Ministers as meeting the description in heads (a), (b) or (c)—

- (a) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom within the period during which they would, but for this paragraph, have had to comply with the requirements of Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations,
- (b) a person returning from conducting essential state business outside of the United Kingdom,
- (c) a person returning to the United Kingdom where this is necessary to facilitate the functioning of a diplomatic mission or consular post of Her Majesty or of a military or other official posting on behalf of Her Majesty.

(2) For the purposes of sub-paragraph (1)—

“consular post” means any consulate-general, consulate, vice-consulate or consular agency,  
“Crown Servant” and “government contractor” have the meanings given in paragraph 2(2),  
“essential government work” means work which has been designated as such by the relevant Department or the Scottish Ministers and includes, in particular—

- (a) work related to national security,
- (b) the work of the National Crime Agency in pursuance of its statutory functions, and
- (c) work related to immigration, coronavirus or any other crisis response,

but does not include work of the description in paragraph 2 of this schedule,

“essential policing” means policing which has been designated as such on behalf of the relevant chief officer or chief constable,

“essential state business” means activity which has been designated as essential to the United Kingdom or Her Majesty’s Government by the relevant Department, and includes, in particular—

- (a) bilateral or multilateral discussions with another state or international organisation, and
- (b) visits to another state on behalf of the United Kingdom or Her Majesty’s Government.

6.—(1) A person returning from conducting essential or emergency work outside of the United Kingdom, which has been certified by the relevant Department or the Scottish Ministers as necessary to facilitate essential government work or essential state business.

(2) For the purposes of sub-paragraph (1), “essential government work” and “essential state business” have the meanings given in paragraph 5.

7.—(1) A specified person who has travelled to the United Kingdom to conduct official business with the United Kingdom where—

- (a) the person was invited to the United Kingdom by the Secretary of State for Foreign, Commonwealth and Development Affairs, and
- (b) prior to the person’s arrival in the United Kingdom, the Foreign, Commonwealth and Development Office has confirmed in writing to the person that they are travelling to the United Kingdom to conduct official business and are not required to comply with Part 6 (self-isolation) of these Regulations.

(2) In this paragraph—

“government policy priority” means government policy which has been designated as such by the Foreign, Commonwealth and Development Office, and includes, in particular policy related to the—

- (a) promotion and protection of human rights, and
- (b) mitigation of, or adaptation to, climate change,

“specified person” means a person who—

- (a) is a member of a democratic opposition in a foreign country or territory,
- (b) is a member of a political party in a foreign country or territory, or
- (c) undertakes activities in a foreign country or territory that support a government policy priority.