
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 322

PUBLIC HEALTH

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

Approved by the Scottish Parliament

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| | | <i>at 10.35 a.m. on</i> |
| <i>Made</i> | - - - - | <i>16th September 2021</i> |
| <i>Laid before the Scottish</i> | | <i>at 3.00 p.m. on 16th</i> |
| <i>Parliament</i> | - - - - | <i>September 2021</i> |
| <i>Coming into force</i> | - - | <i>20th September 2021</i> |

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008⁽¹⁾ (“the 2008 Act”), paragraph 1(1) of schedule 19 of the Coronavirus Act 2020⁽²⁾ (“the 2020 Act”) and all other powers enabling them to do so.

These Regulations are made in response to the serious and imminent threat to public health which is posed by the incidence and spread of coronavirus in Scotland.

The Scottish Ministers consider that the restrictions and requirements imposed by these Regulations are proportionate to what they seek to achieve, which is a public health response to that threat.

In accordance with section 122(6) of the 2008 Act and paragraph 6(2) and (3) of schedule 19 of the 2020 Act, the Scottish Ministers consider that these Regulations need to be made urgently, without a draft having been laid before, and approved by resolution of, the Scottish Parliament.

PART 1

General

Citation and commencement

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021.

(2) These Regulations come into force on 20 September 2021.

(1) 2008 asp 5.
(2) 2020 c. 7.

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⁽³⁾,

“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⁽⁴⁾,

“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-session meetings, sessions of subsidiary bodies and additional meetings, convened in the United Kingdom,

“COP World Leaders summit event” means—

- (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

⁽³⁾ 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”.

⁽⁴⁾ 2012 asp 8.

- (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⁽⁵⁾,

“Kyoto Protocol” means the Protocol to the United Nations Framework Convention on Climate Change signed in Kyoto on 11 December 1997⁽⁶⁾,

“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⁽⁷⁾,

“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 ⁽⁸⁾,

“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,

“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⁽⁹⁾.

(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

(5) 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.

(6) Cm. 6485.

(7) Cm. 9338.

(8) The Passenger Locator Form is available on 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.

(9) Cm. 2833.

- (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)(10).
- (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.

Interpretation: eligible vaccinated arrivals

- 3.—**(1) A person (“P”) is an eligible vaccinated arrival if P—
- (a) is an amber list arrival, and
 - (b) meets any of the descriptions in paragraphs (2) to (7).
- (2) P—
- (a) has completed a course of doses of an authorised vaccine with the final dose having been received before the start of the period beginning with the 14th day before the date of P’s arrival in Scotland,
 - (b) received that course of doses in the United Kingdom or a relevant country,
 - (c) if the course of doses was received in the United States of America, is ordinarily resident in the United States of America,
 - (d) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of meeting the requirement in subparagraph (a), through—
 - (i) letter of certification issued by NHS Scotland, or equivalent certification issued, in paper or electronic form, by NHS England, NHS Wales or the Department of Health in Northern Ireland, including through the NHS COVID pass,
 - (ii) the EU Digital COVID certificate, or
 - (iii) the Centers for Disease Control and Prevention vaccination card,
 - (e) is able to provide proof if requested by an immigration officer or the operator of the relevant service on which P travels to Scotland of meeting the requirement in subparagraph (c), and
 - (f) has declared on P’s Passenger Locator Form that P has completed a course of doses of an authorised vaccine.
- (3) P—
- (a) has participated, or is participating, in a clinical trial of a vaccine for vaccination against coronavirus carried out in accordance with the requirements of the Medicines for Human Use (Clinical Trials) Regulations 2004(11),
 - (b) is able to provide proof of such participation if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, and

(10) 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.

(11) S.I. 2004/1031, to which there are amendments not relevant to these Regulations.

- (c) has declared on P's Passenger Locator Form that P has participated, or is participating, in such a trial.
- (4) P—
 - (a) has participated or is participating in a clinical trial regulated in the United States of America by the Food and Drugs Administration of a vaccine for vaccination against coronavirus,
 - (b) is able, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, to provide proof of such participation through the Centers for Disease Control and Prevention vaccination card,
 - (c) has declared on the Passenger Locator Form that P has completed a course of doses of an authorised vaccine, and
 - (d) is ordinarily resident in the United States of America and is able to provide proof of that residence if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland.
- (5) P is—
 - (a) under the age of 18 on arrival in Scotland, and
 - (b) ordinarily resident in the United Kingdom or a relevant country.
- (6) P—
 - (a) has completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas, with the final dose having been received before the start of the period beginning with the 14th day before the date of P's arrival in Scotland,
 - (b) is able to provide proof, if requested to do so by an immigration officer or the operator of the relevant service on which P travels to Scotland, of meeting the requirement in sub-paragraph (a), and
 - (c) has declared on P's Passenger Locator Form that P has completed a course of doses of a vaccine as described in sub-paragraph (a).
- (7) P is—
 - (a) a dependant of a person described in any of paragraphs (a) to (c) of the definition of "United Kingdom vaccine roll-out overseas" in paragraph (11), and
 - (b) under the age of 18 on arrival in Scotland.
- (8) For the purposes of paragraphs (2) and (6), P has completed a course of doses if P has received the complete course of doses specified—
 - (a) in the summary of product characteristics approved as part of the marketing authorisation for the authorised vaccine, or
 - (b) in the instructions for usage approved as part of the authorisation by the licensing authority on a temporary basis under regulation 174 (supply in response to spread of pathogenic agents etc.) of the Human Medicines Regulations 2012(12) for the authorised vaccine.
- (9) For the purposes of paragraph (6), where P has received a dose of an authorised vaccine in the United Kingdom and a dose of a vaccine under the United Kingdom vaccine roll-out overseas, P is deemed to have completed a course of doses of a vaccine under the United Kingdom vaccine roll-out overseas.
- (10) For the purposes of this regulation, a child is to be treated as making a declaration on the Passenger Locator Form, and possessing any evidence required if that declaration is made, and that evidence possessed, by a person who is travelling with, and has responsibility for, that child.

(12) [S.I. 2012/1916](#).

(11) In this regulation—

“authorised vaccine” means a medicinal product for vaccination against coronavirus authorised—

- (a) in relation to doses received in the United Kingdom—
 - (i) for supply in the United Kingdom in accordance with a marketing authorisation, or
 - (ii) by the licensing authority on a temporary basis under regulation 174 of the Human Medicines Regulations 2012 (supply in response to spread of pathogenic agents etc.),
- (b) in relation to doses received in a relevant country, for supply in that country following evaluation by the relevant regulator for that country,

“clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004 (interpretation),

“Crown servant” has the meaning given in section 12(1)(a) to (e) of the Official Secrets Act 1989⁽¹³⁾,

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

“the licensing authority” has the meaning given in regulation 6(2) (the licensing authority and the Ministers) of the Human Medicines Regulations 2012,

“marketing authorisation”—

- (a) in relation to a vaccine authorised for supply in the United Kingdom or in a member State, has the meaning given in regulation 8(1) (general interpretation) of the Human Medicines Regulations 2012,
- (b) in relation to a vaccine authorised for supply in a relevant country other than a member State, means a marketing authorisation granted by the relevant regulator for the country,

“medicinal product” has the meaning given in regulation 2 (medicinal products) of the Human Medicines Regulations 2012,

“NHS COVID pass” means the COVID-19 records on the NHS smartphone app developed and operated by the Secretary of State, through NHS.uk,

“NHS England” means the health service continued under section 1(1) of the National Health Service Act 2006⁽¹⁴⁾,

“NHS Scotland” means the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978⁽¹⁵⁾,

“NHS Wales” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006⁽¹⁶⁾,

“relevant country” means a country listed in the first column of the table in paragraph (12),

“relevant regulator”, in relation to a relevant country, means the regulator identified in the corresponding row of the second column of the table in paragraph (12), and a reference to a regulator in that table is a reference to the regulatory authority of that name designated as a

⁽¹³⁾ 1989 c. 6. Section 12 was amended by paragraph 22 of schedule 10 of the Reserve Forces Act 1996 (c. 14), by paragraph 30 of schedule 12 of the Government of Wales Act 1998 (c. 38), by paragraph 26 of schedule 8 of the Scotland Act 1998 (c. 46), by paragraph 9(3) of schedule 13 of the Northern Ireland Act 1998 (c. 47), by paragraph 9 of schedule 6 of the Police (Northern Ireland) Act 2000 (c. 32), by paragraph 6 of schedule 14 of the Energy Act 2004 (c. 20), by paragraph 58 of schedule 4 of the Serious Organised Crime and Police Act 2005, by paragraph 34 of schedule 10, and paragraph 1 of schedule 12, of the Government of Wales Act 2006 (c. 32), and by paragraph 36 of schedule 8 of the Crime and Courts Act 2013 (c. 22).

⁽¹⁴⁾ 2006 c. 41.

⁽¹⁵⁾ 1978 c. 29.

⁽¹⁶⁾ 2006 c. 42.

Stringent Regulatory Authority by the World Health Organisation pursuant to the operation of the COVAX Facility⁽¹⁷⁾,

“United Kingdom vaccine roll-out overseas” means the administration of vaccine against coronavirus to—

- (a) Crown servants, government contractors or other personnel posted or based overseas and their dependants under the scheme known as the Foreign, Commonwealth and Development Office staff COVID-19 vaccination programme,
- (b) residents of the British overseas territories, the Channel Islands and the Isle of Man as part of a programme agreed in the overseas territory, any of the Channel Islands or the Isle of Man with the United Kingdom government, or
- (c) military or civilian personnel, government contractors and their dependants at a military posting overseas, including the British overseas territories, the Channel Islands and the Isle of Man, under the vaccination scheme provided or approved by the UK Defence Medical Services.

(12) The table referred to in the definitions of “relevant country” and “relevant regulator” follows—

| <i>Relevant country</i> | <i>Relevant regulator</i> |
|------------------------------|--|
| a member State | European Medicines Agency |
| Andorra | European Medicines Agency |
| Iceland | European Medicines Agency |
| Liechtenstein | European Medicines Agency |
| Monaco | European Medicines Agency |
| Norway | European Medicines Agency |
| San Marino | European Medicines Agency |
| Switzerland | Swissmedic |
| the United States of America | United States Food and Drug Administration |
| Vatican City State | European Medicines Agency |

PART 2

Passenger Information

Requirement to provide passenger information

4.—(1) Subject to regulation 6 (persons not required to comply), this regulation applies to a person (“P”) who is—

- (a) a red list arrival,
- (b) an amber list arrival, or
- (c) a green list arrival.

⁽¹⁷⁾ A list of the national regulatory authorities designated as Stringent Regulatory Authorities has been published by the World Health Organization and is available online at https://extranet.who.int/pqweb/sites/default/files/documents/Product-Eligibility_COVAX-Facility_Dec2020_0.pdf.

- (2) P must provide to the Secretary of State—
- (a) P’s passenger information, and
 - (b) where P is accompanied by any child for whom P has responsibility, that child’s passenger information.
- (3) The requirement in paragraph (2) can be complied with—
- (a) by P, prior to P’s arrival in Scotland, submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P’s passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child’s passenger information,
 - (b) where P has arrived in Scotland from England, Wales or Northern Ireland, by P prior to P’s arrival in England, Wales or Northern Ireland submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P’s passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child’s passenger information,
 - (c) by P, as soon as reasonably practicable upon arriving in Scotland, submitting electronically to the Secretary of State a Passenger Locator Form containing—
 - (i) P’s passenger information, and
 - (ii) where P is accompanied by any child for whom P has responsibility, that child’s passenger information.
- (4) Where P has provided passenger information in accordance with paragraph (3)(a) or (b), P must provide evidence that P has done so if requested to do so by an immigration officer.
- (5) Where paragraph (2) has not been complied with prior to the arrival in Scotland of a child who is travelling unaccompanied, a Passenger Locator Form containing passenger information relating to the child must be provided to the Secretary of State as soon as reasonably practicable by any person who has responsibility for the child following the child’s arrival in Scotland.

Requirement to update passenger information

- 5.—(1) Subject to regulation 6, paragraph (3) applies where a person (“P”) is—
- (a) an amber list arrival,
 - (b) a red list arrival who, in accordance with regulation 25, is not required to comply with Part 5 of these Regulations (managed isolation),
- and the condition in paragraph (2) applies.
- (2) The condition referred to in paragraph (1) is that prior to the expiry of the later of the periods referred to in regulation 26(2) (requirement to stay in specified premises) (where applicable) or, in all other cases, prior to the expiry of the period of 10 days beginning on the day after the date of arrival in Scotland—
- (a) the passenger information provided by P in accordance with regulation 4 is no longer accurate, or
 - (b) passenger information relating to P or to a child accompanying P comes within P’s knowledge or possession or under P’s control.
- (3) P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.
- (4) Paragraph (5) applies where a person (“P”) is—

- (a) a child referred to in regulation—
 - (i) 25(1)(g) (unaccompanied children), or
 - (ii) 25(1)(h) (boarding school pupils), and,
 - (b) prior to the expiry of the later of the periods referred to in regulation 26(2)—
 - (i) the passenger information provided by or on behalf of P in accordance with regulation 4 is no longer accurate, or
 - (ii) passenger information relating to P comes within the knowledge, possession or control of any person who has responsibility for P.
- (5) The person with responsibility for P must, as soon as reasonably practicable, take all reasonable steps to provide the updated passenger information to the Secretary of State using the Passenger Locator Form.

Part 2: persons not required to comply

6.—(1) Subject to paragraphs (2) and (3), a person (“P”) is not required to comply with this Part where P is—

- (a) a child and that child’s passenger information has been provided under regulations 4 or 5 (requirements to provide and update passenger information) by another person,
 - (b) a person who—
 - (i) has arrived from England, and
 - (ii) is in Scotland, temporarily, for a reason specified in regulation 32(2)(a) to (j),
 - (c) a person described in any of the following paragraphs of schedule 4—
 - (i) paragraphs 1 to 4 or 7 (Crown servants, government contractors etc.), or
 - (ii) paragraph 14 (Channel Tunnel system workers),
 - (d) a member of the family forming part of the household of a person falling within paragraph 7 of schedule 4,
 - (e) a person described in of the following paragraphs of schedule 4—
 - (i) paragraph 8 (road passenger transport worker),
 - (ii) paragraph 9 (seamen and masters etc.),
 - (iii) paragraph 10 (aircraft crew), or
 - (iv) paragraph 12 (tunnel system transport workers),where the condition in paragraph 16 of that schedule is met.
- (2) Paragraphs (1)(b) to (e) do not apply where P is a red list arrival except in the case of a person described in paragraph 1(1) of schedule 4.
- (3) Notwithstanding paragraph (1), P is required to comply with this Part if—
- (a) P is a person described in paragraph 1(3) of schedule 4, who is attending the COP, and
 - (b) P 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).

PART 3

Testing prior to arrival in Scotland

Part 3: interpretation

7.—(1) In this Part—

“device” means an in vitro diagnostic medical device within the meaning given in regulation 2(1) of the Medical Devices Regulations 2002⁽¹⁸⁾,

“sensitivity”, in relation to a device, means how often the device correctly generates a positive result, and

“specificity”, in relation to a device, means how often the device correctly generates a negative result.

(2) For the purposes of this Part—

(a) a test is a qualifying test if it complies with regulation 9(1), and

(b) a notification of a negative result is valid if it includes the information specified in regulation 9(2).

Requirement to possess notification of negative test result

8.—(1) Subject to regulation 10 (persons not required to comply), this regulation applies to a person (“P”) who is—

(a) a red list arrival,

(b) an amber list arrival, or

(c) a green list arrival.

(2) P must possess, on arrival in Scotland, valid notification of a negative test result from a qualifying test taken by P.

(3) Where P is travelling with a child aged 11 or over and for whom P has responsibility, P must, on arrival in Scotland, possess valid notification of a negative test result from a qualifying test taken by that child.

(4) Where P possesses valid notification of a negative result from a qualifying test, P must produce that notification, physically or digitally, if requested to do so by a constable or an immigration officer.

Qualifying test and valid notification

9.—(1) A test complies with this regulation if—

(a) it is a test for the detection of coronavirus undertaken using a device which the manufacturer states has—

(i) a sensitivity of at least 80%,

(ii) a specificity of at least 97%, and

(iii) a limit of detection of less than or equal to 100,000 SARS-CoV-2 copies per millilitre,

(b) it is not a test provided or administered under—

(i) the National Health Service (Scotland) Act 1978⁽¹⁹⁾,

⁽¹⁸⁾ S.I. 2002/618 to which there are amendments not relevant to these Regulations.

⁽¹⁹⁾ 1978 c. 29.

- (ii) the National Health Service Act 2006⁽²⁰⁾,
 - (iii) the National Health Service (Wales) Act 2006⁽²¹⁾, or
 - (iv) the Health and Personal Social Services (Northern Ireland) Order 1972⁽²²⁾, and
- (c) the test sample is taken from the person no more than 3 days before—
- (i) in the case of that person travelling to Scotland on a commercial transport service, the service’s scheduled time of departure, or
 - (ii) in any other case, the actual time of departure of the vessel or aircraft on which that person is travelling to Scotland.
- (2) Notification of a negative test result must include, in English, French or Spanish, the following information—
- (a) the name of the person from whom the sample was taken,
 - (b) that person’s date of birth or age,
 - (c) the negative result of the test,
 - (d) the date the test sample was collected or received by the test provider,
 - (e) the name of the test provider and information sufficient to contact that provider, and
 - (f) the name of the device that was used for the test.

Part 3: persons not required to comply

- 10.**—(1) A person (“P”) is not required to comply with this Part where P is—
- (a) a child (without prejudice to regulation 8(3)),
 - (b) a person described in any of the following paragraphs of schedule 4—
 - (i) 2, 3, 4 or 7 (Crown servants, government contractors etc.),
 - (ii) 9 (seamen and masters etc.),
 - (iii) 10 (aircraft crew),
 - (iv) 13 (civil aviation inspectors),
 - (v) 15 (road haulage workers),
 - (vi) 36 (persons transporting blood or human cells),
 - (c) a person described in paragraph 5(1)(b) or 6 of schedule 4 (essential government workers etc.) where, prior to P’s departure to the United Kingdom, the relevant Department or the Scottish Ministers have certified that P—
 - (i) meets the description in paragraph 5 or, as the case may be, 6, and
 - (ii) is not required to comply with this Part,
 - (d) a Crown servant or government contractor who is required to undertake essential policing or essential government work in the United Kingdom or is returning from conducting such work outside the United Kingdom where, prior to P’s departure to the United Kingdom, the relevant Department or the Scottish Ministers have certified that P meets this description and is not required to comply with this Part,
 - (e) a representative of a foreign country or territory, or of the government of a British overseas territory, who is travelling to the United Kingdom to conduct official business with the United Kingdom where, prior to P’s departure to the United Kingdom—

⁽²⁰⁾ 2006 c. 41.

⁽²¹⁾ 2006 c. 42.

⁽²²⁾ S.I. 1972/1265 (N.I.14).

- (i) 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 which is 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
 - (ii) the Foreign, Commonwealth and Development Office has confirmed in writing to the person giving the notification in head (i) that—
 - (aa) it has received that confirmation, and
 - (bb) P is travelling to the United Kingdom to conduct official business with the United Kingdom and is not required to comply with this Part,
 - (f) a worker with specialist technical skills, where those specialist technical skills are required for emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods or services, where they have travelled to the United Kingdom in the course of their work or otherwise to commence or resume their work.
- (2) In paragraph (1)—
- (a) in sub-paragraph (d), the following expressions have the meanings given in paragraph 5(2) of schedule 4—
 - “Crown servant”,
 - “essential government work”,
 - “essential policing”,
 - “government contractor”,
 - (b) in sub-paragraph (e), the following expressions have the meanings given in paragraph 1(5) of schedule 4—
 - “consular post”,
 - “head of consular post”,
 - “head of the mission”.

PART 4

Testing following arrival in Scotland

Part 4: application and interpretation

11.—(1) Subject to paragraph (2) and regulation 18 (persons not required to comply), this Part applies to a person (“P”) who is—

- (a) a red list arrival,
 - (b) an amber list arrival, or
 - (c) a green list arrival.
- (2) Regulations 15 and 16 apply to a person (“P”) who is—
- (a) a red list arrival, or
 - (b) an amber list arrival who is not an eligible vaccinated arrival.
- (3) For the purposes of this Part—

“day 2 test” means a test which complies with regulation 14(9) and is undertaken in accordance with regulation 14(2),

“day 8 test” means a test provided in a testing package with a day 2 test which complies with regulation 14(9) and is undertaken in accordance with regulation 14(4),

“testing package” means—

- (a) in the case of a red list arrival or an amber list arrival who is not an eligible vaccinated arrival, a booking for a day 2 test and a day 8 test,
- (b) in the case of a green list arrival or an amber list arrival who is an eligible vaccinated arrival, a booking for a day 2 test,

“test provider” means a provider who provides a test in accordance with regulation 14(9).

(4) In regulations 15 and 16, references to sharing designated accommodation means sharing the place where such persons are staying (as defined by regulation 21(3) and (4)).

Requirement to possess testing package

12.—(1) Where P is an adult, P must, on arrival in Scotland, possess a testing package—

- (a) for P, and
- (b) for any child aged 11 or over with whom P is travelling and for whom P has responsibility.

(2) Where P is an adult who arrives in Scotland without possessing a testing package in accordance with paragraph (1), P must obtain a testing package as soon as practicable on arrival.

(3) Where P is a child aged 11 or over and who is unaccompanied by an adult who has responsibility for P, a person with responsibility for P must obtain a testing package for P as soon as is practicable after P arrives in Scotland.

(4) A person who possesses a testing package must provide evidence of it if requested to do so by an immigration officer.

(5) Where P is required to comply with Part 5 (managed isolation), P is deemed to have complied with this regulation where P purchases a testing package as part of a managed isolation package in accordance with that Part.

Requirement to provide information

13.—(1) Subject to paragraph (2), at the time the testing package is booked, P must notify the test provider that P is required to undertake the test or tests to which the testing package relates under these Regulations, and provide the test provider with—

- (a) P’s full name,
- (b) P’s sex,
- (c) P’s date of birth,
- (d) P’s NHS number (if known and applicable),
- (e) P’s ethnicity,
- (f) the date of P’s arrival in the United Kingdom,
- (g) P’s coach number, flight number or vessel name (as appropriate),
- (h) the date on which P last departed from or transited through—
 - (i) a red list country,
 - (ii) failing which an amber list country, or
 - (iii) failing which a green list country,

- (i) the country or territory P was travelling from when P arrived in the United Kingdom, and any country or territory P transited through as part of that journey,
 - (j) P's email address,
 - (k) P's telephone number,
 - (l) P's passport number or travel document reference number (as appropriate), and
 - (m) P's home address, and, where relevant, the address or addresses of the specified premises where P intends to stay in accordance with Part 6 (self-isolation).
- (2) Where P is a child, or a person with a disability who is unable for that reason to provide the notification and information set out or referred to in paragraph (1) to the test provider—
- (a) the notification and information set out or referred to in paragraph (1), other than the information set out in paragraph (1)(j) and (k), must be provided to the test provider on P's behalf by another person ("X"), and
 - (b) either the information set out in paragraph (1)(j) and (k) must be provided by X to the test provider or, where appropriate, X must provide their own telephone number and email address to the test provider.
- (3) At the time the testing package is booked, the test provider must give a test reference number to P and, where appropriate, also give that test reference number to X.
- (4) For the purposes of paragraphs (2) and (3), where P is a child, "X" means a person who has responsibility for P.

Requirement to undertake tests

- 14.—(1) P must undertake the test or tests in their testing package in accordance with this regulation.
- (2) P must undertake the day 2 test no later than the end of the 2nd day after the day on which P arrived in Scotland.
- (3) Where P's day 2 test generates a positive result and P would otherwise be required to take the day 8 test, P is not required to undertake the day 8 test.
- (4) Where P is required to undertake the day 8 test, P must undertake that test no earlier than the end of the 7th day after the day on which P arrived in Scotland.
- (5) Where P is a child aged 11 or over, any person who has responsibility for P must, so far as reasonably practicable ensure that P undertakes a day 2 test and, where relevant, a day 8 test.
- (6) Where P does not undertake either a day 2 test or a day 8 test by reason of a reasonable excuse (see regulation 30), P must, as soon as practicable after the matters giving rise to the reasonable excuse no longer apply, undertake a replacement test complying with the requirements of paragraph (9).
- (7) Where a replacement test is undertaken instead of—
- (a) a day 2 test, P is to be treated as if P had undertaken a day 2 test in accordance with this regulation,
 - (b) a day 8 test, P is to be treated as if P had undertaken a day 8 test in accordance with this regulation.
- (8) Where a test is undertaken by P after this regulation applies, and that test meets the requirements of paragraph (9) and generates a positive result, P is not required to undertake a subsequent day 2 test or day 8 test, as the case may be.
- (9) The requirements of this regulation are that—

- (a) the test is provided by a public provider, or where P is a green list arrival or an amber list arrival, a public provider or a private provider, and
 - (b) the test is a semi-quantitative test for the detection of coronavirus which targets a minimum of two distinguishable SARS-CoV-2 genes other than the S gene and performance reference controls.
- (10) In this regulation, “public provider” means a test provider who provides or administers a test under—
- (a) the National Health Service (Scotland) Act 1978,
 - (b) the National Health Service Act 2006,
 - (c) the National Health Service (Wales) Act 2006, or
 - (d) the Health and Personal Social Services (Northern Ireland) Order 1972.
- (11) In this regulation “private provider” means a day 2 test and a day 8 test provider, other than a public provider, who—
- (a) has made a self-declaration to the Department of Health and Social Care that the provider meets the minimum standards that private sector providers must meet for coronavirus tests for persons arriving in England in terms of schedule 8 to the Health Protection (Coronavirus, International Travel and Operator Liability) (England) Regulations 2021⁽²³⁾ and DHSC guidance, and
 - (b) is currently on the UK Government published list of private day 2 test and day 8 test providers for persons arriving in England⁽²⁴⁾.

Requirement to self-isolate on failure to undertake a test

15.—(1) Paragraphs (2) to (4) apply where—

- (a) either—
 - (i) P fails to undertake a day 2 test, or
 - (ii) P’s day 2 test generates a negative or inconclusive result, and
- (b) P fails to undertake a day 8 test.

(2) Where P is required to comply with Part 5 (managed isolation), P must remain in the accommodation designated as part of P’s managed isolation package in accordance with regulation 21 until the end of the 14th day after the day on which P arrived in Scotland.

(3) Where P is required to comply with Part 6 (self-isolation), P must remain in the specified premises in accordance with regulation 26 until the end of the 14th day after the day on which P arrived in Scotland.

(4) Where P is a child, any person who is sharing designated accommodation or specified premises with P must remain in such accommodation or premises until the expiry of the period mentioned in paragraph (2) or (3) (as the case may be).

Consequences of test results

16.—(1) Where a test undertaken by a person (“P”) in accordance with regulation 14(2) or (4) generates a positive result—

- (a) P no longer has a defence under—
 - (i) regulation 31(3)(a), where P is required to comply with Part 5, or

⁽²³⁾ S.I. 2021/582. Relevant amending instruments to schedule 8 are S.I. 2021/682, S.I. 2021/865 and S.I. 2021/914.

⁽²⁴⁾ The list can be accessed through this web-site: <https://www.gov.uk/find-travel-test-provider>.

- (ii) regulation 32(2)(a), where P is required to comply with Part 6, and
 - (b) P and, subject to paragraph (2), any person who is sharing designated accommodation or specified premises with P (“B”), must remain in that accommodation or premises in accordance with regulation 21 or 26 (as the case may be) until the end of the 10th day after the day P undertook the test.
- (2) Paragraph (1)(b) does not apply to B where—
- (a) the test referred to in paragraph (1) is P’s day 8 test, and
 - (b) B undertook a day 2 test that generated a positive result.
- (3) Where an earlier test undertaken by P after this regulation applies meets the requirements of regulation 14(9) and generates a positive result, the requirement for P to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day P undertook that earlier test.
- (4) Where an earlier test undertaken by B after this regulation applies meets the requirements of regulation 14(9) and generates a positive result, the requirement for B to remain in such premises or accommodation under paragraph (1)(b) only applies until the end of the 10th day after the day B undertook that earlier test.
- (5) Where P’s day 2 test and P’s day 8 test both generate a negative result, P must remain in the designated accommodation or specified premises until—
- (a) the later of—
 - (i) the date specified in regulation 21(1), where P is required to comply with Part 5, or
 - (ii) the date specified in regulation 26(2), where P is required to comply with Part 6, or
 - (b) the day on which P receives the result of P’s day 8 test.
- (6) Subject to regulation 15, where a test undertaken by P generates an inconclusive result, P must remain in the designated accommodation or specified premises until—
- (a) the end of the 10th day after the day P undertook the test,
 - (b) where P undertakes a test to which paragraph (8) applies and the test generates a negative result, the later of—
 - (i) the end of the period of 10 days beginning with the day after the day of P’s arrival in Scotland, or
 - (ii) the day on which P receives the negative result, or
 - (c) where P undertakes a test to which paragraph (8) applies and the test generates a positive result, until the end of the 10th day after the day P undertook the test.
- (7) Where paragraph (6)(c) applies, P is not required to undertake a day 8 test.
- (8) This paragraph applies to—
- (a) a day 8 test, and
 - (b) a replacement test—
 - (i) complying with the requirements for a day 8 test other than the requirement that the test be administered or provided to P no earlier than the beginning of the 7th day after the day on which P arrived in Scotland,
 - (ii) undertaken in the circumstances specified in regulation 14, and
 - (iii) undertaken during the period referred to in paragraph (6)(a).

Charge for testing package

17.—(1) The Scottish Ministers, or a person designated by the Scottish Ministers, may impose a charge in respect of a testing package provided by a test provider in accordance with regulation 14(9).

(2) The Scottish Ministers—

- (a) must publish details of the charges in such manner as they consider appropriate, and
- (b) may recover any sum owed by a person pursuant to such a charge as a debt.

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 subparagraph (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 subparagraph (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.

PART 5

Managed isolation

Part 5: application

19. Subject to regulation 25 (persons not required to comply), this Part applies to a person ("P") who is a red list arrival.

Requirement to enter Scotland at a designated port and possess a managed isolation package

- 20.**—(1) Subject to paragraph (2), P may only enter Scotland at one of the following ports—
- (a) Aberdeen Airport,
 - (b) Edinburgh Airport,
 - (c) Glasgow Airport, or
 - (d) a military airfield or port.
- (2) Paragraph (1) does not apply to P where the aircraft on which P is travelling lands at an airport not mentioned in that paragraph for—
- (a) a reason relating to the safety or security of the aircraft, or any person aboard it,
 - (b) any other emergency reason, or
 - (c) the reason that military personnel disembark at an airport not mentioned in that paragraph.
- (3) P must, on arrival in Scotland, be in possession of a managed isolation package.
- (4) The requirement in paragraph (3) may be complied with by P obtaining a managed isolation package either—
- (a) before P’s arrival in Scotland, or
 - (b) immediately upon P’s arrival in Scotland.
- (5) Where P is a child, any person who has responsibility for P when P is travelling to Scotland must ensure, so far as is reasonably practicable, that P complies with paragraph (3).
- (6) A “managed isolation package” means—
- (a) a booking for a place in accommodation designated by the Scottish Ministers for the purposes of this regulation in relation to P’s port of arrival in Scotland,
 - (b) a booking for transport facilitated by the Scottish Ministers from P’s port of arrival in Scotland to the accommodation referred to in sub-paragraph (a), and
 - (c) a testing package within the meaning of regulation 11(3) (Part 4: application and interpretation).

Requirement to stay in managed accommodation

- 21.**—(1) P must, on arrival in Scotland or, as the case may be, immediately after obtaining a managed isolation package, travel directly to the accommodation designated in the package using the means of transport designated in the package (where relevant) and, except to the extent that a defence would be available under regulation 31(3), and subject to paragraph (2), P must not leave the place they are staying within that accommodation until whichever is the later of—
- (a) the end of the 10th day after the day on which P arrived in Scotland, or
 - (b) the end of the relevant period specified in regulation 15(2) or, as the case may be, 16(1) (b), (3), (5) or (6).
- (2) Where regulation 16(3) results in a shorter period than that specified in paragraph (1)(a), that shorter period applies.
- (3) The place referred to in paragraph (1) means—
- (a) the room in the designated accommodation where P is staying, including any balcony,
 - (b) if connected to the room where P is staying, the room of any person with whom P travelled to Scotland.

(4) The place referred to in paragraph (3) does not include the communal areas within the accommodation except to the extent that P requires to move through any such area in order to access any part of the place where P is staying.

(5) Where P is a child, any person who has responsibility for P during the period P is required to comply with paragraph (1) must ensure, so far as is reasonably practicable, that P complies with the requirement in that paragraph.

(6) A person (“B”), may stay in the place where P is staying pursuant to this Part in order to provide assistance P reasonably requires by reason of—

- (a) P being a child, or
- (b) any disability of P’s,

and paragraphs (1) and (2) apply to B as it applies to P for the same period that it applies to P.

Modification of regulations 20 and 21: relevant persons

22.—(1) Where a person (“P”) is a relevant person, the reference in regulation 20 to a managed isolation package is to be read as a reference to a package containing such provisions as to accommodation, transport and testing as the Secretary of State or the Scottish Ministers consider appropriate, and regulations 20 and 21 are to be read accordingly.

(2) P is a relevant person if—

- (a) P is—
 - (i) a person requiring urgent medical assistance,
 - (ii) a person on immigration bail,
 - (iii) a person who has been detained by an immigration officer,
 - (iv) a person who has been refused leave to enter the UK,
 - (v) an illegal entrant,
 - (vi) an asylum seeker,
 - (vii) a person who is in police custody,
 - (viii) a prisoner,
 - (ix) a potential victim of human trafficking,
 - (x) a person whose arrival in the United Kingdom has been arranged, for safeguarding or welfare reasons, by the Foreign, Commonwealth and Development Office, or
 - (xi) a person whom the Scottish Ministers consider requires exceptional arrangements to be made on compassionate grounds, and
- (b) the Secretary of State has, or the Scottish Ministers have, confirmed in writing that P is a relevant person, and that confirmation has not been withdrawn.

Charge for managed isolation package

23. The Scottish Ministers, or a person designated by the Scottish Ministers, may impose a charge for a managed isolation package and the Scottish Ministers—

- (a) must publish details of such charges in such manner as they consider appropriate, and
- (b) may recover any sum owed by P pursuant to such a charge as a debt.

Appeals

24.—(1) While a person (“P”) is or would be required by regulation 21(1) to stay in the accommodation designated in P’s managed isolation package, P may appeal to the sheriff or the summary sheriff against the requirement that P—

- (a) possess a managed isolation package, or
- (b) remain in the accommodation so designated.

(2) An appeal under paragraph (1) is to be made by way of summary application.

(3) The court must determine an appeal brought under paragraph (1) within 3 working days beginning with the day after the day on which the summary application was lodged with the court.

Part 5: persons not required to comply

25.—(1) A person (“P”) is not required to comply with this Part where P is—

- (a) a person described in paragraphs 1(1)(a) to (k) of schedule 4 where the conditions in paragraph 1(2) of that schedule are met,
- (b) subject to paragraph (3), a person described in paragraph 1(3) of schedule 4,
- (c) a person described in any of the following paragraphs of schedule 4—
 - (i) paragraph 2(1) (border activities),
 - (ii) paragraph 3(1) (defence activities),
 - (iii) paragraph 4 (border security),
 - (iv) paragraphs 5(1) and 6(1) (essential government work etc.),
 - (v) paragraph 9(2) (pilot),
 - (vi) paragraph 10(1) (aircraft crew),
 - (vii) paragraph 11 (in-flight security officer),
 - (viii) paragraphs 17 to 19 (extradition), or
 - (ix) paragraph 36 (human tissue carrier),
- (d) a person described in paragraph 9(1) or (3) (seamen and masters and inspectors and surveyors of ships) of schedule 4, unless that person has travelled to the United Kingdom in order to work, or has been repatriated to the United Kingdom after working, on board a cruise ship,
- (e) a person who meets the description in paragraph 42 of schedule 4 (elite sportspersons) where that person has—
 - (i) travelled to Scotland in order to participate in an event specified in Part 2 of schedule 6 (specified competitions), or
 - (ii) returned to Scotland having travelled abroad in order to participate in an event specified in Part 2 of schedule 6 (specified competitions),
- (f) a person whose arrival in the United Kingdom has been arranged under a UK refugee resettlement scheme,
- (g) a child who is either—
 - (i) accompanied by an adult on arrival in Scotland but that adult ceases to accompany P beyond their port of arrival, or
 - (ii) unaccompanied by an adult,

- (h) a person who has travelled to the United Kingdom for the purpose of receiving education at a boarding school in the United Kingdom at which education and training is due to be provided for P,
- (i) a person who within the preceding 10 days has completed a period in managed accommodation equivalent to that required by this Part pursuant to an enactment in England, Wales or Northern Ireland.
- (2) For the purposes of this regulation—
- “boarding school” means a school which—
- (a) provides accommodation for its pupils on its own premises, or
- (b) arranges accommodation for its pupils to be provided elsewhere (other than in connection with a residential trip away from school), and
- “school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980⁽²⁵⁾.
- (3) Notwithstanding paragraph (1), this Part applies to P where P—
- (a) is a person described in paragraph 1(3) of schedule 4, who is attending the COP, and
- (b) 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) Where this Part applies by virtue of paragraph (3), and P satisfies—
- (a) the requirements in regulation 3(2),(3), (4), (5), (6) or (7), or
- (b) the requirements in paragraphs (5) and (6) below,
- these Regulations apply to P as if, in regulation 26(2)(a), the reference to “the 10th day” were a reference to “the 5th day”.
- (5) P satisfies the requirements in this paragraph if—
- (a) P has completed a course of doses of an authorised vaccine, and P received the final dose before the start of the period beginning with the 9th day before the date of P’s arrival in the United Kingdom,
- (b) P has participated, or is participating, in a clinical trial regulated by the relevant regulator in the country where the trial is carried out of a vaccine for vaccination against coronavirus, or
- (c) P is under the age of 18 when P enters the United Kingdom for the purposes of attending or facilitating the COP.
- (6) P satisfies the requirements of this paragraph if P has declared on the Passenger Locator Form that P meets the applicable requirement in paragraph (5).
- (7) For the purposes of paragraph (5)—
- (a) P has completed a course of doses of an authorised vaccine if P has received the complete course of doses of that vaccine as specified in the manufacturer’s guidance for that vaccine,
- (b) “authorised vaccine” means a vaccine against coronavirus authorised, in relation to doses received in another country, for supply in that country—
- (i) following evaluation by the relevant regulator for that country, or
- (ii) otherwise by the government of that country, or pursuant to its authority,

(25) 1980 c. 4. The definition of ‘school’ in section 135 has been amended by the Standards in Scotland’s Schools etc. Act 2000 (asp 6), schedule 3.

- (c) in sub-paragraph (b), “another country” means a country other than the United Kingdom or a relevant country for the purposes of regulation 3 (interpretation: eligible vaccinated arrivals).

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⁽²⁶⁾,
 - (c) where P is a person described in paragraph 9(1) of schedule 10 of the Immigration Act 2016⁽²⁷⁾ (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⁽²⁸⁾.
- (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.
- (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.

⁽²⁶⁾ 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.

⁽²⁷⁾ 2016 c. 19.

⁽²⁸⁾ “local authority” is defined in schedule 1 (definitions) of the Interpretation and Legislative Reform (Scotland) Act 2010 (asp 10).

(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⁽²⁹⁾ (powers relating to potentially infectious persons) or by virtue of an order made under Part 4 of the Public Health etc. (Scotland) Act 2008⁽³⁰⁾.

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 sports person or an international ancillary sports person 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—
 - (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 sports person or a domestic ancillary sports person within the meaning of paragraph 42 of that schedule.

⁽²⁹⁾ 2020 c. 7.

⁽³⁰⁾ 2008 asp 5.

- (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.

PART 7

Parts 2 to 6: enforcement

Part 2 (information): offences and penalties

28.—(1) A person who contravenes a requirement in—

- (a) regulation 4(2), (4) or (5), or
- (b) regulation 5(3) or (5),

commits an offence (unless that person is a child).

(2) A person who provides false or misleading information for the purposes of regulations specified in paragraph (1)(a) and (b) commits an offence where that person—

- (a) knows that the information is false or misleading, or
- (b) is reckless as to whether the information is false or misleading.

(3) It is a defence to a charge of committing an offence under paragraph (1) or (2) to show that the person, in the circumstances, had a reasonable excuse.

(4) For the purposes of paragraph (3), a reasonable excuse includes, in particular where—

- (a) the information to be provided is not within P's knowledge or possession or under P's control,
- (b) P is accompanied by any child for whom P has responsibility and the child's passenger information has been submitted by someone else with responsibility for the child.

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

Part 3 (testing before arrival in Scotland): offences and penalties

29.—(1) A person who contravenes a requirement in regulation 8 (requirement to possess notification of negative test result) commits an offence.

(2) It is a defence to a charge of committing an offence under paragraph (1) to show that the person, in the circumstances, had a reasonable excuse.

(3) For the purposes of paragraph (2), a reasonable excuse includes, in particular where—

- (a) a person was medically unfit to provide a sample for a qualifying test and possessed a document, in English or accompanied by a certified English translation, signed by a medical practitioner entitled to practise in the country or territory in which that practitioner was based, to that effect,
 - (b) it was not reasonably practicable for a person to obtain a qualifying test due to a disability,
 - (c) a person required medical treatment with such urgency that obtaining a qualifying test was not reasonably practicable,
 - (d) a person contracted coronavirus and required emergency medical treatment,
 - (e) a person was accompanying, in order to provide support, whether medical or otherwise, a person described in sub-paragraph (c) or (d) where it was not reasonably practicable for the accompanying person to obtain a qualifying test,
 - (f) a person began their journey to Scotland in a country or territory in which—
 - (i) a qualifying test was not available to the public, with or without payment, or in which it was not reasonably practicable for a person to obtain a qualifying test due to a lack of reasonable access to a qualifying test or testing facility, and
 - (ii) it was not reasonably practicable for them to obtain a qualifying test in their last point of departure if this was different to where they began their journey,
 - (g) the time it has taken a person to travel from the country or territory where they began their journey to the country or territory of their last point of departure prior to arriving in Scotland meant that it was not reasonably practicable for them to meet the requirement in regulation 9(1)(c), and it was not reasonably practicable for them to obtain a qualifying test in their last point of departure.
- (4) A person does not commit an offence where they contravene a requirement in regulation 8 if they reasonably believed at the time of the contravention that the notification of a negative result was valid and from a qualifying test.
- (5) A person who commits an offence under this regulation is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

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.

Part 5 (managed isolation): offences and penalties

31.—(1) It is an offence for a person to contravene a requirement in—

- (a) regulation 20(1) (requirement to enter at designated port),
- (b) regulation 20(3) (requirement to possess managed isolation package),
- (c) regulation 21(1) (requirement to travel to and remain in managed accommodation), or
- (d) regulation 21(5) (requirement in relation to a child).

(2) It is a defence to a charge of committing an offence under paragraph (1)(a), (b) or (d) to show that the person, in the circumstances, had a reasonable excuse.

(3) It is a defence to a charge of committing an offence under paragraph (1)(c) for a person (“P”) to show that they are outside of the place where they are staying in accordance with regulation 21(1) for one of the following reasons—

- (a) to travel, in order to leave the common travel area, provided that P does so directly, (except where regulation 16(1)(a)(i) applies in relation to P),
- (b) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (c) on compassionate grounds, to attend a funeral of—
 - (i) a member of P’s household,
 - (ii) a close family member, or
 - (iii) if no-one within heads (i) or (ii) is attending, a friend,
- (d) on compassionate grounds, for reasons relating to the end of a person’s life,
- (e) for exercise,
- (f) with permission from a person authorised by the Scottish Ministers to grant permission,
- (g) in other exceptional circumstances, such as—
 - (i) to seek medical assistance where this is required urgently or on the advice of a registered medical practitioner, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health,
 - (ii) to access critical public services, including social services or services provided to victims (such as victims of crime),

- (iii) to avoid injury, illness or to escape risk of harm,
- (iv) to access veterinary services where this is required urgently or on the advice of a veterinary surgeon.

(4) A person may only leave or be outside of the place where they are staying in reliance on the grounds mentioned in paragraph (3)(c), (d) or (e)—

- (a) if P has been given prior permission by a person authorised by the Secretary of State or the Scottish Ministers for this purpose;
- (b) if P complies with any reasonable requirements imposed by the person so authorised in relation to the exercise, the visit to the person or the attendance at the funeral.

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

Part 6 (self-isolation): offences and penalties

32.—(1) It is an offence for a person to contravene a requirement in—

- (a) regulation 26(2) (requirement to travel to and stay in specified premises), or
- (b) regulation 26(8) (requirement in relation to a child).

(2) It is a defence to a charge of committing an offence under paragraph (1)(a) for a person (“P”) to show that they are outside of the place where they are staying in accordance with regulation 26(2) for one of the following reasons—

- (a) to travel, in order to leave Scotland, provided that P does so directly (except where regulation 16(1)(a)(ii) applies in relation to P),
- (b) to obtain basic necessities, including food and medical supplies for those in the same household (including any pets or animals in the household),
- (c) to seek medical assistance, including to access services from dentists, opticians, audiologists, chiropodists, chiropractors, osteopaths and other medical and health practitioners, including services relating to mental health,
- (d) to access veterinary services,
- (e) on compassionate grounds, to attend a funeral of—
 - (i) a member of P’s household,
 - (ii) a close family member, or
 - (iii) if no-one within heads (i) or (ii) is attending, a friend,
- (f) on compassionate grounds, for reasons relating to the end of a person’s life,
- (g) to fulfil a legal obligation, including attending court or satisfying bail conditions, or to participate in legal proceedings,
- (h) to access public services (including social services or victims’ services) where—
 - (i) access to the service is critical to P’s well-being, and
 - (ii) the service cannot be provided if P remains at P’s specified premises,
- (i) to avoid injury, illness or to escape risk of harm,
- (j) to move to a different place for the purposes of regulation 26(2) where—
 - (i) a legal obligation requires P to change the specified premises where P is staying for the purposes of that regulation, or
 - (ii) P is otherwise unable to remain at the specified premises where P is staying for the purposes of that regulation.

(3) It is a defence to a charge under paragraph (1)(b) to show that P, in the circumstances, had a reasonable excuse.

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

Powers of direction and removal

33.—(1) Where a constable has reasonable grounds for suspecting that a person (“P”) has contravened the requirement in regulation 21(1) (requirement to stay in managed accommodation) or 26(2) (requirement to stay in specified premises), the constable may—

- (a) direct P to return to the place where P is staying,
- (b) remove P to the place where P is staying,
- (c) where it is not practicable or appropriate in the circumstances to take the action in subparagraph (a) or (b), remove P to a hotel or other accommodation facilitated by the Secretary of State or the Scottish Ministers.

(2) Paragraph (1)(b) and (c) do not apply where P is a person described in paragraph 1 of schedule 4.

(3) A constable exercising the power in paragraph (1) may use reasonable force, if necessary, in doing so.

(4) Where a child (“C”) is outside of the place where they are staying in accordance with regulation 21(1) or 26(2) and is accompanied by a person who has responsibility for the child (“A”)—

- (a) the constable may direct A to take C to the place where C is staying,
- (b) A must, so far as reasonably practicable, ensure that C complies with any direction or instruction given by a constable to C.

(5) Where a constable has reasonable grounds for suspecting that a child (“C”) has repeatedly contravened the requirement in regulation 21(1) or 26(2), the constable may direct any person who has responsibility for C to ensure, so far as reasonably practicable, that C complies with that requirement.

(6) A constable may only exercise a power under paragraph (1), (4) or (5) if the constable considers that it is a necessary and proportionate means of ensuring compliance with the requirement in regulation 21(1) or 26(2).

(7) A constable exercising a power under paragraph (1), (4) or (5) may give to P or A any direction or instruction the constable considers necessary and proportionate.

(8) Where P is a person required to comply with regulation 21(1), an authorised person may give a direction to P to ensure that P complies with the requirements of that regulation, including a direction—

- (a) that P remain in a particular area of a port to await transportation to P’s designated accommodation,
- (b) that P move to a particular place to board P’s designated transportation,
- (c) that P board P’s designated transportation to travel to P’s designated accommodation, or
- (d) that P remain in, or return to, the place where P is staying in accordance with regulation 21(1).

(9) For the purposes of paragraph (8), “authorised person” means a person authorised by the Scottish Ministers for the purposes of this regulation.

Further offences and penalties

34.—(1) It is an offence for a person to contravene a requirement imposed in or under regulation 33 (powers of direction and removal).

(2) It is an offence for a person to provide false or misleading information for the purposes of Parts 5, 6 or 7 where that person—

- (a) knows that the information is false or misleading,
- (b) is reckless as to whether the information is false or misleading.

(3) A person who deliberately obstructs any person carrying out a function under these Regulations commits an offence.

(4) It is a defence to a charge of committing an offence under paragraphs (1), (2) or (3) to show that the person, in the circumstances, had a reasonable excuse.

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

Fixed penalty notices

35.—(1) A constable may issue a fixed penalty notice to anyone that the constable has reasonable grounds to believe—

- (a) has committed an offence under these Regulations, and
- (b) is aged 18 or over.

(2) An immigration officer may issue a fixed penalty notice to anyone that the immigration officer has reasonable grounds to believe—

- (a) has committed—
 - (i) an information offence,
 - (ii) an offence under regulation 29(1) (testing before arrival in Scotland),
 - (iii) an offence under regulation 30(1)(a) (requirement to possess testing package),
 - (iv) an offence under regulation 31(1)(a) (requirement to enter at designated port),
 - (v) an offence under regulation 31(1)(b) (requirement to possess managed isolation package), or
 - (vi) an offence under regulation 34(3) (deliberate obstruction), and
- (b) is aged 18 or over.

(3) A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty in accordance with these Regulations.

(4) For the purposes of these Regulations—

- (a) the form of a fixed penalty notice,
- (b) the effect of a fixed penalty notice, and
- (c) the procedure that applies to a fixed penalty notice,

are the same as those that apply to a fixed penalty notice given under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004⁽³¹⁾, as provided for in sections 129 to 134 of that

⁽³¹⁾ 2004 asp 8. Sections 130(3), 131(6) and 132(1) were amended by paragraph 32(b) of schedule 1 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6) (“the 2007 Act”) and section 132(6) was repealed by paragraph 32(c) of schedule 1 of the 2007 Act.

Act, and sections 226B and 226I of the Criminal Procedure (Scotland) Act 1995⁽³²⁾ subject to the modifications in paragraph (5).

(5) The modifications are—

- (a) section 129(1) is to be disregarded,
- (b) the definitions of “fixed penalty notice” in sections 129(2) and 134 are to be construed as a reference to a notice under paragraph (1),
- (c) the definition of “prescribed area” in section 129(2) is to be disregarded,
- (d) section 130(1), (2) and (3)(f) is to be disregarded,
- (e) the references to “section 129” in section 131(1) and section 133(1) are to be construed as references to this regulation,
- (f) the reference in section 131(5) to “in accordance with this Part” is to be construed as a reference to these Regulations, and the reference to “a sum equal to one and a half times” is to be disregarded,
- (g) the definition of “fixed penalty offence” in section 134 is to be construed as though it referred to an offence of the type referred to in paragraph (1)(a),
- (h) the reference to “by virtue of section 131(5) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226B(5)(a)(ii) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph, and
- (i) the reference to “a fixed penalty notice given under section 129 (fixed penalty notices) of the Antisocial Behaviour etc. (Scotland) Act 2004” in section 226I(1) of the Criminal Procedure (Scotland) Act 1995 is to be construed as a reference to that section as modified by this paragraph.

(6) In paragraph (2)(a)(i), “information offence” means an offence under Part 2 (passenger information) or an offence under regulation 34(3) where the person is believed to have intentionally obstructed an immigration officers carrying out a function in relation to Part 2.

Fixed penalty notices: penalty amounts

36. The penalty payable in respect of a fixed penalty notice issued under these Regulations is £480.

PART 8

Duties on operators

Part 8: Interpretation

37. In this Part—

“coronavirus notification” means notification of the result of a test for the detection of coronavirus which includes, in English, French or Spanish, the following information—

- (a) the name of the person from whom the test sample was taken,
- (b) that person’s date of birth or age,
- (c) the negative result of that test,
- (d) the date the test sample was collected or received by the test provider,

⁽³²⁾ 1995 c. 46. Section 226B and 226I were inserted by section 55 of the Criminal Proceedings etc. (Reform) (Scotland) Act 2006 (asp 6) and amended by S.S.I. 2020/339.

- (e) the name of the test provider and information sufficient to contact that provider, and
- (f) the name of the device that was used for the test.

“international passenger service” means a commercial service by which passengers travel to a port in Scotland from outside the common travel area on a vessel or aircraft,

“operator” means an operator of an international passenger service,

“passenger” means a person travelling on a conveyance who is not a member of the conveyance’s crew,

“relevant passenger” means a passenger who fails, without reasonable excuse—

- (a) to provide evidence of having provided passenger information when requested to do so by an immigration officer pursuant to regulation 4(4) of these Regulations, or
- (b) to produce a valid notification of a negative result when requested to do so by a constable or an immigration officer pursuant to regulation 8(4) of these Regulations.

“required information” means the information specified in schedule 7 and, where appropriate, schedule 8 as required by regulations 38 to 41 of these Regulations,

“vessel” means a vessel which is 24 metres or more in length.

Provision of information before booking

38.—(1) Subject to paragraphs (2) and (3), an operator must ensure that a passenger (“P”) who arrives at a port in Scotland on an international passenger service provided by the operator, was provided with the required information before the booking was made.

(2) If another person (“A”) made the booking on behalf of P (whether or not A is also a passenger on the service) the requirement in paragraph (1) is to be treated as complied with if the required information was provided to A before the booking was made, along with a written request that A provide that information to P, unless A considers that, by virtue of P’s age or mental capacity, P is unlikely to be capable of understanding it.

(3) Paragraph (1) applies only if the booking was made after these Regulations come into force.

Provision of information between 24 and 48 hours before scheduled departure

39.—(1) Subject to paragraphs (2) and (3), an operator must ensure that a passenger (“P”) who arrives at a port in Scotland on an international passenger service provided by the operator was provided with the required information between 24 and 48 hours prior to the scheduled departure time of that service.

(2) If another person (“A”) made the booking on behalf of P (whether or not A is also a passenger on the service), the requirement in paragraph (1) is to be treated as complied with if the required information was provided to A between 24 and 48 hours prior to the scheduled departure time of the relevant service, along with a written request that A provide that information to P, unless A considers that, by virtue of P’s age or mental capacity, P is unlikely to be capable of understanding it.

(3) Paragraph (1) applies only if the booking was made for P to travel on the relevant service at least 48 hours prior to the scheduled departure time.

Provision of information before check-in

40.—(1) Subject to paragraphs (2) and (3), an operator must ensure that, a passenger (“P”) who arrives at a port in Scotland on an international passenger service provided by the operator was provided with the required information at the time that P was checked in to travel on that service.

(2) If another person (“A”) checked in on behalf of P (whether or not A is also a passenger on the service) the requirement in paragraph (1) is to be treated as complied with if the required information was provided to A at the time of check-in, along with a written request that A provide that information to P, unless A considers that, by virtue of P’s age or mental capacity, P is unlikely to be capable of understanding it.

(3) Paragraph (1) applies only if the check-in took place after these Regulations come into force.

Provision of information during journey

41. An operator must ensure that, every passenger who arrives at a port in Scotland on an international passenger service provided by the operator, has been provided with the required information before the vessel or aircraft arrives at that port.

Requirement to ensure passengers have completed a Passenger Locator Form

42.—(1) Subject to paragraphs (5) and (6), an operator must ensure that—

- (a) a passenger who arrives at a port in Scotland on a relevant service (“P”) has completed a Passenger Locator Form, and
- (b) P possesses evidence that they are a person described in a paragraph of schedule 4 (exemptions), where they have indicated on the Passenger Locator Form that they are such a person.

(2) Subject to paragraphs (6) and (7), an operator must ensure that, where P is a person to whom Part 4 of these Regulations (testing following arrival in Scotland) applies, P has included in their Passenger Locator Form the information required by paragraph 4 of schedule 3 (testing package details).

(3) Subject to paragraphs (6) and (8), an operator must ensure that, where P is required to comply with Part 5 of these Regulations (managed isolation), P has included in their Passenger Locator Form the booking reference for the managed isolation package booked by or on behalf of P as required by paragraph 2(b) of schedule 3.

(4) An operator must ensure that, where P has indicated on the Passenger Locator Form that P is an eligible vaccinated arrival, that P is in possession of the required evidence.

(5) Paragraph (1)(b) does not apply in relation to a person described in paragraph 15 of schedule 4 (road haulage worker) who is the driver of a goods vehicle that has been or will be conveyed to Scotland on the relevant service.

(6) Paragraphs (1) to (3) do not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes is not required to comply with the requirement to provide information under regulation 4(2) of these Regulations,
- (b) who informs the operator, or a person acting on behalf of the operator, that they have a disability which prevents them from completing the Passenger Locator Form, or
- (c) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation.

(7) Paragraph (2) does not apply where the operator, or a person acting on behalf of the operator, reasonably believes that—

- (a) P is not required to comply with Part 4 of these Regulations (testing following arrival in Scotland), or
- (b) P has a reasonable excuse for failing to comply with regulation 12(1) of these Regulations to arrive in Scotland in possession of a testing package.

(8) Paragraph (3) does not apply where the operator, or a person acting on behalf of the operator, reasonably believes that—

- (a) P is not required to comply with Part 5 of these Regulations (managed isolation), or
- (b) P has a reasonable excuse for failing to comply with the requirement in regulation 20(3) (requirement to possess managed isolation package).

(9) In paragraph (4), “the required evidence” means—

- (a) evidence of the description in regulation 3(2)(d) or (e), (3)(b), (4)(b) and (d) or (6)(b) (where relevant), or
- (b) where P meets the description in regulation 3(5) or (7), evidence of P’s age.

Requirement to ensure passengers possess notification of a negative test result

43.—(1) Subject to paragraph (3), an operator must ensure that a passenger who arrives at a port in Scotland on a relevant service is in possession of a coronavirus notification.

(2) A child is to be treated as possessing a coronavirus notification if such a notification is possessed by a person who is travelling with, and has responsibility for, that child.

(3) Paragraph (1) does not apply in relation to a passenger—

- (a) whom the operator, or a person acting on behalf of the operator, reasonably believes—
 - (i) is not required to comply with Part 3 of these Regulations (testing prior to arrival in Scotland), or
 - (ii) has a reasonable excuse for failing to comply with the requirements of that Part,
- (b) who is being lawfully compelled to travel to the United Kingdom in the course of an extradition, prisoner repatriation or deportation,
- (c) who is a child, travelling without a responsible adult, or
- (d) who is a transit passenger, who does not have the right to enter the country or territory from which the relevant service departs.

(4) In this regulation, “transit passenger” means a person who has arrived in the country or territory from which the relevant service departs with the intention of passing through to Scotland without entering that country or territory.

Requirement to ensure that certain passengers arrive only at certain ports

44. An operator must take all reasonable steps to ensure that no passenger who is required to comply with Part 5 of these Regulations (managed isolation) enters Scotland except in accordance with regulation 20(1) (requirement to enter Scotland at a designated port).

Part 8: offences and penalties

45.—(1) An operator commits an offence if that operator fails to comply with—

- (a) regulation 38(1) (provision of information before booking),
- (b) regulation 39(1) (provision of information before departure),
- (c) regulation 40(1) (provision of information before check-in), or
- (d) regulation 41 (provision of information during journey).

(2) An operator commits an offence if that operator fails to comply with—

- (a) regulation 42(1)(a) (requirement to ensure completion of PLF),
- (b) regulation 42(1)(b) (possession of evidence of an exemption),

- (c) regulation 42(2) (requirement to ensure completion of PLF: testing package),
 - (d) regulation 42(3) (requirement to ensure completion of PLF: managed isolation package),
 - (e) regulation 42(4) (requirement to ensure completion of PLF: eligible vaccinated arrivals),
 - (f) regulation 43(1) (requirement to possess coronavirus notification), or
 - (g) regulation 44 (requirement to ensure certain passengers arrive only at certain ports).
- (3) An offence under paragraph (1) or (2) is committed when the relevant service arrives at a port in Scotland.
- (4) In relation to the offences in paragraph (1)(a), (b) and (c), it is a defence for an operator to show that—
- (a) the booking or check-in process was not managed directly by the operator, and
 - (b) the operator took reasonable steps to ensure that the person managing the booking or check-in process would provide the required information at the booking, pre-departure or check-in time (as the case may be), in the required manner.
- (5) In relation to the offence in paragraph (1)(d), it is a defence for an operator to show that they had a reasonable excuse for failing to provide the required information.
- (6) For the purposes of paragraph (5), “reasonable excuse” includes that a passenger who was not provided with the required information was, by virtue of age or mental capacity, unlikely to be able to understand the required information.
- (7) In relation to the offence in paragraph (2)(a) or (b), it is a defence—
- (a) for an operator alleged to have failed to ensure that a passenger has completed a Passenger Locator Form, to show they recorded a unique passenger reference number for the relevant passenger before that passenger boarded the relevant service, or
 - (b) for an operator alleged to have failed to ensure that a passenger possesses evidence of eligibility for an exemption claimed in a Passenger Locator Form, to show that the passenger presented a document purporting to be appropriate evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not appropriate evidence, before that passenger boarded the relevant service.
- (8) In relation to the offences in paragraph (2)(c) and (d), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that the relevant information provided by a passenger on their Passenger Locator Form was false, incorrect or incomplete.
- (9) In relation to the offence in paragraph (2)(e), it is a defence for an operator to show that the passenger presented a document purporting to be the required evidence which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not the required evidence.
- (10) In relation to the offence in paragraph (2)(f), it is a defence for an operator to show that the relevant passenger presented a document purporting to be a coronavirus notification which the operator, or a person acting on behalf of the operator, could not reasonably have been expected to know was not a coronavirus notification.
- (11) In relation to the offence in paragraph (2)(g), it is a defence for an operator to show that the operator, or a person acting on behalf of the operator, could not have reasonably been expected to know that a passenger was required to comply with Part 5 (managed isolation).
- (12) If, following the coming into force of any provision which amends the required information, an operator provides information to a passenger that would have complied with this Part but for the coming into force of the amending provision, it is a defence for the operator to show that it was not reasonably practicable for the amended required information to be provided.

- (13) An offence under paragraph (1) or (2) is punishable—
- (a) on summary conviction, by a fine not exceeding the statutory maximum,
 - (b) on conviction on indictment, by a fine.

(14) For the purposes of paragraph (7), “unique passenger reference number” means a reference number which has been provided by or on behalf of the relevant passenger and which includes the letters “UKVI” followed immediately by an underscore and 13 alphanumeric characters.

(15) For the purposes of paragraph (8), “relevant information” means the information mentioned in regulation 42(2) or 42(3) (as the case may be).

Extra-territorial jurisdiction

46.—(1) An offence can be committed under regulation 45(1) (provision of information) where the failure to provide the required information occurs wholly or partly outside Scotland.

(2) An offence can be committed under regulation 45(2)(a) or (b) where the failure to ensure that a passenger who arrives at a port in Scotland on a relevant service has completed a Passenger Locator Form occurs wholly or partly outside Scotland.

(3) An offence can be committed under regulation 45(2) (c) to (e) where the failure to ensure that a passenger who arrives at a port in Scotland on a relevant service has completed the information in a Passenger Locator form as required by any of those regulations occurs wholly or partly outside Scotland.

(4) An offence can be committed under regulation 45(2)(f) where the failure to ensure that a passenger who arrives at a port in Scotland on a relevant service is in possession of a coronavirus notification occurs wholly or partly outside Scotland.

(5) An offence can be committed under regulation 45(2)(g) where the failure to take all reasonable steps to ensure that no passenger required to comply with Part 6 enters Scotland except at a port in accordance with regulation 20(1) occurs wholly or partly outside Scotland.

(6) An operator may be prosecuted, tried and punished for an offence under regulation 45(1) or (2) upon the arrival of the international passenger service or relevant service, as the case may be, in Scotland—

- (a) in the sheriff court district within which the port of arrival is located, or
- (b) in such other sheriff court district as the Lord Advocate may direct,

as if the offence has been committed in that district (and the offence is, for all purposes incidental to or consequential on the trial and punishment, deemed to have been committed in that district).

PART 9

Information sharing

Power to use and disclose information

47.—(1) This Part applies to a person in Scotland (“P”) who holds relevant information, including where P holds that information as a result of disclosure made in accordance with paragraph (3).

- (2) P may only use relevant information where it is necessary—
- (a) for the purpose of carrying out a function under these Regulations,
 - (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,

- (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in subparagraphs (a) or (b).
- (3) Subject to paragraph (6), P may only disclose relevant information to another person (“the recipient”) where it is necessary for the recipient to have the information—
- (a) for the purpose of carrying out a function of the recipient under—
 - (i) these Regulations, or
 - (ii) regulations made as respects England, Wales or Northern Ireland (as the case may be) that have the effect of requiring the isolation or quarantine of persons who have been outside the common travel area, for any of the purposes mentioned in subparagraph (b),
 - (b) for the purpose of—
 - (i) preventing danger to public health as a result of the spread of infection or contamination with coronavirus,
 - (ii) monitoring the spread of infection or contamination with coronavirus or the incidence of coronavirus disease,
 - (iii) giving effect to any international agreement or arrangement relating to the spread of infection or contamination with coronavirus or the incidence of coronavirus disease, or
 - (c) for a purpose connected with, or otherwise incidental to, a purpose described in paragraph (a) or (b).
- (4) A constable or a person responsible for arranging or providing services (including security services) in respect of accommodation as part of a managed isolation package may, where necessary for the purpose of carrying out a function under these Regulations, request from B (see regulation 48(1)(c)) the following information—
- (a) confirmation that B possesses a testing package (within the meaning of regulation 11(3)) and the details of that testing package (including the time and date of the tests),
 - (b) confirmation that B has undertaken any test in accordance with the testing package and, if not, an account of the reasons,
 - (c) the result of any test B has undertaken in accordance with a testing package.
- (5) Subject to paragraph (7), disclosure which is authorised by this regulation does not breach an obligation of confidence owed by the person making the disclosure.
- (6) Nothing in this regulation limits the circumstances in which information may otherwise lawfully be disclosed under any other enactment or rule of law.
- (7) Nothing in this regulation authorises the use or disclosure of personal data where doing so contravenes the data protection legislation.
- (8) In paragraph (7), “the data protection legislation” and “personal data” have the meanings given in section 3 of the Data Protection Act 2018(33).

Meaning of “relevant information”

- 48.—(1) For the purposes of regulation 47, “relevant information” means—
- (a) passenger information,
 - (b) passenger information from elsewhere in the UK,
 - (c) where a person (“B”) is required to comply with Part 5 or Part 6 of these Regulations—
 - (i) the details of any period of self-isolation (including the start and end dates of that period and the reason it was imposed),
 - (ii) a copy of any notice given to B which contains information about the requirement to self-isolate,
 - (iii) information generated where B books, or attempts to book, accommodation as part of a managed isolation package,
 - (iv) the details of any location in which B undertakes any period of managed isolation (including the name and address of the location),
 - (v) information relating to B obtained by P in the course of providing accommodation to B pursuant to a managed isolation package including—
 - (aa) B’s room number,
 - (bb) the personal details of any of B’s co-habitants,
 - (cc) the details of any absence of B, authorised or otherwise, from the place where B is self-isolating,
 - (vi) information relating to B obtained by P in the course of providing transport to a location at which B undertakes, or is due to undertake, any period of managed isolation,
 - (vii) information relating to B obtained by P in the course of providing any service in connection with a managed isolation package,
 - (d) where B is required to obtain a testing package (within the meaning of regulation 11(3), or undertake a day 2 or day 8 test under these Regulations—
 - (i) information generated where B books, or attempts to book, a testing package,
 - (ii) a copy of any notice given to B which contains information about the requirement to book a testing package or to undertake a test,
 - (iii) the results of a test undertaken by B (whether or not that test was provided as part of a testing package),
 - (iv) information obtained by P in the course of providing a test that falls within paragraph (iii) and is undertaken, or in the course of arranging for such a test to be undertaken, by B including—
 - (aa) confirmation that the test was undertaken,
 - (bb) details of when and where it was undertaken,
 - (cc) any reasons for a test not being undertaken,
 - (dd) the details of any replacement test to be undertaken,
 - (e) where a sample taken in respect of a day 2 test (within the meaning of regulation 11(3)) has been sequenced, the sorted BAM file relating to that sample containing all reads aligning to the SARS-CoV-2 reference genome with unaligned and human reads removed,
 - (f) information provided to an immigration officer pursuant to these Regulations,
 - (g) information provided by, or on behalf of, a person by way of explanation of for failing to comply with regulation 4 or 8,

(h) information about the steps taken, pursuant to these Regulations, in relation to a person, including details of any fixed penalty notice issued under these Regulations.

(2) In this regulation, “passenger information from elsewhere in the UK” means information provided to a person in accordance with provision in regulations made as respects England, Wales or Northern Ireland (as the case may be) that is equivalent to provision made under these Regulations.

PART 10

Review, expiry, revocations, transitionals and savings

Review of need for restrictions

49. The Scottish Ministers must review the need for the requirements imposed by these Regulations at least once every 28 days, with the first review being carried out by 18 October 2021.

Expiry

50.—(1) These Regulations expire at the end of 16 May 2022.

(2) The expiry of these Regulations does not affect the validity of anything done pursuant to these Regulations before they expire.

Revocations

51. The instruments listed in schedule 9 are revoked, subject to regulation 52(2).

Transitional and savings provisions

52.—(1) Schedule 10 makes transitional provisions.

(2) Nothing in these Regulations applies in relation to a person who arrived in Scotland before on 20 September 2021 (and accordingly, the regulations mentioned in schedule 9 continue to have effect in relation to such a person), subject to paragraph (1).

St Andrew’s House,
Edinburgh
At 10.35 a.m. on 16th September 2021

MICHAEL MATHESON
A member of the Scottish Government

SCHEDULES

SCHEDULE 1

Regulation 2

Red list countries

Afghanistan
Angola
Argentina
Bangladesh
Bolivia
Botswana
Brazil
Burundi
Cape Verde
Chile
Colombia
Costa Rica
Cuba
Democratic Republic of the Congo
Dominican Republic
Ecuador
Egypt
Eritrea
Eswatini
Ethiopia
French Guiana
Georgia
Guyana
Haiti
Indonesia
Kenya
Lesotho
Malawi
Maldives
Mayotte
Mexico
Mongolia

Status: This is the original version (as it was originally made).

Montenegro
Mozambique
Myanmar
Namibia
Nepal
Oman
Pakistan
Panama
Paraguay
Peru
Philippines
Réunion
Rwanda
Seychelles
Sierra Leone
Somalia
South Africa
Sri Lanka
Sudan
Suriname
Tanzania
Thailand
Trinidad and Tobago
Tunisia
Turkey
Uganda
Uruguay
Venezuela
Zambia
Zimbabwe

SCHEDULE 2

Regulation 2

Green list countries

PART 1

Countries, territories or parts of countries or territories

Antarctica

Antigua
Australia
Austria
The Azores
Barbados
Barbuda
Brunei
Bulgaria
Canada
Croatia
Denmark
Dominica
Faroe Islands
Finland
Germany
Grenada
Hong Kong
Iceland
Israel and Jerusalem
Latvia
Liechtenstein
Lithuania
Madeira
Malta
New Zealand
Norway
Romania
Singapore
Slovakia
Slovenia
Switzerland
Taiwan

PART 2

United Kingdom overseas territories

Anguilla
Bermuda
British Antarctic Territory
British Indian Ocean Territory

Cayman Islands
Falkland Islands
Gibraltar
Montserrat
Pitcairn
St Helena, Ascension and Tristan da Cunha
South Georgia and the South Sandwich Islands
Turks and Caicos Islands

SCHEDULE 3

Regulation 2

Passenger Information

1. Personal details of the passenger—
 - (a) their full name,
 - (b) their sex,
 - (c) their date of birth,
 - (d) their passport number, or travel document reference number (as appropriate), issue and expiry dates and country of issue,
 - (e) their telephone number (including national dialling code, country and city code, if applicable),
 - (f) their home address, and
 - (g) their email address.
2. Journey details of the passenger—
 - (a) the address where—
 - (i) in the case of a person who is required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation), they intend to stay in accordance with the requirements of those Parts, or
 - (ii) in the case of any other person, they intend to stay during the period of 10 days beginning on the day after the date of their arrival in Scotland,
 - (b) in the case of a person who is required to comply with Part 5, the booking reference number for the managed isolation package booked by or on behalf of that person,
 - (c) the date, or planned date (as appropriate) of their arrival at an address specified in subparagraph (a),
 - (d) the operator they are travelling with or through which their booking was made,
 - (e) the flight number, train number or ticket number (as appropriate),
 - (f) the seat number (including the coach number, where appropriate),
 - (g) the location at which they will arrive in the United Kingdom,
 - (h) the country or territory they are travelling from,
 - (i) the part of the country or territory they are travelling from, if that part—
 - (i) is specified in schedule 1 or 2, or

- (ii) is, where the country or territory itself is specified in either schedule 1 or 2, expressly excluded in relation to that country or territory,
 - (j) any other country or territory they have departed from or transited through in the period beginning with the 10th day before the date of their arrival in Scotland and in any such case, the dates of departing from or transiting through any such country or territory,
 - (k) any part of that other country or territory which they have departed from or transited through during that period, including the dates of departure or transit, if that part—
 - (i) is specified in schedule 1 or 2, or
 - (ii) is, where the country or territory itself is specified in either schedule 1 or 2, expressly excluded in relation to that country or territory.
 - (l) the date and time, or planned date and time, as appropriate, of their arrival in the United Kingdom,
 - (m) whether they are connecting through the United Kingdom to a destination outside the United Kingdom and, if so—
 - (i) the location at which they will depart from in the United Kingdom,
 - (ii) their final destination country or territory,
 - (iii) the operator they are travelling with or through which their booking was made for their onward journey,
 - (iv) the travel booking reference for their onward journey,
 - (v) the flight number, train number or ticket number (as appropriate) of their onward journey.
3. Where the passenger is travelling with a child for whom they have responsibility—
- (a) the full name and date of birth of that child, and
 - (b) the relationship of the passenger to that child.
4. Where regulation 12 requires a testing package to be booked—
- (a) the name of the provider of the tests, and
 - (b) the reference number for the tests provided to them by the test provider in accordance with regulation 13(3).
5. Where the passenger is an eligible vaccinated arrival, the fact that the passenger is an eligible vaccinated arrival.

SCHEDULE 4

Regulations 6, 10, 18,25, 26, 27 and 42

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,

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- (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
 - (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(34), 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(35),

“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

(34) 1968 c. 18.

(35) 1964 c. 81.

- (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⁽³⁶⁾ (“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

“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.

(36) 1989 c. 6.

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.

PART 2

Transport

8.—(1) A road passenger transport worker.

(2) For the purposes of this paragraph—

“road passenger transport worker” means—

- (a) the driver of a public service vehicle, or
- (b) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1073/2009 of the European Parliament and of the Council, and who is acting in the course of their employment,

“driver” includes a person who is travelling in a vehicle as a relief driver, and

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(37).

9.—(1) Seamen and masters, as defined in section 313(1) of the Merchant Shipping Act 1995(38) (“the 1995 Act”), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom in accordance with the Maritime Labour Convention, 2006 or the Work in Fishing Convention, 2007.

(2) A pilot, as defined in paragraph 22(1) of schedule 3A of the 1995 Act(39), where they have travelled to the United Kingdom in the course of their work or have been repatriated to the United Kingdom.

(3) An inspector or a surveyor of ships, appointed under section 256 of the 1995 Act, or by a government of a relevant British possession as defined in section 313(1) of the 1995 Act, where they have travelled to the United Kingdom in the course of their work.

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

“the Maritime Labour Convention, 2006” means the Convention adopted on 23 February 2006 by the General Conference of the International Labour Organisation, and

“the Work in Fishing Convention, 2007” means the Convention adopted at Geneva on 14 June 2007 by the International Labour Organisation.

(5) For the purposes of this paragraph, a person does not travel to the United Kingdom in the course of their work where they—

- (a) arrive by air,
- (b) are returning to the United Kingdom for a period of contracted leave, and

(37) 1981 c. 81. Section 1 has been amended by the Transport Act 1985 (c. 67), section 139 and schedule 8.

(38) 1995 c. 21.

(39) Schedule 3A was inserted by schedule 1 of the Marine Safety Act 2003 (c. 16).

- (c) are not under contract to work in the common travel area during the period during which they would, but for this paragraph, be required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations.

10.—(1) A member of aircraft crew where they have travelled to the United Kingdom in the course of their work or are otherwise required to travel to the United Kingdom for work purposes.

(2) For the purposes of this paragraph—

- (a) “member of aircraft crew” means a person who—
 - (i) acts as a pilot, flight navigator, flight engineer or flight radiotelephony operator of the aircraft,
 - (ii) is carried on the flight deck and is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew under article 114(2) of the Air Navigation Order 2016⁽⁴⁰⁾ or any provision of EU-OPS, or
 - (iii) is carried on the flight for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers or of the aircraft,
- (b) travel for work purposes includes, in particular—
 - (i) where a member of aircraft crew resides outside of the United Kingdom, travelling to the United Kingdom to work on an aircraft departing from the United Kingdom,
 - (ii) travelling to attend work-related training in the United Kingdom,
 - (iii) returning to the United Kingdom following work-related training outside of the United Kingdom,
- (c) “EU-OPS” has the meaning given in paragraph 1 of schedule 1 of the Air Navigation Order 2016.

11. An in-flight security officer who has travelled to the United Kingdom in the course of their work and is deployed pursuant to an international agreement to which the United Kingdom is a party.

12.—(1) Any of the following who have travelled to the United Kingdom in the course of their work—

- (a) drivers and crews on shuttle services and on services for the carriage of passengers or goods by way of the tunnel system, and
 - (b) other workers carrying out essential roles for the safe or efficient operation of the tunnel system, shuttle services or services for the carriage of passengers or goods by way of the tunnel system, or relating to the security of the tunnel system or any such services.
- (2) For the purposes of sub-paragraph (1) and paragraph 14—
- “shuttle service” has the meaning given in section 1(9) of the Channel Tunnel Act 1987⁽⁴¹⁾, and
 - “tunnel system” has the meaning given in section 1(7) of that Act.

13. Civil aviation inspectors, as defined in Annex 9 to the Convention on International Civil Aviation signed at Chicago on 7 December 1944⁽⁴²⁾, where they have travelled to the United Kingdom when engaged on inspection duties.

⁽⁴⁰⁾ S.I. 2016/765.

⁽⁴¹⁾ 1987 c. 53.

⁽⁴²⁾ The latest edition of Annex 9, which is published by the International Civil Aviation Organization, is the 15th edition, which applied from 23 February 2018 (ISBN 978-92-9258-301-9).

14. Operational, rail maintenance, safety and security workers working on the tunnel system who have travelled to the United Kingdom in the course of their work.

15.—(1) A road haulage worker.

(2) For the purposes of this paragraph—

(a) “road haulage worker” means—

(i) the driver of a goods vehicle that is being used in connection with the carriage of goods, other than goods for non-commercial personal use by the driver, or

(ii) a person who is employed by the holder of a Community licence issued under Article 4 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council⁽⁴³⁾ on common rules for access to the international road haulage market, and who is acting in the course of their employment.

(b) “driver” includes a person who is travelling in a vehicle as a relief driver,

(c) “goods vehicle” has the meaning given in section 192 of the Road Traffic Act 1988⁽⁴⁴⁾.

16.—(1) The condition mentioned in regulation 6(1)(e) is that the person has in the course of their work on the journey to Scotland travelled only—

(a) on a conveyance which does not carry passengers,

(b) in an area of a conveyance which is not accessible to passengers, or

(c) in an area of a conveyance which is accessible to passengers in vehicles, where passengers remain in their vehicles while the person is present in that area of the conveyance.

(2) For the purposes of this paragraph—

“not accessible to passengers” means separated by a continuous physical barrier which passengers are not permitted to cross, and

“passenger” does not include a person of the description in paragraph 12(1)(b).

PART 3

Extradition

17. A person designated by the relevant Ministers under section 5(3) of the Repatriation of Prisoners Act 1984⁽⁴⁵⁾.

18. A person responsible for escorting a person sought for extradition pursuant to a warrant issued under Part 3 of the Extradition Act 2003⁽⁴⁶⁾ or sought for extradition pursuant to any other extradition arrangements.

19. A representative of any territory travelling to the United Kingdom in order to take into custody a person whose surrender has been ordered pursuant to any provision of the Extradition Act 2003.

⁽⁴³⁾ OJ No. L 300, 14.11.2009, p.72.

⁽⁴⁴⁾ 1988 c. 52. There are amendments to section 192 but none is relevant.

⁽⁴⁵⁾ 1984 c. 47.

⁽⁴⁶⁾ 2003 c. 41.

PART 4

Emergency, specialist and technical workers

20.—(1) A worker engaged in essential or emergency works—

- (a) related to water supplies and sewerage services, and
- (b) carried out by, for or on behalf of—
 - (i) Scottish Water,
 - (ii) a local authority, or
 - (iii) a relevant person,

where they have travelled to the United Kingdom in the course of their work.

(2) For the purposes of this paragraph—

“essential or emergency works” includes—

- (a) inspections, maintenance, repairs and asset replacement activities, and
- (b) monitoring, sampling and analysis of water supplies under—
 - (i) the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017(**47**) (“the 2017 Regulations”),
 - (ii) the Private Water Supplies (Scotland) Regulations 2006(**48**) (“the 2006 Regulations”), or
 - (iii) the Public Water Supplies (Scotland) Regulations 2014(**49**),

“relevant person” has the meaning given in—

- (a) regulation 3 of the 2017 Regulations,
- (b) regulation 4 of the 2006 Regulations,

“Scottish Water” means the body corporate established by section 20(1) of the Water Industry (Scotland) Act 2002(**50**).

21. A worker engaged in essential or emergency works on behalf of a local authority relating to flood risk management within the meaning of—

- (a) the Flood Risk Management (Scotland) Act 2009(**51**), or
- (b) the Coast Protection Act 1949(**52**).

22.—(1) A worker engaged in essential or emergency works—

- (a) related to—
 - (i) a generating station,
 - (ii) an electricity interconnector,
 - (iii) a district heat network as defined in regulation 2 of the Heat Network (Metering and Billing) Regulations 2014(**53**) (“the 2014 Regulations”),
 - (iv) communal heating as defined in regulation 2 of the 2014 Regulations,

(47) S.S.I. 2017/282.

(48) S.S.I. 2006/209.

(49) S.S.I. 2014/364.

(50) 2002 asp 3.

(51) 2009 asp 6.

(52) 1949 c. 74.

(53) S.I. 2014/3120. There are no relevant amending instruments.

Status: This is the original version (as it was originally made).

- (v) automated ballast cleaning and track re-laying systems on a network, or
- (vi) the commissioning, maintenance or repair of industrial machinery for use on a network, or
- (b) carried out by or on behalf of—
 - (i) the national system operator,
 - (ii) a person holding a transmission licence,
 - (iii) a person holding a distribution licence,
 - (iv) a person holding a licence under section 7 or 7ZA of the Gas Act 1986⁽⁵⁴⁾ (“the 1986 Act”),
 - (v) a LNG import or export facility within the meaning of section 48 of the 1986 Act⁽⁵⁵⁾,
 - (vi) a person holding a network licence under section 8 of the Railways Act 1993⁽⁵⁶⁾ (“the 1993 Act”),

where they have travelled to the United Kingdom for the purposes of their work.

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

“distribution licence” means a licence granted under section 6(1)(c) of the Electricity Act 1989⁽⁵⁷⁾ (“the 1989 Act”),

“electricity connector”, “generating station” and “transmission system” have the meanings given in section 64(1) of the 1989 Act⁽⁵⁸⁾,

“essential or emergency works” includes commissioning, inspections, maintenance, repairs and asset replacement activities,

“national system operator” means the person operating the national transmission system for Great Britain,

“network”, in sub-paragraph (1)(a)(v) and (vi) has the meaning given in section 83(1) of the 1993 Act,

“transmission licence” means a licence granted under section 6(1)(b) of the 1989 Act.

23.—(1) A person who is—

- (a) nuclear personnel, and who is essential to the safe and secure operations of a site in respect of which a nuclear site licence has been granted,
- (b) a nuclear emergency responder, or
- (c) an agency inspector.

(2) For the purposes of this paragraph—

“agency inspector” has the meaning given in section 1(1) of the Nuclear Safeguards Act 2000⁽⁵⁹⁾,

“nuclear emergency responder” means a person—

- (a) providing assistance to the United Kingdom in accordance with the Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency done a Vienna on 26 September 1986, and

⁽⁵⁴⁾ 1986 c. 44. Section 7ZA was inserted by section 149(6) of the Energy Act 2004 (c. 20).

⁽⁵⁵⁾ The definition was inserted by S.I. 2011/2704.

⁽⁵⁶⁾ 1993 c. 43.

⁽⁵⁷⁾ 1989 c. 29.

⁽⁵⁸⁾ The definition of “electricity interconnector” was inserted by section 147(7) of the Energy Act 2004 (c. 20). The definition of “transmission system” was substituted by paragraph 15 of schedule 19 of the 2004 Act.

⁽⁵⁹⁾ 2000 c. 5.

(b) who has been duly notified to and accepted by the United Kingdom, where the United Kingdom has requested assistance under that Convention,

“nuclear personnel” means—

(a) a worker who is employed to carry out work on or in relation to a site in respect of which a nuclear site licence has been granted,

(b) an employee of the Nuclear Decommissioning Authority⁽⁶⁰⁾,

“nuclear site licence” has the meaning given in section 1 of the Nuclear Installations Act 1965⁽⁶¹⁾.

24. An inspector from the Organisation for the Prohibition of Chemical Weapons, within the meaning given to “inspector” by section 24(e) of the Chemical Weapons Act 1996⁽⁶²⁾, who has travelled to the United Kingdom for the purposes of an inspection.

25.—(1) A person who is—

(a) carrying out a critical function at a space site or a spacecraft controller who is responsible for command and control of a launch vehicle or spacecraft for nominal operations, collision avoidance or anomalies, or

(b) employed by, or contracted to provide services to, a person who operates or maintains space situational awareness capabilities,

where they have travelled to the United Kingdom in the course of their work.

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

“space site” has the meaning given in paragraph 5(3) of schedule 4 of the Space Industry Act 2018⁽⁶³⁾ (“the 2018 Act”),

“space situational awareness capabilities” means the sensors, systems and analytical services needed to provide time-sensitive warnings of space weather events, orbital collisions, orbital fragmentations or the re-entry of man-made objects from orbit,

“spacecraft” has the meaning given in section 2(6) of the 2018 Act,

“spacecraft controller” means a person competent, authorised and responsible for maintaining safe and secure operation of spacecraft through monitoring the status of a spacecraft, issuing manoeuvre commands or controlling other aspects of the spacecraft that influence its behaviour including its motion in space.

26.—(1) A specialist aerospace engineer, or a specialist aerospace worker, where they have travelled to the United Kingdom in the course of their work.

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

“specialist aerospace engineer” means a person who is employed or otherwise engaged to provide engineering services for the purpose of ensuring the continued operation of aviation activities (including but not limited to the provision of maintenance and repair services for production lines, aviation components, grounded aircraft and new aircraft), and

“specialist aerospace worker” means a person who is employed or otherwise engaged to provide services for the purpose of ensuring safety management and quality assurance as

⁽⁶⁰⁾ The Nuclear Decommissioning Authority was established by section 1 of the Energy Act 2004 (c. 20).

⁽⁶¹⁾ 1965 c. 57. Section 1 was substituted by paragraph 17 of schedule 2 of the Energy Act 2013 (c. 32); by virtue of section 1(2), a licence described in section 1(1) is referred to as a “nuclear site licence”.

⁽⁶²⁾ 1996 c. 6.

⁽⁶³⁾ 2018 c. 5.

Status: This is the original version (as it was originally made).

required by relevant standards, guidance and publications on aviation safety produced by the Civil Aviation Authority or the European Union Aviation Safety Agency⁽⁶⁴⁾.

27.—(1) A person engaged in operational, maintenance or safety activities of a downstream oil facility that has a capacity in excess of 20,000 tonnes, where—

- (a) the downstream oil facility is engaged in a specified activity carried on in the United Kingdom in the course of a business, and contributes (directly or indirectly) to the supply of crude oil-based fuels to—
 - (i) consumers in the United Kingdom,
 - (ii) or persons carrying on business in the United Kingdom, and
- (b) the activities are required to ensure continued safe operation of the facility,

where they have travelled to the United Kingdom in the course of their work.

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

- (a) a facility has a capacity in excess of 20,000 tonnes at any time if it was used in the previous calendar year for the purposes of downstream oil sector activities in relation to more than that number of tonnes of oil, and
- (b) “specified activities” are—
 - (i) storing oil,
 - (ii) handling oil,
 - (iii) the carriage of oil by sea or inland water,
 - (iv) conveying oil by pipes,
 - (v) refining or otherwise processing oil.

28.—(1) A worker required to undertake or commence within the period during which they would, but for this paragraph, have had to comply with Part 6 (self-isolation) of these Regulations—

- (a) activities on or in relation to an offshore installation,
- (b) activities on or in relation to upstream petroleum infrastructure,
- (c) critical safety work on an offshore installation or well being decommissioned or preserved pending demolition or reuse, or
- (d) activities for the provision of workers, goods, materials or equipment or other essential services required to support the safe operation of the activities referred to in sub-paragraphs (a) to (c),

where they have travelled to the United Kingdom in the course of their work.

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

“offshore installation” has the meaning given in section 44 of the Petroleum Act 1998⁽⁶⁵⁾ (“the 1998 Act”),

⁽⁶⁴⁾ The Civil Aviation Authority was established under section 1(1) of the Civil Aviation Act 1971 (c. 75). That Act was replaced by a consolidating statute, the Civil Aviation Act 1982 (c. 16), section 2(1) of which provides for the continued existence of the Civil Aviation Authority. The European Union Aviation Safety Agency was established by Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulation (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and the Council and Council Regulation (EEC) No 3922/91.

⁽⁶⁵⁾ 1998 c. 17. Section 44 was amended by paragraph 11 of schedule 1 of the Energy Act 2008 (c. 32).

“upstream petroleum infrastructure” has the meaning given in section 9H of the 1998 Act⁽⁶⁶⁾, and

“well” has the meaning given in section 45A(10) of the 1998 Act⁽⁶⁷⁾.

29. A postal operator, as defined in section 27(3) of the Postal Services Act 2011⁽⁶⁸⁾, where they have travelled to the United Kingdom in the course of their work.

30. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works or services (including commissioning, maintenance, and repairs and safety checks) to ensure the continued production, supply, movement, manufacture, storage or preservation of goods, where they have travelled to the United Kingdom in the course of their work.

31. A worker with specialist technical skills, where those specialist technical skills are required for essential or emergency works (including construction, commissioning, installation, maintenance, repairs and safety checks), or to fulfil contractual obligations or warranty specifications in, or in connection with, waste management facilities used for the management, sorting, treatment, recovery, or disposal of waste (including energy from waste), where they have travelled to the United Kingdom in the course of their work.

32.—(1) A person who has travelled to the United Kingdom for the purposes of their work in essential infrastructure industries including—

- (a) a person involved in essential maintenance and repair of data infrastructure required to reduce and resolve outages, or in the provision of goods and services to support these activities, and
- (b) an information technology or telecommunications professional (including information technology consultant, quality analyst, software tester, systems tester, and telecommunications planner), whose expertise is required to—
 - (i) provide an essential or emergency response to threats and incidents relating to the security of any network and information system, and
 - (ii) ensure the continued operation of any network and information system.

(2) For the purposes of sub-paragraph (1), “network and information” system has the meaning in regulation 1(2) of the Network and Information Systems Regulations 2018⁽⁶⁹⁾.

33. A person who is engaged in urgent or essential work—

- (a) that is necessary for the continued operation of—
 - (i) electronic communications networks and services as defined in section 32 of the Communications Act 2003⁽⁷⁰⁾, or
 - (ii) the BBC’s broadcasting transmission network and services,
- (b) in associated supply chain companies that maintain the confidentiality, integrity, and availability of the electronic communications networks and services and the BBC transmission network and services,
where they have travelled to the United Kingdom in the course of their work.

34. A person—

- (a) who is engaged in the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,

⁽⁶⁶⁾ Section 9H was substituted by section 74(2) of the Energy Act 2016 (c. 20).

⁽⁶⁷⁾ Section 45A was inserted by section 75(1) of the Energy Act 2008. There are amendments to section 45A but none is relevant.

⁽⁶⁸⁾ 2011 c. 5.

⁽⁶⁹⁾ S.I. 2018/506.

⁽⁷⁰⁾ 2003 c. 21; section 32 was amended by S.I. 2011/1210 and S.I. 2020/1419.

- (b) whose role directly supports the installation, maintenance or repair of subsea fibre optic telecommunications infrastructure,
where they have travelled to the United Kingdom in the course of their work.

PART 5

Healthcare

35.—(1) Any of the following—

- (a) a person (“P”) who—
 - (i) before travelling to the United Kingdom has made arrangements with a provider in the United Kingdom to receive healthcare (or, where P is a child, on whose behalf such arrangements have been made),
 - (ii) is in possession of written confirmation of the arrangements from the provider,
 - (iii) has travelled to the United Kingdom to receive that healthcare, and
 - (iv) is attending a place to receive that healthcare.
- (b) a person who—
 - (i) is accompanying P for the purpose of providing necessary care or support to P in the circumstances referred to in sub-paragraph (1)(a)(iv), or
 - (ii) is travelling, for the purpose of so accompanying P, directly between the place where they are staying in accordance with regulation 26(2) and either of the places referred to in sub-paragraph (1)(a)(iv), where that person has travelled to the United Kingdom for that purpose and is in possession of the confirmation referred to in sub-paragraph (1)(a)(ii) or a copy of it,
- (c) a child who is accompanying P or, where P is a child, any child who is accompanying a person referred to in sub-paragraph (1)(b),
- (d) a live donor.

(2) For the purposes of this paragraph—

“healthcare” means all forms of healthcare provided for individuals, whether relating to mental or physical health, including healthcare in connection with giving birth,

“live donor” means a person who—

- (a) has travelled to the United Kingdom for the purpose of donation of material which consists of or includes their human cells pursuant to arrangements made with a provider in the United Kingdom before travelling to the United Kingdom and which are to be used by the provider for the purpose of providing healthcare, and
- (b) is in possession of written confirmation of the arrangements from the provider, and

“provider” means a provider of healthcare.

36.—(1) A person who has travelled to the United Kingdom for the purpose of transporting material which consists of, or includes, human cells or blood and which is to be used for the provision of healthcare by a healthcare provider.

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

“blood” includes blood components, and

“healthcare” has the meaning given in paragraph 35.

37. A person who is an “inspector” within the meaning given in regulation 8(1) of the Human Medicines Regulations 2012⁽⁷¹⁾ who has travelled to the United Kingdom to undertake activities in relation to their role as such a person.

38.—(1) A person who—

(a) has travelled to the United Kingdom to—

(i) conduct a clinical trial within the meaning of “conducting a clinical trial” in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004⁽⁷²⁾,

(ii) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical trial, or

(iii) carry out any necessary compliance activity in relation to a clinical trial that cannot be conducted remotely,

(b) is a “qualified person” within the meaning of regulation 43 of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person, or

(c) is a “sponsor” within the meaning given in regulation 2(1) of those Regulations, or carries out the functions or duties of a sponsor, of a clinical trial and has travelled to the United Kingdom to undertake activities in relation to a clinical trial.

(2) For the purposes of sub-paragraph (1), “clinical trial” has the meaning given in regulation 2(1) of the Medicines for Human Use (Clinical Trials) Regulations 2004.

39. A person who has travelled to the United Kingdom to—

(a) conduct a clinical investigation within the meaning of the Medical Devices Regulations 2002⁽⁷³⁾,

(b) undertake such activities as are necessary or expedient to prepare for the conduct of a clinical investigation, or

(c) carry out any other necessary compliance activity in relation to a clinical investigation that cannot be conducted remotely.

40. A person who is—

(a) a “qualified person” within the meaning of regulation 41(2) of the Human Medicines Regulations 2012,

(b) a “responsible person” within the meaning of regulation 45(1) of those Regulations, where they have travelled to the United Kingdom in order to undertake activities in relation to their role as such a person.

PART 6

Seasonal Agricultural Workers

41.—(1) A person who has an offer of employment for seasonal work to carry out specified activities in edible horticulture on a named farm or farming land.

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

⁽⁷¹⁾ S.I. 2012/1916.

⁽⁷²⁾ S.I. 2004/1031.

⁽⁷³⁾ S.I. 2002/618.

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“seasonal work” is employment which fluctuates or is restricted due to the season or time of the year,

“edible horticulture” means growing—

- (a) protected vegetables grown in glasshouse systems,
- (b) field vegetables grown outdoors, including vegetables, herbs, leafy salads and potatoes,
- (c) soft fruit grown outdoors or under cover,
- (d) trees that bear fruit,
- (e) vines and bines,
- (f) mushrooms,

“specified activities” means—

- (a) crop maintenance,
- (b) crop harvesting,
- (c) tunnel construction and dismantling,
- (d) irrigation installation and maintenance,
- (e) crop husbandry,
- (f) packing and processing of crops on employers’ premises,
- (g) preparing and dismantling growing areas and media,
- (h) general primary production work in edible horticulture,
- (i) activities relating to supervising teams of horticulture workers.

PART 7

Sports and culture

42.—(1) Any of the following—

- (a) a domestic elite sportsperson,
- (b) an international elite sportsperson,
- (c) a domestic ancillary sportsperson,
- (d) an international ancillary sportsperson.

(2) For the purposes of this paragraph—

“domestic ancillary sportsperson” means an individual who is essential to—

- (a) the running of an elite sports event, including—
 - (i) operational staff,
 - (ii) event officials, and
 - (iii) referees, or
- (b) the support of a domestic elite sportsperson including—
 - (i) sports team medical, logistical, technical and administration staff,
 - (ii) individual sportsperson medical and technical support staff,
 - (iii) horse grooms and trainers,
 - (iv) motorsport mechanics and technical staff, and
 - (v) the parent or carer of an elite sportsperson under the age of 18,

“domestic elite sportsperson” means—

- (a) an individual who—
 - (i) derives a living from competing in a sport,
 - (ii) is a senior representative nominated by a relevant sporting body,
 - (iii) is a member of the senior training squad for a relevant sporting body, or
 - (iv) is aged 16 or above and on an elite development pathway, and
- (b) either—
 - (i) has returned to Scotland with the intention of continuing activities as a sportsperson in order to—
 - (aa) participate in an elite sporting event, or to participate in training for an elite sporting event in which the participants compete to qualify for the right to represent Great Britain and Northern Ireland at the Olympic or Paralympic Games, or
 - (bb) participate in training for an elite sporting event in which the participants compete to qualify for the right to represent England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games, or
 - (ii) is a United Kingdom sportsperson who is not habitually resident in the United Kingdom and has travelled to Scotland in order to participate in training for, or to compete in, an elite sports event.

“elite sports event” means a specified competition or other sporting event in which the participants compete—

- (a) to derive a living, or
- (b) to qualify for the right to represent—
 - (i) Great Britain and Northern Ireland at the Olympic or Paralympic Games, or
 - (ii) England, Wales, Scotland, Northern Ireland, Gibraltar, Guernsey, Jersey or the Isle of Man at the Commonwealth Games,

“international ancillary sportsperson” means an individual essential to—

- (a) the running of a specified competition including—
 - (i) operational staff essential to the running of that specified competition,
 - (ii) competition officials and referees, and
 - (iii) broadcast staff and journalists covering that specified competition, or
- (b) the support of an international elite sportsperson, including—
 - (i) sports team medical, logistical, technical and administration staff,
 - (ii) individual sportsperson medical and technical support staff,
 - (iii) horse grooms and trainers,
 - (iv) motorsport mechanics and technical staff, and
 - (v) the parent or carer of an international elite sportsperson under the age of 18, and

“international elite sportsperson” means an individual who travels to Scotland in order to participate in a specified competition and who—

- (a) derives a living from competing in a sport,
- (b) is a senior representative nominated by a relevant sporting body,
- (c) is a member of the senior training squad for a relevant sporting body, or

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(d) is aged 16 or above and on an elite development pathway.

(3) For the purposes of paragraph (2)—

“elite development pathway” means a development pathway established by the national governing body of a sport to prepare sportspersons—

- (a) so that they may derive a living from competing in that sport, or
- (b) to compete at that sport at Olympic or Paralympic Games, or in the Commonwealth Games,

“relevant sporting body” in relation to a sportsperson means the national governing body of a sport which may nominate sportspersons to represent—

- (a) that sportsperson’s nation at the Olympic or Paralympic Games, or
- (b) that sportsperson’s nation at the Commonwealth Games, and

“senior representative” in relation to a sportsperson means an individual who is considered by a relevant sporting body to be a candidate to qualify to compete on behalf of—

- (a) that sportsperson’s nation at the Olympic or Paralympic Games, or
- (b) that sportsperson’s nation at the Commonwealth Games.

(4) An international elite sportsperson or an international ancillary sportsperson must, on request, provide to an immigration officer written evidence from a United Kingdom or Scottish sport national governing body confirming P’s status as—

- (a) an international elite sportsperson or
- (b) an international ancillary sportsperson.

43.—(1) A person who has been certified by the organiser of the Edinburgh International Festival as—

- (a) an EIF essential infrastructure worker, or
- (b) an EIF performing arts professional.

(2) In this paragraph—

“EIF essential infrastructure worker” means a person who is not habitually resident in the United Kingdom and who has travelled to the United Kingdom for the purpose of carrying out essential work in relation to the construction, installation, deconstruction, removal or maintenance of infrastructure required for the running of a performing arts event at the Edinburgh International Festival,

“EIF performing arts professional” means a performing arts professional who is not habitually resident in the United Kingdom and who has travelled to the United Kingdom for the purpose of participating in a performing arts event at the Edinburgh International Festival.

(3) A person (“P”) who is an EIF essential infrastructure worker or an EIF performing arts professional must, on request, provide to an immigration officer written evidence from the organiser of the Edinburgh International Festival of P’s status as such a worker or professional.

SCHEDULE 5

Regulations 6(3), 18(3) and 25(3)

COP 26 Representatives

1. A representative of a party to the United Nations Framework Convention on Climate Change, a party to the Kyoto Protocol or a party to the Paris Agreement who is, or is to be, a representative at the COP.

2. A representative of an observer state who is, or is to be, a representative at the COP.
3. A representative of the Executive Board of the Clean Development Mechanism who is, or is to be, a representative at a meeting hosted by the Executive Board forming part of the COP.
4. An executive head of a specialized agency of the United Nations, or a person acting on their behalf, who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.
5. An officer of a specialized agency of the United Nations, other than a person who is locally recruited and assigned to hourly rates of pay, who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.
6. An expert performing a mission for a specialized agency of the United Nations who is, or is to be, a representative at the COP and who is participating in or performing official functions in connection with the COP.
7. An official of the Adaptation Fund, the Green Climate Fund or the Global Environment Facility who is, or is to be, a representative at the COP and who is essential to the participation of that organisation in the COP in order to enable that organisation to discharge, and report on, its mandate to—
 - (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, or
 - (c) the third session of the Conference of the Parties serving as the meeting of the Parties to the Paris Agreement.
8. An officer of the United Nations, other than a person who is locally recruited and assigned to hourly rates of pay, who is participating in or performing official functions in connection with the COP.
9. An expert, other than an officer of the United Nations, who is performing a mission on behalf of the United Nations in connection with the COP.
10. A representative to an international organisation, within the meaning of paragraph 1(1)(e) of schedule 4, who is participating in or performing official functions in connection with the COP.
11. In this schedule—
 - (a) “observer state” means an observer state referred to in—
 - (i) paragraph 6 of Article 7 of the United Nations Framework Convention on Climate Change,
 - (ii) paragraph 8 of Article 13 of the Kyoto Protocol, or
 - (iii) paragraph 8 of Article 16 of the Paris Agreement,
 - (b) the specialized agencies of the United Nations are—
 - (i) the Food and Agriculture Organization,
 - (ii) the International Civil Aviation Organization,
 - (iii) the International Fund for Agricultural Development,
 - (iv) the International Labour Organization,
 - (v) the International Monetary Fund,
 - (vi) the International Maritime Organization,
 - (vii) the International Telecommunications Union,
 - (viii) the United Nations Educational, Scientific and Cultural Organization,

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- (ix) the United Nations Industrial Development Organization,
- (x) the Universal Postal Union,
- (xi) the World Bank, comprising—
 - (aa) the International Bank for Reconstruction and Development,
 - (bb) the International Development Association,
 - (cc) the International Finance Corporation,
 - (dd) the International Centre for Settlement of Investment Disputes, and
 - (ee) the Multilateral Investment Guarantee Agency,
- (xii) the World Health Organization,
- (xiii) the World Intellectual Property Organization,
- (xiv) the World Meteorological Organization,
- (xv) the World Tourism Organization.

SCHEDULE 6

Regulations 2 and 25

Specified competitions

PART 1

1. European Professional Club Football Fixtures, including UEFA Champions League, Europa League and Europa Conference League fixtures.
2. International Football fixtures.
3. UEFA Youth League fixtures.
4. Test Cricket matches.
5. European Tour Golf – Alfred Dunhill Links Championship.
6. European Tour Golf – Hero Open.
7. Golf – AIG Women’s Open.
8. Golf – AIG Women’s Open Final Qualifying.
9. Golf – ASI Scottish Open.
10. Golf – Legends Tour – Scottish Senior Open.
11. Trust Golf Women’s Scottish Open.
12. European Professional Club Rugby fixtures.
13. Rugby Union international fixtures.
14. Scottish Rugby Union international fixtures.
15. United Rugby Championship.
16. Olympic, Paralympic and Commonwealth Games qualification events.
17. Disability Darts World Cup (team event).

18. Professional Darts Corporation – Players’ Championship.
19. Professional Darts Corporation – World Youth Championship.
20. Professional Darts Corporation – Unibet Premier League.
21. World Disability Darts Championships (singles).
22. ATP Tour Tennis, WTA Tour Tennis and ITF Tour Tennis.
23. Scottish Horseracing meetings.
24. World Snooker Tour – Scottish Open.
25. British Curling Team – Wheelchair Curling Event.
26. British Curling Team – Men’s and Women’s Team Events.
27. Curling – World Mixed Doubles Championship.
28. European Grand Slam Curling.
29. FIM Speedway Grand Prix qualification events.
30. Professional GB Speedway Championship.
31. Cycling – Tour of Britain.
32. Mountain Biking – Enduro World Series.
33. Loch Ness Marathon.
34. Trail Running – Skyline Scotland.
35. Motorsport – Mull Rally.
36. Scottish Badminton Championships.
37. Scottish Squash Open.
38. Windsurfing – Tiree Wave Classic.

PART 2

39. European Professional Club Football fixtures, including UEFA Champions League, Europa League and Europa Conference League fixtures, involving a professional football club which has, or any of whose players have, departed from or transited through an acute risk country or territory within the preceding 10 days.
40. International Football – UEFA Under-21 Championship fixtures involving Turkey.
41. European Tour Golf – Alfred Dunhill Links Championship
42. Golf – AIG Women’s Open.
43. Golf – ASI Scottish Open.
44. Trust Golf Women’s Scottish Open.

SCHEDULE 7

Regulation 37

Operators: required information

1. The required information to be provided under regulation 38 (provision of information before booking)—
 - (a) in the case of online bookings—
 - (i) must be displayed prominently on an operator’s website or mobile application,
 - (ii) must include hyperlinks to the following websites—
 - (aa) <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,
 - (bb) <https://www.gov.uk/uk-border-control>,
 - (cc) <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview>, and
 - (iii) must include the information specified in Part 1 of schedule 8.
 - (b) in the case of telephone bookings—
 - (i) must be provided orally,
 - (ii) must include the information specified in Part 1 of schedule 8,
 - (c) in the case of in-person bookings—
 - (i) must be provided orally or in writing,
 - (ii) where provided orally, must include the information specified in Part 1 of schedule 8,
 - (iii) where provided in writing, must include a written notice which informs passengers of the requirements under Parts 3 to 6 of these Regulations.
2. The required information to be provided under regulation 39 (provision of information before departure)—
 - (a) must be provided by text message, push notification, email or orally,
 - (b) where provided by text message or push notification, must include—
 - (i) text which informs passengers of the requirement to provide information under Part 2 of these Regulations and that penalties apply for failure to comply with those requirements,
 - (ii) a hyperlink to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,
 - (iii) if the relevant service is one on which passengers are allocated seat numbers, text which advises passengers to provide their seat number on the Passenger Locator Form,
 - (iv) text which informs passengers of the requirement to possess notification of a negative test result under Part 3 of these Regulations, and
 - (v) text which informs passengers of the requirement to book, pay for and undertake tests under Part 4 of these Regulations.
 - (c) where provided orally, must include the information specified in Part 1 of schedule 8,
 - (d) where provided by email, must include—
 - (i) the information specified in Part 1 of schedule 8, and
 - (ii) hyperlinks to—
 - (aa) <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,
 - (bb) <https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors>, and

(cc) <https://www.gov.uk/uk-border-control>.

3. The required information to be provided under regulation 40 (provision of information before check-in)—

(a) in relation to digital check-in—

- (i) must be displayed prominently on the operator’s website or mobile application,
- (ii) must be provided before a boarding card is issued,
- (iii) must include the information specified in Part 1 of schedule 8,
- (iv) must include hyperlinks to—

(aa) <https://www.gov.uk/provide-journey-contact-details-before-travel-uk>,

(bb) <https://www.gov.uk/guidance/coronavirus-covid-19-travel-corridors>,

(cc) <https://www.gov.uk/uk-border-control>, and

(dd) <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>.

(b) in relation to in-person check-in—

- (i) must be provided orally or in writing,
- (ii) where provided orally, must include the information specified in Part 1 of schedule 8,
- (iii) where provided in writing, must include a written notice which informs passengers of the requirements of Parts 3 to 6 of these Regulations.

4. The required information to be provided under regulation 41 (provision of information during journey)—

- (a) must be given orally before passengers disembark in Scotland,
- (b) must be given in English and an officially recognised language of the country of departure,
- (c) is the information specified in Part 2 of schedule 8.

SCHEDULE 8

Regulation 37 and schedule 7

Passenger notices

PART 1

“ESSENTIAL INFORMATION TO ENTER THE UK

Everyone entering the UK (including UK nationals and residents) must provide proof of a negative COVID-19 test taken within 3 days prior to direct departure to the UK.

Fill in your passenger locator form up to 48 hours before arrival. You must declare all countries you have visited or transited through in the 10 days prior to your arrival in the UK on your passenger locator form.

What you have to do after you arrive depends on the countries you have visited or transited through.

Before departure, check the list of red, amber and green countries as the list can change regularly.

Red list passengers

Book a Managed Quarantine Package

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Complete a passenger locator form

You may not enter the UK unless you are a British or Irish National, or you have residence rights in the UK, or you are eligible for an exemption. You must enter through a designated port of entry and quarantine in a government approved hotel for 10 days.

Amber list passengers

Book tests for day 2 and 8

Make plans to self-quarantine in private accommodation for 10 full days after arrival (or full duration of stay if less than 10 days).

If you are arriving from an amber list country and have been fully vaccinated through an approved vaccination programme at least 14 days before your arrival in Scotland, you must:

Book a test for day 2

Complete a passenger locator form

Green list passengers

Book a test for day 2

These measures apply to all persons (including UK nationals and residents) arriving in the UK from outside the common travel area comprising the United Kingdom, Ireland, the Isle of Man, and the Channel Islands. The British Overseas Territories are not in the common travel area. Public health requirements may vary depending upon in which nation of the UK you are staying.

Scotland: <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>

England: <https://www.gov.uk/uk-border-control>

Wales: <https://www.gov.wales/arriving-wales-overseas>

Northern Ireland: <https://www.nidirect.gov.uk/articles/coronavirus-covid-19-international-travel-advice>

Failure to comply with these measures is a criminal offence and you could be fined. There are a limited set of exemptions from these measures. Check the list of exemptions carefully. You may be fined if you fraudulently claim an exemption.”

PART 2

“The following is a public health message on behalf of the UK’s public health agencies.

However long you intend to stay in the UK, everyone must take a pre-booked Covid-19 test within the first two days after you arrive, even if you have been fully vaccinated.

For those not fully vaccinated: if you have been in or transited through any countries on the red or amber list you must also take another pre-booked test 8 days after arrival. And, if you have been in or transited through an amber or red country within the previous 10 days, you must quarantine for the first 10 days after you arrive.

The symptoms of coronavirus are a new continuous cough, a high temperature or a loss of, or change in, normal sense of taste or smell. If you experience any of these symptoms, however mild, you are advised to make yourself known to the crew.

Please follow the public health guidance for the area you are living or travelling in.”

SCHEDULE 9

Regulation 51

Revocations

| <i>Regulations revoked</i> | <i>References</i> |
|--|-------------------------------------|
| The Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. | (S.S.I. 2020/169) . |
| The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020. | (S.S.I. 2020/170) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2020. | (S.S.I. 2020/171) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2020. | (S.S.I. 2020/184) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2020. | (S.S.I. 2020/209) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2020. | (S.S.I. 2020/221) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2020. | (S.S.I. 2020/224) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2020. | (S.S.I. 2020/229) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2020. | (S.S.I. 2020/233) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2020. | (S.S.I. 2020/235) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2020. | (S.S.I. 2020/242) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2020. | (S.S.I. 2020/252) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2020. | (S.S.I. 2020/263) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2020. | (S.S.I. 2020/271) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2020. | (S.S.I. 2020/274) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2020. | (S.S.I. 2020/280) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2020. | (S.S.I. 2020/288) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2020 | (S.S.I. 2020/301) . |

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| <i>Regulations revoked</i> | <i>References</i> |
|---|--|
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2020. | (S.S.I. 2020/307) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2020. | (S.S.I. 2020/326) . |
| The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Amendment Regulations 2020. | (S.S.I. 2020/328) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2020. | (S.S.I. 2020/330) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 20) Regulations 2020. | (S.S.I. 2020/343) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 21) Regulations 2020. | (S.S.I. 2020/354) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 23) Regulations 2020. | (S.S.I. 2020/378) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 24) Regulations 2020. | (S.S.I. 2020/404) . |
| The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) Regulations 2020. | (S.S.I. 2020/431) . |
| The Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No. 2) Regulations 2020. | (S.S.I. 2020/444) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 25) Regulations 2020. | (S.S.I. 2020/474) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment Regulations 2021. | (S.S.I. 2021/5) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 2) Regulations 2021. | (S.S.I. 2021/6) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 3) Regulations 2021. | (S.S.I. 2021/7) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 4) Regulations 2021. | (S.S.I. 2021/19) . |
| The Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021. | (S.S.I. 2021/20) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 5) Regulations 2021. | (S.S.I. 2021/21) . |
| The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021. | (S.S.I. 2021/34) . |
| The Health Protection (Coronavirus) (International Travel, Prohibition on Travel from the United Arab Emirates) (Scotland) Amendment Regulations 2021 (insofar as not already revoked). | (S.S.I. 2021/52) , partially revoked by S.S.I. 2021/181). |

| <i>Regulations revoked</i> | <i>References</i> |
|--|-------------------------------------|
| The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing) (Scotland) Regulations 2021. | (S.S.I. 2021/74) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 6) Regulations 2021. | (S.S.I. 2021/81) . |
| The Health Protection (Coronavirus) (International Travel) (Managed Accommodation and Testing etc.) (Scotland) Amendment Regulations 2021. | (S.S.I. 2021/107) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 7) Regulations 2021. | (S.S.I. 2021/111) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Scotland) Amendment Regulations 2021. | (S.S.I. 2021/158) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 8) Regulations 2021. | (S.S.I. 2021/179) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) Regulations 2021. | (S.S.I. 2021/181) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 9) Regulations 2021. | (S.S.I. 2021/191) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 10) Regulations 2021. | (S.S.I. 2021/204) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 2) Regulations 2021. | (S.S.I. 2021/208) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 11) Regulations 2021. | (S.S.I. 2021/212) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 12) Regulations 2021. | (S.S.I. 2021/230) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 13) Regulations 2021. | (S.S.I. 2021/237) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 14) Regulations 2021. | (S.S.I. 2021/256) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 4) Regulations 2021. | (S.S.I. 2021/261) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 5) Regulations 2021. | (S.S.I. 2021/264) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 6) Regulations 2021. | (S.S.I. 2021/265) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 15) Regulations 2021. | (S.S.I. 2021/275) . |
| The Health Protection (Coronavirus) (International Travel etc.) (Miscellaneous Amendments) (Scotland) (No. 7) Regulations 2021. | (S.S.I. 2021/278) . |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 16) Regulations 2021. | (S.S.I. 2021/290) . |

Status: This is the original version (as it was originally made).

| <i>Regulations revoked</i> | <i>References</i> |
|--|--------------------|
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 17) Regulations 2021. | (S.S.I. 2021/301). |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 18) Regulations 2021. | (S.S.I. 2021/307). |
| The Health Protection (Coronavirus) (International Travel) (Scotland) Amendment (No. 19) Regulations 2021. | (S.S.I. 2021/319). |

SCHEDULE 10

Regulation 52

Transitional provisions

Interpretation

1. In this schedule, “the 2020 Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020(74), and references to numbered Parts and Schedules are to the Parts of those Regulations so numbered, unless the context otherwise requires.

Part 2 (requirement to provide information)

2. Passenger information provided before 20 September 2021 by a person pursuant to regulation 3(2) of the 2020 Regulations in advance of arrival in Scotland is treated as passenger information provided for the purposes of regulation 4(2) of these Regulations where the person arrives in Scotland on or after that date.

Part 2A (testing following arrival in Scotland)

3. Notification provided to the test provider before 20 September 2021 by a person pursuant to regulation 5E of the 2020 Regulations (obligation to provide information) in advance of arrival in Scotland is treated as notification provided for the purposes of regulation 13 of these Regulations where the person arrives in Scotland on or after that date.

4. Confirmation given by the Foreign, Commonwealth and Development Office before 20 September 2021 that a person is not required to comply with regulations 5D to 5J of the 2020 Regulations pursuant to regulation 5K of the 2020 Regulations (exclusion of certain diplomatic etc. personnel) is treated as confirmation that the person is not required to comply with Part 4 in accordance with regulation 18 of these Regulations where the person arrives in Scotland on or after that date.

Part 3 (managed self-isolation package)

5. A booking of a managed self-isolation package made before 20 September 2021 which satisfies the requirements of regulation 6A(4) of the 2020 Regulations is treated as satisfying the requirements of regulation 20(3) of these Regulations where the person to whom the booking relates arrives in Scotland on or after that date.

6. A designation by the Scottish Ministers pursuant to regulation 6A(6) of the 2020 Regulations of accommodation or transportation has effect as a designation of accommodation or transportation, as the case may be, under regulation 20(6) of these Regulations.

(74) S.S.I. 2020/169, last amended by S.S.I. 2021/319.

7. A designation by the Scottish Ministers pursuant to regulation 6A(8) of the 2020 Regulations of a person who may impose a charge for the managed self-isolation package has effect as a designation under regulation 23 of these Regulations.

8. Confirmation given by the Secretary of State or the Scottish Ministers before 20 September 2021 that P is a relevant person in accordance with regulation 6D of the 2020 Regulations (modification of regulations 6A and 6B) is treated as confirmation that the person is a relevant person in accordance with regulation 22 of these Regulations (modification of regulations 20 and 21) where the person arrives in Scotland on or after that date with references to a managed isolation package to be read accordingly.

Part 4 (enforcement)

9. Authorisation by the Scottish Ministers under regulation 9(7)(g) and (8)(a) of the 2020 Regulations (offences and penalties – Parts 3 and 4) of a person who may grant permission under that regulation has effect as authorisation under regulation 31(3)(f) and (4)(a) of these Regulations.

Schedule 2 (persons not required to comply with regulations 3, 5A or 5D to 6B)

10. Confirmation given by the Foreign, Commonwealth and Development Office before 20 September 2021 pursuant to paragraph 1(2)(b) of schedule 2 of the 2020 Regulations is treated as confirmation that a person is not required to comply with Part 5 (managed isolation) or, as the case may be, Part 6 (self-isolation) of these Regulations where the person arrives in Scotland on or after that date.

11. Confirmation by the relevant Department before 20 September 2021 pursuant to paragraph 1(1A)(d) of schedule 2 of the 2020 Regulations (COP 26 etc.) is treated as confirmation under paragraph 1(3)(d) of schedule 4 of these Regulations where the person concerned arrives in Scotland on or after that date, and that confirmation as not been withdrawn.

12. Confirmation by the Foreign, Commonwealth and Development Office before 20 September 2021 pursuant to paragraph 1A of schedule 2 of the 2020 Regulations that a person is not required to comply with regulation 6 of those Regulations (requirement for travellers to stay in specified premises) is treated as confirmation that a person is not required to comply with Part 6 (self-isolation) of these Regulations pursuant to paragraph 7 of schedule 4 of these Regulations where the person arrives in Scotland on or after that date.

13. A designation by the relevant Department or employer before 20 September 2021 pursuant to paragraph 2(2) of schedule 2 of work which is “essential government work” has effect as a designation under paragraph 2(2) of schedule 4 of these Regulations where the person to whom it applies arrives in Scotland on or after that date.

14. Certification by the relevant Department or the Scottish Ministers under paragraphs 14 or 14A of schedule 2 of the 2020 Regulations issued before 20 September 2021 that a person is of the description or is undertaking work of the description in those paragraphs, is treated as certification that the person is of the description or is undertaking work of the description in paragraphs 5 or 6 of schedule 4 of these Regulations where the person concerned arrives in Scotland on or after that date.

Schedule 2A (testing before arrival in Scotland)

15. Certification by the relevant Department or the Scottish Ministers pursuant to paragraph 4(1)(a) and (b) of schedule 2A of the 2020 Regulations and issued before 20 September 2021 that a person is not required to comply with regulation 5A of those Regulations is treated as certification pursuant to regulation 10(1)(c) and (d) of these Regulations that the person is not required to comply with Part 3 of these Regulations where the person concerned arrives in Scotland on or after that date.

16. Confirmation given by the Foreign, Commonwealth and Development Office pursuant to paragraph 4(1)(c)(ii) of schedule 2A of the 2020 Regulations and issued before 20 September 2021 that a person is not required to comply with regulation 5A of those Regulations is treated as confirmation pursuant to regulation 10(1)(e)(ii) of these Regulations that the person is not required to comply with Part 3 of these Regulations where the person concerned arrives in Scotland on or after that date.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations consolidate, with amendments, the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020 (“the International Travel Regulations”), the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the Information Regulations”), and the Health Protection (Coronavirus) (Pre-Departure Testing and Operator Liability) (Scotland) Regulations 2021 (“the Operator Liability Regulations”).

The International Travel Regulations, the Information Regulations and the Operator Liability Regulations have been extensively amended and are all due to expire on 20 September 2021. These Regulations revoke and replace those three sets of Regulations from 20 September 2021, and do not apply in relation to a person who arrived in Scotland before then.

For the purpose of preventing the spread of infection or contamination with coronavirus, these Regulations set out requirements for people arriving in Scotland, directly or indirectly, from outside the common travel area (that is, the open borders area comprising the United Kingdom, the Republic of Ireland, the Isle of Man, and the Channel Islands). The Regulations also impose related requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland by sea and air directly from outside the common travel area. In addition to minor and drafting amendments to clarify the application of the travel rules, these Regulations amend the application of the travel rules to In-flight Security Officers.

Part 1 of these Regulations, regulations 1 to 3, makes general provision, in particular for the meaning of terms used in these Regulations. Regulation 2 includes the meaning of red list country, green list country and amber list country, and red list arrival, green list arrival, and amber list arrival. Red lists countries are listed in schedule 1. Green list countries are listed in schedule 2. Amber list countries are countries or territories outside the common travel area that are not listed in schedule 1 or schedule 2. Different travel rules apply depending on whether a person is a red list, amber list or green list arrival.

Part 2, regulations 4 to 6, requires red list arrivals, amber list arrivals and green list arrivals to provide information listed in schedule 3 on a Passenger Locator Form (“passenger information”) before or on arrival in Scotland. Passengers are required to keep their passenger information up-to-date. Persons who are not required to comply with this Part are specified in regulation 6. This includes persons described in specified paragraphs of schedule 4. Schedule 4 provides a list of persons subject to specific exemptions in these Regulations.

Part 3, regulations 7 to 10, requires red list arrivals, amber list arrivals and green list arrivals to possess a notification of a negative coronavirus test upon arrival in Scotland. Persons not required

to comply with this part are specified in regulation 10. This includes persons described in specified paragraphs of schedule 4.

Part 4, regulations 11 to 18, requires red list arrivals, amber list arrivals and green list arrivals to possess a testing package for the detection of coronavirus on arrival in Scotland or to obtain one as soon as possible on arrival. The provisions provide instructions in respect of the timings of tests, which differ depending upon whether a person is (a) a red list arrival or an amber list arrival, or (b) a green list arrival or an amber list arrival who is an eligible vaccinated arrival. The regulations provide for the consequences of obtaining a positive, negative or inconclusive test result with implications for the length of time relevant persons must remain in the specified premises or designated accommodation. These provisions enable charges to be imposed in respect of testing packages. Persons not required to comply with this part are specified in regulation 18. This includes persons described in specified paragraphs of schedule 4.

Part 5, regulations 19 to 25, requires red list arrivals, subject to limited exceptions, to enter Scotland through Aberdeen, Edinburgh, or Glasgow Airports, or a military airfield or port and to possess a “managed isolation package”, as defined in regulation 20(6). Persons to whom this Part applies are required to travel directly to the accommodation designated in the package using transport designated for this purpose (where relevant), and, with certain exceptions, to stay in the accommodation until the earlier of the end of the 10th day after arrival, or the date of the person’s departure from the common travel area. The application of these provisions may be modified in respect of ‘relevant persons’ listed in regulation 22. Regulation 23 enables charges to be imposed in respect of a managed isolation package. Regulation 24 enables persons to appeal to the sheriff or summary sheriff against the requirement to possess a managed isolation package or to remain in the accommodation designated in that package. Persons who are exempted are listed in regulation 25, including persons described in specified paragraphs of schedule 4.

Part 6, regulations 26 and 27, requires amber list arrivals and red list arrivals specified in regulation 26(1)(b) to travel, without undue delay, on their arrival to Scotland to specified premises and stay there until whichever is the later of (a) the end of the 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) the end of the relevant period specified in the Regulations. Regulation 26(4) provides a definition of “specified premises” for the purpose of this regulation. Persons not required to comply with this part are specified in regulation 27. This includes persons described in specified paragraphs of schedule 4, and international elite sportspersons attending specified competitions. Schedule 5 provides a list of COP 26 representatives and schedule 6 provides a list of specified competitions.

Part 7, regulations 28 to 36, lists the offences and penalties for contravening specified regulations in the various parts of these Regulations. The provisions provide where a reasonable excuse or a specific defence is relevant in relation to specific offences. Constables are provided with powers of direction and removal and are able to issue fixed penalty notices to persons aged 18 years or over who they have reasonable grounds to believe have committed an offence under these Regulations. Immigration officers are able to issue fixed penalty notices if they have reasonable ground to believe that a person has committed specified offences under these Regulations. The penalty payable in respect of a fixed penalty notice issued under these Regulations is £480.

Part 8, regulations 37 to 46, consolidate requirements on operators operating commercial services for international passengers travelling to Scotland by sea and air from outside the common travel area. Regulations 38 to 41 require operators to ensure that passengers who arrive in Scotland have been provided with certain public health information (“required information”) on three separate occasions, before they book their travel, when they check-in and whilst they are on board the vessel or aircraft. The required information is specified in schedules 7 and 8. Regulation 42 requires operators to ensure that passengers who arrive in Scotland have completed a Passenger Locator Form and possess evidence that they are a person described in the schedule 4 list of exemptions where they have indicated on their form that they are such a person. Regulation 43 requires operators to ensure that passengers possess notification of a negative coronavirus test. Regulation 44 requires operators

Status: This is the original version (as it was originally made).

to take all reasonable steps to ensure that passengers who are required to comply with the managed isolation requirements of Part 5 arrive only at ports designated in regulation 20. Regulation 45 provides offences and penalties in respect of the requirements on operators. Regulation 46 sets out the circumstances under which an offence can be committed under this Part where the offence occurs wholly or partly outside Scotland.

Part 9, regulations 47 to 48, sets out when specific information in relation to these Regulations can be disclosed and used in Scotland.

Part 10 requires Scottish Ministers to review the need for the requirements imposed by these Regulations at least once every 28 days. The first review is to be carried out by 18 October 2021. These Regulations expire at the end of 16 May 2022. They revoke the instruments listed in schedule 9. The instruments that are revoked are the International Travel Regulations, the Information Regulations and the Operator Liability Regulations and the instruments that have amended them. Schedule 10 makes transitional provision in respect of specified matters, such as passenger information, testing following arrival in Scotland, managed self-isolation packages, enforcement and exemptions, which were undertaken pursuant to the International Travel Regulations. The effect of these provisions is that the specified matters are to be treated as if they were undertaken pursuant to the corresponding provisions in these Regulations.

An impact assessment has not been produced for this instrument.