

SCOTTISH STATUTORY INSTRUMENTS

**2020 No. 170**

**PUBLIC HEALTH**

**The Health Protection (Coronavirus, Public Health Information  
for Passengers Travelling to Scotland) Regulations 2020**

*Approved by the Scottish Parliament*

<i>Made</i>	- - - -	<i>7th June 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 9.00 a.m. on 8th June 2020</i>
<i>Coming into force</i>	- -	<i>at 12.01 a.m. on 8th June 2020</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 94(1)(b)(i) of the Public Health etc. (Scotland) Act 2008 <sup>F1</sup>, and all other powers enabling them to do so.

In accordance with section 122(6) and (7) of that 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.

**F1** 2008 asp 5.

**Citation and commencement**

1.—(1) These Regulations may be cited as the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020.

(2) These Regulations come into force at 12.01 a.m. on 8 June 2020.

**Commencement Information**

**II** Reg. 1 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

**Interpretation**

2. In these Regulations—

“common travel area” has the meaning given in section 1(3) of the Immigration Act 1971 <sup>F2</sup>,  
“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),

“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,

[<sup>F3</sup>“the International Travel Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020,]

“operator” means operator of an international passenger service,

“port” means any port (including a seaport, airport or heliport), <sup>F4</sup> ...

“required information” is the information specified in [<sup>F5</sup>schedule 1 and, where appropriate, schedule 2],

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

- F2** 1971 c.77. That section provides that the United Kingdom, the Channel Islands, the Isle of Man, and the Republic of Ireland are collectively referred to as “the common travel area”.
- F3** Words in reg. 2 inserted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **3(2)** (with reg. 9)
- F4** Words in reg. 2 omitted (30.10.2020) by virtue of [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **3(3)** (with reg. 9)
- F5** Words in reg. 2 substituted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **3(4)** (with reg. 9)

#### Commencement Information

- I2** Reg. 2 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Provision of information before booking

3.—(1) Subject to the following provisions of this regulation an operator must ensure that, a passenger 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 the passenger (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 <sup>F6</sup>... before the booking was made, along with a written request that A provide that information to the passenger, unless A considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.

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

- F6** Words in reg. 3(2) omitted (30.10.2020) by virtue of [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **4** (with reg. 9)

#### Commencement Information

- I3** Reg. 3 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### [<sup>F7</sup> Provision of information between 24 and 48 hours before scheduled departure

**3A.**—(1) Subject to paragraphs (2) and (3), an operator must ensure that a passenger 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) Paragraph (1) applies only where—

- (a) a booking was made for the passenger to travel on the relevant service at least 48 hours prior to the scheduled departure time, and
- (b) the booking was made on or after 30 October 2020.

(3) If another person (“X”) made the booking on behalf of the passenger (whether or not X 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 X between 24 and 48 hours prior to the scheduled departure time of the relevant service, along with a written request that X provide that information to the passenger, unless X considers that, by virtue of age or mental capacity, the passenger is unlikely to be capable of understanding it.]

**F7** Reg. 3A inserted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), 5 (with reg. 9)

### Provision of information before check in

**4.**—(1) Subject to the following provisions of this regulation an operator must ensure that, a passenger 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 the passenger was checked in to travel on that service.

(2) If another person (B) checked in on behalf of the passenger (whether or not B 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 B <sup>F8</sup>... at the time of check-in, along with a written request that B provide that information to the passenger, unless B considers that, by virtue of age or mental capacity, the passenger 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.

**F8** Words in reg. 4(2) omitted (30.10.2020) by virtue of [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), 6 (with reg. 9)

### Commencement Information

**I4** Reg. 4 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Provision of information during journey

**5.** 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..

### Commencement Information

**I5** Reg. 5 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Offences

**6.**—(1) An operator who fails to comply with regulations 3(1), [<sup>F9</sup>, 3A(1),] 4(1) or 5 is guilty of an offence when the international passenger service arrives at a port in Scotland.

[<sup>F10</sup>(2) An offence under paragraph (1) is punishable—

- (a) on summary conviction, by a fine not exceeding the statutory maximum,
- (b) on conviction on indictment, by a fine.]

(3) In relation to the requirement to provide the required information in regulation 3(1) [<sup>F11</sup>, 3A(1),] or 4(1) it is a defence for an operator to prove 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 process would provide the required information at that booking [<sup>F12</sup>, pre-departure] or check-in time in the required manner.

(4) In relation to the requirement to provide the required information in regulation 5, it is a defence for an operator to prove that they had a reasonable excuse for failing to provide the required information.

(5) In paragraph (5) a “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.

[<sup>F13</sup>(6) 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 these regulations but for the coming into force of the amending provision, it is a defence for the operator to prove that it was not reasonably practicable for the amended required information to be provided.]

**F9** Word in reg. 6(1) inserted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **7(2)** (with reg. 9)

**F10** Reg. 6(2) substituted (22.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/34\)](#), regs. 1(2), **3(2)** (with reg. 5(2))

**F11** Word in reg. 6(3) inserted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **7(3)(a)** (with reg. 9)

**F12** Word in reg. 6(3)(b) inserted (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), regs. 1(2), **7(3)(b)** (with reg. 9)

**F13** Reg. 6(6) inserted (14.12.2020) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(3), **4(2)**

### Commencement Information

**I6** Reg. 6 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Extra-territorial jurisdiction

7.—(1) An offence can be committed under regulation 6(1) where the failure to provide the required information occurs wholly or partly outside Scotland.

(2) An operator may be prosecuted, tried and punished for an offence under regulation 6(1) upon the arrival of the international passenger service 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).

#### Commencement Information

**I7** Reg. 7 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Review

8. The Scottish Ministers must review the need for these Regulations at least once every [<sup>F14</sup>28 days], with the first review being carried out by 29 June 2020.

**F14** Words in reg. 8 substituted (19.12.2020 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) \(No. 2\) Regulations 2020 \(S.S.I. 2020/444\)](#), regs. 1(2), 3

#### Commencement Information

**I8** Reg. 8 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

### Expiry

9.—(1) These Regulations expire at the end of the period of 12 months beginning with the day on which they come into force.

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

#### Commencement Information

**I9** Reg. 9 in force at 8.6.2020 at 12.01 a.m., see reg. 1(2)

St Andrew's House,  
Edinburgh

*JEANE FREEMAN*  
A member of the Scottish Government

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020. (See end of Document for details)

## <sup>F15</sup>SCHEDULE

Regulation 2

**F15** Schs. 1, 2 substituted for sch. (30.10.2020) by [The Health Protection \(Coronavirus, Public Health Information for Passengers Travelling to Scotland\) Amendment Regulations 2020 \(S.S.I. 2020/328\)](#), reg. 1(2), **sch.** (with reg. 9)

## <sup>F15</sup>SCHEDULE 1

Regulation 2

### REQUIRED INFORMATION

1. The required information to be provided under regulation 3—
  - (a) in the case of online bookings—
    - (i) must be displayed prominently on an operator’s website or mobile application,
    - (ii) must include—
      - (aa) hyperlinks to <https://www.gov.uk/provide-journey-contact-details-before-travel-uk> and <https://www.gov.uk/uk-border-control> [<sup>F16</sup>and <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>],
      - (bb) the information specified in Part 1 of schedule 2,
  - (b) in the case of telephone bookings—
    - (i) must be provided orally,
    - (ii) must include the information specified in Part 1 of schedule 2,
  - (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 2,
    - (iii) where provided in writing, must include a written notice which informs passengers of the requirements to provide information [<sup>F17</sup>, to possess notification of a negative test result] and to stay in specified premises in regulations 3 [<sup>F18</sup>, 5A] and 6 of the International Travel Regulations.

**F16** Words in sch. 1 para. 1(a)(ii)(aa) inserted (22.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/34\)](#), regs. 1(2), **3(3)** (with reg. 5(2))

**F17** Words in sch. 1 para. 1(c)(iii) inserted (22.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/34\)](#), regs. 1(2), **3(4)(a)** (with reg. 5(2))

**F18** Word in sch. 1 para. 1(c)(iii) inserted (22.1.2021 at 4.00 a.m.) by [The Health Protection \(Coronavirus\) \(International Travel, Public Health Information and Pre-Departure Testing\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/34\)](#), regs. 1(2), **3(4)(b)** (with reg. 5(2))

2. The required information to be provided under regulation 3A—
  - (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 requirements to provide information in regulation 3 of the International Travel 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>,<sup>F19</sup> ...
  - (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<sup>F20</sup>, and
  - (iv) text which informs passengers of the requirement to possess notification of a negative test result in regulation 5A of the International Travel Regulations,]
- (c) where provided orally, must include the information specified in Part 1 of schedule 2,
- (d) where provided by email, must include—
- (i) the information specified in Part 1 of schedule 2, 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>.

**F19** Word in sch. 1 para. 2(b)(ii) omitted (22.1.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(5)(a)** (with reg. 5(2))

**F20** Sch. 1 para. 2(b)(iv) and word inserted (22.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(5)(b)** (with reg. 5(2))

- 3.** The required information to be provided under regulation 4—
- (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 2,
  - (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>,<sup>F21</sup> ...
    - (cc) <https://www.gov.uk/uk-border-control><sup>F22</sup>, and
    - (dd) [https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/.](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 2,
  - (iii) where provided in writing, must include a written notice which informs passengers of the requirements to provide information<sup>F23</sup>, to possess notification of a negative test result] and to stay in specified premises in regulations 3<sup>F24</sup>, 5A] and 6 of the International Travel Regulations.

**Changes to legislation:** There are currently no known outstanding effects for the The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020. (See end of Document for details)

- F21** Word in sch. 1 para. 3(a)(iv)(bb) omitted (22.1.2021 at 4.00 a.m.) by virtue of The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(6)(a)** (with reg. 5(2))
- F22** Sch. 1 para. 3(a)(iv)(dd) and word inserted (22.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(6)(b)** (with reg. 5(2))
- F23** Words in sch. 1 para. 3(b)(iii) inserted (22.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(7)(a)** (with reg. 5(2))
- F24** Word in sch. 1 para. 3(b)(iii) inserted (22.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(7)(b)** (with reg. 5(2))

4. The required information to be provided under regulation 5—
- must be given orally before passengers disembark in Scotland,
  - must be given in English and an officially recognised language of the country of departure,
  - must include the information specified in Part 2 of schedule 2.

## SCHEDULE 2

Regulation 2

### PASSENGER NOTICES

#### [<sup>F25</sup>PART 1

- F25** Sch. 2 Pt. 1 substituted (22.1.2021 at 4.00 a.m.) by The Health Protection (Coronavirus) (International Travel, Public Health Information and Pre-Departure Testing) (Scotland) Amendment Regulations 2021 (S.S.I. 2021/34), regs. 1(2), **3(8)** (with reg. 5(2))

#### “ESSENTIAL INFORMATION TO ENTER THE UK

The United Kingdom is taking steps to help stop the spread of COVID-19.

- All persons (including UK nationals and residents) arriving in the UK from outside the common travel area must provide proof of a negative COVID-19 test taken within 3 days of departure to the UK. For further information please visit: <https://www.gov.scot/publications/coronavirus-covid-19-public-health-checks-at-borders/pages/overview/>.
  - To protect your health and others’, everyone must complete an online passenger locator form before arrival in the United Kingdom.
  - All arrivals must self-isolate for 10 days unless exempt. Check the list of exempt countries immediately before travel.
  - It is a legal requirement that you wear a face covering on public transport in the UK.
- Failure to comply with these measures is a criminal offence and you could be fined. Please visit [www.gov.uk/uk-border-control](http://www.gov.uk/uk-border-control) for detailed public health advice and requirements for entering the UK.”]



## F<sup>26</sup>PART 2

**F26** Words in sch. 2 Pt. 2 substituted (14.12.2020) by [The Health Protection \(Coronavirus\) \(International Travel and Public Health Information\) \(Scotland\) Regulations 2020 \(S.S.I. 2020/431\)](#), regs. 1(3), **4(4)** (with reg. 5(4))

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

Before entering the UK, you must complete a Passenger Locator Form online, regardless of where you are arriving from. You must also self-isolate for the first [F<sup>26</sup>10 days] after you arrive, unless you are in an exempt category. This is to protect yourself and others.

Visit [gov.uk](http://gov.uk) for more information.

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.

Simple measures you can take to help protect yourself and family are:

Wash your hands

Avoid touching your face with your hands

Catch coughs and sneezes in a tissue and dispose of it immediately.”]

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations impose requirements on persons (“operators”) operating commercial services for international passengers travelling to Scotland by sea and air from outside the open borders area comprising the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland (the “common travel area” by virtue of section 1(3) of the Immigration Act 1971 (c.77)). Regulations 3, 4 and 5 require operators to ensure that passengers on such services who arrive in Scotland have been provided with certain public health information (“required information”) on three separate occasions.

Regulation 6 provides that breach of the requirements to provide required information in regulation 3(1), regulation 4(1) or 5 is an offence.

Regulation 9 provides that these Regulations expire 12 months after they come into force.

A full impact assessment has not been completed due to the urgent nature of this instrument.

**Changes to legislation:**

There are currently no known outstanding effects for the The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020.