

Convener
Delegated Powers and Law Reform Committee
DPLR.committee@Parliament.Scot

5 December 2021

Dear Convener,

The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 11) Regulations 2021

I am writing to advise you that the Scottish Ministers have made the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No.11) Regulations 2021 (“the Regulations”) today, under sections 94(1) and 122(2) of the Public Health etc. (Scotland) Act 2008 (“the 2008 Act”).

The Regulations will be laid before the Scottish Parliament on 6 December 2021 and will come into force at 04:00 a.m. on 6 December 2021.

Section 122(5) of the 2008 Act provides that regulations under section 94(1) are subject to the affirmative procedure. However, section 122(6) provides that the affirmative procedure will not apply if the Scottish Ministers consider that the regulations need to be made urgently. In such situations, section 122(7) applies. Section 122(7) sets out that “emergency regulations” must be laid before the Scottish Parliament and cease to have effect on the expiry of the period of 28 days beginning with the date on which the regulations were made unless, before the expiry of that period, the regulations have been approved by a resolution of the Parliament. In accordance with section 122(6) of the 2008 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.

Policy changes

This instrument makes amendments to the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 (“the International Travel Regulations”).

These amendments add Nigeria to the “red list countries” contained in schedule 1 in recognition of the existence and prevalence of variant b.1.1.529 which is deemed by clinicians

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as posing a very serious threat to public health in the UK due to the specific mutations identified.

This means persons who have departed from or transited through Nigeria, in the previous 10 days immediate to their arrival into Scotland, will be required to take a pre-departure test, take further PCR tests on day 2 and 8 after their arrival and to possess a managed quarantine package.

Due to the most recent available data regarding coronavirus infection in relation to the above countries, and the risk of importation into the country, the Scottish Ministers consider that these changes require to be made urgently. This is to ensure that restrictions are introduced in recognition of an increased risk of imported infections and the threat this poses to public health.

We continue to work on a Four Nations basis where possible and appropriate as regards the border measures.

The International Travel Regulations require the Scottish Ministers to keep the necessity for these measures under regular review, and we will do so and keep Parliament updated. As part of the Scottish Government's commitment to keeping the Scottish Parliament up to date, we wished to inform you as soon as possible of these changes.

MICHAEL MATHESON

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