

Regulations made by the Scottish Ministers and laid before the Scottish Parliament under section 122(6) and (7) of the Public Health etc. (Scotland) Act 2008 for approval by resolution of the Scottish Parliament within 28 days beginning with the day on which the Regulations were made, not taking into account any period of dissolution or recess for more than 4 days.

SCOTTISH STATUTORY INSTRUMENTS

2020 No. 328

PUBLIC HEALTH

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

		<i>at 12.45 p.m. on</i>
<i>Made</i>	- - - -	<i>20th October 2020</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>at 4.00 p.m. on 20th October 2020</i>
<i>Coming into force</i>	- -	<i>30th October 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(1), 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.

Citation and commencement

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

(2) These Regulations come into force on 30 October 2020.

Amendment of the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020

2. The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020(2) are amended in accordance with regulations 3 to 8.

(1) 2008 asp 5.
(2) S.S.I. 2020/170.

- 3.—(1) Regulation 2 (interpretation) is amended as follows.
- (2) After the definition of “international passenger service”, insert—
- “the International Travel Regulations” means the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020(3),”.
- (3) In the definition of “port”, omit ““required information” means the information specified in the schedule,”.
- (4) In the definition of “required information”, for “the Schedule” substitute “schedule 1 and, where appropriate, schedule 2”.
4. In regulation 3(2) (provision of information before booking), omit “, either orally or in writing,”.
5. After regulation 3, insert—

“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.”.
6. In regulation 4(2) (provision of information before check in), omit “, either orally or in writing,”.
- 7.—(1) Regulation 6 (offences) is amended as follows.
- (2) In paragraph (1), after “regulations 3(1)”, insert “, 3A(1),”.
- (3) In paragraph (3)—
- (a) after “regulation 3(1)”, insert “, 3A(1),”,
- (b) in sub-paragraph (b), after “at that booking”, insert “, pre-departure”.
8. For the schedule (required information) substitute schedule 1 (required information) and schedule 2 (passenger notices) set out in the schedule of these Regulations.

Saving provision

9. The Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 apply as if the amendments made by this instrument had not been made in relation to any—

(3) [S.S.I. 2020/169](#), as amended by [S.S.I. 2020/171](#), [S.S.I. 2020/184](#), [S.S.I. 2020/209](#), [S.S.I. 2020/221](#), [S.S.I. 2020/224](#), [S.S.I. 2020/229](#), [S.S.I. 2020/233](#), [S.S.I. 2020/235](#), [S.S.I. 2020/242](#), [S.S.I. 2020/252](#), [S.S.I. 2020/263](#), [S.S.I. 2020/271](#), [S.S.I. 2020/274](#), [S.S.I. 2020/280](#), [S.S.I. 2020/288](#), [S.S.I. 2020/301](#), [S.S.I. 2020/307](#), [S.S.I. 2020/326](#) and [S.I. 2020/942](#).

(a) booking made,
(b) check-in which takes place, or
(c) international passenger service which departs,
before these Regulations come into force.

St Andrew's House,
Edinburgh
At 12.45 p.m. on 20th October 2020

H YOUSAF
A member of the Scottish Government

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Regulation 8

“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>,
 - (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 and to stay in specified premises in regulations 3 and 6 of the International Travel Regulations.
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>, and
 - (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,
 - (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>.
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>, and
 - (cc) <https://www.gov.uk/uk-border-control>,
 - (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 and to stay in specified premises in regulations 3 and 6 of the International Travel Regulations.
4. The required information to be provided under regulation 5—
- (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) must include the information specified in Part 2 of schedule 2.

SCHEDULE 2

Regulation 2

PASSENGER NOTICES

PART 1

“ESSENTIAL INFORMATION TO ENTER THE UK

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

- 1) To protect your health and others’, everyone must complete an online Passenger Locator Form before arrival in the United Kingdom.
- 2) You may be required to self-isolate for 14 days on arrival. Check the exempt countries list immediately before you travel as this list can change at short notice.
- 3) It is a legal requirement that you wear a face covering on public transport in the UK.

Failure to comply with the above measures is a criminal offence and you could be fined. Please visit www.gov.uk/uk-border-control for detailed public health advice and requirements for entering the UK.”

PART 2

“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 14 days after you arrive, unless you are in an exempt category. This is to protect yourself and others.

Visit gov.uk for more information.

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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.””

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020 (“the principal Regulations”) to—

- a) require operators of relevant services to provide passengers with the required information at an additional stage of the “passenger journey”, namely 24 to 48 hours before the relevant service is scheduled to depart, and
- b) stipulate, in a more prescriptive manner, the information to be provided and the manner in which it must be provided by an operator in order to comply with the principal Regulations.

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