

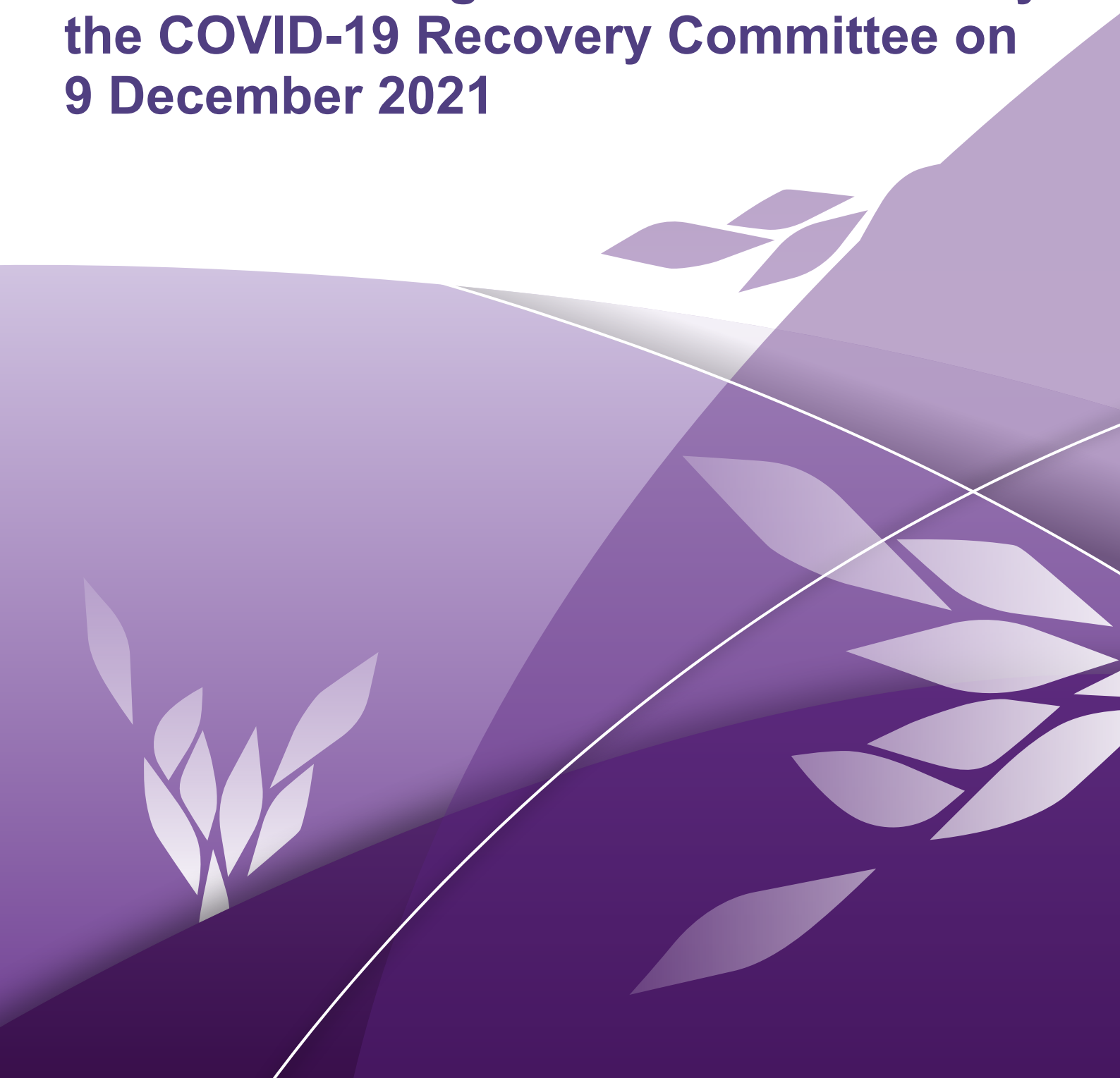


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COVID-19 Recovery Committee

Subordinate Legislation Considered by the COVID-19 Recovery Committee on 9 December 2021



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COVID-19 Recovery Committee

To consider and report on matters relating to COVID-19 falling within the responsibility of the Cabinet Secretary for COVID Recovery and other Scottish Ministers where relevant, including—

- (a) Cross government coordination of COVID-19 recovery policies and strategic review;
- (b) the operation of powers under the Coronavirus (Scotland) Act, the Coronavirus Act and any other legislation in relation to the response to COVID-19;
- (c) any secondary legislation arising from the Coronavirus (Scotland) Act; and
- (d) and any other legislation or policy in relation to the response to COVID-19.



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Committee Membership



Convener
Siobhian Brown
Scottish National Party



Deputy Convener
Murdo Fraser
Scottish Conservative
and Unionist Party



Jim Fairlie
Scottish National Party



John Mason
Scottish National Party



Alex Rowley
Scottish Labour



Brian Whittle
Scottish Conservative
and Unionist Party

Introduction

1. This report sets out the COVID-19 Recovery Committee's consideration of a Scottish Statutory Instrument (SSI) at its meeting on 9 December 2021. The minutes of the meeting have been published on the Committee's [webpages](#). The Official Report of the meeting will be published on the Committee's [webpages](#) in due course.

The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/425)

2. The Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/425) were laid on 19 November 2021. The instrument was made in exercise of the power conferred by sections 94(1)(b)(i) and 122(2) of the Public Health etc. (Scotland) Act 2008. The instrument is subject to made affirmative procedure by virtue of section 122(6) of the Act.
3. The [policy note](#) states that—

- ” This instrument amends the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Regulations 2021 to expand the eligible vaccinated arrival category in a number of areas.

It updates the list of countries from where a person vaccinated with an authorised vaccine may be an eligible vaccinated arrival and the proof needed for this. It also updates the provisions to recognise certain WHO emergency use vaccines. It provides further for the recognition, in respect of countries already accepted into the eligible vaccinated arrivals scheme that, where they have overseas territories which use their respective mainland countries’ certification solutions, those overseas territories are also accepted into the scheme.

It amends the provisions on vaccine rollouts of British Overseas Territories and Crown Dependencies to include these under the list of relevant countries. This clarifies that people vaccinated in these territories under the territories’ own vaccination programme are in scope of the policy in the same manner as all other relevant countries and territories.

This instrument removes the requirement that an authorised vaccine is administered in a “relevant country” or the UK, allowing for a relevant country to certify recognised vaccines administered elsewhere if appropriate.

The instrument also makes an amendment to provide for a person who has received one dose of a two dose vaccine under the UK vaccine roll-out overseas and received the other dose in another country, as vaccinated under the UK vaccine roll-out overseas.

It widens the definition of eligible vaccinated arrival for those participating in clinical trials.

It clarifies the clinical exemptions which apply to eligible vaccinated arrivals.

It extends the scope of the eligible vaccinated arrival scheme so it covers all children under the age of 18, whether they are resident in a relevant country or not.

It inserts a new definition of EU Digital Covid Certificate (“EUDCC”).

It amends the acceptable proof of vaccine and need to prove residency requirements for US travellers.

It removes the requirement on certain categories of transport crew, travelling in the course of their work, to complete the Passenger Locator Form (PLF) and passengers transiting through Scotland without passing through immigration control, including red list arrivals.

It updates the definition of a Polymerase Chain Reaction (PCR) test to align with the UK definition.

This instrument adds a specified competition to the list in Schedule 6.

4. The Delegated Powers and Law Reform (DPLR) Committee considered SSI 2021/

425 at its meeting on 7 December 2021 and had no points to raise. The DPLR Committee report was published on [8 December 2021](#), which highlights the Scottish Government's response to the DPLR Committee's questions regarding eligible vaccinated arrivals status.

5. The COVID-19 Recovery Committee took evidence on the Regulations at its meeting on [2 December 2021](#), and deferred taking the motion to approve them until its meeting on 9 December 2021.
6. At the COVID-19 Recovery Committee's meeting on 9 December 2021, the Minister for Transport, Graeme Dey, moved [Motion S6M-02261](#) in the name of Michael Matheson— That the COVID-19 Recovery Committee recommends that the Health Protection (Coronavirus) (International Travel and Operator Liability) (Scotland) Amendment (No. 7) Regulations 2021 (SSI 2021/425) be approved.

7. **The COVID-19 Recovery Committee agreed Motion S6M-02261.**

