

T: 0300 244 4000  
E: scottish.ministers@gov.scot

John Scott QC Solicitor Advocate

Independent Advisory Group  
on Police use of temporary powers relating to the  
Coronavirus crisis

By email

---

23 February 2021

Dear John,

**RE: QUARANTINE AND BORDER CONTROLS**

Thank you for your letter of 12 February I appreciate members of the IAG taking the time to set out such thoughtful reflections on this important issue.

First of all let me say that I continue to be appreciative of the professional, measured response that Police Scotland has taken in response to the Coronavirus Pandemic and the unprecedented, but unfortunately necessary restrictions to the lives of the people of Scotland that the Scottish Government has introduced to suppress the virus and save lives. Police Scotland has been at the forefront of encouraging people to do the right thing and keep people safe.

Whilst the Scottish Government's responsibility is for developing the public health policy, we respect the Chief Constable's independence when it comes to operational implementation. My officials have worked closely with Police Scotland over the past year as the policy has developed. The ever-changing nature of virus transmission has often made it necessary to develop and implement mitigation measures at short notice and I am grateful to Police Scotland for their ongoing support and flexibility in developing a workable operational approach to enforcement.

From Monday 15 February all travellers arriving on flights from outside the Common Travel Area as well as passengers arriving from Dublin who have been in, or passed through, a red-listed country associated with the South Africa and Brazilian variants within the preceding 10 days may only enter Scotland at Aberdeen, Edinburgh and Glasgow airport (or any military airfield or port) and will be required to quarantine in a pre-booked and pre-paid managed isolation facility (quarantine hotel) for ten days, with limited exemptions. Officials have worked over the weekend with Police Scotland, Border Force, British Transport Police, the hotel, security and transport service providers and have also been in contact with the airlines and airports.

These Regulations have been made urgently in light of a risk presented by imported infections. It is important that those travelling to and from Scotland in relation to affected countries have as much clarity as is possible regarding their position so that they can make appropriate arrangements if required. Guidance for travellers has been published on both the SG and UKG webpages and a passenger information note has been produced which hotels will distribute to passengers on arrival. Security staff have powers to direct passengers through the airport to transfer to quarantine hotels but will not be given enforcement powers. Police Scotland can issue FPNs for those in breach of the regulations but it is anticipated that the numbers will be small.

As with our previous approaches to mitigating virus transmission, the Scottish Government sought to work on a Four Nations basis where possible regards the border measures. However, the Scottish Government does not feel that the UKG approach goes far enough and the Cabinet Secretary for Transport, Infrastructure & Connectivity wrote to Michael Gove last week asking that the UK Regulations be drafted in such a way to require all international travellers arriving in England, whose final destination is Scotland, to quarantine in a managed isolation facility at their point of arrival, in the same way that travellers from red listed countries will be required to do. Whilst he has yet to receive a reply I understand the Secretary of State for Health and Social Care has made clear he is willing to discuss this with Scottish Ministers.

From Monday, all travellers from non-red listed countries who arrive in Scotland via other points of entry in the Common Travel Area and all those who are exempt from the requirement to go to a quarantine hotel, will be required to quarantine at their designated residence for ten days. For some in exempt categories, they will be permitted to leave their home quarantine only for purposes associated with their work. All direct and indirect arrivals will be required to take tests on day 2 and day 8.

Work is in hand to extend the managed isolation requirement to those arriving in the rest of the Common Travel Area from non-red listed countries whose final destination is Scotland. Our focus is on engaging with the UK Government to support a comprehensive approach to international travel controls in line with the expert advice from SAGE. In the meantime, to mitigate the risk to public health, officials are engaging with Public Health Scotland regarding follow up activity specifically targeted to those passengers.

You highlight concern over any steps the Scottish Government may take to control or close Scottish ground borders and whether they are plans to give Police Scotland additional powers to enforce border controls. Clearly, the policy intention is to use the approach of managed isolation as far as possible to support this comprehensive approach to international travel and it is recognised that the different approach taken in England and Scotland presents a challenge. The Scottish Government is however seeking to address this challenge without introducing systemic border controls.

I agree that there should be space afforded for Parliamentary scrutiny and that the impact of any new regulations on all sections of Scottish society should be measured. The Scottish Government will look to have the Regulations approved by a resolution of the Parliament as soon as possible. The Regulations require the Scottish Ministers to keep the necessity for these measures under regular review, they will be reviewed every 28 days and Parliament kept updated. An Equality Impact Assessment is being prepared (along with other Impact Assessments) and will be published as soon as possible.

You ask about consideration of the charging provisions in the International Health Regulations 2005. It is not considered that the measures put in place for managed isolation and mandatory testing are incompatible with the 2005 Regulations. You also ask about health measures at the border. I can confirm that suitable medical arrangements will be in place for airports, ports and ground crossings as is normal practice.

I hope that this addresses the points raised in your letter. I would be very happy to discuss this with you.

A handwritten signature in black ink, appearing to read 'H. Yousaf', with a long vertical stroke extending downwards from the end of the signature.

**HUMZA YOUSAF**