



# Public Health etc. (Scotland) Act 2008

## 2008 asp 5

### PART 7

#### INTERNATIONAL TRAVEL

#### 94 International travel

- (1) The Scottish Ministers may by regulations make provision for the purposes of or in connection with—
- (a) giving effect to—
    - (i) the International Health Regulations;
    - (ii) any other international agreements [<sup>F1</sup>or arrangements] relating to the spread of infectious disease or contamination [<sup>F2</sup>(including any recommendations issued under such agreements or arrangements)], so far as they have effect in or as regards Scotland;
  - (b) protecting public health from risks arising from vehicles—
    - (i) arriving in Scotland;
    - (ii) leaving Scotland.
- (2) Regulations under subsection (1) may, in particular make provision—
- (a) for persons to be—
    - (i) medically examined;
    - (ii) quarantined;
    - (iii) detained;
  - (b) for persons to be required to provide information or answer questions (including information or questions relating to health);
  - (c) for vehicles to be detained;
  - (d) for prohibitions or restrictions on—
    - (i) the entry and departure of persons or things;
    - (ii) the arrival and leaving of vehicles;
  - (e) for things to be—
    - (i) inspected;
    - (ii) tested;
    - (iii) detained;

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*Changes to legislation: There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Part 7. (See end of Document for details)*

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- [<sup>F3</sup>(iv) kept in quarantine,]
          - (iv) destroyed;
        - (f) for persons, vehicles or things to be—
          - (i) disinfected;
          - (ii) disinfested;
          - (iii) decontaminated;
        - (g) for the imposition of obligations on—
          - (i) masters of ships;
          - (ii) pilots of aircraft;
          - (iii) other persons on board vehicles;
          - (iv) owners and managers of ports and airports;
        - (h) conferring functions—
          - (i) on the Scottish Ministers;
          - (ii) on other persons;
        - (i) creating offences;
        - [<sup>F4</sup>(ia) enabling a court to order a person convicted of any offence under the regulations to take or pay for remedial action in appropriate circumstances,
        - (ib) providing for the carrying out and enforcement of restrictions and requirements imposed by virtue of the regulations,
        - (ic) providing for appeals from and reviews of restrictions and requirements imposed by virtue of the regulations,
        - (id) permitting or requiring the payment of incentive payments or expenses,
        - (ie) permitting the payment of compensation,
        - (if) providing for the resolution of disputes,]
        - (j) permitting [<sup>F5</sup>or prohibiting] any person to charge in respect of functions carried out under the regulations.
- [<sup>F6</sup>(2A) Regulations under subsection (1) may not include provision requiring persons to undergo medical treatment.
- (2B) In subsection (2A), “medical treatment” includes vaccination and other prophylactic treatment.]
- (3) Regulations under subsection (1) may modify any enactment (including this Act).
- (4) A person who commits an offence under regulations made under subsection (1) is liable to such penalties, not exceeding those mentioned in subsection (5), as are provided for in the regulations.
- (5) Those penalties are—
  - (a) on summary conviction, imprisonment for a period not exceeding 12 months or a fine not exceeding the statutory maximum or both;
  - (b) on conviction on indictment, imprisonment for a period not exceeding 2 years or a fine or both.
- (6) In this section, “the International Health Regulations” means the International Health Regulations (2005) adopted by the 58th World Health Assembly of the World Health Organisation on 23 May 2005 (as they may be amended from time to time) and includes a recommendation issued under those Regulations.

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### Textual Amendments

- F1** Words in s. 94(1)(a)(ii) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(a)(i)**, 59(1)
- F2** Words in s. 94(1)(a)(ii) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(a)(ii)**, 59(1)
- F3** S. 94(2)(e)(iv) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(b)(i)**, 59(1)
- F4** S. 94(2)(ia)-(if) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(b)(ii)**, 59(1)
- F5** Words in s. 94(2)(j) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(b)(iii)**, 59(1)
- F6** S. 94(2A)(2B) inserted (1.9.2022) by Coronavirus (Recovery and Reform) (Scotland) Act 2022 (asp 8), **ss. 2(2)(c)**, 59(1)

### Commencement Information

- I1** S. 94 in force at 1.4.2009 by S.S.I. 2009/9, art. 2(b), **Sch. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Public Health etc. (Scotland) Act 2008, Part 7.