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SCOTTISH STATUTORY INSTRUMENTS

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**2021 No. 50**

**The Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021**

**Temporary arrangements for the making available of Covid PPE for healthcare and other frontline workers**

3.—(1) This regulation applies to Covid PPE only.

(2) Notwithstanding the requirements of Articles 8(2), 10(2) and 11(2) of the PPE Regulation, where the conditions set out in paragraph (3) are met, Covid PPE may be made available by a relevant economic operator for the use of healthcare and other frontline workers, without—

- (a) the applicable conformity assessment procedure having been carried out, and
- (b) the UK marking having been affixed.

(3) The conditions referred to in paragraph (2) are that before an economic operator makes the Covid PPE available—

- (a) the Covid PPE has been purchased by the Scottish Ministers or a health service body for use in the health service or other frontline services, and
- (b) the HSE—
  - (i) has assessed the Covid PPE as compliant with the EHSR relevant to the assessment process, and
  - (ii) has notified an economic operator at any time before 1 July 2021 of the assessment that the Covid PPE is compliant with the EHSR against which it has been assessed.

(4) In this regulation—

“healthcare worker” means an individual working as part of the health service continued under section 1(1) of the National Health Service (Scotland) Act 1978(1),

“a health service body” means a body listed in section 17A(2)(a) to (e) of the National Health Service (Scotland) Act 1978(2),

“other frontline services” means the provision of social care and community or residential drug and alcohol services,

“other frontline workers” means any individual working in other frontline services,

“social care” includes all forms of personal care and other practical assistance provided for individuals who are by reason of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or any other similar circumstances, are in need of such care or other assistance.

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(1) 1978 c.29.

(2) Section 17A is relevantly amended by paragraph 46(a)(i) of schedule 4, and schedule 5, of the Health Act 1999 (c.8), paragraph 8 of schedule 17 of the Public Services Reform (Scotland) Act 2010 (asp 8), and paragraph 2(3)(a) of schedule 21 of the Health and Social Care Act 2012 (c.7).