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COVID-19 Committee

Subordinate legislation considered by the Covid-19 Committee at its meeting on 18 February 2021



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Remit: To consider and report on the Scottish Government's response to COVID-19 including the operation of powers under the Coronavirus (Scotland) Act, the Coronavirus Act and any other legislation in relation to the response to COVID-19 and any secondary legislation arising from the Coronavirus (Scotland) Act and any other legislation in relation to the response to COVID-19.



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Committee Membership

**Convener**

Donald Cameron
Scottish Conservative
and Unionist Party

**Deputy Convener**

Monica Lennon
Scottish Labour

**Willie Coffey**

Scottish National Party

**Maurice Corry**

Scottish Conservative
and Unionist Party

**Annabelle Ewing**

Scottish National Party

**John Mason**

Scottish National Party

**Stuart McMillan**

Scottish National Party

**Mark Ruskell**

Scottish Green Party

**Beatrice Wishart**

Scottish Liberal
Democrats

Introduction

1. This report sets out the Covid-19 Committee's consideration of Scottish Statutory Instruments ('SSIs') at its meeting on 18 February 2021. The minutes of the meeting have been published on the [Committee's webpages](#). The Official Report of the meeting will be published by 6pm 22 February 2021 on the [Committee's webpages](#).

The Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50)

2. The Personal Protective Equipment (Temporary Arrangements) (Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50) were laid on 28 January 2021. The instrument was made in exercise of the powers conferred by paragraph 1(1) of schedule 19 of the Coronavirus Act 2020 ("the 2020 Act"). The instrument is subject to made affirmative procedure by virtue of paragraph 6(3) of schedule 19 of the Act.

3. The [policy note](#) states that—

” “These Regulations are made in order to implement temporary regulatory arrangements to facilitate the production and supply of Personal Protective Equipment (PPE) during the Covid-19 pandemic. The Regulations are made for the purpose of increasing the availability of PPE and reducing the public health risks posed by the incidence and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

These arrangements modify the effect of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC ("the PPE Regulation") (as it has been amended and retained in UK law) and the effect of offences under the Personal Protective Equipment (Enforcement) Regulations 2018 (S.I. 2018/390) ("the 2018 Regulations").

Temporary arrangements were adopted in March 2020 following European Commission Recommendation 2020/403. The Recommendation did not carry over in to domestic law in Great Britain on implementation period completion day (31 December 2020), so these Regulations are being made to continue with the easements for a temporary period. These Regulations therefore make specific provision for temporary arrangements, modifying the effect of the PPE Regulation (as it has been amended and retained in UK law) and the effect of offences under the 2018 Regulations.

These temporary arrangements ease the regulatory requirements for conformity assessment for certain categories of PPE while maintaining process to ensure essential safety, for a limited time in order to increase the supply of essential Covid-19 related PPE on the UK market and for healthcare or specified health and care sector frontline workers. The easements are time limited, in that they require a Health and Safety Executive (HSE) assessment by specified dates."

4. The Delegated Powers and Law Reform ('DPLR') Committee considered SSI 2021/50 at its meeting on [16 February 2021](#) and had no points to raise.
5. At the Covid-19 Committee's meeting on 18 February 2021, the Cabinet Secretary for the Constitution, Europe and External Affairs, Michael Russell MSP, moved [Motion S5M-24115](#) in Mairi Gougeon MSP's name—That the COVID-19 Committee recommends that the Personal Protective Equipment (Temporary Arrangements)

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(Coronavirus) (Scotland) Regulations 2021 (SSI 2021/50) be approved.

6. The motion was agreed to.

7. The Covid-19 Committee agreed Motion S5M-24115.

