

Period Products (Free Provision) (Scotland) Bill

[AS INTRODUCED]

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**THE FOLLOWING ACCOMPANYING DOCUMENTS ARE ALSO PUBLISHED:
Explanatory Notes (SP Bill 45-EN), a Financial Memorandum (SP Bill 45-FM), a Policy
Memorandum (SP Bill 45-PM) and statements on legislative competence (SP Bill 45-LC).**

Period Products (Free Provision) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to secure the provision throughout Scotland of free period products.

PART 1

GENERAL RIGHT TO AND SUPPLY OF FREE PERIOD PRODUCTS

- 5 **1 Right to free period products**
- (1) Everyone in Scotland who needs to use period products has the right under this Part to obtain them free of charge.
- (2) For “period products”, see section 10(1).
- 10 **2 The period products scheme: general**
- (1) The Scottish Ministers must make a scheme (the “period products scheme”) to set out and regulate that right and facilitate its exercise.
- (2) The period products scheme must oblige all or any of the following—
- 15 (a) councils,
- (b) specified public-facing bodies,
- (c) other specified persons,
- to make period products available for the purposes of this Part or to secure that they are made so available, or both.
- (3) It is to be made by regulations.
- (4) It is to be operational not later than 12 months after Royal Assent.
- 20 (5) Bodies or persons may be specified for the purposes of subsection (2) by reference to a class that they are in.
- (6) For “councils”, “specified” and “public-facing bodies”, see section 10(1) and (2); and for regulations, see section 9.

3 Using the scheme: preliminary procedure

- (1) The period products scheme may contain provision by or under which—
- (a) a person seeking to obtain period products under it must provide sufficient proof of the person’s identity to enable the issue to the person of the voucher mentioned in subsection (2), and
- (b) in order to obtain them, the person must, on each occasion, produce that voucher or otherwise supply evidence that the person has it.
- (2) If the scheme contains that provision—
- (a) it must also provide for the issue to each person seeking to obtain period products under it of a convenient and suitably robust means of identifying the person (the “voucher”), which may be electronic, and
- (b) it must be such that getting a voucher—
- (i) is, for the person, cost-free and reasonably easy,
- (ii) can, in specified circumstances, be done by another on the person’s behalf, and
- (c) it must also provide that, for the purposes of that provision, a person provides sufficient proof of the person’s identity by—
- (i) stating the person’s name and the first of the two alphanumerical components of the postcode of the person’s usual residence (for example, in AB12 3CD, AB12), or
- (ii) supplying personal information of such kind as may be specified in substitution for that described in sub-paragraph (i).
- (3) This section does not limit the power of the Scottish Ministers to make a period products scheme that contains provision that is different from that described in this section.
- (4) But, if they do, that different provision must be such that any process that is to be followed before a person can exercise the right to obtain period products complies with sub-paragraphs (i) and (ii) of subsection (2)(b).

4 Use and operation of the scheme

- (1) The period products scheme must be such that persons using it to obtain period products can do so reasonably easily and with reasonable privacy.
- (2) In particular, it must enable those persons to choose (as an alternative to collection in person) to have them delivered or have them collected.
- (3) But (despite section 1) it may require a person choosing to have them delivered in specified circumstances to pay the postal or other delivery charges.
- (4) Those specified circumstances are limited to those in which it would be reasonable to expect someone seeking to obtain period products to collect them in person.
- (5) The scheme must ensure that there is a reasonable choice of different types of period products.
- (6) It may contain such further provision as the Scottish Ministers think fit for the purposes of—
- (a) securing its full and efficient operation, and

- (b) preventing its abuse.
- (7) That provision may include measures to ensure that a person may not obtain quantities of period products that are greater than reasonably commensurate with the person's use of them.

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PART 2

PROVISION FOR PUPILS, STUDENTS AND OTHERS

5 Education providers to supply period products for pupils and students

- (1) In each school, university and college, the education provider must make period products available free of charge for pupils or students who need to use them.
- 10 (2) The education provider is to do so by—
 - (a) providing the period products in each appropriate toilet in each of those school, university or college buildings or other premises that are normally used by the pupils or students,
 - (b) doing all that it reasonably can to ensure that—
 - 15 (i) the period products are always there when those toilets are in use by the pupils or students, and
 - (ii) there is a reasonable choice of different types, and
 - (c) complying with any specified requirements.
- (3) This section applies also in relation to buildings or other premises managed by the education provider for purposes ancillary or supplementary to the education of the pupils or students (such as residential accommodation or leisure or recreational facilities).
- 20 (4) For “school”, “university”, “college”, “education provider”, “pupil”, “student” and “appropriate” toilets, see section 10(3).

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6 Specified public service bodies to supply period products for persons in their premises

- (1) Each specified public service body must make period products available free of charge for persons in its premises who need to use those products.
- (2) It is to do so in accordance with specified provision about how, where and when they are to be made available.
- 30 (3) Before specifying a body under this section, the Scottish Ministers—
 - (a) must consult the body, and
 - (b) may consult any other body or person they think appropriate.
- (4) Bodies may be specified for the purposes of this section by reference to a class that they are in.
- 35 (5) Where they are so specified, subsection (3) applies in relation to each of those bodies.
- (6) For “public service body”, see section 10(4).

PART 3

GENERAL

7 Scottish Ministers, councils and others to publicise the availability of period products

(1) The Scottish Ministers must inform the public of the availability of period products free of charge under the period products scheme and how, where and when they can be obtained.

(2) Councils, bodies, persons and education providers obliged under this Act to make period products available free of charge in their premises—

(a) may take such action as they think fit to inform persons who are seeking or might seek to obtain period products from them about how, where and when those persons can obtain period products there, but

(b) must comply with any requirements in that respect that may be specified.

8 Payments by Scottish Ministers

The Scottish Ministers may make such payments as they think appropriate to the councils, bodies, persons and education providers obliged by or under this Act to make period products available free of charge.

9 Regulations

(1) Regulations under this Act—

(a) are to be made by the Scottish Ministers,

(b) may make different provision for different purposes.

(2) The following regulations are subject to the affirmative procedure—

(a) those under section 2 that make a period products scheme for the first time or replace a previous scheme,

(b) those under section 6(1),

(c) those under section 6(2) when made for the first time or when replacing provision about how, where and when period products are to be made available.

(3) The others are subject to the negative procedure.

10 Definitions etc.

(1) In this Act—

“period products” means manufactured articles the purpose of which is to absorb or collect menstrual flow,

“specified”—

(a) for the purposes of Part 1, means specified in the scheme,

(b) for the purposes of Part 2 and this Part, means specified in regulations.

(2) In section 2(2)—

“councils” means those constituted under section 2 of the Local Government etc. (Scotland) Act 1994,

“public-facing bodies” means bodies or other organisations appearing to the Scottish Ministers—

(a) to be bodies or other organisations to the premises of which the public or a section of the public has frequent access, and

(b) to be otherwise suitable to be specified.

(3) In section 5—

“school” has the meaning given in section 135(1) of the Education (Scotland) Act 1980,

“university” means one of the older universities within the meaning of section 16(1) of the Universities (Scotland) Act 1966, a designated institution within the meaning of section 44(2) of the Further and Higher Education (Scotland) Act 1992 or an institution established under section 46 of that Act of 1992,

“college” means an educational establishment by which further education within the meaning of section 1 of that Act of 1992 is provided,

“education provider”—

(a) in relation to schools, has the same meaning as is given to “responsible body” in subsection (9)(c) to (e) (as read with subsection (8)) of section 85 of the Equality Act 2010 (in short, the education authority, the proprietor of an independent school and the managers of a grant-aided one),

(b) in relation to universities and colleges, has the same meaning as is given to “responsible body” in subsection (12)(b) to (d) (as read with subsection (11)) of section 91 of that Act (in short, the governing body, the board of management, the board of governors or other person responsible for management),

“pupil” has the meaning and construction given in section 135(1) of the Education (Scotland) Act 1980,

“student” means a person for whom education is being provided by a university or, as the case may be, a college,

“appropriate” toilets are toilets other than those designated or intended for use only by male persons.

(4) In section 6, “public service body” means a body—

(a) constituted by or under an enactment, and

(b) having functions that consist of or include providing public services or otherwise serving the public interest.

11 Commencement

(1) Part 1 and section 6, and so much of sections 7 to 10 as relates to them, section 12 and this section come into force on the day after Royal Assent.

(2) Section 5 and so much of sections 7 to 10 as relates to it come into force on 1 August in the year next following the year of Royal Assent.

12 Short title

The short title of this Act is the Period Products (Free Provision) (Scotland) Act 2019.

Period Products (Free Provision) (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to secure the provision throughout Scotland of free period products.

Introduced by: Monica Lennon
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