

# Period Products (Free Provision) (Scotland) Bill

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## Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 12

Long Title

Amendments marked \* are new (including manuscript amendments) or have been altered.

### Section 1

**Aileen Campbell**

**Supported by: Monica Lennon**

17 Leave out section 1 and insert—

*<Duties to ensure period products obtainable free of charge*

#### **Local authorities to ensure period products generally obtainable free of charge**

- (1) Each local authority must ensure that, within its area, period products are obtainable free of charge (in accordance with arrangements established and maintained by the local authority) by all persons who need to use them.
- (2) The period products obtainable free of charge by a person under such arrangements (whether obtained under one or more than one local authority's arrangements) are to be sufficient products to meet the person's needs while in Scotland.
- (3) Arrangements established and maintained under subsection (1)—
  - (a) must include provision under which period products are obtainable by another person on behalf of the person who needs to use them,
  - (b) may, where they include provision under which period products may be delivered to a person, require the person to pay costs associated with packing and delivery (except where the person could not reasonably obtain products in accordance with the arrangements in any other way).
- (4) For the purposes of subsection (2), the needs of a person who lives in Scotland are to be regarded as all arising while in Scotland.>

## After section 1

**Sarah Boyack**

36 After section 1, insert—

*<Requirement to promote certain outcomes*

### **Requirement to promote certain outcomes**

- (1) In complying with its duties under section 1, each local authority must establish and maintain arrangements that are best designed to promote the outcomes in subsection (2), so far as doing so is consistent with the proper exercise of those duties.
- (2) The outcomes are—
  - (a) that a choice of different types of period products should be available free of charge to all persons who need to use them,
  - (b) that any stigma associated with menstruation and, in particular, with the need to obtain period products free of charge, is reduced,
  - (c) that the privacy of all persons who need to obtain period products free of charge is respected,
  - (d) that the ability to obtain period products free of charge is not linked in any way to a person's entitlement to, or ability to access, other goods, services or benefits,
  - (e) that direct access to period products is provided (rather than access being provided by means of issuing a voucher or other means of payment).>

## Section 2

**Aileen Campbell**

**Supported by: Monica Lennon**

18 Leave out section 2

## Section 3

**Monica Lennon**

**Supported by: Aileen Campbell**

7 Leave out section 3

## Section 4

**Aileen Campbell**

**Supported by: Monica Lennon**

19 Leave out section 4

## Section 5

**Aileen Campbell**

**Supported by: Monica Lennon**

**20** Leave out section 5 and insert—

**<Education providers to ensure period products obtainable free of charge by pupils and students**

- 5 (1) Each education provider must ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by the education provider) by the persons mentioned in subsection (4).
- 10 (2) An education provider is to do so by providing period products, or securing their provision, in such locations within each institution in Scotland managed by the education provider as are specified in arrangements established and maintained under subsection (1).
- (3) Where an institution operates over a number of campuses in Scotland, the locations specified in the arrangements established and maintained under subsection (1) must include locations within each such campus.
- 15 (4) The persons referred to in subsection (1) are persons who—
- (a) need to use period products, and
- (b) are—
- 20 (i) pupils at a school managed by the education provider, or
- (ii) students undertaking, in Scotland, a course (or part of a course) of education at a further education institution or higher education institution managed by the education provider.
- (5) The period products obtainable free of charge by a pupil or, as the case may be, a student under the arrangements established and maintained under subsection (1) are to be sufficient products to meet—
- 25 (a) in the case of a school, the pupil’s needs during the school’s term times,
- (b) in the case of a higher education institution or further education institution, the student’s needs during the term times for the course of education that the student is undertaking.
- 30 (6) In this Act, “institution” (except in the terms “higher education institution” and “further education institution” and in the definitions of those terms in section 10) means—
- (a) a school,
- (b) a higher education institution,
- (c) a further education institution.
- (7) The Period Products in Schools (Scotland) Regulations 2020 (S.S.I. 2020/183) are revoked.>

**Monica Lennon**

**20A** As an amendment to amendment 20, line 11, leave out subsection (3) and insert—

- <(3) Where the premises of an institution comprise two or more buildings that are normally used by pupils or, as the case may be, students at the institution, the locations specified in the arrangements established and maintained under subsection (1) must include at least one location situated in each such building.>

## Section 6

**Aileen Campbell**

**Supported by: Monica Lennon**

- 21 In section 6, page 3, line 27, leave out from <specified> to end of line 30 and insert <public service body specified in regulations made by the Scottish Ministers (a “specified public service body”) must ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by the body) by persons in its premises who need to use them.
- (1A) A specified public service body is to do so by providing period products, or securing their provision, in such locations within those premises as are specified in arrangements established and maintained under subsection (1).
- (1B) Where a specified public service body operates over a number of sites in Scotland, the locations specified in the arrangements established and maintained under subsection (1) must include locations in premises at each such site.
- (1C) The period products obtainable free of charge by a person under the arrangements established and maintained under subsection (1) are to be sufficient products to meet the person’s needs while the person is in the premises.>

**Monica Lennon**

**Supported by: Aileen Campbell**

- 15 In section 6, page 3, line 36, after <are> insert <proposed to be>

**Aileen Campbell**

**Supported by: Monica Lennon**

- 22 In section 6, page 3, line 36, at end insert—
- <( ) Regulations under this section may specify that different provisions of this Act are, in relation to a public service body specified in the regulations, to take effect on different days.
- ( ) Regulations under this section may—
- (a) make incidental, supplementary, consequential, transitional, transitory or saving provision,
- (b) make different provision for different purposes.
- ( ) Regulations under this section are subject to the affirmative procedure.>

**Aileen Campbell**

**Supported by: Monica Lennon**

- 23 In section 6, page 3, line 37, leave out subsection (6) and insert—
- <(6) In this section, “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.>

**Before section 7**

**Monica Lennon**

**Supported by: Aileen Campbell**

34 Before section 7, insert—

**<Arrangements under sections 1, 5 and 6: particular requirements**

Arrangements established and maintained under section 1(1), 5(1) or, as the case may be, 6(1) must provide for—

- (a) period products to be obtainable—
  - (i) reasonably easily, and
  - (ii) in a way that respects the dignity of persons obtaining them,
- (b) a reasonable choice of different types of period products to be obtainable.>

**Aileen Campbell**

**Supported by: Monica Lennon**

24 Before section 7, insert—

*<Guidance*

**Guidance**

- (1) The Scottish Ministers must issue guidance to—
  - 5 (a) local authorities and education providers about the exercise of the functions conferred on them by—
    - (i) section 1 or, as the case may be, 5, and
    - (ii) section 7,
  - 10 (b) any specified public service bodies about the exercise of the functions conferred on them by sections 6 and 7.
- (2) The first guidance issued—
  - (a) to local authorities and education providers under subsection (1)(a) is to be issued as soon as reasonably practicable after this section comes into force,
  - 15 (b) to a particular specified public service body (or to a particular class of specified public service bodies) under subsection (1)(b) is to be issued as soon as reasonably practicable after the body (or class of bodies) is specified in regulations under section 6.
- (3) Guidance issued under subsection (1) may also include guidance about the exercise of the functions conferred on responsible bodies by sections (*Statement on exercise of functions*) and (*Consultation*).  
20
- (4) Each responsible body to which guidance is issued under this section must have regard to the guidance as it relates to that body.
- (5) Subsection (6) applies in relation to the first issue of guidance—

- 25 (a) to local authorities and education providers under subsection (1)(a),  
(b) to a particular specified public service body (or a particular class of specified public service bodies) under subsection (1)(b).
- (6) Before issuing the guidance mentioned in subsection (5), the Scottish Ministers—  
(a) must consult such persons or bodies as appear to them to represent the interests of each type of responsible body to which the guidance relates, and  
30 (b) may consult any other person or body they think appropriate.
- (7) The Scottish Ministers must, as soon as reasonably practicable after issuing guidance under subsection (1), publish the guidance in such ways as they think appropriate.
- (8) In this Act, “responsible body” means, in relation to the function conferred—  
(a) by section 1, each local authority,  
35 (b) by section 5, each education provider,  
(c) by section 6, each specified public service body.>

**Alexander Stewart**

**24B** As an amendment to amendment 24, line 17, at end insert—

- <( ) Guidance issued under subsection (1) must include guidance on delivery models that should be used by local authorities in relation to their functions under section 1(3)(b).>

**Monica Lennon**

**Supported by: Aileen Campbell**

**24A** As an amendment to amendment 24, line 18, after <(1)> insert <—

- ( ) must in particular include guidance about the matters in relation to which section (*Arrangements under sections 1, 5 and 6: particular requirements*) imposes requirements,  
( )>

**Aileen Campbell**

**Supported by: Monica Lennon**

**25** Before section 7, insert—

*<Additional duties on responsible bodies*

**Statement on exercise of functions**

- (1) Each responsible body—  
5 (a) must, as soon as reasonably practicable after guidance is first issued to the body under section (*Guidance*),  
(b) may, at any other time,  
prepare a written statement describing the plans mentioned in subsection (2).  
(2) The plans are the responsible body’s plans for—

- 10 (a) the exercise of its functions under section 1, 5 or, as the case may be, 6 (including in particular a summary of the arrangements required, by subsection (1) of whichever of those sections applies, to be established and maintained by the responsible body),
- (b) the provision of information under section 7.
- 15 (3) A statement prepared under subsection (1) must also explain how, in developing the plans and arrangements mentioned in subsection (2), the responsible body has had regard to guidance issued under section (*Guidance*) (as the guidance is in force at the time the statement is prepared and as it relates to the body).
- 20 (4) Subsection (5) applies where guidance issued to a responsible body under section (*Guidance*) and in force at the time the responsible body prepares a statement under subsection (1) includes guidance about the exercise of the functions conferred by this section and section (*Consultation*).
- (5) The statement must also explain how, in exercising the functions mentioned in subsection (4), the responsible body has had regard to that guidance (as it relates to the body).
- 25 (6) A statement prepared under subsection (1) may include such other information as the responsible body thinks appropriate.
- (7) The responsible body must publish each statement prepared under subsection (1) in such ways as the body thinks appropriate.>

**Monica Lennon**

**Supported by: Aileen Campbell**

25A As an amendment to amendment 25, line 15, after <explain> insert <—

- ( ) the ways in which the arrangements mentioned in subsection (2)(a) comply with section (*Arrangements under sections 1, 5 and 6: particular requirements*), and
- ( )>

**Aileen Campbell**

**Supported by: Monica Lennon**

26 Before section 7, insert—

**<Consultation**

- (1) Before preparing a statement under section (*Statement on exercise of functions*), each responsible body—
- (a) must consult the persons mentioned in subsection (2), and
- (b) may consult any other body or person the body thinks appropriate,
- about the responsible body’s exercise of the functions conferred on it by section 1, 5 or, as the case may be, 6 and by section 7.
- (2) The persons referred to in subsection (1)(a) are, in the case of a responsible body with functions under—
- (a) section 1—
- (i) such product users who live or are otherwise likely to be present in the local authority’s area as the local authority thinks appropriate,

- (ii) such persons who may seek to obtain period products on behalf of product users as the local authority thinks appropriate,
  - (b) section 5, such product users who are pupils or, as the case may be, students at institutions managed by the education provider as the education provider thinks appropriate,
  - (c) section 6, such product users who are likely to be in the premises of the specified public service body as the body thinks appropriate.
- (3) Consultation under subsection (1) must in particular include consultation—
- (a) about the ways in which product users ought to be able to obtain period products free of charge,
  - (b) about—
    - (i) the premises in which, and
    - (ii) where in those premises,
 period products ought to be obtainable free of charge, and
  - (c) about the types of period products which ought to be obtainable free of charge.
- (4) In this section, “product users” means—
- (a) persons who need to use period products, and
  - (b) except in subsections (2)(a)(ii) and (3)(a), persons who may need to use period products in the future.>

## Section 7

**Aileen Campbell**  
**Supported by: Monica Lennon**

27 Leave out section 7 and insert—

### <Information to be provided to public

- (1) In addition to complying with section (*Statement on exercise of functions*), each responsible body must take such steps as it thinks appropriate to inform the persons mentioned in subsection (2) of the matters mentioned in subsection (3).
- (2) The persons referred to in subsection (1) are, in the case of a responsible body with functions under—
  - (a) section 1, members of the public within the local authority’s area generally,
  - (b) section 5, pupils or, as the case may be, students at—
    - (i) each institution managed by the education provider,
    - (ii) where an institution managed by the education provider operates across a number of campuses within Scotland, each such campus,
  - (c) section 6, persons in the premises of the specified public service body.
- (3) The matters referred to in subsection (1) are—
  - (a) that period products are obtainable free of charge, and
  - (b) the arrangements for obtaining products free of charge, including in particular how, where and when products may be obtained.>



## After section 7

**Annie Wells**

**35** After section 7, insert—

### <Report on exercise of functions

- (1) Each responsible body must as soon as practicable after the end of each reporting period prepare and publish a report setting out—
  - (a) progress made in the exercise of its functions under this Act,
  - (b) an assessment of the extent to which any funding and guidance provided to it has assisted in achieving such progress,
  - (c) how the exercise of its functions under this Act has contributed towards tackling the root causes of poverty relating to period products.
- (2) Before preparing a statement under this section, each responsible body—
  - (a) must consult the persons mentioned in section (*Consultation*)(2), and
  - (b) may consult any other body or person the body thinks appropriate.
- (3) In this section, “reporting period” means in the case of a responsible body —
  - (a) with functions under section 1 or 6, each financial year,
  - (b) with functions under section 5, each academic year.>

## Section 8

**Aileen Campbell**

**Supported by: Monica Lennon**

**28** Leave out section 8

## Section 9

**Aileen Campbell**

**Supported by: Monica Lennon**

**29** Leave out section 9

## After section 9

**Aileen Campbell**

**Supported by: Monica Lennon**

**30** After section 9, insert—

### <Final provisions

#### Key definitions

In this Act—

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

- (b) types of period products include tampons, sanitary towels and articles which are reusable,
- (c) references to a person's needs (including to a pupil's or a student's needs) are references to the person's needs for period products arising from menstruation by the person.>

## Section 10

**Aileen Campbell**

**Supported by: Monica Lennon**

**31** Leave out section 10 and insert—

### <Interpretation

(1) In this Act—

“education provider” means—

- (a) an education authority,
- (b) the proprietor of an independent school,
- (c) the managers of a grant-aided school,
- (d) the governing body of a higher education institution or a further education institution,

“further education institution” means—

- (a) a body listed in schedule 2 of the Further and Higher Education (Scotland) Act 2005 under the heading “*Institutions formerly eligible for funding by the Scottish Further Education Funding Council*”, or
- (b) a college of further education which is assigned to a regional strategic body by order made under section 7C(1) of that Act,

“higher education institution” means a body listed in schedule 2 of the Further and Higher Education (Scotland) Act 2005 under the heading “*Institutions formerly eligible for funding by the Scottish Higher Education Funding Council*” or under the heading “*Other institutions*”,

“institution” has the meaning given in section 5(6),

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

“responsible body” has the meaning given in section (*Guidance*)(8),

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

“specified public service body” means a public service body specified in regulations made under section 6,

“student” means a person for whom education is being provided by a higher education institution or, as the case may be, a further education institution.

(2) In subsection (1)—

“education authority”, “grant-aided school”, “independent school”, “managers” and “proprietor” have the meanings given in section 135(1) of the Education (Scotland) Act 1980,

“governing body” has the meaning given in section 35(2) of the Further and Higher Education (Scotland) Act 2005.>

## **Section 11**

**Aileen Campbell**

**Supported by: Monica Lennon**

- 32** In section 11, page 5, line 39, leave out from beginning to second <section> and insert <Sections 10 and>

**Aileen Campbell**

**Supported by: Monica Lennon**

- 33** In section 11, page 5, line 41, leave out subsection (2) and insert—
- <(2) The other provisions of this Act come into force on such day within the period of 2 years beginning with the day of Royal Assent as the Scottish Ministers may by regulations appoint.
  - (3) Regulations under subsection (2) may—
    - (a) include transitional, transitory or saving provision,
    - (b) make different provision for different purposes.>



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