



Period Products (Free Provision) (Scotland) Act 2021

2021 asp 1

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 24th November 2020 and received Royal Assent on 12th January 2021

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

PROSPECTIVE

Duties to ensure period products obtainable free of charge

- 1 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.

Status: This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the Period Products (Free Provision) (Scotland) Act 2021. (See end of Document for details)

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

- (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 (5).
- (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) The locations specified in the arrangements established and maintained under subsection (1) for an institution must include at least one location in each building which is normally used by pupils or, as the case may be, students at the institution.
- (4) But where the education provider considers, having consulted under section 7, that a building of the type mentioned in subsection (3) is not a suitable place for the provision of period products, no location in the building need be specified in the arrangements established and maintained under subsection (1).
- (5) The persons referred to in subsection (1) are persons who—
 - (a) need to use period products, and
 - (b) are—
 - (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.
- (6) 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—
 - (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.
- (7) 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.
- (8) The Period Products in Schools (Scotland) Regulations 2020 (S.S.I. 2020/183) are revoked.

3 Specified public service bodies to ensure period products obtainable free of charge by persons in their premises

- (1) Each 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.

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- (2) 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).
- (3) 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.
- (4) 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.
- (5) 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.
- (6) Bodies may be specified for the purposes of this section by reference to a class that they are in.
- (7) Where they are proposed to be so specified, subsection (5) applies in relation to each of those bodies.
- (8) 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.
- (9) Regulations under this section may—
 - (a) make incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) make different provision for different purposes.
- (10) Regulations under this section are subject to the affirmative procedure.
- (11) 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.

4 Arrangements under sections 1, 2 and 3: particular requirements

Arrangements established and maintained under section 1(1), 2(1) or, as the case may be, 3(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.

Guidance

5 Guidance

- (1) The Scottish Ministers must issue guidance to—

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- (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, 2, and
 - (ii) section 8,
 - (b) any specified public service bodies about the exercise of the functions conferred on them by sections 3 and 8.
- (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,
 - (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 3.
- (3) Guidance issued under subsection (1)—
- (a) must in particular include guidance about the matters in relation to which section 4 imposes requirements,
 - (b) may also include guidance about the exercise of the functions conferred on responsible bodies by sections 6 and 7.
- (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—
- (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
 - (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,
 - (b) by section 2, each education provider,
 - (c) by section 3, each specified public service body.

Commencement Information

II [S. 5](#) in force at 18.3.2021 by [S.S.I. 2021/104](#), [reg. 2\(a\)](#)

Additional duties on responsible bodies

6 Statement on exercise of functions

- (1) Each responsible body—