

Period Products (Free Provision) Bill

[AS AMENDED AT CONSIDERATION STAGE]

LEGISLATIVE COMPETENCE

At Introduction the Member in charge of the Bill, Mr Pat Catney, had made the following statement under Standing Order 30:

“In my view the Period Products (Free Provision) Bill would be within the legislative competence of the Northern Ireland Assembly.”

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BILL

TO

Secure the provision throughout Northern Ireland of free period products; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Duties to ensure period products obtainable free of charge

Provision of free period products: Department scheme

1.—(1) The Department must ensure that period products are obtainable free of charge (in accordance with arrangements established and maintained by the Department) by all persons who need to use them.

(2) The period products obtainable free of charge by a person under such arrangements are to be sufficient products to meet the person's needs while in Northern Ireland.

(3) Arrangements established and maintained under subsection (1)—

10 (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) The Department must consult on the arrangements to be established and maintained by it under subsection (1), including—

(a) the ways in which users of period products ought to be able to obtain period products free of charge;

20 (b) the locations in which period products ought to be obtainable free of charge; and

(c) the types of period products which ought to be obtainable free of charge.

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(5) The Department must publish a written statement describing—

(a) the consultation conducted under subsection (4); and

(b) the arrangements to be established and maintained under subsection (1).

(6) The Department must publish information about the locations where free period products are obtainable in such ways as it thinks appropriate to bring that information to the attention of persons who need to use period products or may need to use period products in the future.

(7) The Department must do so within one year of establishing the arrangements under subsection (1) and on at least an annual basis thereafter.

(8) For the purposes of subsection (2), the needs of a person who lives in Northern Ireland are to be regarded as all arising while in Northern Ireland.

(9) In this section, “the Department” means the Executive Office.

Provision of free period products: public service bodies

2.—(1) Each department must in respect of the public service bodies within its functions, within the period of one year beginning with the day on which this Act is passed, specify by regulations those public service bodies to which the duty in subsection (3) applies.

(2) Regulations must be made under subsection (1) to specify—

(a) Health and Social Care Trusts;

(b) any public service body whose premises is—

(i) a school,

(ii) a further education institution or higher education institution.

(3) Each public service body specified in regulations made by a department (a “specified public service body”) under subsection (1) 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.

(4) 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 (3).

(5) Where a specified public service body operates over a number of sites in Northern Ireland, the locations specified in the arrangements established and maintained under subsection (3) must include locations in premises at each such site.

(6) The period products obtainable free of charge by a person under the arrangements established and maintained under subsection (3) are to be sufficient products to meet the person’s needs while the person is in the premises.

(7) Before specifying a public service body under this section, a department—

(a) must consult the public service body; and

(b) may consult any other body or person they think appropriate.

(8) Public service bodies may be specified for the purposes of this section by reference to a class that they are in.

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(9) Where they are proposed to be so specified under subsection (8), subsection (6) applies in relation to each of those public service bodies.

(10) 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.

(11) Regulations under this section may—

(a) make incidental, supplementary, consequential, transitional, transitory or saving provision;

(b) make different provision for different purposes.

(12) Regulations under this section are subject to the affirmative procedure.

(13) Each department must review the regulations specifying public service bodies within its functions under subsections (1) and (2), as applicable, every three years and, if necessary, update that information.

Arrangements under sections 1 and 2: particular requirements

3.—(1) Arrangements established and maintained under section 1(1) or section 2(3) must provide for—

(a) period products to be obtainable—

(i) reasonably easily; and

(ii) in a way that respects the dignity, privacy and confidentiality of persons obtaining them;

(b) a reasonable choice of different types of period products to be obtainable, having regard to articles which are reusable; and

(c) publicising to persons in a way that respects their dignity, privacy and confidentiality—

(i) of the availability of period products;

(ii) that period products are obtainable free of charge; and

(iii) of the arrangements for obtaining those period products free of charge, including in particular how, where and when products may be obtained.

(2) Arrangements established and maintained under section section 2(3) must provide for period products to be obtainable by persons in its premises at all times when the specified public service body's premises are in use, whether or not in use by the public.

Reporting

4.—(1) The Executive must review and make a report on the operation of the provisions of sections 1 and 2 of this Act;

(2) A report under this section is to include—

(a) the number of public service bodies specified by regulation under section 2;

(b) an assessment of the efficiency and effectiveness of the exercise of the functions carried out under sections 1 and 2 of this Act; and

(c) any further information that the Executive considers appropriate.

(3) A report under this section must be—

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- (a) laid before the Assembly by the Executive; and
- (b) published by the Executive

before the end of the period of three years beginning with the day on which this Act receives Royal Assent, and at subsequent intervals of no more than three
5 years.

Guidance

Guidance

5.—(1) Each department must publish and maintain guidance on the exercise of the functions conferred on a specified public service body by section 2 and 6.

10 (2) The guidance must be first issued as soon as reasonably practicable after a body (or class of bodies) is first specified in regulations under section 2.

(3) Guidance issued under subsection (1) must in particular include guidance about the matters in relation to which section 2 imposes requirements.

15 (4) Each specified public service body to which guidance is issued under this section must have regard to the guidance as it relates to that body.

(5) Before the first issue of the guidance mentioned in subsection (1), a department—

- (a) must consult the specified public service bodies to which the guidance relates; and
 - 20 (b) may consult any other person or body they think appropriate.
- (6) A department may issue guidance jointly with one or more departments.

Additional duties on specified public service bodies

Statement on arrangements

6.—(1) Each specified public service body—

- 25 (a) must, as soon as reasonably practicable after guidance is first published under section 5(1); and
- (b) may, at any other time,
prepare a written statement.

(2) Before preparing a written statement, each specified public service body—

- 30 (a) must consult such product users who are likely to be in the premises of the specified public service body as the body thinks appropriate; and
- (b) may consult any other body or person the body thinks appropriate,
about the specified public service body's exercise, or proposed exercise, of the functions conferred on it by section 2.

35 (3) Consultation under subsection (2) 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) the locations in the specified public service body's premises in which period products ought to be obtainable free of charge; and

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- (c) about the types of period products which ought to be obtainable free of charge.
- (4) Consultation under subsection (2) must have regard to—
- (a) the dignity, privacy and confidentiality of product users; and
 - (b) articles which are reusable.
- (5) The specified public service body's written statement must describe—
- (a) the consultation conducted under subsections (2) and (3);
 - (b) the arrangements mentioned in section 3;
 - (c) how, in developing those arrangements, the body has had regard to—
- (i) the guidance published under section 5(1) (as that guidance it relates to the body); and
 - (ii) the consultation conducted by the body under subsections (2) and (3).
- (6) A statement prepared under subsection (1) may include such other information as the body thinks appropriate.
- (7) The specified public service body must publish each statement prepared under subsection (1) in such ways as the body thinks appropriate.
- (8) In this section, “product users” means persons who need to use period products, or may need to use period products in the future, and includes—
- (a) pupils at a school;
 - (b) students at a further education institution or a higher education institution.

Duty to publish information

- 7.—(1) Each department must publish information about the locations where free period products are available in such ways as they think appropriate to bring that information to the attention of persons who need to use period products or may need to use period products in the future.
- (2) Each department must do so—
- (a) within one year of making regulations under section 2; and
 - (b) on at least an annual basis thereafter.
- (3) A department may publish the information specified in subsection (1) jointly with another department.

Final provisions

Key definitions

8. 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 are references to the needs of a woman, girl or other person for period products arising from menstruation by that person.

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Interpretation

9.—(1) In this Act—

“department” means a Northern Ireland department as listed in the Departments Act (Northern Ireland) 2016;

5 “further education institution” means—

(a) a body listed in Article 3(2) of the Higher Education (Northern Ireland) Order 2005; or

(b) a college of further education which is assigned to a regional strategic body by order made under Articles 8 and 9 of the Further Education (Northern Ireland) Order 1997;

10 “Health and Social Care Trusts” means a body established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.

“higher education institution” means a body described in Article 3(2)(a) of the Higher Education (Northern Ireland) Order 2005;

15 “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;

and includes a school, further education institution or higher education institution;

20 “pupil” has the meaning and construction given in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986;

“school” has the meaning given in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986;

25 “specified public service body” means a public service body specified in regulations made under section 1;

“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.

Commencement

30 10.—(1) The following provisions of this Act come into operation on the day after Royal Assent—

(a) section 2(1) and section 2(7) to section 2(12);

(b) section 8;

(c) section 9;

(d) this section; and

35 (e) section 11.

(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 Executive Office may by regulations appoint.

(3) Regulations under subsection (2) may—

40 (a) include transitional, transitory or saving provision;

(b) make different provision for different purposes.

Period Products (Free Provision)

Short title

11. The short title of this Act is the Period Products (Free Provision) Act (Northern Ireland) 2022.

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[AS AMENDED AT CONSIDERATION STAGE]

A Bill to secure the provision throughout Northern Ireland of free period products; and for connected purposes.

Introduced by: Mr Pat Catney

On: 11 October 2021

As amended at
Consideration Stage: 8 March 2022

Bill Type: Non-Executive Bill

ACCOMPANYING DOCUMENTS

**An Explanatory and Financial Memorandum is printed separately as
NIA Bill 39/17-22 EFM - REVISED.**



Northern Ireland
Assembly

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ISBN: 978-1-78619-612-5