

Period Products (Free Provision) Bill

[AS AMENDED AT FURTHER 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).

5 (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.

10 (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

15 **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) The public service bodies specified under subsection (1) must include—

20 (a) bodies with functions that would enable them to discharge the duty in subsection (3) in relation to persons in hospital premises;

(b) bodies with functions that would enable them to discharge that duty in relation to persons in school premises;

(c) bodies with functions that would enable them to discharge that duty in relation to persons in further education premises; and

25 (d) bodies with functions that would enable them to discharge that duty in relation to persons in higher education premises.

(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).

35 (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.

40 (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) Where regulations under subsection (1) specify a public service body they may also—

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- (a) provide for descriptions of premises to be treated as being (or as not being) premises of that body for the purposes of this Act;
- (b) provide for descriptions of persons to be treated as being (or as not being) persons “in” that body’s premises for the purposes of this Act; and
- 5 (c) make provision about when premises are to be treated as “in use” for the purposes of section 3(2);

and provision under paragraph (b) may include provision in respect of persons who are on premises without a legitimate reason for being there.

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

- 10 (a) must consult the public service body; and
- (b) may consult any other body or person they think appropriate.

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

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

(11) Regulations under subsection (1) may be made jointly by two or more departments, and where two or more departments jointly make such regulations—

- (a) each public service body specified by the regulations must be within the functions of one (or more) of those departments; and
- 20 (b) the consultation required by subsection (8) in respect of that body may be conducted by the department within whose functions the body falls (or, if there is more than one such department, any of them).

25 (12) Regulations under this section may specify that different public service bodies specified in the regulations are to become subject to the duty in subsection (3) on different days.

(13) Regulations under this section may make incidental, supplementary, consequential, transitional, transitory or saving provision.

(14) Regulations under this section may not be made unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

30 (15) Each department must review the regulations under subsection (1) that specify public service bodies within its functions at intervals of no more than three years, and if necessary take steps to ensure that the regulations are updated.

35 (16) For the purposes of this section a body is within the functions of a particular department if it is a body with functions in the subject area for which the department is responsible.

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—
 - 40 (i) reasonably easily; and
 - (ii) in a way that respects the dignity, privacy and confidentiality of persons obtaining them;

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- (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—
 - 5 (i) the availability of period products;
 - (ii) that period products are obtainable free of charge; and
 - (iii) 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 2(3) must provide
10 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

- 15 **4.**—(1) The Executive must review and make a report on the operation of the provisions of sections 1 and 2.
- (2) A report under this section is to include—
- (a) the number of public service bodies specified by regulations under section 2;
 - (b) an assessment of the efficiency and effectiveness of the exercise of the
20 functions carried out under sections 1 and 2; and
 - (c) any further information that the Executive considers appropriate.
- (3) A report under this section must be—
- (a) laid before the Assembly by the Executive; and
 - (b) published by the Executive,
25 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 years.

Guidance

Guidance

- 30 **5.**—(1) Each department must publish and maintain guidance on the exercise of the functions conferred on a specified public service body by sections 2 and 6.
- (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
35 about the matters in relation to which section 2 imposes requirements.
- (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—
- 40 (a) must consult the specified public service bodies to which the guidance relates; and

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- (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 and departments

Statement on arrangements

- 5 **6.**—(1) Each specified public service body—
- (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.
- 10 (2) Before preparing a written statement, each specified public service body—
- (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,
- 15 about the specified public service body’s exercise, or proposed exercise, of the functions conferred on it by section 2.
- (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;
 - 20 (b) about the locations in the specified public service body’s premises in which 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) Consultation under subsection (2) must have regard to—
- (a) the dignity, privacy and confidentiality of product users; and
 - 25 (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—
- 30 (i) the guidance published under section 5(1) (as that guidance 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.
- 35 (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.

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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
5 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
10 with another department.

Final provisions

Key definitions

8. In this Act—

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

(b) types of period products include tampons, sanitary towels and articles which are reusable;

(c) “person”, in the context of a reference to a person who needs to use period products, means a person who menstruates (whether that person is a
20 woman, girl or other person);

(d) references to such a person’s “needs” are references to that person’s needs for period products arising from menstruation by that person.

Interpretation

9. In this Act—

25 “department” means a Northern Ireland department;

“the Executive” means the Executive Committee of the Assembly, established under section 20 of the Northern Ireland Act 1998;

“further education premises” means premises occupied by an institution of further education;

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

“higher education premises” means premises occupied by a higher education institution;

35 “hospital premises” means premises occupied by a hospital within the meaning of Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972;

“institution of further education” has the meaning given by Article 2(2) of the Further Education (Northern Ireland) Order 1997;

“public service body” means a body—

40 (a) constituted by or under a statutory provision; and

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

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and also includes a body falling within section 2(2)(b), (c) or (d) which is not constituted by or under a statutory provision;

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

5 “school premises” means premises occupied by a school;

“specified public service body” means a public service body specified in regulations made under section 2;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954.

10 **Commencement**

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

(a) section 2(1), (2) and (7) to (16);

(b) section 8;

15 (c) section 9;

(d) this section; and

(e) section 11.

(2) The other provisions of this Act come into operation—

20 (a) at the end of the period of 2 years beginning with the day of Royal Assent,
or

(b) on such earlier day or days as the Executive Office may by order appoint instead.

(3) An order under this section may include such transitional, transitory or saving provision as the Executive Office considers appropriate.

25 **Short title**

11. This Act may be cited as the Period Products (Free Provision) Act (Northern Ireland) 2022.

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[AS AMENDED AT FURTHER 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

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As amended at Further
Consideration Stage: 15 March 2022

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ACCOMPANYING DOCUMENTS

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