

PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) ACT 2021

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

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

19. Section 3 allows Scottish Ministers to specify (in regulations) additional public service bodies that must make free period products obtainable in their premises. A “public service body” is a statutory body (i.e. a body constituted by or under an enactment) that either provides services to the public or otherwise serves the public interest. Obligations under this section (to provide free period products) may be imposed on bodies individually or as a class; but each such body must be consulted before the requirement is imposed on it. Regulations under section 3 that impose on a public service body the obligation to provide free period products to users of its premises are subject to the affirmative procedure, meaning that the regulations only become law if approved by resolution of the Parliament. A specified public service body would be required to make sufficient products available to meet the needs of persons while they are on the premises, but would not be required to provide products for use elsewhere.
20. Subsection (2) allows a specified public service body either to provide period products itself, or to secure their provision through arrangements made with a third party, for example a washroom services contractor.
21. Subsection (8) allows regulations to make different provisions of the Bill take effect, in relation to a public service body, on different days. For example, an earlier date may be set for when a body becomes subject to the requirements of sections 5 to 7, and a later date for when it becomes subject to the requirements of section 3 itself. That would ensure the body has to have regard to Scottish Ministers’ guidance, carry out consultation and then publish a statement of its plans before it has to begin making period products obtainable free of charge on its premises.