

# **PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) ACT 2021**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Final provisions***

31. Section 9 provides definitions for three key terms used throughout the Act, namely “period products”, types of period products, and references to a person’s needs. By defining a person’s needs in terms of menstruation by the person, this section ensures that the Act applies to transgender and non-binary people who menstruate, and not just to women and girls.
32. Section 10 provides definitions for other terms used in the Act.
33. “School” is defined to have the meaning given in section 135(1) of the Education (Scotland) Act 1980, therefore covering local authority, grant-aided and independent schools. This definition includes “a nursery school”. However, as the duty is to make period products obtainable for free only for pupils who need them, the Act has no application to nursery schools.
34. The definitions of further and higher education institution include every publicly funded college and university in Scotland. Although private further education institutions are not within this definition, students at such institutions will be able to obtain free period products through the arrangements put in place by local authorities under section 1.
35. Section 11 provides that sections 9, 10, 11 and 12 come into force the day after Royal Assent, and that Ministers can appoint by regulations dates for commencement of the remaining provisions of the Act, so long as those dates are within 2 years of Royal Assent. Different provisions can be commenced at different times. This would allow, for example, the provisions in relation to Scottish Ministers issuing guidance, and local authorities and education providers carrying out consultation and then publishing a statement on the exercise of their functions, to take effect prior to the main duties on those bodies to make period products obtainable free of charge.