



# Period Products (Free Provision) (Scotland) Act 2021

## 2021 asp 1

### *Additional duties on responsible bodies*

#### **6 Statement on exercise of functions**

- (1) Each responsible body—
  - (a) must, as soon as reasonably practicable after guidance is first issued to the body under section 5,
  - (b) may, at any other time,prepare a written statement describing the plans mentioned in subsection (2).
- (2) The plans are the responsible body's plans for—
  - (a) the exercise of its functions under section 1, 2 or, as the case may be, 3 (including in particular a summary of the arrangements required, by subsection (1) of whichever of those sections applies, to be established and maintained by the responsible body),
  - (b) the provision of information under section 8.
- (3) A statement prepared under subsection (1) must also explain—
  - (a) the ways in which the arrangements mentioned in subsection (2)(a) comply with section 4, and
  - (b) how, in developing the plans and arrangements mentioned in subsection (2), the responsible body has had regard to guidance issued under section 5 (as the guidance is in force at the time the statement is prepared and as it relates to the body).
- (4) Subsection (5) applies where guidance issued to a responsible body under section 5 and in force at the time the responsible body prepares a statement under subsection (1) includes guidance about the exercise of the functions conferred by this section and section 7.
- (5) The statement must also explain how, in exercising the functions mentioned in subsection (4), the responsible body has had regard to that guidance (as it relates to the body).

- (6) A statement prepared under subsection (1) may include such other information as the responsible body thinks appropriate.
- (7) The responsible body must publish each statement prepared under subsection (1) in such ways as the body thinks appropriate.

## 7 Consultation

- (1) Before preparing a statement under section 6, each responsible body—
  - (a) must consult the persons mentioned in subsection (2), and
  - (b) may consult any other body or person the body thinks appropriate,
 about the responsible body's exercise of the functions conferred on it by section 1, 2 or, as the case may be, 3 and by section 8.
- (2) The persons referred to in subsection (1)(a) are, in the case of a responsible body with functions under—
  - (a) section 1—
    - (i) such product users who live or are otherwise likely to be present in the local authority's area as the local authority thinks appropriate,
    - (ii) such persons who may seek to obtain period products on behalf of product users as the local authority thinks appropriate,
  - (b) section 2, such product users who are pupils or, as the case may be, students at institutions managed by the education provider as the education provider thinks appropriate,
  - (c) section 3, such product users who are likely to be in the premises of the specified public service body as the body thinks appropriate.
- (3) Consultation under subsection (1) 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) about the matters mentioned in subsection (4), and
  - (c) about the types of period products which ought to be obtainable free of charge.
- (4) The matters referred to in subsection (3)(b) are—
  - (a) where the consultation relates to the exercise of functions under section 1—
    - (i) the premises, and
    - (ii) the locations in those premises,
 in which period products ought to be obtainable free of charge,
  - (b) where the consultation relates to the exercise of functions under section 2—
    - (i) the locations in buildings of the type mentioned in section 2(3), and
    - (ii) any other locations in the education provider's premises,
 in which period products ought to be obtainable free of charge,
  - (c) where the consultation relates to the exercise of functions under section 3, the locations in the specified public service body's premises in which period products ought to be obtainable free of charge.
- (5) In this section, "product users" means—
  - (a) persons who need to use period products, and
  - (b) except in subsections (2)(a)(ii) and (3)(a), persons who may need to use period products in the future.

## **8 Information to be provided to public**

- (1) In addition to complying with section 6, each responsible body must take such steps as it thinks appropriate to inform the persons mentioned in subsection (2) of the matters mentioned in subsection (3).
- (2) The persons referred to in subsection (1) are, in the case of a responsible body with functions under—
  - (a) section 1, members of the public within the local authority's area generally,
  - (b) section 2, pupils or, as the case may be, students at—
    - (i) each institution managed by the education provider,
    - (ii) where an institution managed by the education provider operates across a number of campuses within Scotland, each such campus,
  - (c) section 3, persons in the premises of the specified public service body.
- (3) The matters referred to in subsection (1) are—
  - (a) that period products are obtainable free of charge, and
  - (b) the arrangements for obtaining products free of charge, including in particular how, where and when products may be obtained.