

Period Products (Free Provision) Bill [HL]

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TO

Provide for the provision of free period products.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

GENERAL RIGHT TO AND SUPPLY OF FREE PERIOD PRODUCTS

1 Right to free period products

Everyone who needs to use period products has the right under this Part to obtain them free of charge.

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2 The period products scheme: general

(1) The Secretary of State must by regulations make a scheme (the “period products scheme”) to set out and regulate the right under section 1 and facilitate its exercise.

(2) The period products scheme must oblige all or any of the following—

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- (a) local authorities,
- (b) specified public-facing bodies,
- (c) other specified persons,

to make period products available for the purposes of this Part or to secure that they are made so available, or both.

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(3) The Secretary of State must make the period products scheme operational not later than 12 months after this section comes into force.

(4) Regulations under this section may specify bodies or persons for the purposes of subsection (2) by reference to a class that they are in.

3 Using the scheme: preliminary procedure

- (1) The period products scheme may contain provisions under which—
 - (a) a person seeking to obtain period products under it must provide sufficient proof of the person’s identity to enable the issue to the person of the voucher mentioned in subsection (2), and 5
 - (b) in order to obtain them, the person must, on each occasion, produce that voucher or otherwise supply evidence that the person has it.
- (2) If the scheme contains provisions as set out in subsection (1), it must provide that—
 - (a) each person seeking to obtain period products under it is entitled to receive a means of identifying the person (the “voucher”), which may be electronic; 10
 - (b) a person provides sufficient proof of identity by—
 - (i) stating the person’s name and the first of the two alphanumerical components of the postcode of the person’s usual residence (for example, in AB12 3CD, AB12), or 15
 - (ii) supplying personal information of such kind as may be specified in substitution for that described in sub-paragraph (i).
- (3) This section does not limit the power of the Secretary of State to make a period products scheme that contains provision that is different from that described in this section. 20
- (4) Any period products scheme, including any voucher scheme, must ensure that any process that is to be followed before a person can exercise the right to obtain period products—
 - (a) is free of charge and reasonably practical, and 25
 - (b) may, in specified circumstances, be operated by another on the person’s behalf.

4 Use and operation of the scheme

- (1) The period products scheme must ensure that persons can use it to obtain period products reasonably easily and with reasonable privacy. 30
- (2) The scheme must enable persons to choose (as an alternative to collection in person) to have period products delivered or have them collected by someone else.
- (3) Notwithstanding section 1, the scheme may require a person choosing to have them delivered in specified circumstances to pay the postal or other delivery charges. 35
- (4) The circumstances specified under subsection (3) are limited to those in which it would be reasonable to expect someone seeking to obtain period products to collect them in person.
- (5) The scheme must ensure that there is a reasonable choice of different types of period products. 40
- (6) The scheme may contain such further provision as the Secretary of State deems fit for the purposes of—
 - (a) securing its full and efficient operation, and
 - (b) preventing its abuse. 45

- (7) The scheme may include measures to ensure that a person may not obtain quantities of period products that are greater than reasonably necessary for the person's use.

PART 2

PROVISION FOR PUPILS, STUDENTS AND OTHERS

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5 Education providers to supply period products for pupils and students

- (1) In each school, university and college, the education provider must make period products available free of charge for pupils or students who need to use them.
- (2) The education provider must do so by – 10
- (a) providing the period products in toilets in each of those school, university or college buildings or other premises that are normally used by the pupils or students,
 - (b) doing all that it reasonably can to ensure that – 15
 - (i) the period products are always there when those toilets are in use by the pupils or students, and
 - (ii) there is a reasonable choice of different types, and
 - (c) complying with any requirements specified by the Secretary of State in regulations.
- (3) This section applies in relation to buildings or other premises managed by the education provider for purposes ancillary or supplementary to the education of the pupils or students (such as residential accommodation or leisure or recreational facilities). 20

6 Specified public service bodies to supply period products for persons in their premises 25

- (1) Each public service body specified by the Secretary of State in regulations must make period products available free of charge for persons in its premises who need to use those products.
- (2) For the purposes of subsection (1), the Secretary of State may make provision about how, where and when period products are to be made available. 30
- (3) Before specifying a public service body under this section, the Secretary of State –
- (a) must consult the body, and
 - (b) may consult any other body or person they think appropriate.
- (4) Bodies may be specified for the purposes of this section by reference to a class that they are in. 35
- (5) Where they are so specified, subsection (3) applies in relation to each of those bodies.

PART 3

GENERAL

- 7 Secretary of State, local authorities and others to publicise the availability of period products** 5
- (1) The Secretary of State must inform the public of the availability of period products free of charge under the period products scheme and how, where and when they can be obtained. 5
- (2) Local authorities, bodies, persons and education providers obliged under this Act to make period products available free of charge in their premises – 10
- (a) may take action to inform persons who are seeking or might seek to obtain period products from them about how, where and when those persons can obtain period products there, and 10
- (b) must comply with any requirements in that respect that may be specified by the Secretary of State in regulations made by statutory instrument. 15
- 8 Payments by the Secretary of State**
- The Secretary of State may make such payments as they think appropriate to the local authorities, public bodies, persons and education providers obliged by or under this Act to make period products available free of charge.
- 9 Regulations** 20
- (1) Regulations under this Act –
- (a) are to be made by statutory instrument, and
- (b) may make different provision for different purposes.
- (2) A statutory instrument containing regulations –
- (a) under section 2 that make a period products scheme for the first time or replace a previous scheme, 25
- (b) under section 6(1), and
- (c) under section 6(2) when made for the first time or when replacing provision about how, where and when period products are to be made available, 30
- may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) Any other statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- 10 Interpretation** 35
- In this Act –
- “college” means an institution that provides further education with the meaning given in section 2(3) (definition of primary, secondary and further education) of the Education Act 1996,
- “education provider” – 40

- (a) in relation to schools, has the same meaning as is given to “responsible body” in paragraphs (c) to (e) of section 85(9) of the Equality Act 2010,
- (b) in relation to universities and colleges, has the same meaning as is given to “responsible body” in paragraphs (b) to (d) of section 91(12) of that Act, 5
- “local authority” has the meaning given in section 1 (meaning of “local authority” in Part I) of the Local Government Act 2000,
- “period products” means manufactured articles the purpose of which is to absorb or collect menstrual flow, 10
- “public-facing bodies” means bodies or other organisations appearing to the Secretary of State –
- (a) to be bodies or organisations to the premises of which the public or a section of the public has frequent access, and
- (b) to be otherwise suitable to be specified, 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,
- “pupil” has the meaning given in section 3(1) of the Education Act 1996 (definition of pupil etc), 20
- “school” has the meaning given in section 4 of the Education Act 1996 (schools: general) notwithstanding subsection (1C) and includes Alternative provision Academies with the meaning given in section 1C of the Academies Act 2010 (Alternative provision Academies), 25
- “student” means a person for whom education is being provided by a university or college,
- “university” means any qualifying institution within the meaning given in section 11 (qualifying institutions) of the Higher Education Act 2004 in England. 30

11 Commencement

- (1) Part 1 and section 6, and so much of sections 7 to 10 as relates to them, section 12 and this section come into force on the day on which this Act is passed.
- (2) Section 5 and so much of sections 7 to 10 as relates to it come into force on 1 August in the year next following the year in which this Act is passed. 35

12 Extent and short title

- (1) This Act extends to England and Wales only.
- (2) This Act may be cited as the Period Products (Free Provision) Act 2020.

Period Products (Free Provision) Bill [HL]

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To provide for the provision of free period products.

Baroness Boycott

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