



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 23 November 2020  
SP Paper 862  
68th Report, 2020 (Session 5)

# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Period Products (Free Provision) (Scotland) Bill as amended at Stage 2**



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# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

(a) any—

(i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;

(ii) [deleted]

(iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;

(b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;

(c) general questions relating to powers to make subordinate legislation;

(d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;

(e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;

(f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;

(g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and

(h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

(i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



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# Committee Membership



**Convener**  
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Scottish Conservative  
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**Deputy Convener**  
**Stuart McMillan**  
Scottish National Party



**Mary Fee**  
Scottish Labour



**Gil Paterson**  
Scottish National Party



**Michelle Ballantyne**  
Scottish Conservative  
and Unionist Party

# Introduction

1. At its meeting on 17 November 2020, the Delegated Powers and Law Reform Committee considered the delegated powers in the Period Products (Free Provision) (Scotland) Bill ("the Bill") as amended at Stage 2.
2. The Committee submits this report to the Parliament under Rule 9.7.9 of the Standing Orders.
3. The Delegated Powers and Law Reform Committee published its Stage 1 Report on the Bill on 19 December 2019<sup>i</sup>. The Committee reported that it would be content with all of the delegated powers in the Bill if the Member brought forward two noted amendments. The Committee agreed to revisit the proposed amendments when considering the Bill at Stage 2. Both suggested amendments have been made.
4. The Bill completed Stage 2 on 28 October 2020.

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<sup>i</sup> [Delegated Powers and Law Reform Committee, 67th Report 2019 \(Session 5\): Period Products \(Free Provision\) \(Scotland\) Bill: Stage 1](#)

## Overview of the Bill

5. This Member's Bill was introduced by Monica Lennon on 23 April 2019. The lead Committee is the Local Government and Communities Committee.
6. The aim of the Bill, as set out in the Explanatory Notes which accompany the Bill, is "to ensure that all who menstruate are able to access period products, at no cost, as and when required". The Bill requires local authorities, education providers and other public service bodies who may be specified, to make period products available free of charge.

# Delegated Powers

7. The Member in Charge has produced a Revised Delegated Powers Memorandum (“Revised DPM”) on the new powers in the Bill after Stage 2<sup>ii</sup>. These powers are:
    - Section 6(1) – power to specify public service bodies required to ensure period products are obtainable free of charge by persons in their premises;
    - Section 6B – power to issue guidance to responsible bodies about the exercise of their functions; and
    - Section 11 – power to appoint the date of commencement of sections 1-9.
  8. In relation to the power in Section 6(1), in its Stage 1 report the Committee recommended that this power (which was previously contained in section 2) be amended so that:
    - any regulations that require other public bodies to provide free period products in their premises are subject to the affirmative procedure; and
    - there is a duty to consult any such bodies before doing so.
  9. The amendments made at Stage 2 give effect to the Committee’s recommendations.
10. The Committee is content that the amendments made at Stage 2 give effect to its recommendations at Stage 1. It is therefore content with the delegated powers in the Bill as amended at Stage 2.

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ii The Revised Delegated Powers Memorandum is available [here](#).



