EXPLANATORY MEMORANDUM TO

DRAFT
The Period Products (Department for Infrastructure Specified Public Service Bodies) Regulations (Northern Ireland) 2024

S.R. 2024 No.

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for Infrastructure (the Department) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly in draft.

1.2. The Statutory Rule is made under sections 2(1), (7)(a) and (b) and (13) of the Period Products (Free Provision) Act (Northern Ireland) 2022 (the Act) and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1. Regulation 1 provides the name of the Regulations, that is the Period Products (Department for Infrastructure Specified Public Service Bodies) Regulations (Northern Ireland) 2024.

2.2. Regulation 2 provides interpretation of key terms used in the Regulations.

2.3. Section 9 of the Act defines a public service body as a body (a) constituted by or under a statutory provision and (b) having functions that consist of or include providing public services or otherwise serving the public interest.

2.4. Regulation 3 provides that the bodies listed in the Schedule to the Regulations are the Department's specified public service bodies for the purposes of section 2(1) of the Act.

2.5. The Schedule specifies the public service bodies for the purposes of section 2(1) of the Act (specified public service bodies). These public service bodies will be subject to duties under the Act, making and maintaining arrangements for period products to be available free of charge on their premises, in line with the requirements set out in the Act.

2.6. Regulation 4 provides for descriptions of premises to be treated as premises of a specified public service body for the purposes of the Act; and for descriptions of persons to be treated as persons in a body's premises, for the purposes of the Act.

2.7. Provision of period products free of charge will be made in all staffed buildings of a specified public service body used for the delivery of services to the public and which are normally open to the public. In these buildings provision will be made for service users, staff and visitors.

2.8. Provision is also to be made in all administrative accommodation of a specified public service body. Administrative accommodation means accommodation leased or owned by a specified public service body for the purpose of effecting its statutory functions.

2.9. Regulation 4 limits provision in administrative accommodation to ensure the general public are not entitled to go into these settings to obtain free period products. Provision in these settings will be limited to staff and visitors.

2.10. In all cases:

- 'service users' means persons who are in the premises of a specified public service body to make use of the services to the public provided there by that body;
- 'staff' means employees or agency workers in the premises of a specified public service body; and
- 'visitors' are defined as persons who have legitimate reason for being in the premises of a specified public service body, such as attending organised events and meetings, or providing a function or service.

3. Background

3.1. Under section 2 of the Act, each Northern Ireland Department must specify by regulations, public service bodies within its functions, who will be subject to duties under the Act. The Act requires that these regulations be made by 11 May 2023.

3.2. Under section 5 of the Act each department must also, as soon as reasonably practicable after making these specification regulations, provide guidance to their specified public service bodies, in relation to their duties under the Act. The guidance is subject to statutory consultation.

3.3. Specified public service bodies, having regard to the departmental guidance, and having consulted with product users, must make and maintain arrangements to ensure free period products are available for use on their premises.

3.4. Section 2(7) of the Act provides that the regulations specifying public service bodies may include descriptions of persons and premises for the purposes of the Act.

4. Consultation

4.1. In accordance with section 2(8)(a) of the Act, the Department carried out a five and a half week consultation with its Arm's Length Bodies on the proposals for these regulations. These included both the public service bodies it was proposing to specify and not proposing to specify. The bodies consulted were: the Northern Ireland Transport Holding Company (NITHC); Northern Ireland Water (NIW); the Driver and Vehicle Agency; Waterways Ireland; and the Drainage Council for Northern Ireland.

4.2. Five responses were received none of which necessitated any substantive change in the proposed policy which was to specify NITHC and NIW as public service bodies for the purposes of the Act.

5. Equality Impact

5.1. Consideration has been given to compliance with Section 75 of the Northern Ireland Act 1998. The Department considers that this matter will have a positive impact on menstruating women and young girls of one or multiple Section 75 identities. It has therefore been screened out and as such will not require a full EQIA.

6. Regulatory Impact

6.1. A regulatory impact assessment was not considered necessary. The Department considers that the implementation costs to NITHC and NIW will not be significant, and the policy has therefore been screened out.

7. Financial Implications

7.1. No significant cost to the Department in making the Regulations has been identified to date. Ongoing procurement of relevant products and services will continue to inform this position.

8. Section 24 of the Northern Ireland Act 1998

8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measures

10.1. This measure does not replicate, nor is there a requirement to maintain parity with, legislation in other administrations.

11. Additional Information

11.1. Not applicable.