EXPLANATORY MEMORANDUM TO

THE PERIOD PRODUCTS (THE DEPARTMENT FOR THE ECONOMY SPECIFIED PUBLIC SERVICE BODIES) REGULATIONS (NORTHERN IRELAND) 2024

SR 2024 No. 101

1. Introduction

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

1.2 The Statutory Rule is made under section 2(1), (2)(c) and (d), (7)(a), (b) and (c), and (9) of the Period Products (Free Provision) Act (Northern Ireland) 2022 ("the 2022 Act") and is subject to the draft affirmative resolution procedure.

2. Purpose

2.1 This Statutory Rule specifies which premises are to be treated as premises of a specified public service body for the purposes of the 2022 Act, describes when these premises are considered to be in use for the purposes of the 2022 Act and provides for descriptions of persons to be treated as in those specified public service bodies' premises for the purposes of the 2022 Act.

3. Background

3.1 The 2022 Act provides for a statutory requirement for free access to period products in education settings and other public buildings. It places a number of duties on departments and other specified public service bodies in respect of their obligations under the 2022 Act and places a duty on Departments to issue guidance on the exercise of the functions conferred on specified public service bodies.

3.2 Section 2 of the 2022 Act provides that each government department must:

(i) specify the public service bodies who are subject to the duty at section 2(3) of the 2022 Act;

(ii) provide the descriptions of premises to be treated as premises of a specified public service body for the purposes of the 2022 Act;

(iii) describe when these premises are considered to be in use for the purposes of the 2022 Act; and

(iv) provide for descriptions of persons to be treated as in those specified public service bodies' premises for the purposes of the 2022 Act.

4. Consultation

4.1 In accordance with section 2(8) of the 2022 Act, the Department consulted with those bodies it intended to specify in the regulations as well as those bodies within its remit which it intended to exclude. All bodies specified within the Regulations advised that they are content to be specified as Public Service Bodies for the purposes of the 2022 Act.

5. Equality Impact

5.1 An equality screening exercise has concluded that universal provision of free period products will apply to all those who menstruate in all of the nine categories specified in section 75 of the Northern Ireland Act 1998. By the nature of the provision made, women and girls will benefit from the Statutory Rule. The provision of free period products will reduce the financial burden on women, thus promoting financial equality and equal participation with men in civic society. As the Statutory Rule is considered to promote equality of opportunity and not to bring about differential negative impacts, an equality impact assessment has not been deemed necessary.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment is not required as there are no costs or savings provided for by the Regulations.

7. Financial Implications

7.1 There are no financial implications associated with the Regulations.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers the Statutory Rule to be compliant with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or Replicatory Measure

10.1 A variety of initiatives to address period poverty exist in the United Kingdom. The 2022 Act closely parallels the Period Products (Free Provision) (Scotland) Act 2021.

11. Additional Information

11.1 Not applicable.