
STATUTORY INSTRUMENTS

2018 No. 795

TERMS AND CONDITIONS OF EMPLOYMENT

The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2018

<i>Made</i>	- - - -	<i>28th June 2018</i>
<i>Laid before Parliament</i>		<i>3rd July 2018</i>
<i>Coming into force</i>	- -	<i>1st August 2018</i>

The Secretary of State makes the following Order in exercise of the powers conferred by section 43F of the Employment Rights Act 1996(1):

Citation and Commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2018 and comes into force on 1st August 2018.

Amendments to the Public Interest Disclosure (Prescribed Persons) Order 2014

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(2)—

(a) at the appropriate place insert—

“Audit Scotland(3).	The proper conduct of public business; value for money, fraud and corruption in public bodies.”;
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(b) in the entry relating to the Bank of England, in the second column, after paragraph (b) insert—

“(ba) the provision of services relating to payment systems;”;
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(1) 1996 c.18. Section 43F was inserted by section 1 of the Public Interest Disclosure Act 1998 (c.23). Section 43F(1)(a) was amended by section 18(1)(c) of the Enterprise and Regulatory Reform Act 2013 (c.24).

(2) S.I. 2014/2418, amended by S.I. 2014/3294, 2015/1407, 2015/1682, 2015/1981, 2016/225, 2016/992, 2017/516, 2017/692, 2017/701, 2017/880, 2017/960, 2017/1064 and 2017/1127.

(3) Audit Scotland was established by section 10 of the Public Finance and Accountability (Scotland) Act 2000 (asp 1). Section 10 was amended by section 118(2) of the Public Services Reform (Scotland) Act 2010 (asp 8).

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- (c) in the entry relating to The Financial Reporting Council Limited and its Conduct Committee, in the second column—
- (i) in paragraph (a), after “accountancy”, omit “auditing”;
 - (ii) for paragraph (f), substitute—

“(f) the investigation of, and enforcement action in relation to, conduct of members of the accountancy and actuarial professions in matters which raise or appear to raise important issues affecting the public interest;”

- (iii) in paragraph (g), omit “and the holding of disciplinary hearings concerning local auditors”;

- (d) for the entry relating to the General Pharmaceutical Council, substitute—

“General Pharmaceutical Council.	Matters relating to—
	(a) the registration and fitness to practise of a member of a profession regulated by the Council;
	(b) regulated activities at or from pharmacy premises registered by the Council; and
	(c) any activities not covered by (a) or (b) in relation to which the Council has functions.”

- (e) for the entry relating to the Secretary of State for Transport, substitute—

“Secretary of State for Transport.	Matters relating to—
	(a) compliance with the requirements of merchant shipping law, including maritime safety;
	(b) motoring services with respect to driver and vehicle standards, the testing and certification of vehicles, their systems and components; and
	(c) road, rail and maritime transport security.”

28th June 2018

Andrew Griffiths
Minister for Small Business, Consumer and
Corporate Responsibility
Department for Business, Energy and Industrial
Strategy

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014. The Employment Rights Act 1996 (the “1996 Act”) provides protection for workers who suffer a detriment or are dismissed as a result of blowing the whistle by making a qualifying disclosure within the meaning of section 43B of the 1996 Act in accordance with any of sections 43C to 43H of that Act. Section 43F of the 1996 Act provides that a qualifying disclosure will be protected if it is made to a prescribed person and relates to matters in respect of which that person is prescribed. The Schedule to the 2014 Order lists the prescribed persons and the matters in respect of which they are prescribed for the purposes of section 43F.

This Order amends the Schedule to the 2014 Order to include Audit Scotland in the list of prescribed persons and to amend the description of some matters for which certain persons are prescribed.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.