

**2004 No. 261**

**EMPLOYMENT**

**Public Interest Disclosure (Prescribed Persons)  
(Amendment) Order (Northern Ireland) 2004**

*Made* - - - - - *9th June 2004*

*Coming into operation* *4th July 2004*

The Department for Employment and Learning(a) in exercise of the powers conferred by Article 67F of the Employment Rights (Northern Ireland) Order 1996(b) and now vested in it(c) and of every other power enabling it in that behalf, hereby makes the following Order:

**Citation and commencement**

**1.** This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2004 and shall come into operation on 4th July 2004.

**Amendment**

**2.** For the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999(d) there shall be substituted the Schedule to this Order.

Sealed with the Official Seal of the Department for Employment and Learning on 9th June 2004.

(L.S.)

*R. B. Gamble*

A senior officer of the Department for Employment and Learning

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(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* the Department for Employment and Learning Act (Northern Ireland) 2001 (c. 15)  
(b) S.I. 1996/1919 (N.I. 16); as inserted by Article 3 of the Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17))  
(c) The Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481) transferred functions under the Employment Rights (Northern Ireland) Order 1996 to the Department of Higher and Further Education, Training and Employment, now renamed the Department for Employment and Learning  
(d) S.R. 1999 No. 401

SCHEDULE

Article 2

Column (1) <i>Persons and descriptions of persons</i>	Column (2) <i>Descriptions of matters</i>
Certification Officer for Northern Ireland	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations.
Chief Executive of the Criminal Cases Review Commission	Actual or potential miscarriages of justice.
Civil Aviation Authority	Compliance with the requirements of civil aviation legislation, including aviation safety.
Commissioners of Customs and Excise	Value added tax, insurance premium tax, excise duties and landfill tax.  The import and export of prohibited or restricted goods.
Commissioners of the Inland Revenue	Income tax, corporation tax, capital gains tax, petroleum revenue tax, inheritance tax, stamp duties, national insurance contributions, statutory maternity pay, statutory sick pay, tax credits, child benefits, collection of student loans and the enforcement of the national minimum wage.
Comptroller and Auditor General for Northern Ireland	The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally funded public services and health service bodies.  The proper conduct of public business, value for money, fraud and corruption in the Fire Authority for Northern Ireland.
Department of Agriculture and Rural Development	Acts or omissions which have an actual or potential effect on the flows in rivers or on drainage of land.  Acts or omissions which have an adverse or potentially adverse effect on fish in the sea, inland fisheries, or on migratory salmon or trout.
Department of Enterprise, Trade & Investment	Fraud and other misconduct in relation to companies. Compliance with the requirements of consumer protection and fair trading legislation.
Department of the Environment for Northern Ireland	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment including those relating to pollution.
Department of Health, Social Services and Public Safety and auditors appointed by that Department	The proper conduct of public business, value for money.
Department for Social Development	The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock.
Director of the Serious Fraud Office	Serious or complex fraud.

Column (1) <i>Persons and descriptions of persons</i>	Column (2) <i>Descriptions of matters</i>
Financial Services Authority	The carrying on of investment business or of insurance business; the operation of banks and building societies, deposit-taking businesses and wholesale money market regimes; the operation of friendly societies, benevolent societies, working men's clubs, specially authorised societies, and industrial and provident societies; the functioning of financial markets, investment exchanges and clearing houses; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority.
Fisheries Conservancy Board for Northern Ireland	Acts or omissions which have an adverse or potentially adverse effect on inland fisheries or on migratory salmon or trout.
Food Standards Agency	Matters which may affect the health of any member of the public in relation to the consumption of food and other matters concerning the protection of the interests of consumers in relation to food.
Health and Safety Executive for Northern Ireland	Matters which may affect the health or safety of any individual at work; matters which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work.
Health and Social Services Board Registration and Inspection Units	Matters relating to the provision of regulated care services.
Information Commissioner	Compliance with the requirements of legislation relating to data protection and to freedom of information.
Local government auditors appointed by the Department of the Environment	The proper conduct of public business, value for money, fraud and corruption in district councils, the Northern Ireland Housing Executive, the Northern Ireland Local Government Officers' Superannuation Committee and the Local Government Staff Commission for Northern Ireland.
Northern Ireland Authority for Energy Regulation (NIAER)	The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.  The conveyance, storage and supply of gas through pipes, and activities ancillary to these matters.
Northern Ireland District Councils	Matters which may affect the health or safety of any individual at work; matters, which may affect the health or safety of any member of the public, arising out of or in connection with the activities of persons at work.  Compliance with the requirements of consumer safety legislation.

Column (1) <i>Persons and descriptions of persons</i>	Column (2) <i>Descriptions of matters</i>
Northern Ireland Social Care Council	Matters relating to the registration of social care workers under the Health and Personal Social Services Act (Northern Ireland) 2001.
Occupational Pensions Regulatory Authority	Matters relating to occupational pension schemes and other private pension arrangements.
Office of Fair Trading	Matters concerning the sale of goods or the supply of services which adversely affect the interests of consumers.  Competition affecting markets in the United Kingdom.
Registrar of Credit Unions for Northern Ireland	The operation of credit unions and industrial and provident societies.
The competent authority under Part IV of the Financial Services Act 2000	The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public.
The Loughs Agency of the Foyle, Carlingford and Irish Lights Commission (FCILC)	Acts or omissions which have an adverse or potentially adverse effect on inland fisheries or on migratory salmon or trout.
The Office of Communications (OFCOM)	The provision and use of telecommunications systems, services and apparatus.
Treasury	The carrying on of insurance business.
A person ("person A") carrying out functions, by virtue of legislation, relating to relevant failures falling within one or more matters within a description of matters in respect of which another person ("person B") is prescribed by this Order, where person B was previously responsible for carrying out the same or substantially similar functions and has ceased to be so responsible	Matters falling within the description of matters in respect of which person B is prescribed by this Order, to the extent that those matters relate to functions currently carried out by person A.

## **EXPLANTORY NOTE**

*(This note is not part of the Order.)*

This Order amends the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 by replacing the Schedule to that Order. The amendments to the Schedule are the inclusion of some persons not previously included, the deletion of others and some amendments to the description of matters for which certain persons are prescribed.

Printed in the UK by The  
Stationery Office Limited  
under the authority and  
superintendence of Carol  
Tullo, Controller of  
Her Majesty's Stationery  
Office being the Government  
Printer for Northern Ireland and  
the Officer appointed to print the  
Acts of the Northern Ireland Assembly  
Dd. N1504. C2. 6/04. Gp. 130. 14567.





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£3.00

Published by The Stationery Office Limited

ISBN 0-337-95561-1



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