

2014 No. 48

EMPLOYMENT

**The Public Interest Disclosure (Prescribed Persons)
(Amendment) Order (Northern Ireland) 2014**

Made - - - - - *26th February 2014*

Coming into operation - - - - - *6th April 2014*

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), makes the following Order:

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014 and shall come into operation on 6th April 2014.

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.

Revocation

3. The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2012(e) is hereby revoked.

Sealed with the Official Seal of the Department for Employment and Learning on 26th February 2014.



Dr Stephen Farry MLA
Minister for Employment and Learning

(a) Formerly the Department of Higher and Further Education, Training and Employment; *see* 2001 c. 15 (N.I.)
(b) S.I. 1996/1919 (N.I. 16); Article 67F was inserted by Article 3 of the Public Interest Disclosure (Northern Ireland) Order 1998 (S.I. 1998/1763 (N.I. 17))
(c) *See* S.R. 1999 No. 481
(d) S.R. 1999 No. 401
(e) S.R. 2012 No. 283

SCHEDULE

Article 2

<i>Column (1)</i>	<i>Column (2)</i>
<i>Persons and description of persons</i>	<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.
Civil Aviation Authority	Compliance with the requirements of civil aviation legislation, including aviation safety and aviation security.
Competition and Markets Authority	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.
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.
Criminal Cases Review Commission	Investigation of alleged or suspected miscarriages of justice from the criminal courts of England, Wales and Northern Ireland and from the Military Court and Service Civilian Court, and where appropriate, referral of cases to the relevant appeal court.
Department of Agriculture and Rural Development	Matters relating to— <ul style="list-style-type: none"> (a) acts or omissions which have an actual or potential effect on the flows in watercourses or on drainage of land; (b) acts or omissions which have an adverse or potentially adverse effect on fish in the sea and fish health; (c) acts or omissions which have an adverse or potentially adverse effect on forests; (d) acts or omissions which could breach or potentially breach the Northern Ireland Cross-Compliance Verifiable Standards; and (e) acts or omissions which have an adverse or potentially adverse effect on animal health, veterinary public health or animal welfare.
Department of Culture, Arts and Leisure	Acts or omissions which have an adverse or potentially adverse effect on inland fisheries or on migratory eels, salmon or trout.

Department of Enterprise, Trade and Investment

Matters relating to–

- (a) compliance with the requirements of consumer protection and fair trading legislation; and
- (b) fraud or misconduct involving companies which are in compulsory liquidation, creditors' voluntary liquidation, administration or administrative receivership.

Department of the Environment

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 for Social Development

Matters relating to–

- (a) the registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock;
- (b) fraud and other misconduct in relation to the administration and payment of Urban Regeneration and Community Development grants.

Director of the Serious Fraud Office
Financial Conduct Authority

Serious or complex fraud and corruption.

The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public; 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 and investment exchanges; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority.

Food Standards Agency

Matters which may affect the health of any member of the public in relation to the consumption of food and other related matters concerning the protection of the interests of consumers in relation to food.

General Chiropractic Council^(a)

Matters relating to-

- (a) the registration and fitness to practise of a member of a profession regulated by the Council; and
- (b) any activities not covered by (a) in relation to which the Council has functions.

General Dental Council ^(b)	Matters relating to- <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Medical Council ^(c)	Matters relating to- <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
General Osteopathic Council ^(d)	Matters relating to- <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
Health and Care Professions Council ^(e)	Matters relating to- <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
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.
Her Majesty's Revenue and Customs	Value added tax, insurance premium tax, excise duties and landfill tax. The import and export of prohibited or restricted goods. 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. Matters relating to the Commissioners' functions as the supervisory authority for estate agents pursuant to regulation 23(1)(d)(vii) of the Money Laundering Regulations 2007 ^(f) .
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 from the staff of the Northern Ireland Audit Office

The proper conduct of public business, value for money, fraud and corruption in district councils, joint committees, the Northern Ireland Local Government Officers' Superannuation Committee and the Local Government Staff Commission for Northern Ireland.

Northern Ireland Authority for Utility Regulation

Matters relating to–

- (a) the regulation of the generation, transmission, distribution and supply of electricity, and activities ancillary to these matters;
- (b) the regulation of the conveyance, storage and supply of gas through pipes, and activities ancillary to these matters;
- (c) the regulation of the abstraction, treatment, distribution and supply of drinking water to the public and activities ancillary to these matters; and
- (d) the regulation of the collection, treatment and disposal of wastewater and sewage sludge and activities ancillary to these matters.

Northern Ireland Commissioner for Children and Young People

Matters relating to the safeguarding and promotion of the rights and best interests of children and young people.

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 protection legislation. Compliance with the requirements of food safety legislation.

Northern Ireland Human Rights Commission

Matters which engage human rights.

Northern Ireland Social Care Council

Matters relating to–

- (a) the registration and regulation of social workers and social care workers under the Health and Personal Social Services Act (Northern Ireland) 2001^(g); and
- (b) the regulation of education and training in social work and social care work.

Nursing and Midwifery Council ^(h)	<p>Matters relating to-</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
Office of Communications	<p>Matters relating to-</p> <ul style="list-style-type: none"> (a) the provision of electronic communications networks and services and the use of the electromagnetic spectrum; (b) broadcasting and the provision of television and radio services; (c) media ownership and control; (d) competition in communications markets; and (e) postal services regulation.
Office of Qualifications and Examinations Regulation	<p>Matters in relation to which the Office of Qualifications and Examinations Regulation exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009⁽ⁱ⁾.</p>
Pensions Regulator	<p>Matters relating to occupational pension schemes and other private pension arrangements including matters relating to the Pensions Regulator's objective of maximising compliance with the duties under Chapter 1 of Part 1 (and the safeguards in sections 50 and 54) of the Pensions (No. 2) Act (Northern Ireland) 2008^(j).</p>
Pharmaceutical Society Northern Ireland ^(k)	<p>Matters relating to-</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the council has functions.
Prudential Regulation Authority	<p>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.</p>
Registrar of Credit Unions and Industrial and Provident Societies	<p>The operation of credit unions and industrial and provident societies.</p>

Regulation and Quality Improvement Authority	Matters relating to the quality, safety, and availability of health and social care services provided by statutory, independent, community and voluntary providers in Northern Ireland.
Secretary of State for Business, Innovation and Skills	Matters relating to fraud and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes).
Secretary of State for Transport	Compliance with merchant shipping law, including maritime safety.
The Bank of England	The functioning of clearing houses.
The Charity Commission for Northern Ireland	The proper administration of charities and of funds given or held for charitable purposes.
The Financial Reporting Council Limited and its Conduct Committee	<p>Matters relating to-</p> <ul style="list-style-type: none"> (a) the independent oversight of the regulation of the accountancy, auditing and actuarial professions; (b) the independent supervision of Auditors General (as defined in section 1226 of the Companies Act 2006^(l)); (c) the monitoring of major audits (as defined in section 525 of that Act^(m) for the purposes of that section or section 522, or paragraph 13(10) of Schedule 10 to that Act for the purposes of that paragraph); (d) the registration of third country auditors (as defined in section 1261 of that Act⁽ⁿ⁾); (e) compliance with the requirements of legislation relating to accounting and reporting; (f) the investigation of the conduct of auditors, accountants and actuaries and the holding of disciplinary hearings in public interest cases (as defined in paragraph 24 of Schedule 10 to that Act); and (g) the determination of sanctions against auditors (as defined in paragraph 23 of Schedule 10 to that Act).
The General Optical Council ^(o)	<p>Matters relating to-</p> <ul style="list-style-type: none"> (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

The Loughs Agency of the Foyle, Carlingford & Irish Lights Commission

Acts or omissions which have an adverse or potentially adverse effect on inland fisheries or on migratory salmon or trout.

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.

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- ^(a) The General Chiropractic Council was established by section 1 of the Chiropractors Act 1994 (c.17)
- ^(b) The General Dental Council continues in existence by virtue of section 1 of the Dentists Act 1984 (c.24)
- ^(c) The General Medical Council continues in existence by virtue of section 1 of the Medical Act 1983 (c.54)
- ^(d) The General Osteopathic Council was established by section 1 of the Osteopaths Act 1993 (c.21)
- ^(e) The Health Professions Council was established by article 3 of the Health and Social Work Professions Order 2001 (S.I. 2002/254) and renamed the Health and Care Professions Council by section 214 of the Health and Social Care Act 2012 (c.7)
- ^(f) S.I. 2007/2157
- ^(g) 2001 c.3 (N.I.)
- ^(h) The Nursing and Midwifery Council was established by article 3 of the Nursing and Midwifery Order 2001 (S.I. 2002/253)
- ⁽ⁱ⁾ The Office of Qualifications and Examinations Regulation (“Ofqual”) was established by section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). The matters in relation to which Ofqual has functions are set out in part 7 of that Act
- ^(j) 2008 c.13 (N.I.)
- ^(k) Pharmaceutical Society Northern Ireland continues in existence by virtue of article 3 of the Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22))
- ^(l) 2006 c. 46
- ^(m) Section 525 has been amended in a manner not relevant to this Order
- ⁽ⁿ⁾ Section 1261 was amended by regulation 2(2) of S.I. 2007/3494
- ^(o) The General Optical Council continues in existence by virtue of section 1 of the Opticians Act 1989 (c. 44)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 (S.R. 1999 No. 401) by replacing the Schedule to that Order.

It adds to the list of prescribed persons: Competition and Markets Authority; General Chiropractic Council; General Dental Council; General Medical Council; General Osteopathic Council; Health and Care Professions Council; Nursing and Midwifery Council; Pharmaceutical Society Northern Ireland and The General Optical Council to the list of prescribed persons.

It makes amendments to the description of matters for the Civil Aviation Authority; Department of Agriculture and Rural Development; Northern Ireland Commissioner for Children and Young People; Northern Ireland Social Care Council; Secretary of State for Business, Innovation and Skills.

The Office of Fair Trading has been removed from the list of prescribed persons as it has been replaced by the Competition and Markets Authority.

The reference to the Office of Qualifications and Examinations Regulations has been amended to read the Office of Qualifications and Examinations Regulation.

This Order revokes the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2012 (S.R. 2012 No. 283).

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STATUTORY RULES OF NORTHERN IRELAND

2014 No. 48

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