

2022 No. 290

EMPLOYMENT

**The Public Interest Disclosure (Prescribed Persons)
(Amendment No.2) Order (Northern Ireland) 2022**

Made - - - - - *27th October 2022*

Coming into operation - *18th November 2022*

The Department for the Economy makes the following Order in exercise of the powers conferred by Article 67F of the Employment Rights (Northern Ireland) Order 1996(a) and now vested in it(b).

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment No.2) Order (Northern Ireland) 2022 and shall come into operation on 18th November 2022.

Amendment

2.—(1) The Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999(c) is amended in accordance with paragraphs (2) and (3).

(2) In the entry relating to the Financial Conduct Authority, for the words in Column (2) substitute—

“Matters relating to—

- (a) the carrying on of investment business, of insurance business or of deposit taking business or of any business related to or constituting a regulated activity as defined in section 22 of the Financial Services and Markets Act 2000(d) and wholesale money market regimes;

(a) 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)) and amended by section 14(1)(c) of the Employment Act (Northern Ireland) 2016 (c.15 (N.I.)).

(b) The functions of the Department of Economic Development under the Employment Rights (Northern Ireland) Order 1996 were transferred to the Department of Higher and Further Education, Training and Employment by Article 4(b) of, and Schedule 2, Part 2 to, the Departments (Transfer and Assignment of Functions) Order (Northern Ireland) 1999 (S.R. 1999 No. 481). The Department of Higher and Further Education, Training and Employment was renamed the Department for Employment and Learning by section 1(1) of the Department for Employment and Learning Act (Northern Ireland) 2001 (c.15 (N.I.)), and following the dissolution of that department by section 1(10) of the Departments Act (Northern Ireland) 2016 (c.5 (N.I.)), its functions under the Employment Rights (Northern Ireland) Order 1996 were transferred to the Department for the Economy by Article 6(1)(c) of the Departments (Transfer of Functions) Order (Northern Ireland) 2016 (S.R. 2016 No. 76).

(c) S.R. 1999 No. 401; amended by S.R. 2004 No. 261, S.R. 2006 No. 458, S.R. 2010 No. 361, S.R. 2010 No. 399, S.R. 2012 No. 283, S.I. 2013/472, S.R. 2014 No. 48, S.I. 2014/631, S.I. 2017/516, S.I. 2017/692, S.I. 2017/1064, S.I. 2017/1127 and S.R. 2022 No. 72.

(d) 2000 c.8: the relevant amendments are 2012 c.21 and S.I. 2018/135.

- (b) the conduct of persons authorised for the purposes of section 31 of the Financial Services and Markets Act 2000^(a) including banks, building societies established under the Building Societies Act 1986^(b), consumer credit firms and credit unions within the meaning of the Credit Unions Act 1979^(c) or registered under the Credit Unions (Northern Ireland) Order 1985^(d), or the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969^(e), friendly societies within the meaning of the Friendly Societies Act 1974^(f) and the Friendly Societies Act 1992^(g), insurers, the Society of Lloyd’s incorporated by the Lloyd’s Act 1871^(h) and Lloyd’s managing agents;
- (c) the conduct of persons who are subject to Part 18 of the Financial Services and Markets Act 2000⁽ⁱ⁾;
- (d) the conduct of persons who are electronic money issuers for the purposes of the Electronic Money Regulations 2011^(j);
- (e) the conduct of persons who are payment service providers for the purposes of the Payment Services Regulations 2017^(k);
- (f) the operation of small UK Alternative Investment Fund Managers registered under regulation 10 of the Alternative Investment Fund Managers Regulations 2013^(l);
- (g) the operation of societies registered under the Friendly Societies Act 1974 and the Friendly Societies Act 1992, including friendly societies, benevolent societies, working men’s clubs and specially authorised societies;
- (h) the operation of “registered societies” within the meaning of the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969;
- (i) the conduct of persons subject to rules made under Part 6 of the Financial Services and Markets Act 2000^(m);
- (j) competition in relation to the provision of financial services and the financial services markets;
- (k) the functioning of financial markets;
- (l) money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Conduct Authority;
- (m) the conduct of persons who are subject to—
 - (i) Parts 3 and 4 of the Financial Services and Markets Act 2000 (Markets in Financial Instruments) Regulations 2017⁽ⁿ⁾;

(a) 2000 c.8: section 31 was amended by 2012 c.21 and S.I. 2018/1149.

(b) 1986 c.53.

(c) 1979 c.34.

(d) 1985 No. 1205 (N.I. 12).

(e) 1969 c.24 (N.I.); the short title for the Industrial and Provident Societies Act (Northern Ireland) 1969 was amended to the Co-operative and Community Benefit Societies Act (Northern Ireland) 1969 by paragraph 15 of Schedule 1 to 2016 c.16 (N.I.).

(f) 1974 c.46.

(g) 1992 c.40.

(h) 1871 34 Vict c.21.

(i) 2000 c.8: Part 18 amended by 2002 c.40, 2006 c.55, S.I. 2007/126, S.I. 2009/534, 2012 c.21, S.I. 2013/504, S.I. 2013/1908, S.I. 2013/3115, S.I. 2014/892, S.I. 2015/1755, 2016 c.14, S.I. 2016/680, S.I. 2016/715, S.I. 2017/701, S.I. 2017/1064, S.I. 2018/135, S.I. 2018/1184, S.I. 2019/662, S.I. 2020/117, S.I. 2020/646, S.I. 2020/1301 and S.I. 2020/1385.

(j) S.I. 2011/99: amended by S.I. 2012/1741, S.I. 2012/1791, S.I. 2013/429, S.I. 2013/472, S.I. 2013/1881, S.I. 2013/3115, S.I. 2014/366, S.I. 2016/163, S.I. 2016/937, S.I. 2017/752, S.I. 2017/692, S.I. 2017/1173, 2018 c.13, S.I. 2018/1201, S.I. 2019/577, S.I. 2019/681, S.I. 2019/1212, S.I. 2019/1511, S.I. 2020/56, S.I. 2020/591, S.I. 2020/1275, S.I. 2021/716 and S.I. 2021/1376.

(k) S.I. 2017/752: amended by S.I. 2017/1064, S.I. 2017/1173, 2018 c.13, S.I. 2018/1201, S.I. 2019/681, S.I. 2019/1212, S.I. 2020/56, S.I. 2020/591, S.I. 2020/1275, 2021 c.22, S.I. 2021/716, S.I. 2021/1376, S.I. 2022/500 and S.I. 2022/838.

(l) S.I. 2013/1773: regulation 10 was amended by S.I. 2019/328.

(m) 2000 c.8: Part 6 amended by S.I. 2005/381, S.I. 2005/1433, 2006 c.46, S.I. 2007/1973, S.I. 2010/1192, S.I. 2011/1613, 2012 c.21, S.I. 2012/1538, S.I. 2013/1388, S.I. 2014/3293, S.I. 2014/3329, S.I. 2015/1755, S.I. 2016/680, S.I. 2017/701, S.I. 2018/786, S.I. 2019/707, S.I. 2019/1043 and S.I. 2019/1234.

(n) S.I. 2017/701: Parts 3 and 4 were amended by S.I. 2017/1255 and S.I. 2018/1403.

- (ii) the Data Reporting Services Regulations 2017(a); or
- (iii) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012(b);
- (n) the conduct of PRIIP manufacturers and persons advising on or selling a PRIIP referred to in Regulation (EU) No 1286/2014 of the European Parliament and of the Council of 26th November 2014 on key information documents for packaged retail and insurance-based investment products (PRIIPS), for the purposes of that regulation(c);
- (o) the conduct of persons regulated under Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012(d);
- (p) the conduct of self-regulatory organisations in relation to compliance with their supervision requirements as defined in regulation 2 of the Oversight of Professional Body Anti-Money Laundering and Counter Terrorist Financing Supervision Regulations 2017(e) or the requirements imposed on self-regulatory organisations by or under those Regulations;
- (q) the conduct of persons who are supervised contributors within the meaning of point (10) of Article 3(1) of Regulation (EU) 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014(f);
- (r) the conduct of persons who are Miscellaneous BM persons within the meaning of regulation 5(2) of the Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018(g) in relation to relevant requirements as defined in regulation 2(1) of those Regulations;
- (s) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4th July 2012 on OTC derivatives, central counterparties and trade repositories(h);
- (t) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012(i);
- (u) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies(j); and

(a) S.I. 2017/699.

(b) EUR 2014/600, as amended by S.I. 2018/1403, EUR 2019/2175, 2021 c.22 and S.I. 2021/1074.

(c) EUR 2014/1286, as amended by Regulation (EU) 2019/1156, S.I. 2019/403, 2021 c.22 and S.I. 2021/1149.

(d) EUR 2017/2402, as amended by S.I. 2019/660, S.I. 2019/710 and S.I. 2021/1376.

(e) S.I. 2017/1301, as amended by S.I. 2018/1337 and S.I. 2019/253.

(f) EUR 2016/1011, as amended by S.I. 2019/657.

(g) S.I. 2018/135: regulation 5(2) was amended by S.I. 2019/1256. Regulation 2(1) was amended by S.I. 2019/710 and S.I. 2020/1385

(h) EUR 2012/648, as amended by S.I. 2018/1184, S.I. 2018/1318, S.I. 2019/335, S.I. 2019/660, S.I. 2019/685, S.I. 2019/710, S.I. 2019/1416, S.I. 2020/646, 2021 c.22, S.I. 2021/1376 and S.I. 2022/838.

(i) EUR 2015/2365, as amended by S.I. 2019/542, S.I. 2019/681 and S.I. 2020 1385.

(j) EUR 2009/1060, as amended by S.I. 2019/266 and S.I. 2019/660.

- (v) the conduct of persons subject to the functions conferred on the Financial Conduct Authority under Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012(a).”

(3) At the appropriate place insert—

“Office for Environmental Protection(b)	Matters relating to the functions of the Office for Environmental Protection, as set out in the Environment Act 2021(c).”
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Sealed with the Official Seal of the Department for the Economy on 27th October 2022.



Colin Jack
A senior officer of the
Department for the Economy

EXPLANATORY NOTE

(This note is not part of the Order)

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

It adds the Office for Environmental Protection, and the description of matters for which it is prescribed, to the list of prescribed persons.

It also amends the description of matters for which the Financial Conduct Authority is prescribed.

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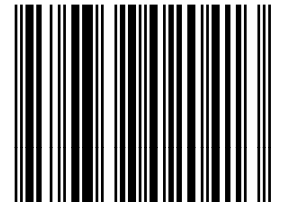
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(a) EUR 2017/2402, as amended by S.I. 2019/660, S.I. 2019/710 and S.I. 2021/1376.
(b) The Office for Environmental Protection was established by section 22 of the Environment Act 2021 (c.30).
(c) 2021 c.30.

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