
STATUTORY INSTRUMENTS

1999 No. 1549

TERMS AND CONDITIONS OF EMPLOYMENT

The Public Interest Disclosure (Prescribed Persons) Order 1999

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| <i>Made</i> | - - - - | <i>5th June 1999</i> |
| <i>Laid before Parliament</i> | | <i>8th June 1999</i> |
| <i>Coming into force</i> | - - | <i>2nd July 1999</i> |

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

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) Order 1999 and shall come into force on 2nd July 1999.

Prescribed Persons

2.—(1) The persons and descriptions of persons prescribed for the purposes of section 43F of the Employment Rights Act 1996 are the persons and descriptions of persons specified in the first column of the Schedule.

(2) The descriptions of matters in respect of which each person, or persons of each description, specified in the first column of the Schedule is or are prescribed are the descriptions of matters respectively specified opposite them in the second column of the Schedule.

5th June 1999

Ian McCartney
Minister of State,
Department of Trade and Industry

(1) 1996 c. 18. Section 43F of the Employment Rights Act 1996 was inserted by the Public Interest Disclosure Act 1998 (c. 23), section 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Article 2

| <i>FIRST COLUMN</i> | <i>SECOND COLUMN</i> |
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| <i>Persons and descriptions of persons</i> | <i>Descriptions of matters</i> |
| Accounts Commission for Scotland and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies. | The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies. |
| Audit Commission for England and Wales and auditors appointed by the Commission to audit the accounts of local government, and health service, bodies. | The proper conduct of public business, value for money, fraud and corruption in local government, and health service, bodies. |
| Building Societies Commission. | The operation of building societies. |
| Certification Officer. | Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations. |
| Charity Commissioners for England and Wales. | The proper administration of charities and of funds given or held for charitable purposes. |
| Lord Advocate, Scotland. | The proper administration of charities and of funds given or held for charitable purposes. |
| Chief Executive of the Criminal Cases Review Commission. | Serious or complex fraud. |
| Chief Executive of the Criminal Cases Review Commission. | Actual or potential miscarriages of justice. |
| Chief Executive of the Scottish Criminal Cases Review Commission. | Actual or potential miscarriages of justice. |
| Chief Registrar of Friendly Societies. | The operation of credit unions, clubs, housing associations, co-operatives and other industrial and provident societies, benevolent societies, working men's clubs and specially authorised societies. |
| Assistant Registrar of Friendly Societies for Scotland. | The operation of clubs, housing associations, co-operatives and other industrial and provident societies, benevolent societies, working men's clubs and specially authorised societies. |
| Civil Aviation Authority. | Compliance with the requirements of civil aviation legislation, including aviation safety. |
| The competent authority under Part IV of the Financial Services Act 1986(2). | The listing of securities on a stock exchange; prospectuses on offers of transferable securities to the public. |
| Commissioners of Customs and Excise. | Value added tax, insurance premium tax, excise duties and landfill tax. |

(2) 1986 (c. 60).

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| <i>FIRST COLUMN</i> | <i>SECOND COLUMN</i> |
|---|--|
| <i>Persons and descriptions of persons</i> | <i>Descriptions of matters</i> |
| | 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 and statutory sick pay. |
| Comptroller and Auditor General of the National Audit Office. | The proper conduct of public business, value for money, fraud and corruption in relation to the provision of centrally-funded public services. |
| Auditor General for Wales. | The proper conduct of public business, value for money, fraud and corruption in relation to the provision of public services. |
| Data Protection Registrar. | Compliance with the requirements of legislation relating to data protection. |
| Director General of Electricity Supply. | The generation, transmission, distribution and supply of electricity, and activities ancillary to these matters. |
| Director General of Fair Trading. | Matters concerning the sale of goods or the supply of services which adversely affect the interests of consumers. Matters relating to consumer credit and hire, estate agency, unfair terms in consumer contracts and misleading advertising. |
| | The abuse of a dominant position in a market and the prevention, restriction or distortion of competition. |
| Director General of Gas Supply. | The transportation, shipping and supply of gas through pipes, and activities ancillary to these matters. |
| Director General of Telecommunications. | The provision and use of telecommunication systems, services and apparatus. |
| Director General of Water Services. | The supply of water and the provision of sewerage services. |
| Director of the Serious Fraud Office. | Serious or complex fraud. |
| Environment Agency. | 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, abstraction of water, flooding, the flow in rivers, inland fisheries and migratory salmon or trout. |
| Scottish Environment Protection Agency. | Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment, |

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| <i>FIRST COLUMN</i> | <i>SECOND COLUMN</i> |
|---|---|
| <i>Persons and descriptions of persons</i> | <i>Descriptions of matters</i> |
| | including those relating to flood warning systems and pollution. |
| Financial Services Authority. | The carrying on of investment business or of insurance business; the operation of banks, deposit-taking businesses and wholesale money market regimes; the functioning of financial markets, investment exchanges and clearing houses; the functioning of other financial regulators; money laundering, financial crime, and other serious financial misconduct, in connection with activities regulated by the Financial Services Authority. |
| Friendly Societies Commission. | The operation of friendly societies and industrial assurance companies. |
| Health and Safety Executive. | 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. |
| Local authorities which are responsible for the enforcement of health and safety legislation. | 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. |
| Investment Management Regulatory Organisation. | The activities of persons regulated by the Investment Management Regulatory Organisation. |
| Occupational Pensions Regulatory Authority. | Matters relating to occupational pension schemes and other private pension arrangements. |
| Personal Investment Authority. | The activities of persons regulated by the Personal Investment Authority. |
| Rail Regulator. | The provision and supply of railway services. |
| Securities and Futures Authority. | The activities of persons regulated by the Securities and Futures Authority. |
| Treasury. | The carrying on of insurance business. |
| Secretary of State for Trade and Industry. | Fraud, and other misconduct, in relation to companies, investment business, insurance business, or multi-level marketing schemes (and similar trading schemes); insider dealing. |
| | Consumer safety. |
| Local authorities which are responsible for the enforcement of consumer protection legislation. | Compliance with the requirements of consumer protection legislation. |

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| <i>FIRST COLUMN</i> | <i>SECOND COLUMN</i> |
|---|---|
| <i>Persons and descriptions of persons</i> | <i>Descriptions of matters</i> |
| 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. |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes persons for the purposes of section 43F of the Employment Rights Act 1996 (“the 1996 Act”).

The first column of the Schedule specifies the persons and descriptions of persons prescribed, and the second column specifies the descriptions of matters in respect of which each person, or description of persons, is prescribed.

The broad effect of the Order, taken with section 43F, is that a worker potentially protected by the provisions of the 1996 Act will be protected by the 1996 Act if he makes a qualifying disclosure in good faith to a person prescribed in the Order reasonably believing that the failure disclosed falls within the matters in respect of which that person is prescribed and that the information disclosed, and any allegation contained in it, are substantially true.