

2010 No. 361

EMPLOYMENT

**Public Interest Disclosure (Prescribed Persons) (Amendment)
Order (Northern Ireland) 2010**

Made - - - - - *27th October 2010*

Coming into operation - - - - - *29th November 2010*

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) 2010 and shall come into operation on 29th November 2010.

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) 2006(e) is revoked.

Sealed with the Official Seal of the Department for Employment and Learning on 27th October 2010.



Sir Reg Empey
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. 2006 No. 458

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.
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	Acts or omissions which have an actual or potential effect on the flows in watercourses or on drainage of land. Acts or omissions which have an adverse or potentially adverse effect on fish in the sea and fish health.
Department of Culture, Arts and Leisure	Acts or omissions which have an adverse or potentially adverse effect on inland fisheries or on migratory salmon or trout.
Department of Enterprise, Trade and Investment	Fraud and other misconduct in relation to companies. Compliance with the requirements of consumer protection and fair trading legislation.
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	The registration and operation of registered social landlords, including their administration of public and private funds and management of their housing stock. Fraud and other misconduct in relation to the administration and payment of Urban Regeneration and Community Development grants.

Director of the Serious Fraud Office

Serious or complex fraud and corruption.

The Financial Reporting Council Limited and its operating bodies: the Professional Oversight Board; the Financial Reporting Review Panel; and the Accountancy and Actuarial Discipline Board^(a)

Matters relating to—

- (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^(b));
- (c) the monitoring of major audits (as defined in section 525 of that Act^(c) 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^(d));
- (e) compliance with the requirements of legislation relating to accounting and reporting; and
- (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).

Financial Services Authority

Matters in connection with activities relating to the Financial Services Authority such as: 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.

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.

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	<p>Value added tax, insurance premium tax, excise duties and landfill tax.</p> <p>The import and export of prohibited or restricted goods.</p> <p>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.</p>
Information Commissioner	<p>Compliance with the requirements of legislation relating to data protection and to freedom of information.</p>
Local government auditors appointed by the Department of the Environment from the staff of the Northern Ireland Audit Office	<p>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.</p>
Northern Ireland Authority for Utility Regulation	<p>The regulation of the generation, transmission, distribution and supply of electricity, and activities ancillary to these matters.</p> <p>The regulation of the conveyance, storage and supply of gas through pipes, and activities ancillary to these matters.</p> <p>The regulation of the abstraction, treatment, distribution and supply of drinking water to the public and activities ancillary to these matters.</p> <p>The regulation of the collection, treatment and disposal of wastewater and sewage sludge and activities ancillary to these matters.</p>
Northern Ireland Commissioner for Children and Young People	<p>Matters relating to the rights and best interests of children and young people.</p>
Northern Ireland District Councils	<p>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.</p>
Northern Ireland Social Care Council	<p>Matters relating to the registration and regulation of social care workers under the Health and Personal Social Services Act (Northern Ireland) 2001.</p> <p>The regulation of education and training in social work and social care work.</p>

Office of Communications	Matters relating to— <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; and (d) competition in communications markets.
Office of Fair Trading	The regulation of the UK consumer credit market through a licensing system, and the application of consumer protection legislation where matters adversely affect the <i>collective</i> interests of UK consumers. The enforcement of Competition Law in the UK.
Pensions Regulator	Matters relating to occupational and work based personal pension schemes.
Registrar of Credit Unions and Industrial and Provident Societies	The operation of credit unions and industrial and provident societies.
Regulation and Quality Improvement Authority	Matters relating to the standard of health and social care provided by both statutory and independent providers.
Secretary of State for Transport	Compliance with merchant shipping law, including maritime safety.
The Charity Commission for Northern Ireland	The proper administration of charities and of funds given or held for charitable purposes.
The competent authority under Part IV of the Financial Services and Markets 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 & 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	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.

same or substantially similar functions and has ceased to be so responsible.

(a) The Professional Oversight Board and the Financial Reporting Review Panel are established under the articles of association of the Financial Reporting Council Limited; the Accountancy and Actuarial Discipline Board is established under the articles of association of the Accountancy and Actuarial Discipline Board Limited (registered number 5081857)

(b) 2006 c. 46

(c) Section 525 has been amended in a manner not relevant to this Order

(d) Section 1261 was amended by regulation 2(2) of S.I. 2007/3494

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: the Charity Commission for Northern Ireland; the Department of Culture, Arts and Leisure; and the Financial Reporting Council Limited and its operating bodies (the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board).

It makes amendments to the description of matters for the Criminal Cases Review Commission, the Department for Agriculture and Rural Development, the Department for Social Development, the Director of the Serious Fraud Office, the Northern Ireland Authority for Utility Regulation and the Pensions Regulator.

The reference to the Chairman of the Criminal Cases Review Commission has been amended to read Criminal Cases Review Commission. The reference to the Northern Ireland Authority for Energy Regulation has been amended to read Northern Ireland Authority for Utility Regulation. The reference to the Registrar of Credit Unions for Northern Ireland has been amended to read the Registrar of Credit Unions and Industrial and Provident Societies.

The Fisheries Conservancy Board for Northern Ireland has been removed from the list of prescribed persons as it was abolished in 2009.

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