

2012 No. 283

EMPLOYMENT

**Public Interest Disclosure (Prescribed Persons) (Amendment)
Order (Northern Ireland) 2012**

Made - - - - - *9th July 2012*

Coming into operation - *1st October 2012*

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) 2012 and shall come into operation on 1st October 2012.

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 following Orders are revoked—

- (a) The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2010(e); and
- (b) The Public Interest Disclosure (Prescribed Persons) (Amendment No.2) Order (Northern Ireland) 2010(f).

(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. 2010 No. 361
(f) S.R. 2010 No. 399



Dr. Stephen Farry MLA
Minister for Employment and Learning

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 | Matters relating to— (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; and (d) acts or omissions which could breach or potentially breach the Northern Ireland Cross-Compliance Verifiable Standards. |
| 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

Serious or complex fraud and corruption.

The Financial Reporting Council Limited and its Conduct Committee

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^(a));
- (c) the monitoring of major audits (as defined in section 525 of that Act^(b) 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^(c));
- (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).

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

Office of Communications

Matters relating to–

- (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 Fair Trading | <p>Matters relating to the Office of Fair Trading's functions under the Enterprise Act 2002, and additionally under-</p> <ul style="list-style-type: none"> (a) other legislation relating to consumer protection and fair trading, including particularly the Consumer Credit Act 1974; (b) other legislation relating to competition, including particularly the Competition Act 1998, and Articles 101 and 102 of the Treaty on the Functioning of the European Union; (c) other legislation relating to the investigation of markets, including particularly the Financial Services and Markets Act 2000; (d) legislation relating to money laundering and terrorist financing, including particularly the Money Laundering Regulations 2007. |
| Office of Qualifications and Examinations Regulations | Matters in relation to which the Office of Qualifications and Examinations Regulations exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009 ^(d) . |
| Pensions Regulator | 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 ^(e) . |
| 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 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 insider dealing or 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 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 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.

^(a) 2006 c. 46

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

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

^(d) 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.

^(e) 2008 c. 13 (N.I.)

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 Office of Qualifications and Examinations Regulations and the Secretary of State for Business, Innovation and Skills to the list of prescribed persons.

It makes amendments to the description of matters for the Department of Agriculture and Rural Development; the Department of Culture, Arts and Leisure; the Department of Enterprise, Trade and Investment; the Office of Communications; the Office of Fair Trading; the Pensions Regulator and the Regulation and Quality Improvement Authority.

This Order revokes the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 2010 (S.R. 2010 No. 361) and the Public Interest Disclosure (Prescribed Persons) (Amendment No.2) Order (Northern Ireland) 2010 (S.R. 2010 No. 399).

© Crown copyright 2012

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 Acts of the Northern Ireland Assembly.

£5.75

N5488 07/2012 425488T 19585

ISBN 978-0-337-98858-5



9 780337 988585