

2012 No. 462

TERMS AND CONDITIONS OF EMPLOYMENT

**The Public Interest Disclosure (Prescribed Persons)
(Amendment) Order 2012**

Made - - - - *21st February 2012*
Laid before Parliament *28th February 2012*
Coming into force - - *22nd March 2012*

The Secretary of State makes the following Order in exercise of the powers conferred by section 43F of the Employment Rights Act 1996(a).

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2012 and comes into force on 22 March 2012.

Amendment to the Public Interest Disclosure (Prescribed Persons) Order 1999

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(b) before the entry for “Rail Regulator” insert the entry set out in the Schedule to this Order.

21st February 2012

Nick Gibb
Minister of State
Department for Education

SCHEDULE

Article 2

<i>First Column</i>	<i>Second Column</i>
<i>Persons and descriptions of person</i>	<i>Description of matters</i>
Office of Qualifications and Examinations Regulation	Matters in relation to which the Office of Qualifications and Examinations Regulation exercises functions under the Apprenticeships, Skills, Children and Learning Act 2009(c)

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

(b) S.I. 1999/1549, to which there are amendments not relevant to this Order.

(c) 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Interest Disclosure (Prescribed Persons) Order 1999 (“the 1999 Order”) by adding the Office of Qualifications and Examinations Regulation (“Ofqual”) to the list of prescribed persons in that Order. It also specifies the description of matters in respect of which Ofqual is prescribed.

Section 47B of the Employment Rights Act 1996 (“the 1996 Act”) provides a worker with the right not to suffer any detriment as a result of making a ‘protected’ disclosure, which by virtue of section 43A of that Act is a qualifying disclosure made in accordance with the requirements of the 1996 Act. Section 43F of the 1996 Act provides that a disclosure is protected if it is made to a prescribed person. The 1999 Order prescribes those persons and specifies the matters for which those persons are prescribed.

An Impact Assessment has not been produced for this instrument as there will be minimal impact on business, civil society organisations, and the public sector.

© Crown copyright 2012

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.00

E2651 02/2012 122651T 19585

ISBN 978-0-11-152052-9



9 780111 520529