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STATUTORY INSTRUMENTS

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**2023 No. 1254**

**TERMS AND CONDITIONS OF EMPLOYMENT**

**The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2023**

<i>Made</i>	- - - -	<i>21st November 2023</i>
<i>Laid before Parliament</i>		<i>28th November 2023</i>
<i>Coming into force</i>	- -	<i>27th December 2023</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 43F of the Employment Rights Act 1996(1).

**Citation and commencement**

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2023 and comes into force on 27th December 2023.

**Amendments to the Public Interest Disclosure (Prescribed Persons) Order 2014**

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(2), in the entry relating to the Office of Communications, in the second column—

- (a) in paragraph (e) at the end omit “and”;
- (b) in paragraph (f) for “2003.” substitute “2003; and”;
- (c) after paragraph (f) insert—
  - “(g) the regulation of regulated services under the Online Safety Act 2023(3).”.

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(1) 1996 c. 18; section 43F was inserted by section 1 of the Public Interest Disclosure Act 1998 (c. 23). Section 43F(1)(a) was amended by section 18(1)(c) of the Enterprise and Regulatory Reform Act 2013 (c. 24).  
(2) S.I. 2014/2418, amended by S.I. 2022/1249; there are other amending instruments but none is relevant.  
(3) 2023 c. 50; see section 4(4) for the definition of “regulated service”.

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**Status:** This is the original version (as it was originally made).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

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21st November 2023

*Saqib Bhatti*  
Parliamentary Under Secretary of State  
Department for Science, Innovation and  
Technology

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014 (the “2014 Order”).

The Employment Rights Act 1996 (the “1996 Act”) provides protection for workers who suffer a detriment or are dismissed as a result of whistleblowing by making a qualifying disclosure within the meaning of section 43B of the 1996 Act in accordance with any of sections 43C to 43H of that Act. Section 43F of the 1996 Act provides that a qualifying disclosure will be protected if it is made to a prescribed person and relates to matters in respect of which that person is prescribed. The Schedule to the 2014 Order lists the prescribed persons and the matters in respect of which they are prescribed for the purposes of section 43F.

This Order amends the Schedule to the 2014 Order to prescribe additional matters in respect of which the Office of Communications (Ofcom) is a prescribed person. Following the amendments made by this Order, qualifying disclosures made to Ofcom which the worker reasonably believes are about matters relating to Ofcom’s regulation of regulated services under the Online Safety Act 2023 and are substantially true will be made in accordance with section 43F of the 1996 Act and will therefore be a protected disclosure. Regulated services are defined at section 4(4) of the Online Safety Act 2023 and include certain user-to-user services which allow users to upload or share content on the service, search services, and internet services which publish pornographic content on their service.

A full impact assessment has not been produced for this Order as no significant impact on the private or voluntary sectors or community bodies is foreseen.