

EXPLANATORY MEMORANDUM TO
THE PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS)
(AMENDMENT) ORDER (NORTHERN IRELAND) 2014

S.R. 2014 No. 48

1. Introduction

- 1.1.** This Explanatory Memorandum has been prepared by the Department for Employment and Learning to accompany the statutory rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2.** The statutory rule is made under powers conferred by Article 67F of the Employment Rights (Northern Ireland) Order 1996 and is subject to the negative resolution procedure before the Assembly.

2. Purpose

- 2.1.** This statutory rule amends the Schedule to the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 1999 (“the 1999 Order”).

3. Background

- 3.1.** The Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1998 gives protection to “whistleblowers” who raise concerns by making a protected disclosure about dangerous or illegal activity that they are aware of in the workplace. Such protection is provided against any consequent victimisation or dismissal, and is contingent on the whistleblower having acted in a responsible way in dealing with his/her concerns. Disclosures are protected if made to a person or body which has been prescribed by the 1999 Order. The list of Prescribed Persons/Bodies and the description of matters for which they are listed has recently been reviewed and updated.

4. Addition of new prescribed persons and description of subject matters

- 4.1.** The Competition and Markets Authority has been added as a prescribed person, for matters concerning the sale of goods or the supply of services, which adversely affect the interest of consumers. Competition affecting markets in the United Kingdom.
- 4.2.** The General Chiropractic Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

- 4.3. The General Dental Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.4. The General Medical Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.5. The General Optical Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.6. The General Osteopathic Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.7. The Health and Care Professions Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.8. The Nursing and Midwifery Council has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.
- 4.9. The Pharmaceutical Society Northern Ireland has been added as a prescribed person, for matters relating to (a) the registration and fitness to practise of a member of a profession regulated by the Council; and (b) any activities not covered by (a) in relation to which the Council has functions.

5. Amendment of description of subject matters for prescribed persons previously listed in Schedule 1 to the 1999 Order

- 5.1 The Civil Aviation Authority was previously prescribed for matters relating to compliance with the requirements of civil aviation legislation, including aviation safety. Aviation security has been added.
- 5.2 The Department of Agriculture and Rural Development was previously prescribed for matters relating to acts or omissions which have an actual or potential effect on the flows in watercourses or on drainage of land; and acts or omissions which have an adverse or potentially adverse effect on fish in the

sea and fish health; acts or omissions which have an adverse effect on forests; acts or omissions which could breach or potentially breach the Northern Ireland Cross-Compliance Verifiable Standards. One new matter has been added, namely acts or omissions which have an adverse or potentially adverse effect on animal health, veterinary public health or animal welfare.

- 5.3** The Northern Ireland Commissioner for Children and Young People was previously prescribed for matters relating to the rights and best interests of children and young people. This description has been amended to matters relating to the safeguarding and promotion of the rights and best interests of children and young people.
- 5.4** The Northern Ireland Social Care Council was previously prescribed for 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. This description has been amended to matters relating to (a) the registration and regulation of social workers and 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.
- 5.5** The Secretary of State for Business, Innovation and Skills was previously prescribed for 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). This description has been amended to remove the reference to insider dealing.

6. Consultation

- 6.1.** A formal, public consultation was not considered necessary, as the Order simply reviews and updates existing legislation, to take account of recently established or abolished organisations. However, all of the persons / bodies listed on the Order were individually contacted to agree their inclusion in the Order and to confirm that the details held were accurate.

7. Equality Impact

- 7.1.** An Equality Impact Assessment is not necessary as there is no impact, direct or indirect, on any of the Section 75 groups.

8. Regulatory Impact

- 8.1.** A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies.

9. Financial Implications

9.1. There are no financial implications.

10. Section 24 of the Northern Ireland Act 1998

10.1. This legislation complies with Section 24 of the Northern Ireland Act 1998 (Community Law, Convention Rights etc.).

11. EU Implications

11.1. Not applicable.

12. Parity or Replicatory Measure

12.1. The Order applies to Northern Ireland only. The corresponding Great Britain Statutory Instrument is The Public Interest Disclosure (Prescribed Persons) Order 1999.

13. Additional Information

13.1. Not applicable.