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STATUTORY INSTRUMENTS

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**2019 No. 1341**

**The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2019**

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

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014<sup>(1)</sup>—
- (a) omit the entry relating to the Care Inspectorate and, at the appropriate place, insert—

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“Social Care and Social Work Matters relating to the provision of care Improvement Scotland<sup>(2)</sup>. services, as defined in the Public Services Reform (Scotland) Act 2010<sup>(3)</sup>.”;

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- (b) at the appropriate place insert—

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“Commission for Equality and Human Compliance with the requirements of Rights<sup>(4)</sup>. legislation relating to equality and human rights.”;

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- (c) in the entry relating to the European Securities and Markets Authority, in the second column, substitute—

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“(a) Matters relating to compliance with [Directive 2009/65/EC](#) of the European Parliament and of the Council of 13th July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS)<sup>(5)</sup> as amended by Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives,

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(1) S.I. 2014/2418, amended by S.I. 2014/3294, 2015/1407, 2015/1682, 2015/1981, 2016/225, 2016/992, 2017/516, 2017/692, 2017/701, 2017/880, 2017/960, 2017/1064, 2017/1127, 2018/378, 2018/795, 2018/1237, and 2018/1288.

(2) Social Care and Social Work Improvement Scotland was established by the Public Services Reform (Scotland) Act 2010 (asp 8), section 44.

(3) 2010 asp 8.

(4) The Commission for Equality and Human Rights was established by section 1 of the Equality Act 2006 (c.3).

(5) OJ No. L 302, 17.11.2009, p. 32.

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central counterparties and trade repositories<sup>(6)</sup>;

- (b) The conduct of trade repositories regulated by Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories as last amended by Regulation (EU) No 2019/834 of the European Parliament and of the Council of 20 May 2019 as regards the clearing obligation, the suspension of the clearing obligation, the reporting requirements, the risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty, the registration and supervision of trade repositories and the requirements for trade repositories<sup>(7)</sup>; and
- (c) Matters relating to the conduct of persons who are credit ratings agencies registered under Chapter 1 of Title 3 of Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies<sup>(8)</sup> or who are certified in accordance with Article 5(2) of that regulation.”;”;

- (d) in the entry relating to the Financial Conduct Authority, in the second column, after subparagraph (o), insert—

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“(p) the conduct of self-regulatory organisations in relation to compliance with their supervision requirements as defined in regulation 2 of the Oversight of Professional Body Anti-Money Laundering and Counter

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(6) OJ No. L 201, 27.7.2012, p. 1.  
(7) OJ No. L 141, 28.5.2019, p. 42.  
(8) OJ No. L 302, 17.11.2009, p. 1.

Terrorist Financing Supervision Regulations 2017<sup>(9)</sup> or the requirements imposed on self-regulatory organisations by or under those Regulations;

- (q) the conduct of persons who are supervised contributors within the meaning of Article 3(1)(10) of Regulation (EU) no. 2016/1011 of the European Parliament and of the Council of 8 June 2016 on indices used as benchmarks in financial instruments and financial contracts or to measure the performance of investment funds and amending Directives 2008/48/EC and 2014/17/EU and Regulation (EU) No 596/2014<sup>(10)</sup>;
- (r) the conduct of persons who are Miscellaneous BM persons within the meaning of regulation 5(2) of the Financial Services and Markets Act 2000 (Benchmarks) Regulations 2018<sup>(11)</sup> in relation to relevant requirements as defined in regulation 2(1) of those Regulations;
- (s) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4th July 2012 on OTC derivatives, central counterparties and trade repositories<sup>(12)</sup>.<sup>”;</sup>”;

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- (e) omit the entry relating to the Homes and Communities Agency and, at the appropriate place, insert—

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<sup>(9)</sup> S.I. 2017/1301.

<sup>(10)</sup> OJ No. L 171, 29.6.2016, p. 1.

<sup>(11)</sup> S.I. 2018/135.

<sup>(12)</sup> OJ No. L 201, 27.7.2012, p. 1.

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“Regulator of Social Housing**(13)**. Matters relating to the regulation of registered providers of social housing in accordance with Part 2 of the Housing and Regeneration Act 2008**(14)**.”;

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- (f) in the entry relating to the Independent Police Complaints Commission, in the first column, substitute “Independent Office for Police Conduct**(15)**.”; and
- (g) in the entry relating to the Welsh Ministers, in the second column, after the final sentence, insert—

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““Matters relating to the provision of services regulated under Part 2 of the Care Standards Act 2000**(16)** by:

- (a) establishments and agencies for which the Welsh Ministers are the registration authority under section 5 of that Act**(17)**; or
- (b) private dental practices prescribed in regulation 3 of the Care Standards Act 2000 (Extension of the Application of Part 2 to Private Dental Practices) (Wales) Regulations 2017**(18)**.

Matters for which the Welsh Ministers have responsibility relating to the use and application of the Mental Health Act 1983**(19)**.””

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**(13)** The Regulator of Social Housing was established by section 80A of the Housing and Regeneration Act 2008 (c.17). Section 80A was inserted by S.I. 2018/1040, which also transferred functions of the Regulation Committee of the Homes and Communities Agency to the Regulator of Social Housing.

**(14)** 2008 c.17.

**(15)** The Independent Police Complaints Commission was renamed the Independent Office for Police Conduct by section 33 of the Policing and Crime Act 2017 (c.3).

**(16)** 2000 c.14.

**(17)** Section 5 was amended by the Health and Social Care Act 2008 (c.14) Schedule 5, paragraph 6; the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) Schedule 3, Part 1, paragraph 5 and S.I. 2019/772 (W.146). There are other amendments none of which are relevant.

**(18)** S.I. 2017/200 (W.55).

**(19)** 1983 c.20.