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STATUTORY INSTRUMENTS

2022 No. 1064

TERMS AND CONDITIONS OF EMPLOYMENT

The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2022

<i>Made</i>	- - - -	<i>14th October 2022</i>
<i>Laid before Parliament</i>		<i>18th October 2022</i>
<i>Coming into force</i>	- -	<i>15th December 2022</i>

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

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2022 and comes into force on 15th December 2022.

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

2. In the Schedule to the Public Interest Disclosure (Prescribed Persons) Order 2014(2)—
(a) at the appropriate place insert—

“The Chief Inspector of Drinking Water or Matters relating to—
inspectors appointed under section 86(1) of (a) the quality and sufficiency of water
the Water Industry Act 1991(3). supplied using a water undertaker’s
or water supply licensee’s supply
system in England and Wales; and

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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. 2014/3294, 2015/1407, 2015/1682, 2015/1981, 2016/225, 2016/992, 2016/968, 2017/516, 2017/692, 2017/701, 2017/752, 2017/880, 2017/960, 2017/1064, 2017/1127, 2018/378, 2018/795, 2018/1237, 2018/1288, 2019/1341, 2020/2 and 2022/634.
- (3) 1991 c. 56. The Chief Inspector of Drinking Water will be designated in accordance with section 86(1A) and (1B). Section 86(1A) and (1B) were inserted by section 57 of the Water Act 2003 (c. 37).

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- (b) the security of network and information systems in the drinking water supply and distribution sector in England and Wales.”;

(b) at the appropriate place insert—

“Environmental Standards Scotland(4).	Matters relating to the functions of Environmental Standards Scotland, as set out in the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021(5).”;
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- (c) omit the entry relating to the European Securities and Markets Authority;
- (d) in the entry relating to the Financial Conduct Authority, in the second column, after subparagraph (s), for “.”, substitute—

““.”,

- (t) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EU) 2015/2365 of the European Parliament and of the Council of 25 November 2015 on transparency of securities financing transactions and of reuse and amending Regulation (EU) No 648/2012(6);
- (u) the conduct of persons subject to functions conferred on the Financial Conduct Authority under Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies(7); and
- (v) the conduct of persons subject to the functions conferred on the Financial Conduct Authority under Regulation (EU) 2017/2402 of the European Parliament and of the Council of 12 December 2017 laying down a general framework for

(4) Environmental Standards Scotland was established by section 19 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (asp 4).
(5) 2021 asp 4.
(6) OJ No. L 337, 23.12.2015, p. 1, amended by S.I. 2019/542, 2019/681, 2020/646, 2020/1301 and 2020/1385.
(7) OJ No. L 302, 17.11.2009, p. 1, amended by S.I. 2019/266, 2019/660, 2020/628, 2020/1055 and 2020/1301.

securitisation and creating a specific framework for simple, transparent and standardised securitisation, and amending Directives 2009/65/EC, 2009/138/EC and 2011/61/EU and Regulations (EC) No 1060/2009 and (EU) No 648/2012(8).”;

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- (e) in the entry relating to the Gas and Electricity Markets Authority, in the second column—
- (i) after sub-paragraph (d), omit “and”;
 - (ii) after sub-paragraph (e), for “.”, substitute—

““; and

- (f) any activities not covered by (a) to (e) in relation to which the Gas and Electricity Markets Authority has functions.”;

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- (f) in the entry relating to the Health and Safety Executive, for the words in the second column, substitute—

““Matters relating to—

- (a) those industries and work activities for which the Health and Safety Executive is the enforcing authority under the Health and Safety (Enforcing Authority) Regulations 1998(9) and which are about the health and safety of individuals at work, or the health and safety of the public arising out of or in connection with the activities of persons at work; and
- (b) functions under the Network and Information Systems Regulations 2018(10) performed by the Health and Safety Executive on behalf of the Secretary of State for Business, Energy and Industrial Strategy pursuant to the agreement dated

(8) OJ No. L 347, 28.12.2017, p. 35, amended by S.I. 2019/660, 2019/710, 2019/1212, 2019/1390, 2020/1301, 2020/1385, 2021/1376.

(9) S.I. 1998/494, amended by S.I. 1999/2024, 1999/3232, 2002/2675, 2006/1541, 2006/557, 2007/320, 2011/3058, 2012/632, 2014/469, 2014/1638, 2014/1639, 2015/51, and 2017/1075.

(10) S.I. 2018/506, amended by S.I. 2018/629, 2019/653, and 2020/1245; there are other amending instruments but none is relevant.

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23 May 2018(11) made under section 13(4) of the Health and Safety at Work etc. Act 1974(12).”;

(g) at the appropriate place insert—

“A member of the Scottish Parliament.	Any matter specified in this column.”;
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(h) at the appropriate place insert—

“The Natural Resources Body for Wales (13).	Matters relating to the environment and natural resources as set out in the Natural Resources Body for Wales (Establishment) Order 2012(14).”;
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(i) at the appropriate place insert—

“The Office for Environmental Protection(15).	Matters relating to the functions of the Office for Environmental Protection, as set out in the Environment Act 2021(16).”;
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(j) at the appropriate place insert—

“Scottish Public Services Ombudsman(17).	Matters relating to any issue which the Scottish Public Services Ombudsman is entitled to investigate under section 6A of the Scottish Public Services Ombudsman Act 2002(18).”;
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(k) in the entry relating to the Secretary of State for Business, Energy and Industrial Strategy, for the words in the second column, substitute—

““Matters relating to—

- (a) fraud, and other misconduct, in relation to companies;
- (b) consumer safety; and
- (c) the functions of the Secretary of State for Business, Energy and Industrial Strategy as a designated competent authority under the Network

(11) <https://www.hse.gov.uk/agency-agreements-memoranda-of-understanding-concordats/mou/hse-beis-agency-agreement.pdf>. A printed version of this agreement can be made available on request by the Department for Business, Energy and Industrial Strategy.

(12) 1974 c. 37.

(13) The Natural Resources Body for Wales was established by article 3 of the Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903).

(14) S.I. 2012/1903, amended by S.I. 2013/755.

(15) The Office for Environmental Protection was established by section 22 of the Environment Act 2021 (c. 30).

(16) 2021 c. 30.

(17) The Scottish Public Services Ombudsman was established by section 1 of the Scottish Public Services Ombudsman Act 2002 (asp 11).

(18) 2002 asp 11.

and Information Systems
Regulations 2018.”;”;

- (l) in the entry relating to the Secretary of State for Health and Social Care, in the second column, in sub-paragraph (c), for “Public Health England”, substitute “the United Kingdom Health Security Agency(19) and the Medicines and Healthcare Products Regulatory Agency(20)”;
- (m) at the appropriate place insert—

“Social Work England(21).	Matters relating to—
	(a) the registration and fitness to practise of social workers in England; and
	(b) any activities not covered by (a) in relation to which Social Work England has functions.”; and

- (n) in the entry relating to the Welsh Ministers, in the second column, omit “Matters relating to the environment and natural resources as set out in the Natural Resources Body for Wales (Establishment) Order 2012.”.

Dean Russell
Parliamentary Under Secretary of State
Department for Business, Energy and Industrial
Strategy

14th October 2022

(19) The United Kingdom Health Security Agency is an executive agency of the Department of Health and Social Care.
(20) The Medicines and Healthcare Products Regulatory Agency is an executive agency of the Department of Health and Social Care.
(21) Social Work England was established by section 36 of the Children and Social Work Act 2017 (c. 16).

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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 Employment Rights Act 1996 (“1996 Act”) provides protection for workers who suffer a detriment or are dismissed as a result of blowing the whistle 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. Schedule 1 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 include some persons not previously included, delete others and to amend the description of matters for which certain persons are prescribed.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sector is foreseen.