EXPLANATORY MEMORANDUM TO

The Public Interest Disclosure (Prescribed Persons) (Amendment No. 2) Order (Northern Ireland) 2022

2022 No. 290

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department for the Economy to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under Article 67F of the Employment Rights (Northern Ireland) Order 1996 and is subject to the negative resolution procedure.

2. Purpose

2.1. This Statutory Rule updates the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 (the "1999 Order").

2.2. The Office for Environmental Protection (OEP) has been added to the Schedule to the 1999 Order. The OEP is a body established by the Environment Act 2021 (2021 c.30). The provisions relating to Northern Ireland devolved matters were brought ino operation by the Environment (2021 Act) (Commencement and Saving Provision) Order (Northern Ireland) 2022 (S.R. 2022 No. 54 (C. 5)).

2.3. Amendments have also been made to the description of matters for which the Financial Conduct Authority has been prescribed in the 1999 Order.

3. Background

3.1. The Public Interest Disclosure (Northern Ireland) Order 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 whistleblowers having acted in a responsible way in dealing with their 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 by S.R. 2022 No. 72.

4. Consultation

4.1. The inclusion of the OEP follows representation from the Department of Agriculture, Environment and Rural Affairs (DAERA), the sponsoring Department for the OEP in Northern Ireland, requesting the OEP be included in the Schedule to the 1999 Order. The Department considered these representations and agreed to the inclusion of the OEP in the Schedule.

4.2. As part of the regular review of the Schedule to the 1999 Order the Financial Conduct Authority was contacted and agreed their continued inclusion in the Schedule.

5. Equality Impact

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

6. Regulatory Impact

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

7. Financial Implications

7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. This legislation complies with Section 24 of the Northern Ireland Act 1998 (Convention Rights, retained EU law etc.).

9. EU Implications

9.1. N/A

10. Parity or Replicatory Measure

10.1. The Order applies to Northern Ireland only. The corresponding Statutory Instrument in Great Britain is The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2022.

11. Additional Information

11.1. Not applicable.