STATUTORY INSTRUMENTS

2009 No. 2457

TERMS AND CONDITIONS OF EMPLOYMENT

The Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2009

Made - - - -	*7th September 2009*
Laid before Parliament	*9th September 2009*
Coming into force - -	*1st October 2009*

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

Citation and commencement

1. This Order may be cited as the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2009 and comes into force on 1st October 2009.

Amendment

2. The Schedule to the Public Interest Disclosure (Prescribed Persons) Order 1999(**b**) is amended in accordance with articles 3 and 4.

3. After the entry relating to the Care Quality Commission, insert the entry relating to the Independent Regulator of NHS Foundation Trusts(**c**) set out in the Schedule to this Order.

4. After the entry relating to the Financial Services Authority, insert the entry relating to the Financial Reporting Council Limited(**d**) set out in the Schedule to this Order.

Davies of Abersoch
Minister for Trade, Investment and Business
Department for Business, Innovation and Skills

7th September 2009

(**a**) 1996 c.18; section 43F was inserted by section 1 of the Public Interest Disclosure Act 1998 (c.23).
(**b**) S.I. 1999/1549; the Schedule to that Order was substituted by S.I. 2003/1993. The entry relating to the Care Quality Commission was substituted by S.I. 2009/462.There are other amending instruments but none is relevant.
(**c**) See section 31 of the National Health Service Act 2006 (c.41).
(**d**) Registered number 02486368.

SCHEDULE

Articles 3 and 4

First Column	*Second Column*
Persons and descriptions of persons	*Descriptions of Matters*
The Independent Regulator of NHS Foundation Trusts	Matters relating to— (a) the regulation and performance of NHS foundation trusts; and (b) any activities not covered by (a) in relation to which the Independent Regulator of NHS Foundation Trusts exercises its functions under the National Health Service Act 2006.
The Financial Reporting Council Limited and its operating bodies the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board(**a**)	Matters relating to— (a) the independent oversight of the regulation of the accountancy, auditing and actuarial professions; (b) the independent supervision of Auditors General (as defined in section 1226 of the Companies Act 2006(**b**)); (c) the monitoring of major audits (as defined in section 525 of that Act(**c**) for the purposes of that section or section 522, or paragraph 13(10) of Schedule 10 to that Act for the purposes of that paragraph); (d) the registration of third country auditors (as defined in section 1261 of that Act(**d**)); (e) compliance with the requirements of legislation relating to accounting and reporting; and (f) the investigation of the conduct of auditors, accountants and actuaries and the holding of disciplinary hearings in public interest cases (as defined in paragraph 24 of Schedule 10 to that Act).

(**a**) The Professional Oversight Board and the Financial Reporting Review Panel are established under the articles of association of the Financial Reporting Council Limited; the Accountancy and Actuarial Discipline Board is established under the articles of association of the Accountancy and Actuarial Discipline Board Limited (registered number 5081857).
(**b**) 2006 c.46.
(**c**) Section 525 has been amended in manner not relevant to this Order.
(**d**) Section 1261 was amended by regulation 1 of S.I. 2007/3494.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Interest Disclosure (Prescribed Persons) Order 1999 (S.I. 1999/1549). It adds to the list of prescribed persons in that Order—

the Independent Regulator of NHS Foundation Trusts, and

the Financial Reporting Council Limited and its operating bodies the Professional Oversight Board, the Financial Reporting Review Panel and the Accountancy and Actuarial Discipline Board.

It also specifies the descriptions of matters in respect of which those persons are prescribed.

Section 43F of the Employment Rights Act 1996 (c.18) provides a worker with the right not to suffer a detriment as a result of making a qualifying disclosure to a prescribed person in accordance with the requirements of that Act. The 1999 Order prescribes those persons and specifies the matters for which those persons are prescribed.

An Impact Assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies.

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