EXPLANATORY MEMORANDUM TO

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

S.R. 2022 No. 72

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 replaces the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 (the "1999 Order"). It revokes the Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2014 (S.R. 2014 No. 48).

2.2. The following bodies have been added to the Schedule: Payment Systems Regulator; Single Source Regulations Office; the National Society for the Prevention of Cruelty to Children (NSPCC) and any of its officers; the Northern Ireland Council for the Curriculum, Examinations and Assessment; and a member of the House of Commons.

2.3. Amendments have been made to: the Northern Ireland Departments; the Director of the Serious Fraud Office; Her Majesty's Revenue and Customs; Local government auditors appointed by the Department of the Environment from the staff of the Northern Ireland Audit Office; the National Crime Agency; the Pensions Regulator; the Prudential Regulation Authority; the Secretary of State for Business, Innovation and Skills; and the Bank of England.

2.4. The Treasury and the Office of Qualifications and Examinations Regulation have been removed from the Schedule.

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.

4. Consultation

4.1. 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.

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 corresponding Statutory Instrument in Great Britain is the Public Interest Disclosure (Prescribed Persons) Order 2014 (S.I. 2014/2418), which revoked the Public Interest Disclosure (Prescribed Persons) Order 1999 (S.I. 1999/1549).

11. Additional Information

11.1. Not applicable.