[DRAFT] EXPLANATORY MEMORANDUM TO

The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2027

SR 2027 No. [ ]

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"), which specifies the persons and bodies to whom workers may make protected disclosures, and the matters in respect of which those disclosures may be made.

2.2 The amendments introduced by this Statutory Rule ensure that, in respect of the changes made, workers in Northern Ireland benefit from protection equivalent to that available to workers in the same industry or role in Britain, and that disclosures can be made to bodies with relevant expertise and regulatory functions.

3. Background

3.1 The 1999 Order affords protection to workers who make protected disclosures (commonly referred to as "whistleblowers") about wrongdoing they are aware of in the workplace, including dangerous or illegal activity. A protected disclosure is a disclosure of information which, in the reasonable belief of the worker, is made in the public interest and tends to show wrongdoing.

3.2 A prescribed person is a person or body designated in the Schedule to the 1999 Order, to whom a worker may make a protected disclosure, protecting them against any consequent victimisation or dismissal. The Schedule also sets out the matters in respect of which such persons are prescribed. A disclosure to a prescribed person may qualify for statutory protection where the worker reasonably believes that the matter falls within that person's remit and that the information disclosed is substantially true.

3.3 This Statutory Rule amends the Schedule to the 1999 Order by:

i. adding the Creative Industries Independent Standards Authority (CIISA) and the Security Industry Authority (SIA) as prescribed persons; and
ii. expanding the matters in respect of which the Financial Conduct Authority (FCA) and the Office of Communications (Ofcom) are prescribed.

3.4 These amendments reflect developments in regulatory functions and emerging sectors and ensure that workers are able to raise concerns with the bodies best placed to consider them.

3.5 Concerning the designation of the CIISA as a prescribed person and the expansion of the matters in respect of which the FCA is prescribed, the Statutory Rule requires static effective dates to be specified for the CIISA Standards and the definition of a post-trade risk reduction service in the Glossary of the FCA Handbook. Is is intended that these effective dates will correspond to the date on which the Rule comes into operation. At present, placeholder dates have been included in the draft Rule and will be replaced before the Rule is made.

4. Consultation

4.1 A formal public consultation was not considered necessary as the Order updates existing legislation to ensure that workers in Northern Ireland receive equivalent protection to that available to workers in Britain where they make protected disclosures to the bodies concerned.

4.2 During the development of these proposals, the Department consulted with relevant departments and bodies with an interest in the proposed amendments. This included engagement with the Department of Justice and the Home Office in relation to the SIA, the Department for Communities and NI Screen in relation to the CIISA, and the Department for Business, Innovation, Science and Trade and the FCA in relation to the additional matters for the FCA and the Ofcom.

4.3 In recognition of the policy responsibilities of their respective Departments, the Economy Minister wrote directly to the Justice Minister regarding the proposed designation of the SIA and to the Communities Minister regarding the proposed designation of the CIISA. Both Ministers confirmed they were content with the proposals.

4.4 As the amendments relate to persons or bodies operating on a UK wide basis and, in some cases, touch on functions connected with reserved matters, the Department sought the views of the Northern Ireland Office on whether the proposals gave rise to any issues of devolved legislative competence. The Northern Ireland Office confirmed that no such issues arise.

5. Equality Impact

5.1 The Department is required under section 75 of the Northern Ireland Act 1998 to screen the proposed changes to ascertain whether an Equality Impact Assessment is required. The screening exercise concluded that the policy is technical in nature, applies equally to all workers, and will not introduce differential treatment across the Section 75 equality categories.

5.2 No adverse impacts were identified, and the policy was therefore screened out of the requirement for a full Equality Impact Assessment.

6. Regulatory Impact

6.1 A Regulatory Impact Assessment has not been prepared for this Order as the proposed amendments do not regulate behaviour or impose additional costs, administrative burdens or other obligations on business, charities or voluntary bodies.

7. Financial Implications

7.1 No financial implications are expected to arise from this Order.

8. Section 24 of the Northern Ireland Act 1998

8.1 The Department considers that the Statutory Rule is compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1 Not applicable.

10. Parity or replicatory measure

10.1 The Order applies to Northern Ireland. The amendments ensure that workers here receive equivalent protection to that available to workers in the same industry or role in Britain where they make protected disclosures to these bodies.

10.2 The corresponding Statutory Instrument making these amendments in Britain is the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2026, which came into force on 2 June 2026. This amended the Schedule of prescribed persons in the Public Interest Disclosure (Prescribed Persons) Order 2014.

11. Additional information

11.1 A Rural Needs Impact Assessment has been completed and confirms that the policy is expected to apply uniformly across Northern Ireland, with no differential impact between rural and urban areas.