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Dear Peter

SL1 – The Public Interest Disclosure (Prescribed Persons) (Amendment) Order (Northern Ireland) 2026

The Department for the Economy proposes to make a Statutory Rule under powers conferred by Article 67F of the Employment Rights (Northern Ireland) Order 1996. The Statutory Rule is subject to negative resolution procedure.

Purpose of the Statutory Rule

This Statutory Rule updates the Schedule to the Public Interest Disclosure (Prescribed Persons) Order (Northern Ireland) 1999 ("the 1999 Order"), which sets out the persons and bodies to whom workers in Northern Ireland may make protected disclosures, and the matters in respect of which such disclosures may be made.

The 1999 Order forms part of the statutory framework that protects whistleblowers. A protected disclosure, commonly known as whistleblowing, is when a worker discloses information which they reasonably believe is in the public interest and indicates that wrongdoing has occurred, is occurring or is likely to occur. This can include disclosure of matters such as illegal activity, breaches of legal obligations or

risks to health and safety. The legislation is intended to encourage workers to raise such concerns by providing protection against victimisation or dismissal. A disclosure made to a prescribed person may qualify for these protections where the worker reasonably believes that the matter falls within that person's agreed remit and that the information disclosed is substantially true.

The proposed Statutory Rule adds the Creative Industries Independent Standards Authority and the Security Industry Authority as prescribed persons and expands the matters in respect of which the Financial Conduct Authority and the Office of Communications are prescribed. These four bodies have a jurisdictional remit across both Britain and Northern Ireland, and equivalent changes have recently been made in Britain.

While there is no specific legal requirement to make these amendments to the Schedule at this time, the changes are considered necessary to enable workers in Northern Ireland to benefit from protections equivalent to those available to workers in the same industry or role in Britain, and to raise concerns with the bodies best placed to deal with them.

No significant risks or unintended consequences have been identified. The amendments are technical in nature and do not confer new regulatory powers or impose new obligations on the bodies concerned. If the amendments are not made, workers in Northern Ireland will have fewer or less appropriate prescribed person reporting routes than workers in Britain. Under those circumstances a disclosure to either of the bodies it is intended to prescribe, or to the Financial Conduct Authority or the Office of Communications in relation to the additional prescribed matters, would not qualify for protection through the prescribed person route. The worker would instead need to establish that the disclosure was protected through another statutory route, subject to the conditions applying to that route.

Previous Engagement with the Committee

None.

Financial Implications

There are no additional financial implications arising from this proposed Statutory Rule. The intended amendments are technical in nature and do not impose costs on the public, private or voluntary sectors.

Consultation

A formal public consultation was not undertaken. The Statutory Rule updates existing legislation to ensure that workers in Northern Ireland receive protections equivalent to those available to workers in Britain when making protected disclosures to the relevant bodies. The amendments close a gap in legal protections for workers without departing from established policy.

In developing these proposals, the Department engaged with relevant departments and bodies to confirm that the amendments should apply in Northern Ireland and that it is appropriate to designate the additional bodies as prescribed persons. This included engagement with the Department of Justice and the Home Office in relation to the Security Industry Authority, the Department for Communities and NI Screen in relation to the Creative Industries Independent Standards Authority, and what is now the Department for Business, Innovation, Science and Trade and the Financial Conduct Authority in relation to the additional matters for the Financial Conduct Authority and the Office of Communications. These bodies were consulted due to their respective policy, sponsorship, regulatory or operational responsibilities in relation to the prescribed persons concerned or the matters for which they are proposed to be prescribed.

In recognition of the policy responsibilities of their respective Departments, the Minister for the Economy wrote directly to the Justice Minister and to the Communities Minister regarding the proposed designation of the Security Industry Authority and the Creative Industries Independent Standards Authority respectively as prescribed persons. In their responses, both Ministers confirmed they were content with the proposals.

As the proposed 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 give rise to any issues of devolved legislative competence. The Northern Ireland Office confirmed that no such issues arise.

Compliance with Section 24 of the Northern Ireland Act 1998

The Department has considered the requirements of section 24 of the Northern Ireland Act 1998 and is satisfied that the Statutory Rule is within legislative competence.

The Department has also considered whether the proposals give rise to any significant cross-cutting issues requiring Executive consideration. Having regard to the fact that the amendments are limited to updating the list of prescribed persons and the matters for which they are prescribed and, following engagement with relevant Departments and other interested bodies, the Department is satisfied that the proposals fall within its responsibilities.

The Department is satisfied that the provisions of the Statutory Rule do not give rise to any breach of Convention rights. The amendments relate solely to the designation of prescribed persons and prescribed matters for the purposes of the whistleblowing framework and do not adversely engage any Convention rights.

The Department has also considered its obligations under Article 2(1) of the Windsor Framework and is satisfied that the Statutory Rule does not diminish any rights, safeguards or equality of opportunity protections set out in that Article. The amendments maintain and support the effectiveness of the whistleblowing framework by ensuring that workers are able to raise concerns with appropriate bodies.

Consideration by the Executive

The Statutory Rule has not been brought to the Executive for consideration.

Equality Impact

The Department conducted a screening exercise in line with requirements of section 75 of the Northern Ireland Act 1998. This concluded that the Statutory Rule is technical in nature and will have no adverse impact on any of the Section 75 categories. It applies equally to all workers and does not change the core whistleblowing framework. The policy has therefore been screened out, and a full Equality Impact Assessment is not required.

Regulatory Impact

A Regulatory Impact Assessment has not been prepared as the amendments provide additional routes for making protected disclosures. They do not regulate behaviour or impose additional costs, administrative burdens or other obligations on business, charities or voluntary bodies.

Rural Needs Impact

The Department has considered the social and economic needs of persons in rural areas in line with its obligations under the Rural Needs Act (Northern Ireland) 2016.

The assessment concluded that the Statutory Rule would have no differential impacts on people in rural areas. The amendments apply equally to all workers who may make protected disclosures to the four bodies with which the Statutory Rule is concerned, regardless of whether they are based in rural or urban locations.

Data Protection Impact

The Department has considered the data protection implications of this proposed Statutory Rule. As newly prescribed persons, the Creative Industries Independent Standards Authority and the Security Industry Authority may receive and process personal data contained within protected disclosures. The amendments represent a limited extension of existing prescribed persons arrangements, however, with any

data gathered only that necessary and proportionate to facilitate an effective public interest disclosure process. The Department does not consider that the proposed Rule is likely to result in a high risk to the rights and freedoms of individuals and, on that basis, a Data Protection Impact Assessment was not considered necessary.

Child Rights Impact

The Department has considered the impact of this Statutory Rule on children and young people and is satisfied that no adverse impacts arise. The amendments do not directly affect the rights of wellbeing of children and young people. On that basis, a Child Rights Impact Assessment was not considered necessary.

Position in Great Britain

Equivalent provision was introduced in Britain by the Public Interest Disclosure (Prescribed Persons) (Amendment) Order 2026, which came into force on 2 June 2026. This Order amended the Schedule of prescribed persons in the Public Interest Disclosure (Prescribed Persons) Order 2014.

Any other information

Not applicable.

Proposed timing of consideration of the SL1

The SL1 has been submitted to the Committee in accordance with the required minimum four-week timeframe.

Proposed Operational Date

It is proposed that the rule will come into operation in early 2027, 21 days after it is made.

The draft of the proposed Statutory Rule and Explanatory Memorandum are attached, and you will wish to bring this matter to the attention of the Committee for the Economy.

Yours sincerely



Departmental Assembly Liaison Officer, Department for the Economy

Distribution List

Human Rights Commission

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