

Statutory Document No. 2021/0001



Employment Act 2006

PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS) ORDER 2021

Approved by Tynwald: 19 January 2021
Coming into Operation in accordance with article 2

The Department for Enterprise makes the following Order under section 54 and 174(3) of the Employment Act 2006.

1 Title

This Order is the Public Interest Disclosure (Prescribed Persons) Order 2021.

2 Commencement

If approved by Tynwald¹ this Order comes into operation on 1 February 2021.

3 Prescribed persons

The persons specified in column 1 of the Schedule are prescribed for the purposes of section 54 of the Employment Act 2006 in respect of the descriptions of matters specified in relation to them in column 2 of the Schedule.

4 Revocation and transitional provision

- (1) The Public Interest Disclosure (Prescribed Persons) Order 2016² is revoked except as provided for in paragraph (2).
- (2) The Public Interest Disclosure (Prescribed Persons) Order 2016 continues to apply in relation to a disclosure made before 1 February 2021.

¹ Under section 175(1) of the Employment Act 2006, this Order shall not have effect unless it is approved by Tynwald.

² SD 2016/321.

MADE 10 DECEMBER 2020

LAURENCE SKELLY

Minister for Enterprise

SCHEDULE

[article 3]

**PERSONS AND MATTERS PRESCRIBED FOR THE PURPOSES OF SECTION 54
OF THE EMPLOYMENT ACT 2006**

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
Attorney General	The proper administration of charities and of funds given or held for charitable purposes.
Communications Commission	The provision and use of telecommunication systems, telecommunication services and telecommunication apparatus – as defined in the Telecommunications Act 1984.
	Broadcasting and the provision of radio services.
Department of Education Sport and Culture	Safeguarding children and vulnerable adults, as defined in the Safeguarding Act 2018.
Department for Enterprise	The enforcement of the minimum wage pursuant to the Minimum Wage Act 2001.
	Work permits, illegal working and duties upon employees, employers and the self-employed under the Control of Employment Act 2014.
	The carrying on of employment agencies, and employment businesses pursuant to the Employment Agencies Act 1975.
	The requirement for compulsory insurance pursuant to the Employers' Liability (Compulsory Insurance) Act 1976.
	The operation of industrial and provident societies (as

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
	defined by the Industrial and Building Societies Act 1892).
	Employers' obligations to provide itemised pay statements, compliant written statements of the main terms and conditions of employment, and paid annual leave provision pursuant to the Employment Act 2006.
	Compliance with the requirements of merchant shipping law, including but not limited to marine pollution, maritime safety, maritime labour and maritime security (except for port security).
	Compliance with the requirements of civil aviation legislation, including aviation safety and security.
Department of Environment, Food and Agriculture	Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment.
	Matters which may affect the health of any member of the public in relation to the consumption of food (within the meaning of the Food Act 1996) and other matters concerning the protection of the interests of consumers in relation to food.
	Matters which may affect the health or safety of any individual at work, and matters which may affect the health or safety of any member of the public arising out of or in connection with the activities of persons at work.
	Matters which may affect the planning and building control processes as set out in the Town and Country Planning Act 1999 and the Building Control Act 1991.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
Department of Health and Social Care	<p>Matters relating to:-</p> <ul style="list-style-type: none"> a) social care and care services (as defined in Part 1 of the Regulation of Care Act 2013) b) social workers and social care workers (as defined in Part 5 the Regulation of Care Act 2013); c) the provision and regulation of services provided under the National Health Service Act 2001; and d) the regulation of:- <ul style="list-style-type: none"> (i) health care professionals (as defined in section 3 of the Health Care Professionals Act 2014); (ii) registered dentists and registered dental care professionals (within the meaning of the Dental Act 1985); and (iii) registered opticians and registered dispensing opticians (within the meaning of the Opticians Act 1996). <p>Safeguarding children and vulnerable adults, as defined in the Safeguarding Act 2018.</p>
Department of Infrastructure	<p>Matters relating to compliance with port security as required by:-</p> <ul style="list-style-type: none"> a) the Maritime Security Act 1995; and b) legislation extending the International Ship and Port Facility Security Code to the Isle of Man.³
Electoral Registration Officer	<p>Fraud and other irregularities relating to the annual accounts of political parties filed at the Central Registry (under section 10I of the Representation of the People Act 1995).</p>
Financial Intelligence Unit	<p>Matters relating to financial crime (as defined in section 3 of the Financial Intelligence Unit Act 2016).</p>

³ SD 595/07 and SD 596/07.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
General Chiropractic Council	<p>Matters relating to:-</p> <p>(a) the registration and fitness to practise of a member of a profession regulated by the Council; and</p> <p>(b) any activities not covered by (a) in relation to which the Council has functions.</p>
Isle of Man Financial Services Authority	The carrying on of regulated activities (within the meaning of the Financial Services Act 2008).
	Matters relating to money laundering, terrorist financing, financing of proliferation of weapons of mass destruction, financial crime, and other serious financial misconduct, in connection with activities regulated or overseen by the Isle of Man Financial Services Authority.
	The carrying on of a designated business (within the meaning of the Designated Businesses (Registration and Oversight) Act 2015).
	Matters relating to the carrying on of insurance business, or the business of an insurance manager or insurance intermediary (within the meaning of the Insurance Act 2008).
	Matters relating to the performance or conduct of auditors who are registered as recognised auditors under section 14G of the Companies Act 1982, or authorised under section 14E of that Act.
	Matters relating to collective investment schemes (within the meaning of the Collective Investment Schemes Act 2008) and administrators, asset managers, custodians or other functionaries appointed to such schemes.
	Matters relating to retirement benefits schemes (within the meaning of the Retirement Benefit Schemes Act 2000) including the management and administration of such schemes.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
	Matters relating to the Isle of Man Database of Beneficial Ownership (within the meaning of the Beneficial Ownership Act 2017), including the accuracy of that database and compliance with that Act.
	<p>Matters relating to:-</p> <ul style="list-style-type: none"> a) the offence of insider dealing (as defined in section 1 of the Insider Dealing Act 1998), or b) market abuse (within the meaning of the Financial Services Act 2008).
	Matters relating to breaches of disqualification, contrary to an order or undertaking, or by an undischarged bankrupt under the Company Officers (Disqualification) Act 2009.
Isle of Man Gambling Supervision Commission	<p>Matters relating to the licensing and regulation of land based and online gambling operations and compliance under:-</p> <ul style="list-style-type: none"> a) the Online Gambling Regulation Act 2001; b) the Gaming, Betting and Lotteries Act 1988; c) the Gaming (Amendment) Act 1984; d) the Casino Act 1986; and e) in respect of the requirements of the Gambling Supervision Act 2010, including matters pertaining to its regulatory objectives in section 5 of that Act.
	Matters relating to money laundering, terrorist financing, financing of proliferation of weapons of mass destruction, financial crime, and other serious financial misconduct, in connection with activities regulated or overseen by the Isle of Man Gambling Supervision Commission.
Isle of Man Information Commissioner	Compliance with the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2015.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
Isle of Man Office of Fair Trading	Matters concerning the sale of goods or the supply of services which adversely affect the interests of consumers.
	Anti-competitive practices (within the meaning of Part 2 of the Fair Trading Act 1996).
	Compliance with the requirements of any legislation, including (not exhaustively) any consumer protection, dangerous goods or public health legislation, under which the Office (including its duly authorised officers) has enforcement (including civil sanctions) responsibilities.
	Mediation of financial services disputes under Schedule 4 of the Financial Services Act 2008.
The National Society for the Prevention of Cruelty to Children (NSPCC) and any of its officers	Matters relating to child welfare and protection.
Registrar General	Fraud and other irregularities relating to the purpose and registration of trade unions and employers' associations under section 1 of the Trade Unions Act 1991.
	Fraud and other irregularities relating to annual returns and accounts filed by trade unions and employers' associations under section 6 of the Trade Unions Act 1991.
	Fraud and other irregularities relating to the registration of legal practitioners under section 2 of the Legal Practitioners Registration Act 1986.
Treasury	Social Security benefits.
	Matters relating to occupational pension schemes and other private pension arrangements.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Description of matters</i>
	The import and export of prohibited or restricted goods (within the meaning of the Customs and Excise Management Act 1986).
	Income tax.
	National insurance contributions.
	Value added tax and duties of excise.
An auditor appointed by the Treasury under section 3 of the Audit Act 2006	The proper conduct of public business, value for money, fraud and corruption in bodies, or by persons, whose accounts are required to be audited in accordance with the Audit Act 2006.

*EXPLANATORY NOTE**(This note is not part of the Order)*

This Order prescribes persons for the purposes of section 54 of the Employment Act 2006 which relates to ‘whistleblowing’. The effect of the order, taken with section 54, is that a worker will be protected by Part IV of that Act if, in good faith, he or she discloses an offence, breach or failure to a person specified in column 1 of the Schedule to the order, reasonably believing that the offence, breach or failure disclosed falls within the matters specified in column 2 of the Schedule.