

Statutory Document No. 2016/0321



Employment Act 2006

PUBLIC INTEREST DISCLOSURE (PRESCRIBED PERSONS) ORDER 2016

Approved by Tynwald: 13 December 2016
Coming into Operation: 16 December 2016

The Department of Economic Development makes the following Order under section 54 of the Employment Act 2006.

1 Title

This Order is the Public Interest Disclosure (Prescribed Persons) Order 2016.

2 Commencement

If approved by Tynwald¹ this Order comes into operation on 16 December 2016.

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

The Public Interest Disclosure (Prescribed Persons) Order 2007² is revoked.

¹ Tynwald approval is required by section 175(1) of the Employment Act 2006.

² SD 101/07

MADE 16 NOVEMBER 2016

LAURENCE SKELLY
Minister for Economic Development

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>Descriptions of matters</i>
Attorney General	The proper administration of charities and of funds given or held for charitable purposes.
Chief Registrar	Fraud, and other irregularities, relating to the financial affairs of trade unions and employers' associations (within the meaning of the Trade Unions Act 1991).
Communications Commission	The provision and use of telecommunication systems, telecommunication services and telecommunication apparatus.
	Broadcasting and the provision of radio services.
Department of Economic Development	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 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.

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Descriptions of matters</i>
	<p>Compliance with the requirements of merchant shipping law, including marine pollution, maritime safety and maritime security (other than port security).</p> <p>Compliance with the requirements of civil aviation legislation, including aviation safety and security.</p>
Department of Environment, Food and Agriculture	<p>Acts or omissions which have an actual or potential effect on the environment or the management or regulation of the environment.</p> <p>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.</p> <p>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.</p> <p>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.</p>
Department of Health and Social Care	<p>Matters relating to:</p> <p>a) a care service (within the meaning of the Regulation of Care Act 2013);</p> <p>b) the provision and regulation of services provided under the National Health Service Act 2001;</p> <p>c) the regulation of:</p> <p>(i) health care professionals (within the meaning of the Health Care Professionals Act 2014);</p> <p>(ii) registered dentists and registered dental care professionals (within the meaning of the Dental Act 1985); and</p> <p>(iii) registered opticians and registered dispensing opticians (within the meaning of the Opticians Act 1996).</p>

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Descriptions of matters</i>
Isle of Man Financial Services Authority	The carrying on of regulated activities (within the meaning of the Financial Services Act 2008).
	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 undertaking of a designated business (within the meaning of the Designated Businesses (Registration and Oversight) Act 2015).
	The carrying on of insurance business, or the business of an insurance manager or insurance intermediary (within the meaning of the Insurance Act 2008).
	Auditors that 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.
	The operation of a credit union.
Isle of Man Information Commissioner	Compliance with the requirements of the Data Protection Act 2002 and the Freedom of Information Act 2015.
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).

<i>Column 1</i>	<i>Column 2</i>
<i>Person</i>	<i>Descriptions of matters</i>
	<p>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.</p> <p>Mediation of financial services disputes under Schedule 4 of the Financial Services Act 2008.</p>
An auditor appointed 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.
Treasury	<p>Social Security benefits.</p> <p>Matters relating to occupational pension schemes and other private pension arrangements.</p> <p>The import and export of prohibited or restricted goods (within the meaning of the Customs and Excise Management Act 1986).</p> <p>Income tax.</p> <p>Insider dealing.</p> <p>National insurance contributions.</p> <p>Value added tax and duties of excise.</p>

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 ‘whistle-blowing’. 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.