



STATUTORY INSTRUMENTS.

S.I. No. 182 of 2014



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION
OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2014

NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2014

WHEREAS each of the following Ministers of the Government, namely, the Taoiseach, the Minister for Arts, Heritage and the Gaeltacht, the Minister for Agriculture, Food and the Marine, the Minister for Children and Youth Affairs, the Minister for Communications, Energy and Natural Resources, the Minister for Defence, the Minister for Education and Skills, the Minister for Environment, Community and Local Government, the Minister for Finance, the Minister for Foreign Affairs and Trade, the Minister for Health, the Minister for Jobs, Enterprise and Innovation, the Minister for Justice and Equality, the Minister for Public Expenditure and Reform, the Minister for Social Protection and the Minister for Transport, Tourism and Sport, has requested the Government to delegate by order under section 9(1) of the National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000) to the National Treasury Management Agency the management of any claims to which the following order applies, against him or her or a State authority specified in column (2) of Schedule 1 or 2, functions in relation to which are vested in him or her; hereby order as follows:

NOW, the Government, in exercise of the powers conferred on them by section 9(1) of the National Treasury Management Agency (Amendment) Act 2000, hereby order as follows:

1. This Order may be cited as the National Treasury Management Agency (Delegation of Claims Management Functions) Order 2014.

2. In this Order—

“Act of 2000” means National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000);

“Order of 2011” means National Treasury Management Agency (Delegation of Claims Management Functions) Order 2011 (S.I. No. 69 of 2011).

3. This Order applies to a claim, other than a claim referred to in Article 4, that—

(a) is made against one or more State authorities specified in column (2) of Schedule 1 or 2, either alone or with any other person, and

(b) either—

(i) is made before the making of this Order and is one as respects which, not being a claim whose management was delegated to the

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 22nd April, 2014.

Agency under the Order of 2011, the Agency and the State authority concerned determine that it should be managed by the Agency, or

- (ii) is made after such making irrespective of whether it relates to an act, omission or other matter occurring before or after such commencement or before the commencement of Part 2 of the Act of 2000.

4. The following classes of claims are exempted from the delegation effected by this Order:

- (a) claims made against the Minister for Health and Children by persons in respect of infection, directly or indirectly, with Hepatitis C or the human immunodeficiency virus (HIV) or both through the administration of blood or blood products or in respect of related matters,
- (b) claims made against one or more Ministers of the Government or the State authorities specified in column 2 of Schedule 1 or 2 in respect of personal injury which include a claim in relation to liability for—
 - (i) defective products,
 - (ii) injurious falsehood,
 - (iii) malicious prosecution,
 - (iv) malicious abuse of the civil process,
 - (v) deceit, or
 - (vi) defamation,

and

- (c) claims made against a Minister of the Government in respect of personal injury suffered by an employee of the State or of the Government caused by a breach of the Employment Equality Act 1998 (No. 21 of 1998).

5. Notwithstanding the generality of Article 4, the exemption provided for in Article 4(b)(i) does not apply in respect of personal injury claims which include a claim in relation to liability for any of the following medicinal products:

- (a) thalidomide;
- (b) nimesulide;
- (c) pandemrix.

6. The management of a claim to which this Order applies is delegated to the Agency.

7. Any claim made before the making of this Order whose management was delegated to the Agency under the Order of 2011 continues to be managed by the Agency under this Order.

8. It is declared that the Agency shall have the functions specified in section 9(2)(a) of the Act of 2000.

9. The Order of 2011 is revoked.

SCHEDULE 1

Article 3

State authorities to which paragraph (i) of the definition of “State authority” applies

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) opposite the mention of that Minister of the Government in this column (1)	State authority (2)
Minister for Education and Skills	Irish Research Council
Minister for Finance	Appeal Commissioners
Minister for Health	Cappagh National Orthopaedic Hospital The Mater Misericordiae University Hospital Ltd National Rehabilitation Hospital Peamount Hospital The Rotunda Hospital The National Maternity Hospital, Holles Street St Vincent’s University Hospital St Michael’s Hospital, Dun Laoghaire The Children’s University Hospital Ltd., Temple Street The Royal Hospital Donnybrook St. John’s Hospital, Limerick Incorporated Orthopaedic Hospital Coombe Women and Infants University Hospital
Minister for Jobs, Enterprise and Innovation	Companies Registration Office National Employment Rights Authority
Minister for Justice and Equality	Probation Service Garda Siochána Confidential Recipient

SCHEDULE 2

Article 3

State authorities to which an Order under paragraph (j) of the definition of “State authority” applies

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) opposite the mention of that Minister of the Government in this column (1)	State authority (2)
Taoiseach	Central Statistics Office Law Reform Commission National Economic and Social Council National Economic and Social Development Office Office of the Attorney General Office of the Director of Public Prosecutions President’s Establishment
Minister for Arts, Heritage and the Gaeltacht	National Library of Ireland National Gallery of Ireland National Museum of Ireland Oifig Choimisinéir na dTeangacha Oifigiúla Waterways Ireland
Minister for Children and Youth Affairs	Adoption Authority of Ireland Office of the Ombudsman for Children Child and Family Agency Children Detention School

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) opposite the mention of that Minister of the Government in this column (1)	State authority (2)
Minister for Defence	Office of the Ombudsman for the Defence Forces
Minister for Education and Skills	<p>Board of management of a community school, or a comprehensive school, which is a recognised school within the meaning of section 2 of the Education Act 1998 (No. 51 of 1998)</p> <p>An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta</p> <p>Commission to Inquire into Child Abuse</p> <p>Grangegorman Development Agency</p> <p>Higher Education Authority</p> <p>National Council for Curriculum & Assessment</p> <p>National Council for Special Education</p> <p>Residential Institutions Redress Board</p> <p>Residential Institution Redress Review Committee</p> <p>Royal Irish Academy of Music</p> <p>Seirbhis Oideachais Leanúnaigh Agus Scileanna</p> <p>State Examinations Commission</p> <p>Teaching Council</p>
Minister for Environment, Community and Local Government	Housing and Sustainable Communities Agency
Minister for Finance	<p>Comptroller and Auditor General</p> <p>Credit Union Restructuring Board</p> <p>Irish Fiscal Advisory Council</p> <p>Revenue Commissioners</p> <p>National Assets Management Agency</p> <p>National Treasury Management Agency</p>

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) opposite the mention of that Minister of the Government in this column (1)	State authority (2)
Minister for Health	Health Information and Quality Authority Health Services Executive Adelaide and Meath incorporating the National Children's Hospital Beaumont Hospital Dublin Dental School and Hospital St. James's Hospital.
Minister for Jobs, Enterprise and Innovation	Controller of Patents, Designs and Trade Marks Employment Appeal Tribunal Equality Tribunal Labour Court Labour Relations Commission Director of Corporate Enforcement Registrar of Friendly Societies
Minister for Justice and Equality	Commissioners of Charitable Donations and Bequests for Ireland Commissioner of the Garda Síochána Courts Service Criminal Assets Bureau Data Protection Commissioner Garda Síochána Inspectorate Garda Síochána Ombudsman Commission Governor of a prison Irish Film Classification Office Insolvency Service of Ireland Legal Aid Board Private Security Authority Private Security Appeal Board Property Registration Authority Property Services Appeal Board Property Services Regulatory Authority

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) opposite the mention of that Minister of the Government in this column (1)	State authority (2)
Minister for Public Expenditure and Reform	Commissioners for Public Service Appointments Commissioners of Public Works in Ireland Commissioner of Valuation Houses of the Oireachtas Commission Houses of the Oireachtas Service Office of the Ombudsman Public Appointments Service State Laboratory Valuation Tribunal
Minister for Social Protection	Office of Pensions Ombudsman Social Welfare Tribunal
Minister for Transport, Tourism and Sport	Marine Casualty Investigation Board Road Safety Authority



GIVEN under the Official Seal of the Government,
15 April 2014.

ENDA KENNY,
Taoiseach.

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