



STATUTORY INSTRUMENTS.

**S.I. No. 237 of 2015**



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION  
OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2015

## NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2015

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 the 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;

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 2015.

2. In this Order—

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

“Order of 2014” means National Treasury Management Agency (Delegation of Claims Management Functions) Order 2014 (S.I. No. 182 of 2014).

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 9th June, 2015.*

Agency under the Order of 2014, 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 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 2014 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 2014 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	State authority
(1)	(2)
Minister for Education and Skills	Irish Research Council Residential Institutions Statutory Fund Board
Minister for the Environment, Community and Local Government	<p>The following persons, in so far as the claim relates to their performance of functions under the Electoral Act 1992:</p> <ul style="list-style-type: none"> <li>(a) A person who stands or was previously appointed as a returning officer for a constituency under section 30(2)(a) of the Electoral Act 1992;</li> <li>(b) A person who stands or was previously appointed as an assistant returning officer under section 30(2)(b) of the Electoral Act 1992;</li> <li>(c) A person who stands or was previously appointed as a deputy returning officer under section 30(3) of the Electoral Act 1992;</li> <li>(d) A person who stands or was previously appointed to act as a returning officer under section 30(6) or (7) of the Electoral Act 1992.</li> </ul> <p>The following persons, in so far as the claim relates to their performance of functions under the Presidential Elections Act 1993:</p> <ul style="list-style-type: none"> <li>(a) A person who stands or was previously appointed as a presidential returning officer under section 9(1) of the Presidential Elections Act 1993;</li> <li>(b) A person who stands or was previously appointed to act as a presidential returning officer under section 9(2) of the Presidential Elections Act 1993;</li> <li>(c) A person who stands or was previously appointed as a local returning officer under section 10(1) of the Presidential Elections Act 1993;</li> <li>(d) A person who stands or was previously appointed to act as a local returning officer under section 10(2) of the Presidential Elections Act 1993;</li> <li>(e) A person who stands or was previously appointed as a deputy local returning officer under section 10(4) of the Presidential Elections Act 1993;</li> <li>(f) A person who stands or was previously appointed as an assistant local returning officer under section 10(6) of the Presidential Elections Act 1993.</li> </ul>

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	State authority
(1)	(2)
	<p>The following persons, in so far as the claim relates to their performance of functions under the Referendum Act 1994:</p> <ul style="list-style-type: none"> <li>(a) A person who stands or was previously appointed as a referendum returning officer under section 14(1) of the Referendum Act 1994;</li> <li>(b) A person who stands or was previously appointed to act as a referendum returning officer under section 14(2) of the Referendum Act 1994;</li> <li>(c) A person who stands or was previously appointed as a local returning officer under section 15(1) of the Referendum Act 1994;</li> <li>(d) A person who stands or was previously appointed to act as a local returning officer under section 15(2) of the Referendum Act 1994;</li> <li>(e) A person who stands or was previously appointed as a deputy local returning officer under section 15(4) of the Referendum Act 1994;</li> <li>(f) A person who stands or was previously appointed as an assistant local returning officer under section 15(7) of the Referendum Act 1994.</li> </ul> <p>The following persons, in so far as the claim relates to their performance of functions under the European Parliament Elections Act 1997:</p> <ul style="list-style-type: none"> <li>(a) A person who stands or was previously appointed as a chief returning officer under section 15A(1) of the European Parliament Elections Act 1997;</li> <li>(b) A person who stands or was previously appointed as a returning officer under section 16(1) of the European Parliament Elections Act 1997;</li> <li>(c) A person who stands or was previously appointed to act as a returning officer under section 16(3) of the European Parliament Elections Act 1997;</li> <li>(d) A person who stands or was previously appointed as a local returning officer under section 17(1) of the European Parliament Elections Act 1997;</li> <li>(e) A person who stands or was previously appointed as a deputy local returning officer under section 17(3) of the European Parliament Elections Act 1997;</li> <li>(f) A person who stands or was previously appointed to act as a local returning officer under section 17(4) of the European Parliament Elections Act 1997.</li> </ul>
Minister for Finance	Appeal Commissioners

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	State authority
(1)	(2)
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 Our Lady's Children's Hospital, Crumlin Mercy University Hospital Cork Royal Victoria Eye and Ear Hospital South Infirmary —Victoria Hospital Limited Central Remedial Clinic
Minister for Jobs, Enterprise and Innovation	Companies Registration Office National Employment Rights Authority
Minister for Justice and Equality	Probation Service

## SCHEDULE 2

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	State authority
(1)	(2)
Taoiseach	Central Statistics Office The commission established by the Commission of Investigation (Certain Matters relative to An Garda Síochána and other persons) Order 2014 (S.I. No. 192 of 2014) 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 Agriculture, Food and the Marine	Aquaculture Licences Appeals Board An Bord Iascaigh Mhara Marine Institute Sea Fisheries Protection Authority
Minister for Arts, Heritage and the Gaeltacht	National Library of Ireland National Gallery of Ireland National Museum of Ireland Oifig Choimisiún 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 for Defence	Office of the Ombudsman for the Defence Forces
Minister for Education and Skills	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) An Chomhairle um Oideachais Gaeltachta agus Gaelscolaíochta Commission to Inquire into Child Abuse Grangegorman Development Agency Higher Education Authority National Council for Curriculum & Assessment National Council for Special Education Qualifications and Quality Assurance Authority of Ireland Residential Institutions Redress Board Residential Institution Redress Review Committee Seirbhís Oideachais Leanúnaigh Agus Scileanna State Examinations Commission Teaching Council
Minister for the Environment, Community and Local Government	Housing and Sustainable Communities Agency Pyrite Resolution Board

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	State authority
(1)	(2)
Minister for Finance	Comptroller and Auditor General Credit Union Restructuring Board Irish Fiscal Advisory Council Revenue Commissioners National Assets Management Agency National Treasury Management Agency
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	Charities Regulatory Authority The commission established by the Commission of Investigation (Ronan MacLochlainn) Order 2014 (S.I. No. 346 of 2014) The commission established by the Commission of Investigation (Certain Matters relative to the Cavan/Monaghan Division of the Garda Síochána) Order 2015 (S.I. No. 38 of 2015) 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 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 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	State authority
(1)	(2)
Minister for Social Protection	Office of the 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,  
3 June 2015.

ENDA KENNY,  
Taoiseach.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
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