



STATUTORY INSTRUMENTS.

S.I. No. 390 of 2017



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION
OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2017

NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2017

WHEREAS the Minister for Health 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 a State authority specified in 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 of the National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000), hereby order as follows:

1. This Order may be cited as the National Treasury Management Agency (Delegation of Claims Management Functions) Order 2017.

2. In this Order, “Act of 2000” means National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000).

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 Schedule 1 or 2, either alone or with any other person, in relation to or in connection with the provision of services by those State authorities on behalf of the Health Service Executive under section 38 of the Health Act 2004 (No. 42 of 2004), and

(b) either—

(i) is made before the making of this Order and is one as respects which the Agency and the State authority concerned determine that it should be managed by the Agency, or

(ii) is made after the making of this Order irrespective of whether it relates to an act, omission or other matter occurring before or after such making 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:

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st September, 2017.

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

SCHEDULE 1

Articles 3 and 4

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

The Children's Sunshine Home

St. John of God Community Services CLG

Muiriosa Foundation Limited

Cheeverstown House Limited

Stewarts Care Limited

Daughters of Charity Disability Support Services Limited

Carriglea Cairde Services CLG

KARE Promoting Inclusion for People with Intellectual Disability

St Michaels House

The Trustees and Governors of St Vincent's Hospital Fairview

Cope Foundation

Sunbeam House Services Company Limited by Guarantee

St. Patrick's Centre Kilkenny

Our Lady's Hospice and Care Services

Brothers of Charity Services Ireland, which includes the Congregation of the
Brothers of Charity and Blue Teapot Theatre Company Limited

SCHEDULE 2

Articles 3 and 4

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

Leopardstown Park Hospital Board



GIVEN under the Official Seal of the Government,
18 July 2017.

LEO VARADKAR,
Taoiseach.

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