



STATUTORY INSTRUMENTS.

S.I. No. 228 of 2020



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF
CLAIMS MANAGEMENT FUNCTIONS) ORDER 2020

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CLAIMS MANAGEMENT FUNCTIONS) ORDER 2020

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 the Minister or the State authority specified in the Schedule, functions in relation to which are vested in the Minister;

AND WHEREAS the Minister for Health has agreed to pay the amount (if any) payable in respect of a claim, against the State authority specified in the Schedule, to which the following order applies;

NOW, the Government, in exercise of the powers conferred on them by section 9 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 2020.

2. This Order applies to a claim, other than a claim referred to in Article 3, that -

(a) is made against -

- (i) the State authority specified in the Schedule either alone or with any other person, in relation to or in connection with the provision of services by that State authority on behalf of the Health Service Executive under section 38 of the Health Act 2004 (No. 42 of 2004), and
- (ii) the Minister, where the claim referred to subparagraph (i) is also made against the Minister,

and

(b) either -

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

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 26th June, 2020.*

- (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.

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

- (a) claims made against the Minister or the State authority specified in the Schedule 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.

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

5. It is declared that the Agency shall have the functions specified in section 9(2)(a) of the National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000).

SCHEDULE

Article 2

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

The Enfer Group being Enfer Labs Unlimited Company (the “Company”) and each subsidiary and associated company for the time being of the Company, each holding company of the Company and each subsidiary of such holding company, and includes their employees, agents, consultants and contractors.



GIVEN under the Official Seal of the Government,
19 June, 2020.

LEO VARADKAR,
Taoiseach.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

“This Order authorises the delegation to the State Claims Agency of responsibility for the management of certain claims incurred by the body listed in the schedule”

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