



STATUTORY INSTRUMENTS.

S.I. No. 586 of 2009



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION
OF FUNCTIONS) ORDER 2009

(Prn. A9/1951)

NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION
OF FUNCTIONS) ORDER 2009

The Government, at the request of the Minister for Health and Children (being a Minister in whom functions in relation to a State authority are vested) and in exercise of the powers conferred on them by section 9(1) of the National Treasury Management Agency (Amendment) Act 2000 (No. 39 of 2000), hereby order as follows:

1. (1) This Order may be cited as the National Treasury Management Agency (Delegation of Functions) Order 2009.

(2) This Order comes into operation on 1 January 2010.

2. In this Order—

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

“relevant State authority” means—

(a) the Minister for Health and Children,

(b) the Health Service Executive, or

(c) both the Minister for Health and Children and the Health Service Executive.

3. Subject to Articles 5 and 6 and without prejudice to any other Order made under section 9(1) of the Act of 2000 which is in force, this Order applies to any claim made against the relevant State authority which is either—

(a) such a claim made before the commencement of this Order which the Agency and the Health Service Executive determine should be managed by the Agency, or

(b) such a claim made after such commencement irrespective of whether the claim relates to acts, omissions or other matters occurring before or after such commencement or before the commencement of Part 2 of the Act of 2000.

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 12th January, 2010.*

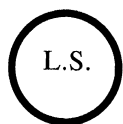
5. The following classes of claims made against the relevant State authority are exempted from the delegation effected by this Order:

- (a) claims made 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 in relation to liability for one or more of the following:
 - (i) injurious falsehood;
 - (ii) malicious prosecution;
 - (iii) malicious abuse of the civil process;
 - (iv) deceit;
 - (v) defamation;and
- (c) claims in respect of personal injury suffered by an employee of the Health Service Executive caused by a contravention of the Employment Equality Act 1998 (No. 21 of 1998).

6. The following classes of claims made against the relevant State authority where the claim concerned is only against such authority in the authority's capacity as the Minister for Health and Children are exempted from the delegation effected by this Order:

- (a) claims which fall within Article 5(b) of the National Treasury Management Agency (Delegation of Functions) Order 2003 (S.I. No. 63 of 2003); and
- (b) claims in respect of personal injury in relation to liability for defective products or intentional infliction of mental suffering.

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



GIVEN under my Official Seal, of the Government,
21 December 2009.

BRIAN COWEN

EXPLANATORY NOTE

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

This Order provides that the State Claims Agency shall manage the public liability claims (with certain exceptions) made against the Health Service Executive.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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