



STATUTORY INSTRUMENTS.

S.I. No. 571 of 2019



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF
CLAIMS MANAGEMENT FUNCTIONS) ORDER 2019

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WHEREAS the Minister for Children and Youth Affairs 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 a State authority specified in the Schedule, functions in relation to which are vested in the Minister;

AND WHEREAS the Minister for Children and Youth Affairs has agreed to pay the amount (if any) payable in respect of a claim, against a person 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 2019.

2. (1) In this Order -

“Act of 1991” means Child Care Act 1991 (No. 17 of 1991);

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

“aftercare plan” has the same meaning as it has in section 2(1) of the Act of 1991;

“child” has the same meaning as it has in section 2(1) of the Act of 1991;

“former foster carer” shall be construed in accordance with paragraph (2)(a);

“former foster child” shall be construed in accordance with paragraph (2)(b);

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 8th November, 2019.*

“foster parent” has the same meaning as it has in section 36(2) of the Act of 1991;

“Minister” means the Minister for Children and Youth Affairs.

(2) For the purposes of this Order -

(a) a person is a “former foster carer” in respect of a former foster child where -

- (i) the former foster child, as a child, was placed with the person (being a foster parent or relative referred to in paragraph (a) or (b) of the Schedule), and
- (ii) the person is carrying out functions in relation to the implementation of the aftercare plan of the former foster child,

and

(b) a “former foster child” is a person who -

- (i) as a child was placed with a foster parent or relative referred to in paragraph (a) or (b) of the Schedule, and
- (ii) has attained the age of 18 years.

3. This Order applies to a claim, other than a claim referred to in Article 5, made -

(a) against -

- (i) one or more State authorities specified in the Schedule, either alone or with any other person, in so far as the claim relates to the functions of that State authority specified in Article 4, and
- (ii) the Minister, where the claim referred to in subparagraph (i) is also made against that Minister,

and

(b) either -

- (i) before the coming into operation of this Order, or
- (ii) after the coming into operation of this Order, irrespective of whether it relates to an act, omission or other matter occurring before or after such coming into operation or before the commencement of Part 2 of the Act of 2000.

4. The functions referred to in Article 3(a)(i) are the functions -

- (a) conferred on a State authority referred to in paragraph (a) or (b) of the Schedule in regulations made under section 39 or 41, as the case may be, of the Act of 1991 and under any contract entered into in accordance with such regulations, and
- (b) of a former foster carer in relation to the implementation of an aftercare plan in respect of a former foster child.

5. Claims made against the Minister or the State authorities specified in the Schedule in respect of personal injury which include a claim in relation to liability for -

- (a) defective products,
- (b) injurious falsehood,
- (c) malicious prosecution,
- (d) malicious abuse of the civil process,
- (e) deceit, or
- (f) defamation,

are exempted from the delegation effected by this Order.

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

Article 3

State authorities to which the Order applies

- (a) An individual who is a foster parent within the meaning of section 36(2) of the Act of 1991.
- (b) A relative of a child with whom the child has been placed in accordance with an arrangement made under section 36(1)(d) of the Act of 1991.
- (c) A former foster carer.



GIVEN under the Official Seal of the Government,
30 October, 2019.

LEO VARADKAR,
Taoiseach.

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