



STATUTORY INSTRUMENTS.

S.I. No. 69 of 2011



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION
OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2011

(Prn. A11/0304)

NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF CLAIMS MANAGEMENT FUNCTIONS) ORDER 2011

WHEREAS each of the following Ministers of the Government, namely, the Taoiseach, the Minister for Agriculture, Fisheries and Food, the Minister for Communications, Energy and Natural Resources, the Minister for Community, Equality and Gaeltacht Affairs, the Minister for Defence, the Minister for Education and Skills, the Minister for Enterprise, Trade and Innovation, the Minister for the Environment, Heritage and Local Government, the Minister for Finance, the Minister for Foreign Affairs, the Minister for Health and Children, the Minister for Justice and Law Reform, the Minister for Social Protection, the Minister for Tourism, Culture and Sport and the Minister for Transport, 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 the Schedule to the following order, 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 2011.

2. In this Order—

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

“Order of 2005” means National Treasury Management Agency (Delegation of Claims Management Functions) Order 2005 (S.I. No. 503 of 2005).

3. This Order applies to a claim, other than a claim referred to in Article 4, that—

(a) is made against one or more Ministers of the Government or the State authorities specified in column (2) of the Schedule either alone or with any other person, and

(b) either—

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 11th February, 2011.

- (i) is made before the commencement of this Order and is one as respects which, not being a claim whose management was delegated to the Agency under the Order of 2005, the Agency and the State authority concerned determine that it should be managed by the Agency, or
- (ii) is made after such commencement 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 and Children 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 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,
 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. The management of a claim to which this Order applies is delegated to the Agency.

6. Any claim made before the commencement of this Order whose management was delegated to the Agency under the Order of 2005 continues to be managed by the Agency under this Order.

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

8. The National Treasury Management Agency (Delegation of Claims Management Functions) Order 2005 (S.I. No. 503 of 2005) is revoked.

SCHEDULE

Articles 3 and 4

State authorities

Minister of the Government in whom are vested functions in relation to a State authority mentioned in column (2) of this Schedule opposite the mention of that Minister of the Government in column (1)	State authority
(1)	(2)
Taoiseach	Attorney General Director General of the Central Statistics Office Director of Public Prosecutions Office of the Secretary General to the President of Ireland (whether or not described in the claim as Ireland)
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) Board of management of, or person for the time being managing, a school certified under section 45 of the Children Act 1908, or a place of detention registered under section 108 of that Act, in which young offenders are detained. State Examinations Commission Teaching Council Higher Education Authority National Council for Curriculum & Assessment Royal Irish Academy of Music Irish Research Council for Science, Engineering and Technology Irish Research Council for Humanities and Social Sciences Grangegorman Development Agency National Education Welfare Board Foras Áiseanna Saothair National Council for Special Education An Chomhairle um Oideachais Gaeltacha agus Gaelscolaíochta
Minister for Enterprise, Trade and Innovation	Controller of Patents, Designs and Trade Marks
Minister for Finance	Public Appointments Service Commissioners for Public Service Appointments Commissioner of Valuation Commissioners of Public Works in Ireland Comptroller and Auditor General Office of the Houses of the Oireachtas Ombudsman Revenue Commissioners State Laboratory
Minister for Health and Children	Office of the Ombudsman for Children
Minister for Justice and Law Reform	Commissioner of the Garda Síochána Courts Service Governor of a prison Registrar of Deeds Registrar of Titles
Minister for Tourism, Culture and Sport	National Gallery of Ireland



GIVEN under the Official Seal of the Government,
7 February 2011.

BRIAN COWEN,
Taoiseach.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B28292). 285. 2/11. Cahill. Gr. 30-15.