



STATUTORY INSTRUMENTS.

**S.I. No. 229 of 2020**



NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF  
CLAIMS MANAGEMENT FUNCTIONS) (NO. 2) ORDER 2020

S.I. No. 229 of 2020

NATIONAL TREASURY MANAGEMENT AGENCY (DELEGATION OF CLAIMS MANAGEMENT FUNCTIONS) (NO. 2) 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 a 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 a 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) (No.2) Order 2020.

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

(a) is made against -

(i) one or more of the State authorities specified in column (1) of the Schedule, either alone or with any other person, in relation to or in connection with the provision of services by the State authority or State authorities concerned on behalf of the Health Service Executive under section 38 of the Health Act 2004 (No. 42 of 2004) -

(I) at a relevant hospital or hospitals specified in column (2) of the Schedule opposite mention of the State authority or State authorities concerned, or

(II) by a person who is engaged by a State authority so specified to provide such services on its behalf (being part of the services provided by the State authority concerned from the relevant hospital) whether or not the service is provided at that relevant hospital, and

(ii) the Minister for Health, where the claim referred to in subparagraph (i) is also made against the Minister,

and

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

- (b) either -
  - (i) is made before the making of this Order and is one in respect of which the Agency and the State authority or State authorities 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.

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

- (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 the Minister for Health or a 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;
- (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);
- (d) claims against the Minister for Education and Skills, the Minister for Health, or the Minister for Justice and Equality in respect of abuse of a child within the meaning of the Commission to Inquire into Childhood Abuse Act 2000 (No. 7 of 2000).

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 authorities to which paragraph (i) of the definition of “State authority” applies  (1)	Relevant Hospitals  (2)
Aut Even Hospital Limited	Aut Even Hospital
Sports Surgery Clinic Limited	Sports Surgery Clinic
Kingsbridge Private Hospital Sligo Limited	Kingsbridge Hospital Sligo
St Vincent’s Healthcare Group DAC	St Vincent’s Private Hospital
VFM Healthcare (Ireland) Limited (In receivership) trading as St Francis Private Hospital	St Francis Private Hospital, Mullingar
Beacon Medical Group Sandyford Limited	Beacon Hospital
Blackrock Hospital Limited  Blackrock Clinic Limited  Blackrock Group Services Limited  Blackrock Hospital Development Company Limited  Hestow Limited  Kingwater Development Company Limited	Blackrock Clinic
Galway Clinic Doughiska Limited	Galway Clinic
Hermitage Clinic Limited  Torcross Limited  Hermitage Medical Development Limited	Hermitage Clinic Dublin

Pointmill Limited	
Bon Secours Health System Company Limited by Guarantee	Bon Secours Hospital Dublin Bon Secours Hospital Cork Bon Secours Hospital Galway Bon Secours Hospital Limerick at Barringtons Bon Secours Hospital Tralee
Barringtons Hospital Limited (trading as Bon Secours Hospital Limerick at Barringtons)	Bon Secours Hospital Limerick at Barringtons
UPMC Ireland Limited	UPMC Whitfield, Waterford UPMC Kildare
Oval TopCo Limited Mater Private Hospital Mater Private Cork Limited Spireview Equipment UC	Mater Private Hospital Dublin Mater Private Hospital Cork Limerick Cancer Centre



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 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 bodies listed in the schedule”

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PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
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