

S.I. No. 63 of 2003

ORDER

entitled

National Treasury Management Agency (Delegation of Functions) Order 2003

To be made by the Government

The Government, at the request of the Minister for Health and Children (being a Minister of the Government 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 2003.

(2) This Order comes into operation on 18 February 2003.

2. (1) In this Order -

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

“clinical claim” means a claim connected with the provision of, or failure to provide, a professional medical service;

“nurse” has the same meaning as it has in the Nurses Act 1985 (No. 18 of 1985);

“pharmacist” means -

(a) a registered dispensing chemist and druggist,

(b) a registered druggist, or

- (c) a registered pharmaceutical chemist;

“professional medical services” means -

- (a) services provided by registered medical practitioners or registered dentists of a diagnostic or palliative nature, or consisting of the provision of treatment in respect of any illness, disease, injury or other medical condition,
- (b) services provided by other health professionals in the performance of their duties, including pharmacists, nurses, midwives, paramedics, ambulance personnel, laboratory technicians, or
- (c) services connected with the provision of health or medical care provided by persons acting under the direction of a person to whom paragraph (a) or (b) applies;

“registered dentist” has the same meaning as it has in the Dentists Act 1985 (No. 9 of 1985);

“registered dispensing chemist and druggist”, “registered druggist” and “registered pharmaceutical chemist” have the same meaning as they have in the Pharmacy Act 1962 (No. 14 of 1962);

“registered medical practitioner” has the same meaning as it has in the Medical Practitioners Acts 1978 to 2002.

3. Subject to Article 4, this Order applies to a clinical claim brought -

(a) against -

(i) the Minister for Health and Children,

(ii) a State authority specified in column (1) of Part 1 of Schedule 1 to this Order relating to the provision of, or failure to provide, a professional medical service -

(I) at the place specified in column (2) thereof opposite the mention of the State authority 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 from that place) whether or not the service is provided at that place,

(iii) A State authority that provides professional medical services at a place specified in Part 2 of the said Schedule 1, relating to the provision of, or failure to provide, a professional medical service -

- (I) at the place concerned, or
 - (II) by a person who is engaged by the State authority to provide such services on its behalf (being part of the services provided by the State authority from the place concerned) whether or not the service is provided at that place, or
 - (iv) a State authority specified in Schedule 2 to this Order, and
- (b)
- (i) before the commencement of this Order, being a clinical claim that the Agency and the State authority concerned determine should be managed by the Agency,
 - (ii) after such commencement in respect of an act or omission that occurred before such commencement, being a clinical claim that the Minister for Health and Children, with the consent of the Minister, determines should be managed by the Agency, or
 - (iii) after such commencement in respect of an act or omission that occurs after such commencement.

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

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

- (a) claims against the Minister for Health and Children in respect of infection with Hepatitis C through the administration of blood or blood products or in respect of related matters;
- (b) claims against the Minister for Education and Science, the Minister for Health and Children, or the Minister for Justice, Equality and Law Reform in respect of abuse of a child within the meaning of the Commission to Inquire into Childhood Abuse Act 2000 (No. 7 of 2000).

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

SCHEDULE 1

Part 1

State authorities to which paragraph (i) of the definition of "State authority" applies

State Authority (1)	Place in relation to which claim applies. (2)
Caritas Convalescent Centre Limited	Merrion Road, Dublin 4.
Charleville and District Association for the Handicapped	Bakers Road, Charleville, Co. Cork.
Cheeverstown House Limited	Templeogue, Dublin 6.W.
COPE Foundation Limited	Bonnington, Montenotte, Cork.
Incorporated Orthopaedic Hospital of Ireland	Castle Avenue, Clontarf, Dublin 3.
Milford Care Centre Limited	Castletroy, Limerick.
North West Hospice Limited	The Mall, Sligo.
RehabCare Limited	Roslyn Park, Sandymount, Dublin 4.
South Infirmary/Victoria Hospital Limited	Old Blackrock Road, Cork.

State Authority (1)	Place in relation to which claim applies (2)
Stewarts Hospital Services Limited	Palmerstown, Co. Dublin.
St. Patrick's Centre (Kilkenny) Limited	Keils Road, Kilkenny.
St. Vincent's University Hospital Limited	Elm Park, Dublin 4.
Brothers of Charity	"Auburn", Ard na Gréine, Ennis. Co. Clare. Woodlands Centre, Renmore, Co. Galway. Bawnmore, Limerick. Belmont Park, Waterford. Lota, Glanmire, Co. Cork. Lanesboro Street, Roscommon.
Daughters of Charity of St. Vincent de Paul	St. Vincent's Centre, Navan Road, Dublin. 7.
Franciscan Sisters of the Divine Motherhood, St. Mary of the Angels	Beaufort, Killarney, Co. Kerry.
Hospitaller Order of St. John of God	"Granada", Stillorgan, Co. Dublin.
Rosminian Services	St. Patrick's, Upton, Innishannon, Cork.

State Authority (1)	Place in relation to which claim applies (2)
Sisters of Charity	St. Patrick's Hospital (Marymount Hospice), Wellington Road, Cork.
Sisters of Charity of Jesus and Mary	Moore Abbey, Monasterevan, Co. Kildare. St. Mary's, Delvin, Co. Westmeath.
Sisters of La Sagesse Services	Cregg House, Sligo.
Sisters of the Bon Sauveur	Carriglea, Co. Waterford.
Sisters of the Sacred Heart of Jesus and Mary	St. Anne's Services, Sean Ross Abbey Roscrea, Co. Tipperary.
The Board of Guardians and Directors of the Coombe Lying-In Hospital	Coombe, Rialto, Dublin 8.
City of Dublin Skin and Cancer Hospital	Hume Street, Dublin 2.

<p style="text-align: center;">State Authority (1)</p>	<p style="text-align: center;">Place in relation to which claim applies (2)</p>
<p>The Governors and Guardians of the Hospital for the Relief of Poor Lying-In Women, Dublin (commonly called the Rotunda Hospital)</p>	<p>The Rotunda Hospital, Parnell Square, Dublin 1.</p>
<p>The Royal Hospital Donnybrook</p>	<p>Morehampton Road, Dublin 4.</p>
<p>Cappagh National Orthopaedic Hospital</p>	<p>Finglas, Dublin 11.</p>
<p>Central Remedial Clinic</p>	<p>Vernon Avenue, Clontarf, Dublin 3</p>
<p>The Children's University Hospital</p>	<p>Temple Street, Dublin 1.</p>
<p>Cork University Dental School and Hospital</p>	<p>Wilton, Cork.</p>
<p>Mater Misericordiae University College Hospital</p>	<p>Eccles Street, Dublin 7.</p>
<p>Mercy Hospital</p>	<p>Grenville Place, Cork.</p>

National Disease Surveillance Centre	Sir Patrick Dun's Hospital, Lower Grand Canal Street, Dublin 2.
The National Maternity Hospital	Holles Street, Dublin 2.
National Rehabilitation Hospital	Rochestown Avenue, Dun Laoghaire, Co. Dublin.
Our Lady's Hospital for Sick Children	Crumlin, Dublin 12.
Royal Victoria Eye and Ear Hospital	Adelaide Road, Dublin 2.
St. Michael's Hospital	Dun Laoghaire, Co. Dublin
St. John's Hospital	St. John's Square, Limerick.
St. Vincent's Hospital	Richmond Road, Fairview, Dublin. 3.

Part 2

Places at which professional medical services are provided by State authorities (other than those specified in Part 1 of this Schedule) to which paragraph (i) of the definition of "State authority" applies.

Children's Sunshine Home, Leopardstown Road, Foxrock, Dublin 18.

Our Lady's Hospice, Harold's Cross, Dublin 6 W.

Peamount Hospital, Newcastle, Co. Dublin.

St. Francis Hospice, Station Road, Raheny, Dublin 5.

St. Mary's Hospital and Residential School, Baldoyle, Dublin 13.

St. Michael's House, Ballymun Road, Dublin 11.

SCHEDULE 2

State authorities to which an order under paragraph (j) of the definition of "State authority"

applies

Adelaide and Meath Hospital Dublin Incorporating The National Children's Hospital.

Beaumont Hospital Board.

Irish Blood Transfusion Service.

The Drug Treatment Centre Board.

Dublin Dental Hospital Board.

East Coast Area Health Board.

Eastern Regional Health Authority.

Health Research Board.

Leopardstown Park Hospital Board.

Mid-Western Health Board.

Midland Health Board.

National Breast Screening Board.

North Eastern Health Board.

North Western Health Board.

Northern Area Health Board.

South Eastern Health Board.

South Western Area Health Board.

Southern Health Board.

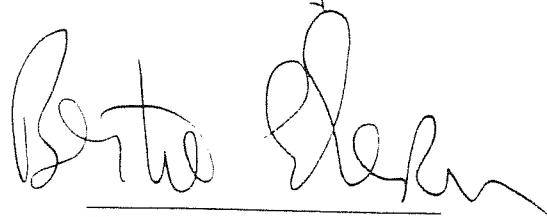
St. James's Hospital Board.

Saint Luke's Hospital Board.

Western Health Board.

GIVEN under the Official Seal of the Government

18 February 2003.

A handwritten signature in black ink, appearing to read 'Bertie Ahern', written in a cursive style. The signature is positioned above a horizontal line.

Taoiseach