

Reference No: E109/20/29; **Date:** 19/03/57

Circular 9/1957:- Civil Service Regulation Act, 1956, Appointment of Medical Referees for purposes of Section 9

A Dhuine Uasail,

1. I am directed by the Minister for Finance to inform you that he has appointed

Dr. Harold Quinlan, 43, Fitzwilliam Place, Dublin, and
Dr. James Q. Maher, 34 Fitzwilliam Place, Dublin,

to be Medical Referees in medical and surgical cases respectively for the purposes of Section 9 of the Civil Service Regulation Act, 1956. The Referees will also function as Medical Referees for the purpose of cases of retirement on grounds of ill-health which do not come within the ambit of Section 9, i.e., where the initiative for retirement comes from the officer and the Department is not satisfied that retirement is warranted.

2. In view of the enactment of Section 9 of the Civil Service Regulation Act, 1956, the Minister for Finance considers it desirable to bring to the notice of the Civil Service the general arrangements which will apply to the reference of cases to a Medical Referee.

3. An established officer who is under 60 years of age (55 in the case of a prison or asylum officer to whom the Superannuation (Prison Officers) Act, 1919, applies) may appeal to a Medical Referee in the following circumstances:

(a) where he has been requested to resign from the Civil Service on the ground of ill-health and he considers that his health does not incapacitate him from further service, or

(b) where his application to retire on the ground of ill-health has been refused and he considers that his health unfits him for further service.

The provisions of Section 9 as regards appeal to a Medical Referee do not apply to an established officer serving on probation unless immediately prior to his probationary appointment he held another established position in the Civil Service. Unestablished or temporary officers are ineligible to appeal.

4. The reference of applications to a Medical Referee will be subject to the following conditions:

(a) The Officer must appeal through his Department (not direct to the Referee) within 30 days of the notification to him that he is incapable from infirmity of mind or body, as the case may be, of discharging the duties of his position or of the refusal to allow retirement, as may be appropriate.

(b) The officer will be required to deposit the fee of one guinea, which will be refunded to him if the appeal proves successful. This deposit does not represent the cost of the Referee's services, and the officer will not in any circumstances be allowed to see the Referee's report or be supplied with a copy of it

(c) The officer may, if he wishes, furnish medical evidence in support of his appeal.

(d) If the Referee wishes to examine the officer personally, any travelling, etc., expenses necessarily incurred may be refunded if the appeal is successful, but not otherwise.

5. All appeals which fulfil the conditions set out in paragraph 4 should be forwarded by the Department concerned direct to the Medical Referee concerned along with full particulars relevant to the officer's health record.

6. Fees that are not refundable should be transmitted to the Department of Finance to be accounted for as Appropriations in Aid of the Vote for Superannuation and Retired Allowances.

7. This Circular should be brought to the notice of all established officers serving in, or appointed in future to, your Department (including Sub-Departments).

8. Circulars 13/38 and 4/41 are hereby cancelled.

Mise, le meas,
L.M. FITZGERALD.

Note: See letter of 22/10/79 and 22/09/93 following.