Dear Mr. Murphy,

I refer to your recent e-mail re the current qualifying criteria for the Primary Medical Certificate.

As your aware, for one to qualify for a Primary Medical Certificate, an applicant must be permanently and severely disabled **within** the terms of the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 and satisfy **one** of the qualifying conditions. The Senior Medical Officer for the relevant local Health Service Executive administrative area makes a professional independent clinical determination as to whether an individual applicant satisfies the medical criteria. A successful applicant is provided with a Primary Medical Certificate, which is required under the Regulations to claim the reliefs provided for in the Scheme. An unsuccessful applicant can appeal to the Senior Medical Officer to the Disabled Drivers Medical Board of Appeal. The Regulations mandate that the Medical Board of Appeal (set up by the Department of Finance) is independent in the exercise of its functions to ensure the integrity of it's clinical determinations. The current criteria to qualify for the Scheme are necessarily precise and specific.  After six months an applicant can reapply if there is a deterioration in his/her condition. Minister McGrath fully recognise the important role that the Scheme plays in expanding the mobility of citizens with disabilities. From time to time, the Minister receives representations from individuals who feel they would benefit from the Scheme but do not qualify under the **six** criteria. Whilst having sympathy for these cases, **the fact remains that the current criteria under the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994 can only be amended by the Minister for Finance under whose Department the appropriate legislation falls.** FYI, Minister McGrath has written on numerous occasions to the Minister for Finance who has informed him that he has **no plans at present** to expand the medical criteria beyond the six currently provided for in the Disabled Drivers and Disabled Passengers (Tax Concessions) Regulations 1994.

Kind regards,

Adrian McLaughlin
Private Secretary to the Minister for Disabilities
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