

tion issue a restricted certificate of qualification (to be known as a "Restricted (Health) Certificate") in his favour if the prescribed conditions as to age, character, knowledge and ability, and nationality are satisfied and they are satisfied that he is likely to give effective and reasonably regular service for a reasonable period in the situation which he seeks or to which he is proposed for appointment.

(5) A person shall not be deemed, for the purposes of the Superannuation Acts, 1834 to 1960, to have been admitted into the Civil Service with a certificate from the Commissioners by reason only that he is employed in the Civil Service by virtue of a Special Recommendation, a Limited Period Certificate, or a Restricted (Health) Certificate made or issued in his favour pursuant to the foregoing provisions of this Regulation.

Provided that where a person is employed in the Civil Service by virtue of a Restricted (Health) Certificate and either—

(a) he has completed twenty years of qualifying service before attaining the age of sixty; or

(b) he has completed five years of reckonable service before attaining the age of sixty, and has continued to serve after attaining the age of fifty-nine,

he shall, unless the Treasury or the Civil Service Commission otherwise determine, be deemed, for the purposes of the Superannuation Acts, 1834 to 1960, to have been admitted into the Civil Service with a certificate from the Commissioners.

A person who is employed in the Civil Service to fill an established post on established conditions subject to special conditions for superannuation and sick leave but in respect of whom no Restricted (Health) Certificate has been issued will be deemed for the purposes of the above proviso to be employed by virtue of a Restricted (Health) Certificate and the Commissioners will issue a Certificate of Qualification in respect of him when he satisfies either condition (a) or condition (b) of the aforesaid proviso.

For the purpose of this paragraph the expression "qualifying service" means, in relation to any person, service which, if he were established, would become reckonable service for the purpose of determining the award of a superannuation allowance save only that all reckonable unestablished service may be allowed to qualify in full and all reckonable part-time service may be allowed to qualify as to one-half.

For the purpose of this paragraph the expression "reckonable service" means, in relation to any person, service which would have been reckonable for the purpose of determining the amount of his superannuation allowance if he had been serving in an established capacity in the permanent Civil Service of the State from the date of his appointment in a permanent unestablished capacity.

Character

5 Every candidate shall satisfy the Commissioners that his character is such as to qualify him for the situation which he seeks.

Knowledge and ability

6. The Commissioners shall satisfy themselves that every candidate is qualified in respect of knowledge and ability to discharge the duties of the situation which he seeks.

Provided that a candidate who is serving in a non-industrial capacity and has reached the age of 60 (or, in the case of certain Prison Officers and unestablished staff with service in a country or place scheduled under Section 42 of the Superannuation Act, 1949, the age which would be his personal retiring age on becoming established) and who, having completed not less than 20 years' continuous service, is put forward by the head of the department for establishment under a scheme approved by the Treasury and applicable only to such candidates, may at the discretion of the Commissioners be accepted as qualified under this Regulation if they are satisfied that he is capable of performing satisfactorily the duties on which he is likely to be employed during the remainder of his service.

7 Subject to the provisions of Regulations 8 and 10 hereof, the tests in respect of knowledge and ability shall be such as are prescribed.

The normal method of entry shall be by means of prescribed competitions, open to all persons of the requisite age, health, character and other qualifications prescribed who may be desirous of attending

the same upon application made at the time and in the manner and subject to the payment of the fees from time to time prescribed or specified. Such competitions shall be held at such periods and for such situations or classes of situations as the Commissioners with the approval of the Treasury shall from time to time determine.

8 Where in exceptional cases no tests are prescribed for the situation or class of situations in question or where the Commissioners have in accordance with the provisions of Regulation 10 hereof dispensed with any tests the method of selection shall be such as (having regard to the nature of the duties to be performed and to any other matters which may appear to the Commissioners to be relevant) they in their discretion, after consultation with the Treasury, may think appropriate.

9. Where tests are prescribed, the regulations will lay down whether they shall be qualifying tests of candidates nominated by the Head of a Department, or competitive tests, and if competitive whether among candidates nominated by the Head of a Department or open to all persons who satisfy the conditions prescribed, and whether by written examination or by written examination and interview or by interview or otherwise.

10. Without prejudice to the provisions of Regulation 6 hereof the Commissioners may, if they think fit, dispense with or modify any tests, whether competitive or qualifying, if—

(a) the Head of the Department and the Treasury consider after enquiry in the Civil Service that for a particular situation qualifications wholly or in part professional, or otherwise peculiar and not ordinarily to be acquired in the Civil Service, are required, or

(b) the candidate concerned, having been employed in a quasi-permanent capacity on work which has proved to be of a permanent character and having given throughout a sufficient period of trial proof of fitness to perform the duties required, is put forward with the approval of the Treasury by the Head of the Department for establishment, or

(c) it has been proved to the satisfaction of the Treasury and the Commissioners that it is desirable in the interests of the public service that a person who already holds a certificate of qualification for employment in a permanent appointment in the Civil Service should be transferred or promoted to or otherwise receive another such appointment in circumstances requiring the issue of a further certificate of qualification, or

(d) the Head of the Department or other appointing authority has satisfied the Treasury and the Commissioners that the admission of a particular candidate to a specified situation is for special and exceptional reasons justified by the needs of the public service and the proved merits of the candidate, or

(e) it has been proved to the satisfaction of the Treasury and the Commissioners that it is desirable that the candidate concerned, having been employed on functions which have been transferred to the Crown, should be admitted for employment in the Civil Service, or

(f) it has been proved to the satisfaction of the Treasury and the Commissioners that it is desirable, by reason of a shortage of qualified candidates, to admit to a particular situation a candidate who has reached an appropriate standard either in an examination recognised by the Commissioners as indicating a standard of education appropriate to the situation in question, or in a competition for a higher situation to which he has failed to secure appointment, or

(g) it has been proved to the satisfaction of the Treasury and the Commissioners that it is desirable that a candidate already holding a pensionable situation in another Public Service should be admitted for employment in the Civil Service.

Reinstatement and Reduction

11. In any case in which the Head of a Department with the approval of the Treasury nominates a candidate for reinstatement in the Civil Service or for appointment to a situation inferior to that which he already holds, the Commissioners may dispense with any further test in respect of knowledge and ability.