**FORMAL REQUEST FOR LETTER TO REASONABLY EXCUSE WEARING A FACE MASK**

Dear Dr. [INSERT NAME OF YOUR DOCTOR]

Date: [INSERT DATE]

Re: Statutory Instrument Number 244 of 2020

Dear Doctor,

As you will be aware Statutory Instrument Number 244 of 2020 (the “**Statutory Instrument**”) provides that from 13 July 2020 members of the public shall not be permitted to travel by public transport without wearing a face covering, unless they can avail of one of the reasonable excuses set out at section 6 of the Statutory Instrument.

The purpose of this letter is to formally request from you, my doctor, a letter which I may use in accordance with section 7 (2) and (3) of the Statutory Instrument (as set out below).

I believe that I may avail of the following reasonable excuse under section 6 (Reasonable Excuse) of the Statutory Instrument:

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| (a) the person cannot put on, wear or remove a face covering -(i) because of any physical or mental illness, impairment, or disability OR(ii) without severe distress[[1]](#footnote-1) |

Section 7 of the Statutory Instrument provides that:

*“ (2) Before exercising a power under paragraph (1) in respect of a passenger, a relevant person shall give the passenger an opportunity to provide reasonable excuse and may request the passenger to provide such information as the relevant person considers necessary to determine whether or not the passenger has reasonable excuse.*

*(3) Notwithstanding paragraph (2), the onus shall be on a passenger to establish, to the satisfaction of the relevant person, that he or she has reasonable excuse.”*

You will note from the above that the burden of proof rests with the person asserting the reasonable excuse to prove to the satisfaction of the relevant person that he or she is exempt from the legal requirement to wear a face covering by reason of a reasonable excuse.

The reason I make this request to you, my doctor, is as follows:

1. You have access to my confidential medical information and may test the veracity of my claim as to a reasonable excuse, meaning you are the most appropriate person to verify that I fall into one of the exemptions set under section 6 of the Statutory Instrument;
2. The burden of proof rests with me to prove that I may avail of one of the reasonable excuses and from reports I have witnessed through video recordings shared on social media, anyone who has refused to wear a face covering on public transport has been removed from the public transport vehicle even after advising the Gardai that they fall into one of the exemptions, therefore to suggest that (i) I should have to disclose personal medical information to the Gardai in order to use public transport; or (ii) the Gardai would accept my self-certification of a reasonable excuse is neither reasonable nor accurate;
3. In the event you feel that you are not the most appropriate person to provide this letter, the only other option is that I disclose my confidential medical information on a crowded bus or train to either an employee of a public transport operator or the Gardai and to be frank, I would feel very anxious and distressed in having to do this; Furthermore, there are verifiable reports that such self-certification has been refused on many, if not all occasions to date – meaning that I will either be ejected from the public service vehicle; forced to wear a face covering although exempt; or be arrested. This is the very real result of any refusal to provide an exemption letter.

The reason I have decided to put this request in writing is because I have heard disturbing reports that the Health Service Executive is sternly advising doctors not to provide patients with exemption letters. If this is true, it is most troublesome and worrying, not least considering the HSE’s negligent actions (or more correctly inactions) with regard to elderly patients in nursing homes, over which I expect a public inquiry will be initiated in time.

I trust that you will give due regard to the contents of this letter and accede to the request, however, in the event that you cannot accede I formally request a reasoned response in writing as to your refusal - noting that a general “*we do not provide such letters*” would be considered wholly inappropriate given that you are likely the only person who can provide me with the information I require to meet the standard of proof required from the Gardai should I be stopped and questioned on public transport.

Finally, in the event that you refuse my request, when you revert with your reasoned response for such refusal, please enclose a copy of your Professional Indemnity policy / cover note or your PI insurers contact details as I shall wish to put them on notice as regards liability for any damage, loss or injury which results directly or indirectly from your refusal.

Yours faithfully,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
[INSERT YOUR FULL NAME]
[INSERT YOUR FULL ADDRESS]
[INSERT YOUR DATE OF BIRTH]

1. Internal Comment: Delete whichever does not apply (i or ii) and delete this footnote before issuing this letter [↑](#footnote-ref-1)