



**AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS  
COINNIOLLACHA FOSTAIOCHTA) (FORALACHA SEALA-  
DACHA), 1973**

**REGULATION OF BANKS (REMUNERATION AND  
CONDITIONS OF EMPLOYMENT) (TEMPORARY  
PROVISIONS) BILL, 1973**

*Mar a ritheadh ag Dáil Éireann  
As passed by Dáil Éireann*

**ARRANGEMENT OF SECTIONS**

**Section**

1. Commencement and expiry.
2. Definitions.
3. Reference to Labour Court and power to prohibit temporarily increases of remuneration, etc. paid by banks.
4. Power to prohibit increases of remuneration paid by banks.
5. Penalties.
6. Prosecution of bodies of persons.
7. Offences in relation to bodies corporate and unincorporated bodies of persons.
8. Authorised officers.
9. Powers of authorised officers.
10. Exclusion of civil liability of banks in certain cases.
11. Laying of orders before Houses of Oireachtas.
12. Expenses.
13. Short title.





**AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS COINNIOLLACHA FOSTAIOCHTA) (FORALACHA SEALADACHA), 1973**

**REGULATION OF BANKS (REMUNERATION AND CONDITIONS OF EMPLOYMENT) (TEMPORARY PROVISIONS) BILL, 1973**

5

**BILL**

*entitled*

AN ACT TO ENABLE THE MINISTER FOR LABOUR TO REGULATE FOR A LIMITED PERIOD THE REMUNERATION AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF EMPLOYEES OF BANKS AND TO PROVIDE FOR MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Commencement and expiry.

1.—(1) If the Minister is satisfied that in order to maintain, in the national interest, general adherence to the National Agreements it is necessary for him to do so, he may by order appoint a day on which this Act shall come into operation.

(2) This Act shall expire on such day as the Minister may by order appoint. 20

Definitions.

2.—In this section—

1971, No. 24.  
1963, No. 33.

“bank” means the holder of a licence for the time being in force under section 9 of the Central Bank Act, 1971, and any company (within the meaning of the Companies Act, 1963) which is, or if every such holder were a company (within the meaning aforesaid), would be, a subsidiary (within the meaning of the said Companies Act, 1963) of any such holder; 25

“the National Agreements” means the Employer-Labour Conference National Agreement made on the 21st day of December, 1970, and the Employer-Labour Conference National Agreement made on the 31st day of July, 1972; 30

“the Minister” means the Minister for Labour;

Reference to Labour Court and power to prohibit temporarily increases of remuneration, etc. paid by banks.

3.—(1) Where any banks, whether before, on or after the commencement of this Act, pay or agree to pay increases of remuneration to any of their employees or amend or vary or agree to amend or vary any other terms or conditions of employment of any of their employees so as to provide improved or more favourable terms or conditions of employment for them— 35

(a) the Minister may refer the matter to the Labour Court, and 40

(b) the Labour Court shall, if the matter is referred to it—



5 (i) consider it and determine, in like manner as if the  
matter were referable to it under the procedure in  
the National Agreements for resolving disputes  
relating to matters covered by those Agreements and  
had been so referred to it, whether the payment or  
making of the increases, improvements or variations  
is, or (if they have not been paid or made) would, if  
they were paid or made, be, at variance with the  
provisions or purposes of the National Agreements  
10 and of this Act, and

(ii) furnish a report thereon to the Minister together with  
such recommendations (if any) as it thinks proper,  
and the Industrial Relations Acts, 1946 and 1969, shall  
apply and have effect in relation to the reference as if it  
were a reference under section 24 of the Industrial  
15 Relations Act, 1946, and

1946, No. 26.

(c) if, having considered the report of the Labour Court in  
relation to the matter, the Minister decides not to make an  
order under *section 4* of this Act in relation thereto, he  
20 shall, as soon as may be, cause notice of his decision to  
be published in the *Iris Oifigiúil* and, if an order was  
made under this section in relation to the matter, there-  
upon it shall, for the purposes of the entitlement of any  
employees to whom it applied to any increases of re-  
25 munerations or amendments or variations of any other  
terms or conditions of employment, be deemed never to  
have been in force.

(2) (a) Where negotiations in relation to a claim by employees of  
any banks for increases of their remuneration or for  
30 amendments or variations of any other terms or con-  
ditions of their employment are in progress, or any  
banks, whether before, on or after the commencement of  
this Act, pay or agree to pay increases of remuneration  
to any of their employees or amend or vary or agree to  
35 amend or vary any other terms or conditions of employ-  
ment of any of their employees so as to provide improved  
or more favourable terms or conditions of employment  
for them, the Minister may by order under this section  
prohibit the payment by those banks, on or after a date  
40 not earlier than the commencement of the order, of the  
increases aforesaid and the implementing or continued  
implementing by those banks, on or after a date not  
earlier than the commencement of the order, of the  
amendments or variations aforesaid.

(b) An order under this section in relation to any matter  
shall, if it is not revoked, expire—

(i) on the commencement of an order under *section 4*  
of this Act in relation to the matter,

50 (ii) on the date of the publication in the *Iris Oifigiúil* of a  
notice of a decision of the Minister under *subsection*  
(1) (c) of this section, in relation to the matter,

(iii) on the date of the publication in the *Iris Oifigiúil* of  
the notice of a decision of the Minister under *para-*  
55 *graph* (c) of this subsection in relation to the matter,  
or

(iv) six months after its commencement,

whichever is the earliest.

(c) If, having made an order under this section, the Minister  
decides not to refer the matter to which the order relates  
60 to the Labour Court under this section, he shall, as soon



as may be, cause notice of his decision to be published in the Iris Oifigiúil, and thereupon the order shall, for the purposes of the entitlement of any employees to whom it applied to any increases of remuneration or amendments or variations of any other terms or conditions of employment, be deemed never to have been in force.

(d) An order under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the order.

(e) The Minister may by order revoke an order under this section.

(3) A bank that contravenes or fails to comply with an order under this section shall be guilty of an offence under this section.

Power to prohibit increases of remuneration paid by banks.

4.—(1) Where—

(a) any banks, whether before, on or after the commencement of this Act, pay or agree to pay increases of remuneration to any of their employees or amend or vary or agree to amend or vary any other terms or conditions of employment of any of their employees so as to provide improved or more favourable terms or conditions of employment for them, and

(b) the Labour Court determines, in a report furnished to the Minister under section 3 of this Act, or a report or recommendation made, whether before, on or after, such commencement, under section 24 of the Industrial Relations Act, 1946, that the payment or making of the increases, improvements or variations is or (if they have not been paid or made) would, if they were paid or made, be at variance with the provisions or purposes of either of the National Agreements or this Act,

the Minister may by order determine, for or in respect of the period to which the order relates, the remuneration and other terms and conditions of employment of those employees and may prohibit the payment, after the commencement of the order, by those banks to those employees of any increases of the remuneration so determined and the making, during or in respect of the period aforesaid, by those banks of any amendments or variations of the other terms or conditions of employment of those employees as so determined that would provide improved or more favourable terms or conditions of employment for them.

(2) A bank that contravenes or fails to comply with a provision of an order under this section shall be guilty of an offence.

(3) (a) An order under this section may relate to one or more banks and to one or more classes of employee of one or more banks and may make different provision in relation to different classes of employees in the same bank or in different banks or in relation to the same classes of employees in different banks.

(b) Remuneration and other terms and conditions of employment may be specified in an order under this section in such manner (including the setting out of provisions by means of which they may be ascertained) and by reference to such matters as may be specified in the order.

(c) An order under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary for the purposes of the order.



- (d) An order under this section shall not have effect in relation to—
- (i) payments made by the banks to their employees before the date of the reference to the Labour Court of the matter to which the order relates,
  - (ii) the application or operation, before such date, of amendments or variations of any other terms or conditions of employment of those employees.

10 (e) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

(f) An order made by the Minister under this section shall accord with the relevant terms of any report or recommendation of the Labour Court relating to the matter.

15 (g) When an order is made under *section 3* of this Act in relation to any matter, an order under this section in relation to that matter, shall not have effect in respect of any period before the commencement of the order under the said *section 3*.

20 5.—(1) A person guilty of an offence under this Act shall be liable— Penalties.

(a) on summary conviction, to a fine not exceeding £200, or

25 (b) on conviction on indictment, to a fine not exceeding £10,000, together with, in the case of an offence under *section 3* or *4* of this Act which is a continuing offence, a further fine not exceeding £10,000 for each day upon which the offence is continued.

30 (2) (a) A person who is fined upon conviction of an offence under this Act shall not be liable to imprisonment in default of payment of the fine, but the court by which the person is convicted may by order direct that payment of the fine be secured by the seizure, entry into possession and, where necessary, sale of the property of the person by the appropriate sheriff or county registrar and may by order provide for such subsidiary and ancillary matters as may be necessary to secure such payment.

(b) In this subsection—

40 “property” includes shares, debentures and rights or interests in shares or debentures, securities of the Government, securities of any local authority and rights in respect of money lent to or deposited with any industrial and provident society, friendly society or building society but in the case of a fine on summary conviction, does not include land;

45 “shares” means shares in the share capital of a body corporate or stock of a body corporate.

50 6.—A body corporate may be sent forward for trial or sentence and may be prosecuted on indictment for an offence under this Act and any unincorporated body of persons may be prosecuted as if it were a body corporate.

Prosecution of bodies of persons.



Offences in relation to bodies corporate and unincorporated bodies of persons.

7.—Where an offence under this Act is committed by a body corporate or by a person purporting to act on behalf of a body corporate or an unincorporated body of persons and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any person, being a director, member of the committee of management or other controlling authority thereof, or manager, secretary, or other officer thereof, that person shall also be deemed to have committed the offence and shall be liable to be proceeded against and punished accordingly. 5

Authorised officers.

8.—(1) The Minister may appoint such and so many officers of a Department of State as he thinks fit to be authorised officers for the purposes of this Act. 10

(2) An authorised officer shall be furnished with a warrant of his appointment as an authorised officer and when exercising any power conferred on an authorised officer by this Act shall, if requested by any person affected, produce the warrant to that person. 15

Powers of authorised officers.

9.—(1) An authorised officer may, for the purpose of obtaining any information which the Minister may require for enabling him to exercise his functions under this Act, do any one or more of the following things: 20

(a) at all reasonable times enter premises of a bank,

(b) require any person, being a director or a member of the committee of management or other controlling authority of the bank or an employee thereof, to produce to him any records, books or documents which are in the person's power or control and which the officer has reasonable grounds for believing to be records, books or documents containing information of the kind aforesaid and to give him such information as he may reasonably require in regard to any entries in any such records, books or documents. 25 30

(c) inspect and copy or take extracts from any such records, books or documents.

(2) If any person obstructs or impedes an authorised officer in the exercise of his powers under subsection (1) of this section or does not comply with a requirement of an authorised officer under the said subsection (1), that person shall be guilty of an offence. 35

Exclusion of civil liability of banks in certain cases.

10.—An action shall not lie in any court in respect of any failure or omission by a bank to pay an increase of remuneration to an employee or to amend or vary any other term or condition of employment of an employee if the failure or omission was the result of compliance by the bank with the provisions of this Act or an order thereunder. 40

Laying of orders before Houses of Oireachtas.

11.—Every order made under section 3 or section 4 of this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 45 50



12.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

13.—This Act may be cited as the Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act, 1973.

BILL

An Act to enable the Minister for Labour to regulate for a limited period the remuneration and other terms and conditions of employment of employees of banks and to provide for matters connected with the matters aforesaid.

Passed by Dáil Éireann, 12th July, 1973.

Bill of Dáil Éireann, 12 July, 1973.

Published by the Stationery Office

Printed by the Stationery Office

To be purchased through any bookseller or direct from the Government Publications Sales Office, G.P.O. Arcade, Dublin.

To be purchased through any bookseller or direct from the Government Publications Sales Office, G.P.O. Arcade, Dublin.

Printed by Gurney & Co., Ltd.

Printed by Gurney & Co., Ltd.



AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS COINNIOLLACHA FOSTAIOCHTA) (FORALACHA SEALADACHA), 1973.

REGULATION OF BANKS (REMUNERATION AND CONDITIONS OF EMPLOYMENT) (TEMPORARY PROVISIONS) BILL, 1973

---

**BILLE**

*dá ngairtear*

Acht dá chumasú don Aire Saothair rialú a dhéanamh go ceann tréimhse teoranta ar luach saothair agus téarmaí agus coinníollacha eile fostaíochta fostaithe banc agus do dhéanamh socrú i dtaobh nithe a bhaineann leis na nithe réamhráite.

---

*An tAire Saothair a thug isteach*

---

*Rite ag Dáil Éireann, 12 Iúil, 1973*

**BAILE ÁTHA CLIATH:**

**ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais, An Stuaire Árd Oifig an Phoist, Baile Átha Cliath nó trí aon díoltóir leabhar.

---

Cló-bhuailte ag CAHILL & Co. LTD.

**4p**

Wt. 108809/G/4. 425. 7/73. C.&Co. (7356). G.16.

---

**BILL**

*entitled*

An Act to enable the Minister for Labour to regulate for a limited period the remuneration and other terms and conditions of employment of employees of banks and to provide for matters connected with the matters aforesaid.

---

*Introduced by the Minister for Labour*

---

*Passed by Dáil Éireann, 12th July, 1973*

**DUBLIN:**

**PUBLISHED BY THE STATIONERY OFFICE**

To be purchased through any bookseller or direct from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

---

Printed by CAHILL & Co., LTD.

**4p**