



**AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS
COINNIOLLACHA FOSTAIOCHTA) (FORALACHA
SEALADACHA), 1976
REGULATION OF BANKS (REMUNERATION AND
CONDITIONS OF EMPLOYMENT) (TEMPORARY
PROVISIONS) BILL, 1976**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Commencement and expiry.
2. Definitions.
3. Power of Minister to prohibit increases of remuneration and certain amendments of other conditions of employment of employees of banks.
4. Penalties.
5. Application of section 382 of Companies Act, 1963.
6. Offences by directors and certain officers of banks.
7. Authorised officers.
8. Powers of authorised officers.
9. Exclusion of civil liability of banks in certain cases.
10. Expenses.
11. Short title.



AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS
COINNIOLLACHA FOSTAIOCHTA) (FORALACHA
SEALADACHA), 1976

REGULATION OF BANKS (REMUNERATION AND
CONDITIONS OF EMPLOYMENT) (TEMPORARY
PROVISIONS) BILL, 1976 5

BILL

entitled

AN ACT TO PROVIDE, IN THE NATIONAL INTEREST, FOR
THE REGULATION, FOR A LIMITED PERIOD, OF THE 10
REMUNERATION AND OTHER TERMS AND CON-
DITIONS OF EMPLOYMENT OF EMPLOYEES OF BANKS
AND TO PROVIDE FOR MATTERS CONNECTED WITH
THE MATTER AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Commencement
and expiry.

1.—(1) This Act shall come into operation on such day as the
Minister may by order appoint.

(2) This Act shall expire on such day, not being later than the
30th day of November, 1976, as the Minister may by order appoint.

Definitions.

2.—In this Act— 20

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 25
Act, 1963) of any such holder;

“the Minister” means the Minister for Labour.

Power of Minister
to prohibit
increases of
remuneration
and certain
amendments
of other
conditions of
employment of
employees
of banks.

3.—(1) The Minister may from time to time by order—

(a) prohibit the payment by the associated banks to their
employees, after the commencement of the order, of 30
remuneration at rates exceeding the rates of such remun-
eration provided for by the Agreement, and

(b) prohibit the making, implementing or continued implement-
ing by the associated banks, after such commencement,
of any amendments or variations of the other terms or 35
conditions of employment of their employees that would
provide improved or more favourable terms or condi-
tions of employment for them.

(2) The Minister may from time to time by order—

5 (a) prohibit the payment by the banks (other than the associated banks) to their employees, after the commencement of the order, of remuneration at rates exceeding the rates of such remuneration agreed to by, or on behalf of, these banks and these employees on or before the 23rd day of June, 1976, and

10 (b) prohibit the making, implementing or continued implementing by the banks (other than the associated banks), after such commencement, of any amendments or variations of the other terms or conditions of employment of their employees that would provide improved or more favourable terms or conditions of employment for them other than any such amendments or variations agreed to by, or on behalf of, these banks and these employees on or before the 23rd day of June, 1976.

(3) 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.

20 (4) The Minister may by order revoke or amend an order under this section.

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

25 (6) Every order made under this section 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.

30 (7) (a) In this section "the Agreement" means the agreement entitled AN AGREEMENT BETWEEN THE BANKS' STAFF RELATIONS COMMITTEE, ON BEHALF OF ITS MEMBER BANKS AND THE IRISH BANK OFFICIALS' ASSOCIATION, ON BEHALF OF ITS MEMBERS EMPLOYED BY THE BANKS IN THE REPUBLIC OF IRELAND ON THE REVISION OF SALARIES OF BANK OFFICIALS which was—

40 (i) signed by the Chairman of the Banks' Joint Industrial Council (Republic of Ireland) on the 4th day of July, 1975,

(ii) signed on behalf of the Irish Bank Officials' Association on the 20th day of June, 1975, and

(iii) signed on behalf of the Banks' Staff Relations Committee on the 7th day of July, 1975,

45 and whose duration was expressed to be a period of twelve months from the 1st day of June, 1975, as modified by the agreement entitled AN AGREEMENT BETWEEN THE BANKS' STAFF RELATIONS COMMITTEE AND THE IRISH BANK OFFICIALS' ASSOCIATION REGARDING SALARIES OF BANK OFFICIALS EMPLOYED BY THE ASSOCIATED BANKS IN THE REPUBLIC OF IRELAND which was signed by the said Chairman and on behalf of the said Association and Committee on the 9th day of June, 1976;

55 "the associated banks" means the following undertakings:

(i) Allied Irish Banks Limited,

- (ii) Northern Bank Limited,
- (iii) The Governor and Company of the Bank of Ireland,
- (iv) Ulster Bank Limited,

and any company (within the meaning of the Companies Act, 1963), which is, or if every undertaking aforesaid were a company (within the meaning aforesaid), would be, a subsidiary (within the meaning aforesaid) of any undertaking aforesaid. 5

- (b) The reference in *subsection (1) (b)* of this section to the other terms or conditions of employment of the employees of the associated banks is a reference to those terms or conditions as amended or varied by the Agreement. 10

Penalties.

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

(a) on summary conviction, to a fine not exceeding £400, or 15

(b) on conviction on indictment, to a fine not exceeding £10,000, together with, in the case of an offence under *section 3* of this Act which is a continuing offence, a further fine not exceeding £10,000 for each day upon which the offence is continued. 20

(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 is 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. 25

(b) In this subsection— 30

“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; 35

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

Application of section 382 of Companies Act, 1963.

5.—Section 382 of the Companies Act, 1963, shall apply to banks that are not companies within the meaning of that Act as it applies to banks that are such companies. 40

Offences by directors and certain officers of banks.

6.—Where an offence under this Act is committed by a bank 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. 45 50

Authorised officers.

7.—(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.

(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.

8.—(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 :

Powers of authorised officers.

- 10 (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,
- 15
- 20 (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.

9.—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.

Exclusion of civil liability of banks in certain cases.

10.—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.

Expenses.

11.—This Act may be cited as the Regulation of Banks (Remuneration and Conditions of Employment) (Temporary Provisions) Act, 1976.

Short title.

AN BILLE UM RIALU BANC (LUACH
SAOTHAIR AGUS COINNIOLLACHA
FOSTAIOCHTA) (FORALACHA
SEALADACHA), 1976

BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do dhéanamh, socrú, chun leasa an náisiúin, chun rialú a dhéanamh, go ceann tréimhse teoranta, ar luach saothair agus tearmaí agus coinníollacha eile fostaíochta fostaithe banc agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an ní réamhráite.

An tAire Saothair a thug isteach

*Ordáíodh ag Dáil Éireann a chlóbhualadh,
23 Meitheamh, 1976*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

Cló-bhuailte ag CAHILL (1976) LTD.

8p

Wt. 114885/F/6. 1,000. 6/76. Cahill. (6293). G.16.

REGULATION OF BANKS (REMUNERA-
TION AND CONDITIONS OF EMPLOY-
MENT) (TEMPORARY PROVISIONS),
BILL, 1976

BILL

(*as initiated*)

entitled

An Act to provide, in the national interest, for the regulation, for a limited period, of the remuneration and other terms and conditions of employment of employees of banks and to provide for matters connected with the matter aforesaid.

Introduced by the Minister for Labour

*Ordered by Dáil Éireann to be printed,
23rd June, 1976*

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 (1976) LTD.

8p