SAORSTÁT EIREANN.

BILLE AIRGID REATHA, 1927.
CURRENCY BILL, 1927.

(Mar d'ath-thugadh isteach)
As re-introduced.

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SAORSTÁT EIREANN.

BILLE AIRGID REATHA, 1927.
CURRENCY BILL, 1927.

BILL

entitled

AN ACT TO AUTHORISE THE ISSUE OF GOLD COINAGE, TO MAKE PROVISION FOR THE ISSUE OF CURRENCY NOTES HAVING A LEGAL TENDER QUALITY, TO TERMINATE THE ISSUE OF BANK NOTES BY INDIVIDUAL BANKS AND SUBSTITUTE AN ISSUE OF BANK NOTES BY A CENTRAL AUTHORITY, AND TO ESTABLISH A COMMISSION TO MANAGE AND CONTROL THE ISSUE AND REDEMPTION OF THE SAID CURRENCY NOTES AND THE ISSUE OF BANK NOTES AND TO EXERCISE CERTAIN OTHER FUNCTIONS IN RELATION TO THE CURRENCY.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

PART I.

Preliminary and General.

Short title.

1.—This Act may be cited as the Currency Act, 1927.

Definitions.

2.—In this Act—

the expression "the Minister" means the Minister for Finance;

the expression "the Commission" means the Currency Commission to be established under this Act;

the expression "British Government securities" means and includes any stocks, shares, bonds, bills, notes, or other interest-bearing securities issued or made by or on behalf of the British Government and carrying the direct obligation of the British Government in respect of both capital or principal and interest;

the expression "securities guaranteed by the British Government" means and includes any stocks, shares, bonds or debentures carrying the guarantee of the British Government in respect of both capital and interest;

the word "outstanding" when used in relation to legal tender notes means notes which have been issued by the Commission and have not since the last time of issue been redeemed or accepted by the Commission in exchange on the issue of other legal tender notes or called in and paid for and when used in relation to consolidated bank notes means notes which have been issued by the Commission and have not been returned to the Commission for retirement;

the word "issue" when used in relation to legal tender notes or in relation to consolidated bank notes includes the re-issue of a note which has ceased to be outstanding;

the word "director" when used in relation to a Shareholding Bank includes a member of the Board of management of such Bank;

the expression "gold bullion" includes any gold coins other than gold coins which are for the time being legal tender in Saorstát Eireann or in Great Britain;

the expression "standard fineness" means a fineness of eleven-twelfths fine gold and one-twelfth alloy, or a millesimal fineness of 916.6̇;

the word "ounce" means an ounce troy;

the expression "the expenses of the Commission" includes all expenses incurred by the Commission in the performance of the

duties and the exercise of the powers imposed or conferred on it by this Act or incurred in anywise in the performance of its functions under this Act and in particular includes the remuneration and allowances payable under this Act to the Chairman and the ordinary Commissioners;

the expression " unanimous vote " when used in relation to the Commission means the unanimous vote of all persons who are at the time being members of the Commission other than members who are prohibited by this Act from taking part in the vote;

the word " year " means a period of twelve months ending on the 31st day of March;

the expression " half-year " means a period of six months ending on the 31st day of March or the 30th day of September;

the expression " consolidated bank note " means a consolidated bank note provided and issued under and in accordance with this Act;

the expression " legal tender note " means a legal tender note provided and issued under and in accordance with this Act, and the expressions " legal tender note fund," " note reserve fund," and " general fund " respectively mean the several funds required by this Act to be kept by the Commission under those respective names.

Repeals.

3.—(1) The several enactments specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of the said Schedule and as on and from the respective dates specified in the fourth column of the said Schedule.

(2) So much of section 4 of the Bankers (Ireland) Act, 1845 as enacts that the Bank of Ireland shall be dissolved upon publication of the notice mentioned in that Section and that the Bank of Ireland shall be dissolved upon repayment of the sum mentioned in that section is hereby repealed.

Standard of value.

4.—(1) The standard unit of value of Saorstát Eireann shall be the Saorstát pound which shall be issued as hereinafter provided either in the form of a gold coin having a standard weight of 123.27447 grains of gold eleven-twelfths fine or in the form of a legal tender note or in both forms.

(2) Every mention or reference in the Coinage Act, 1926 (No. 14 of 1926) of or to the sovereign shall be construed as a mention of or reference to the Saorstát pound and the said Act shall have effect accordingly.

PART II.

Gold Coinage.

Coining of gold from bullion on request.

5.—(1) Whenever any person after the commencement of this section delivers not less at any one time than one hundred ounces of gold bullion at a place for the time being appointed in that behalf by the Minister under this section, the Minister shall cause such bullion to be assayed and coined into coins authorised by this Act to be issued thereunder and shall issue such coins to such person.

(2) Whenever the gold bullion delivered for coinage under this section is of the standard fineness the number of coins to be issued under this section in exchange for such bullion shall be calculated at the rate of one Saorstát pound for every 123.27447 grains of such bullion or one ten-shilling coin for every 61.63723 grains of such bullion and whenever such bullion is of a fineness superior or inferior to the standard fineness the said number of coins shall be calculated at such higher or lower (as the case may be) rate as is proportionate to such superiority or inferiority of fineness.

(3) The Minister may refuse to accept for coining under this section any gold bullion which is of such fineness that in the opinion of the Minister it cannot be brought to the standard fineness without refining some portion of it, and if he so accepts any such bullion he may impose such charge as he thinks proper for refining it.

(4) It shall be lawful for the Minister to impose such charge for the coinage of gold bullion under this section as he thinks proper not exceeding three half-pence for every ounce of such bullion of the standard fineness and so in proportion for bullion of a superior or an inferior fineness.

(5) No undue preference shall be shown to any person under this section and every person delivering in accordance with this section gold bullion for coining shall have the bullion so delivered by him coined in such priority as corresponds to the time of such delivery.

(6) The Minister may by order appoint such places as he thinks fit for the delivery under this section of gold bullion for coining and in the event of his so appointing an office of the Commission as a place for such delivery he may by the same or any subsequent order with the consent of the Commission authorise and require the Commission to exercise and perform in respect of all gold bullion delivered at such office such of the powers and duties conferred on the Minister by the foregoing provisions of this section as he thinks proper.

Every order made by the Minister under this sub-section shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

(7) This section shall come into operation on such day as shall be appointed in that behalf by the Minister with the concurrence of the Commission by notice published in the *Iris Oifigiúil*.

(8) The notice under the foregoing sub-section appointing the day for the coming into operation of this section, shall, if the Commission so requires, declare that no person other than the Commission shall be entitled to deliver gold bullion for coining under this section, and if such notice so declares then no person other than the Commission shall be entitled to deliver gold bullion for coining under this section until such time as the Commission shall by notice published in the *Iris Oifigiúil* declare that every person shall be so entitled.

Denominations and other particulars of gold coins.

6.—(1) Every coin issued under this Act shall be of one or other of the denominations specified in the first column of the Second Schedule to this Act, and every such coin shall be of the standard weight and the standard fineness specified in respect thereof in the second and fourth columns respectively of the said Second Schedule, but there shall be allowed in respect of all such coins the remedy (or variation from the standard weight or the standard fineness) stated in respect thereof respectively in the fifth column of the said Second Schedule.

(2) The Minister may by order prescribe the dimensions and design of the several denominations of coins issued under this Act and every coin so issued shall be of the dimensions and design so prescribed in respect thereof.

(3) The Minister may by order prescribe the manner in which coins coined under this Act are to be tested for the purpose of ascertaining whether they do or do not comply with the provisions of this Act.

Calling in of coins issued under this Act.

7.—The Minister may by order call in coins of any particular date or denomination issued under this Act.

Prohibition of other gold coins or tokens.

8.—(1) Save and except coins issued under and in accordance with this Act, no piece of gold or of any mined metal (whereof gold forms a part) of any value whatsoever shall be made or issued in Saorstát Eireann as a coin or token for money or as purporting that the holder thereof is entitled to demand any value denoted thereon.

(2) Every person who shall make or issue any piece of gold or of mined metal (whereof gold forms a part) in contravention of this section shall be guilty of a misdemeanour and shall be liable on conviction thereof to a fine not exceeding one hundred pounds.

Legal tender in gold coins.

9.—A tender of payment of money if made in gold coins issued under this Act which have not been called in under this Act and have not become diminished in weight by wear or otherwise, so as to be of less weight than the weight specified in respect thereof in the third column of the Second Schedule to this Act, shall be legal tender for a payment of any amount.

Currency in which contracts, etc., are to be made.

10.—Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money or involving the payment or the liability to pay any money which is made, executed, entered into, done, or had on or after the day appointed under this Act for the commencement of the issue of legal tender notes shall be made, executed, entered into, done and had according to coins or notes which are for the time being legal tender under the Coinage Act, 1926 (No. 14 of 1926) or this Act and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some state or country other than Saorstát Eireann.

Application of certain enactments.

11.—(1) The Coinage Offences Act, 1861 shall apply to coins issued under this Act, and for the purpose of such application the references in section 1 of that Act to gold coin coined in any of Her Majesty's Mints or lawfully current by virtue of any proclamation or otherwise in any part of Her Majesty's Dominions shall be construed as including references to coins lawfully current in Saorstát Eireann by virtue of this Act.

(2) Section 42 of the Customs Consolidation Act, 1876 shall be construed and have effect as if the following articles were added to the Table of Prohibitions and Restrictions Inwards in that section, that is to say, counterfeits of coins issued under this Act.

(3) Section 2 of the Revenue Act, 1889 shall apply to imitations of coins issued under this Act, and for the purpose of such application the references in sub-section (4) of that section to coins lawfully current by virtue of any proclamation or otherwise in any part of Her Majesty's Dominions shall be construed as including a reference to coins lawfully current in Saorstát Eireann by virtue of this Act.

Defacing light gold coin.

12.—(1) Where any coin issued under this Act is below the least current weight specified in respect thereof in the third column of the Second Schedule to this Act, or where any coin issued under this Act is called in under this Act, every person shall by himself or another cut, break, or deface any such coin tendered to him in payment and the person tendering the same shall bear the loss.

(2) If any coin cut, broken or defaced in pursuance of this section is not below the least current weight specified in respect thereof in the third column of the Second Schedule to this Act or has not been called in under this Act, the person cutting, breaking, or defacing the same shall receive the same in payment according to its denomination.

(3) Any dispute arising under this section may be determined by a Justice of the District Court in accordance with Rules of Court.

Expenses of issue of coins.

13.—All expenses incurred by the Minister in carrying this Part of this Act into effect shall be paid out of the Central Fund or the growing produce thereof.

PART III.

The Currency Commission.

Constitution of the Currency Commission.

14.—(1) There shall be established in accordance with this Act a body to be called the Currency Commission to fulfil the functions assigned to it by this Act.

(2) The Commission shall be a body corporate with perpetual

succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold and dispose of land.

(3) The Commission shall consist of seven members to be called the Currency Commissioners (in this Act referred to as the Commissioners) namely a Chairman (in this Act referred to as the Chairman) and six ordinary Commissioners (in this Act referred to as the ordinary Commissioners) elected or nominated in the manner hereinafter mentioned.

(4) There shall be associated with the Commission in accordance with this Act such and so many Shareholding Banks as is provided by this Act and such Shareholding Banks shall have such rights, privileges, and obligations as are conferred or imposed on them by this Act but references in this Act to the Commission or to members of the Commission shall not be construed as including Shareholding Banks.

The Chairman of the Commission.

15.—(1) The Chairman shall receive such remuneration and allowances and be subject to such conditions of service as the ordinary Commissioners shall prescribe.

(2) The term of office of the Chairman (not including a person appointed to be the Chairman temporarily) shall, unless he sooner dies, resigns, is removed, or becomes disqualified, be a period of five years commencing, in the case of the first Chairman, on the establishment of the Commission and, in the case of every subsequent Chairman, on the date of his election or nomination or, in the case of a Chairman elected or nominated or re-elected or re-nominated during the continuance of a term of office, on the expiration of such term of office.

(3) A Chairman retiring on the expiration by effluxion of time of his term of office shall be eligible for re-election or re-nomination.

(4) The Chairman shall during his term of office be disqualified from being nominated or elected and from sitting or receiving payment as a member of Dáil Eireann or of Seanad Eireann and be ineligible for election as a director of any Bank whatsoever.

(5) The Chairman shall, if at the time of his election or nomination he is a director of any Bank whatsoever, divest himself of such directorship within ten days after his election or nomination, and if he fails so to do he shall at the expiration of such ten days be disqualified from holding the office of Chairman.

Removal and disqualification of the Chairman.

16.—(1) If the Chairman becomes by ill-health permanently incapacitated for performing his duties as Chairman, the ordinary Commissioners may by unanimous vote remove him from office.

(2) The ordinary Commissioners may at any time by unanimous vote remove the Chairman from office for cause stated and after giving him a reasonable opportunity of being heard.

(3) If and whenever the Chairman is adjudged bankrupt or makes a composition or arrangement with his creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, he shall be disqualified from holding the office of Chairman.

(4) The powers conferred by this section on the ordinary Commissioners shall not be exercisable while there is a vacancy in their number.

Prohibition of Chairman holding shares in a bank.

17.—(1) Every person elected or nominated to be the Chairman shall within three months after his election or nomination absolutely sell or otherwise dispose of all shares in any Bank which he shall at the time of his election or nomination own or be interested in for his own benefit.

(2) If and whenever any shares in a Bank shall come to or vest in the Chairman by will or succession for his own benefit, he shall within three months after the same shall have so come to or vested in him, absolutely sell and dispose of the same or his interest therein.

(3) The Chairman shall not purchase, take, or become interested in for his own benefit any shares in any Bank.

(4) If the Chairman shall retain, purchase, take, or become or remain interested in any shares in any Bank in contravention of this section he shall be disqualified from holding the office of Chairman.

(5) In this section the word "bank" means a bank carrying on business in Saorstát Eireann or holding to the knowledge of the Chairman a controlling interest in a bank carrying on business in Saorstát Eireann, and references to shares in a bank shall be construed as including stock, shares, debentures, debenture stock, bonds, or other securities of such bank.

(6) This section shall not apply to a person appointed to be the Chairman temporarily pending the election or nomination of a person to be the Chairman.

The ordinary Commissioners.

18.—(1) Of the ordinary Commissioners, three (in this Act referred to as elected Commissioners) shall be elected in accordance with this Act by representatives of the Shareholding Banks and three (in this Act referred to as nominated Commissioners) shall be nominated in accordance with this Act by the Minister.

(2) Two of the nominated Commissioners shall be persons who are representative of or experienced in business, industry, or trade and are not in the permanent service of the State, and the other nominated Commissioner may, at the discretion of the Minister be a person who is in or a person who is not in the permanent service of the State and shall, if but only if the Minister when nominating him so directs, hold office at the pleasure of the Minister.

(3) Every ordinary Commissioner shall receive such remuneration and allowances and be subject to such conditions of service as the Minister shall from time to time determine having regard to the prevailing standards of the Shareholding Banks in fixing the remuneration, allowances, and conditions of service of their directors.

(4) Every ordinary Commissioner shall be ordinarily resident in Saorstát Eireann and a person who is not so resident shall not be eligible for nomination or appointment as an ordinary Commissioner.

(5) An ordinary Commissioner shall while he holds that office be disqualified from being nominated or elected and from sitting or receiving payment as a member of Dáil Eireann or Seanad Eireann.

(6) A nominated Commissioner shall while he holds that office be ineligible for election as a director of any Bank whatsoever and shall, if at the time of his nomination he is a director of any Bank whatsoever, divest himself of such directorship within ten days after his nomination, and if he fails so to do he shall at the expiration of such ten days be disqualified from holding the office of nominated Commissioner.

Term of office of ordinary Commissioners.

19.—(1) Of the first elected Commissioners, one to be selected by lot as soon as may be after election shall, unless he sooner dies, resigns, or becomes disqualified, hold office for one year from the establishment of the Commission, and one other to be similarly selected shall, unless he sooner dies, resigns, or becomes disqualified, hold office for two years from the establishment of the Commission, and one other to be similarly selected shall, unless he sooner dies, resigns, or becomes disqualified, hold office for three years from the establishment of the Commission.

(2) Of the first nominated Commissioners, one to be selected by lot as soon as may be after nomination shall, unless he sooner dies, resigns, or becomes disqualified, hold office for one year from the establishment of the Commission, and one other to be similarly selected shall, unless he sooner dies, resigns, or becomes disqualified, hold office for two years from the establishment of the Commission, and one other to be similarly selected shall, unless he sooner dies, resigns, or becomes disqualified, hold office for three years from the establishment of the Commission.

(3) Subject to the provisions of this section in relation to the first elected Commissioners, the first nominated Commissioners, a Commissioner holding office at the pleasure of the Minister, and persons elected or nominated to fill casual vacancies in the office of ordinary Commissioner, every ordinary Commissioner shall, unless he sooner dies, resigns, or becomes disqualified, hold office for three years from the expiration of the term of office the expiration of which occasions his election or nomination.

(4) A person elected or nominated to fill a casual vacancy in the office of ordinary Commissioner shall hold office for the residue of the term for which the Commissioner whose death, resignation, or disqualification created the vacancy would have held office if he had not died, resigned, or become disqualified.

(5) An ordinary Commissioner retiring on the expiration by effluxion of time of his term of office shall be eligible for re-election or re-nomination (as the case may be).

(6) The following provisions shall apply to or in relation to a nominated Commissioner holding office at the pleasure of the Minister, that is to say:—

(*a*) such Commissioner may be removed from office at any time by the Minister and, unless he sooner dies, resigns, or becomes disqualified, shall hold office until he is so removed,

(*b*) the provisions of this section in relation to the term of office of an ordinary Commissioner or of a nominated Commissioner shall not apply to a nominated Commissioner holding office at the pleasure of the Minister,

(*c*) if one of the first nominated Commissioners is nominated to hold office at the pleasure of the Minister, the terms of office of the other first nominated Commissioners shall be ascertained by lot in accordance with this section with the modification that the terms of office of such other Commissioners shall be two and three years respectively,

(*d*) whenever a nominated Commissioner who holds office at the pleasure of the Minister vacates his office by any means and his successor is not nominated to hold office at the pleasure of the Minister such successor shall, unless he sooner dies, resigns, or becomes disqualified, hold office until the next anniversary of the establishment of the Commission on which the term of neither of the other nominated Commissioners expires.

Disqualification of ordinary Commissioners.

20.—(1) If an ordinary Commissioner other than a nominated Commissioner holding office at the pleasure of the Minister becomes by ill-health permanently incapacitated for performing his duties as such Commissioner, the other members of the Commission may, if or when there is no vacancy in their number, declare such Commissioner to be disqualified from holding the office of ordinary Commissioner.

(2) If and whenever an ordinary Commissioner is adjudged bankrupt, or makes a composition or arrangement with his creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude or ceases to be ordinarily resident in Saorstát Eireann or absents himself from all meetings of the Commission for a period of six months without the permission of the Commission he shall be disqualified from holding the office of ordinary Commissioner.

Prohibition of nominated Commissioner holding shares in Shareholding Bank.

21.—(1) A nominated Commissioner shall within three months after his nomination absolutely sell or otherwise dispose of all shares in any Bank which he shall at the time of his nomination own or be interested in for his own benefit.

(2) If and whenever any shares in a Bank shall come to or vest in a nominated Commissioner by will or succession for his own benefit, he shall within three months after the same shall have so come to or vested in him, absolutely sell and dispose of the same or his interest therein.

(3) A nominated Commissioner shall not purchase, take, or become interested in for his own benefit any shares in any Bank.

(4) If a nominated Commissioner shall retain, purchase, take, or become or remain interested in any shares in any Bank in contravention of this section he shall be disqualified from holding the office of nominated Commissioner.

(5) In this section the word " Bank " means a bank carrying on business in Saorstát Eireann or holding to the knowledge of the nominated Commissioner a controlling interest in a bank carrying on business in Saorstát Eireann, and references to shares in a bank shall be construed as including stock, shares, debentures, debenture stock, bonds, or other securities of such bank.

Election of first elected Commissioners.

22.—(1) When the Minister has received from every Bank mentioned in the Third Schedule to this Act an application and payment in accordance with this Act for admission to be one of the first Shareholding Banks or the period limited by this Act for making such applications has expired (whichever shall first happen), the Minister shall appoint a time and place (in this section referred to as the appointed time and place) for the meeting of representatives of the first Shareholding Banks for the election of the first elected Commissioners and shall notify in writing every such Bank of the time and place so appointed.

(2) Any of the first Shareholding Banks may cause one and only one representative nominated in that behalf by it to attend at the appointed time and place, and the several such representatives who attend at such time and place shall then or within three days thereafter elect in accordance with the Rules contained in the Fourth Schedule to this Act three eligible persons willing to act to be the first elected Commissioners and shall forthwith communicate to the Minister in accordance with the said Rules the names of the persons so elected.

(3) If the said representatives of the first Shareholding Banks who attend at the appointed time and place fail to elect in accordance with the foregoing sub-section any eligible persons willing to act to be the first elected Commissioners or so elect less than three such persons or if no representatives of the first Shareholding Banks attend at the appointed time and place, the Minister shall within ten days after the appointed time nominate three or such lesser number as the circumstances require eligible persons willing to act to be the first elected Commissioners and the persons so nominated shall for all purposes be deemed to have been duly elected by representatives of the first Shareholding Banks and references in this Act to the election of the first elected Commissioners shall be construed as including such nomination.

(4) If and so far as eligible and suitable persons willing to act can be found amongst the directors of the several first Shareholding Banks, no person who is not a director of one of the first Shareholding Banks shall be nominated by the Minister under the foregoing sub-section and in any event no person who is in the permanent service of the State shall be so nominated.

(5) If no Bank applies in accordance with this Act to be admitted to be one of the first Shareholding Banks the Minister shall within ten days after the expiration of the period limited by this Act for making such applications nominate three eligible persons willing to act and not in the permanent service of the State to be the first elected Commissioners and the persons so nominated shall for all purposes be deemed to have been duly elected to be the first elected Commissioners and references in this Act to the election of the first elected Commissioners shall be construed as including such nomination.

Nomination of first nominated Commissioners.

23.—Not more than ten days after the time appointed by the Minister for the meeting of the representatives of the first Shareholding Banks for the election of the first elected Commissioners or, if by reason of no Bank duly applying to be admitted to be one of the first Shareholding Banks no such time is so appointed, within ten days after the expiration of the period limited by this Act for making such applications, the Minister shall nominate three eligible persons willing to act to be the first nominated Commissioners.

Election of the first Chairman.

24.—(1) When and so soon as all the first ordinary Commissioners have been duly elected or nominated the Minister shall appoint a time and place (in this section referred to as the appointed time and place) for the meeting of such Commissioners for the election of the first Chairman and shall notify in writing every such Commissioner of the time and place so appointed.

(2) It shall be the duty of the first ordinary Commissioners to attend at the appointed time and place and such Commissioners or such of them as are present shall then or within ten days or such longer time not exceeding thirty days thereafter as the Minister shall sanction elect in accordance with the Rules contained in the Fourth Schedule to this Act an eligible person willing to act to be the first Chairman and shall forthwith communicate to the Minister in accordance with the said Rules the name of the person so elected.

(3) If the ordinary Commissioners shall fail to elect within the time hereinbefore limited in that behalf an eligible person willing to act to be the first Chairman, the Minister shall as soon as conveniently may be after the expiration of the said time nominate an eligible person willing to act to be the first Chairman.

Establishment of the Commission.

25.—(1) Within one month after the election or nomination (as the case may be) of the first Chairman, the Minister shall publish in the *Iris Oifigiúil* a notice declaring that the Commission has been established as from a date (subsequent to the election or nomination of the first Chairman and prior to the publication of the said notice) to be specified in the said notice and thereupon the Commission shall for all purposes be deemed to have been duly established on the date so specified.

(2) In this Act all references in point of time to the establishment of the Commission shall be construed as referring to the date on which the Commission is by virtue of this section deemed to have been established.

Election of the Chairman other than the first Chairman.

26.—(1) Not more than thirty nor less than ten days before the expiration by effluxion of time of the term of office of the first or any subsequent Chairman, the ordinary Commissioners shall elect an eligible person willing to act to become and be the Chairman upon such expiration, and shall immediately after such election communicate to the Minister the name of the person so elected.

(2) If and whenever the ordinary Commissioners on any occasion on which they are required by the foregoing sub-section to elect a person to become and be the Chairman fail to elect within the time therein limited an eligible person willing to act in that behalf they shall within the said time and from time to time thereafter appoint an ordinary Commissioner or any other person willing to act to be the Chairman temporarily after the expiration of the then expiring term of office of the Chairman and pending the election or nomination under this section of a Chairman and shall within three months after such expiration elect an eligible person willing to act to be the Chairman and shall immediately after such election communicate to the Minister the name of the person so elected.

(3) If and whenever the Commissioners on any such occasion as aforesaid fail to elect within the time limited in sub-section (1) of this section either an eligible person willing to act to be the Chairman or a person willing to act to be the Chairman temporarily or, having elected a person willing to act to be the Chair-

man temporarily, fail within the said period of three months to elect an eligible person willing to act to be the Chairman or within such time or such period inform the Minister in writing that they are unable to elect any such person to be the Chairman, the Minister shall as soon as may be after the expiration of the time limited in sub-section (1) of this section or the expiration of the said period of three months or the receipt by him of such information in writing (as the case may be) nominate an eligible person willing to act to be the Chairman and shall immediately after such nomination communicate to the Commission the name of the person so nominated.

(4) If and whenever the office of Chairman becomes vacant by reason of the death, resignation, disqualification, or removal of the Chairman during his term of office, the ordinary Commissioners shall as soon as conveniently may be elect an eligible person willing to act to be the Chairman and if the ordinary Commissioners do not so elect any such person within three months after the office of Chairman so becomes vacant or if the ordinary Commissioners within such three months inform the Minister in writing that they are unable so to elect any such person the Minister shall as soon as conveniently may be after the expiration of such three months or the receipt by him of such information (as the case may be) nominate an eligible person willing to act to be the Chairman for the residue of the said term of office.

(5) Whenever the office of Chairman becomes vacant in such circumstances as are mentioned in the foregoing sub-section, the ordinary Commissioners may if they so think fit appoint from time to time an ordinary Commissioner or any other person to be the Chairman temporarily pending the election or nomination under this section of a person to be the Chairman.

(6) Save as is otherwise provided in this Act, every person appointed under this section to be the Chairman temporarily shall while he is such Chairman have all the rights, powers. and duties conferred or imposed by this Act on the Chairman, and an ordinary Commissioner who is so appointed to be the Chairman temporarily shall notwithstanding such appointment continue to hold his office as ordinary Commissioner.

Election of elected Commissioners other than the first such Commissioners.

27.—(1) Not more than thirty nor less than ten days before the expiration by effluxion of time of the term of office of an elected Commissioner and as soon as conveniently may be after the office of an elected Commissioner becomes vacant otherwise than by effluxion of time, the Commission shall notify every Shareholding Bank in writing of such prospective or actual vacancy in the office of such elected Commissioner and shall in such notification request such Bank to cause one and only one representative to attend at a time and place (in this section referred to as the appointed time and place) appointed by the Commission and stated in such notification to elect an elected Commissioner to fill such vacancy.

(2) The several representatives of the Shareholding Banks (not being more than one representative from each such Bank) who attend at the appointed time and place shall then or within three days thereafter elect in accordance with the Rules contained in the Fourth Schedule to this Act an eligible person willing to act to fill the said vacancy in the office of elected Commissioner and shall forthwith communicate to the Commission in accordance with the said Rules the name of the person so elected.

(3) If the said representatives of the Shareholding Banks who so attend at the appointed time and place fail to elect in accordance with the foregoing sub-section an eligible person willing to act to fill such vacancy in the office of elected Commissioner or if no representatives of Shareholding Banks attend at the appointed time and place, the Commission shall inform the Minister in writing of such failure or non-attendance and the Minister shall within ten days after being so informed nominate an eligible person willing to act to fill such vacancy and the person so nominated shall for all purposes be deemed to have

been duly elected by representatives of Shareholding Banks and references in this Act to the election of an elected Commissioner shall be construed as including such nomination.

(4) If an eligible and suitable person willing to act can be found amongst the directors of the several Shareholding Banks, no person who is not a director of a Shareholding Bank shall be nominated by the Minister under the foregoing sub-section and in any event no person who is in the permanent service of the State shall be so nominated.

Nomination of nominated Commissioners other than the first such Commissioners.

28.—Not more than thirty nor less than ten days before the expiration by effluxion of time of the term of office of a nominated Commissioner and as soon as conveniently may be after the office of a nominated Commissioner becomes vacant otherwise than by effluxion of time, the Commission shall notify the Minister in writing of such prospective or actual vacancy in the office of such nominated Commissioner and within ten days after receiving such notification the Minister shall nominate an eligible person willing to act to fill such vacancy and communicate to the Commission the name of the person so nominated.

The London agency.

29.—The Commission shall establish and maintain in such manner and form as it thinks proper such office, branch, or agency (in this Act called the London Agency) as it considers to be necessary or expedient for the performance of such of the functions of the Commission as are required by this Act to be performed or can in the opinion of the Commission be most conveniently performed in London.

Appointment of Deputy Chairman.

30.—(1) The Chairman may from time to time appoint any one of the ordinary Commissioners to act as Deputy Chairman during any temporary absence or any temporary incapacity through ill-health of the Chairman, and during such absence or inability the Deputy Chairman so appointed shall have, exercise, and perform such of the rights, powers, and duties of the Chairman under this Act as shall be delegated to him by the Chairman.

(2) An ordinary Commissioner acting as Deputy Chairman under this section shall while so acting be paid such remuneration and allowances as the Chairman and the ordinary Commissioners (other than the Deputy Chairman) shall determine.

(3) An ordinary Commissioner acting as Deputy Chairman under this section shall, notwithstanding his so acting, continue to hold his office as ordinary Commissioner.

Offices and staff of the Commission.

31.—(1) The Commission may purchase, take on lease, build or otherwise acquire and may equip and maintain such offices and other premises in such places as it considers necessary for the due performance of its functions under this Act and may sell or let any such premises which it considers to be no longer necessary for that purpose.

(2) The Commission shall appoint a secretary and such other officers and servants as the Commission shall from time to time consider necessary for the due performance of its functions under this Act and every secretary, officer, and servant so appointed shall hold office upon such terms and subject to such conditions as the Commission shall determine.

(3) There shall be paid to the secretary and the other officers and servants of the Commission such salaries and remuneration as the Commission may determine.

(4) The Commission may, with the approval of the Minister, make a scheme providing for the grant of superannuation and other allowances or gratuities to or for the benefit of such of its officers and servants as it thinks proper and may, out of the funds available under this Act for the defrayal of the expenses of the Commission, pay to such persons on retirement or to their legal personal representatives on death superannuation and other allowances or gratuities in accordance with such scheme, and the Minister may determine the said funds to be public funds for the purposes of the Superannuation Act, 1892.

(5) Every scheme made by the Commission under the foregoing sub-section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either such House, within the next subsequent twenty-one days on which it has sat after such scheme is laid before it, passes a resolution annulling such scheme, such scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Declarations by Chairman, Commissioners and officers of the Commission.

32.—(1) The Chairman and every other member and every officer of the Commission shall, immediately after his election, nomination, or appointment and before he begins to act as such Chairman, member or officer, make and subscribe a declaration in the following form:—

"I do solemnly declare that I will not disclose any information in relation to the business, records, or books of any bank which may come to my knowledge by virtue of my position as the Chairman *or* a member *or* an officer of the Currency Commission except to such persons only as shall act in the execution of the Currency Act, 1927, and where it shall be necessary to disclose the same to them for the purposes of the said Act."

(2) The declaration prescribed by the foregoing sub-section shall be made before a Peace Commissioner.

(3) Every person who acts as Chairman or other member of the Commission or as an officer of the Commission before he has made the declaration prescribed by sub-section (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding one hundred pounds.

Procedure of the Commission.

33.—(1) The Commission may, by rules or otherwise as it thinks fit, regulate its own procedure.

(2) Three Commissioners personally present shall form a quorum at a meeting of the Commission.

(3) Save as is otherwise provided in this Act, the Commission may act notwithstanding one or more vacancies in its membership.

(4) At any meeting of the Commission the Chairman may, in the event of an equality of votes, exercise a casting vote except in regard to any of the following matters, that is to say:—

(*a*) declaring an ordinary Commissioner to be disqualified from holding office as such Commissioner, or

(*b*) admitting a bank to be a Shareholding Bank, or

(*c*) removing a bank from being a Shareholding Bank, or

(*d*) fixing the maximum amount of consolidated bank notes which may under this Act be outstanding otherwise than on an extraordinary issue, or

(*e*) fixing the quota or proportion of consolidated bank notes which may under this Act be outstanding with a Shareholding Bank.

The seal of the Commission.

34.—(1) The Commission shall immediately upon its establishment provide itself with a seal.

(2) The seal of the Commission shall be authenticated by the signature of the Chairman or some other member of the Commission authorised by the Commission to act in that behalf and the counter-signature of the secretary or some other person authorised by the Commission to act in that behalf.

(3) Every document purporting to be an order or other instrument issued by the Commission and to be sealed with the seal of the Commission authenticated in the manner provided by this section shall be received in evidence and shall until the contrary is shown be deemed to be such order or instrument without proof of the authority or signatures of the persons signing or countersigning the same.

Accounts and records of the Commission.

35.—(1) The Commission shall keep all proper books of account and other books and records, and shall within six months after the end of every year prepare and transmit to the Comptroller

and Auditor-General a statement of accounts in respect of such year in such form as shall be prescribed by regulations made under this section.

(2) The Comptroller and Auditor-General shall audit, certify, and report upon every statement of accounts transmitted to him by the Commission under this section and every such report of the Comptroller and Auditor-General together with the statement of accounts to which it relates shall be transmitted by him to the Minister who shall cause the same to be laid before Dáil Eireann as soon as conveniently may be.

(3) The Minister may, after consultation with the Commission, make regulations prescribing the form of statements of accounts to be prepared by the Commission under this section.

(4) Every regulation made by the Minister under this section shall be laid before Dáil Eireann as soon as may be after it is made and if Dáil Eireann shall, within the next subsequent twenty-one days on which it sits after such regulation is laid before it, pass a resolution annulling such regulation, such regulation shall be annulled accordingly without prejudice to the validity of anything previously done thereunder.

Reports and returns by the Commission.

36.—(1) The Commission shall within six months after the expiration of every year prepare and send to the Minister a report of its proceedings during such year and the Minister shall present every such report to each House of the Oireachtas immediately upon receiving the same.

(2) The Commission shall furnish to the Minister for publication in the *Iris Oifigiúil* such periodical returns in respect of the transactions of the Commission as the Minister shall from time to time direct.

Giving of information by bankers to the Commission.

37.—(1) The Commission may require any person carrying on in Saorstát Eireann the business of a banker (whether solely or in conjunction with other business) to furnish to the Commission such information in regard to his said banking business and to afford the Chairman or an officer of the Commission specially authorised in that behalf in writing by the Chairman such access to the books and records of such business as the Commission may consider necessary or desirable for the due discharge of its functions under this Act.

(2) Every person who fails within the time limited in that behalf by the Commission to furnish to the Commission any information or to afford the Chairman or such officer as aforesaid any access to books or records lawfully required of him by the Commission under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds for every day during which such failure is continued.

(3) Information in regard to the business of a banker acquired by the Chairman or an officer of the Commission by the exercise of the powers of access to or inspection of books or records conferred by this Act shall not be communicated by the Chairman or such officer to any ordinary Commissioner in any form which would enable such information to be identified as relating to the dealings of such banker with any particular customer or other person.

Issue and redemption by the Commission of coins under the Coinage Act, 1926.

38.—(1) The Minister, if he thinks fit so to do, may make such arrangements as he thinks proper to enable the Commission to issue on his behalf to any bank such amount of such coins provided by the Minister under the Coinage Act, 1926 (No. 14 of 1926) as such bank may require and to enable the Commission to redeem coins issued under the said Act by the Minister or under this section by the Commission on his behalf.

(2) All moneys received by the Commission for coins issued by it on behalf of the Minister under this section shall be carried to the general fund as deposits in the name either of the Minister or of the Commission on behalf of the Minister.

(3) The Minister may advance out of the Central Fund or the growing produce thereof all sums required or estimated to be required by the Commission for the redemption of coins under this section.

PART IV.

Shareholding Banks.

Admission of first Shareholding Banks.

39.—As soon as may be after the passing of this Act the Minister shall send to every of the Banks mentioned in the Third Schedule to this Act a form of application for admission to be one of the first Shareholding Banks, and any such Bank may within one month after such form is so sent send to the Minister an application on such form for admission to be one of the first Shareholding Banks and every such Bank which so sends such application and at the same time pays to the Minister in trust for the Commission the sum of one thousand pounds on account of its capital liability shall forthwith be deemed to have been admitted to be and shall be one of the first Shareholding Banks and shall also be a Shareholding Bank for the purposes of this Act.

Admission of Shareholding Banks after the first such Banks.

40.—(1) Any Bank may apply to the Commission at any time after the establishment of the Commission to be admitted to be a Shareholding Bank and the Commission may in its absolute discretion grant or refuse such application but no such application shall be granted within five years after the establishment of the Commission otherwise than by unanimous vote of the Commission.

(2) Whenever the Commission grants an application by a Bank to be admitted to be a Shareholding Bank, such Bank shall as on and from the date on which such application is granted become and be a Shareholding Bank for the purposes of this Act.

(3) The Commission may require a Bank applying under this section to be admitted to be a Shareholding Bank to furnish to the Commission such information in relation to its business and to permit the Chairman or an officer of the Commission specially authorised in that behalf in writing by the Chairman to make such inspection of its books as appears to the Commission to be necessary for the due consideration of such application by the Commission.

Removal of a Shareholding Bank from being such Bank.

41.—(1) The Commission may in its absolute discretion on any of the grounds expressly authorised by this Act or by unanimous vote on any other ground which appears to the Commission to be sufficient remove any Shareholding Bank from being a Shareholding Bank.

(2) Any Shareholding Bank may at any time apply to the Commission to be removed from being a Shareholding Bank and whenever such application is so made by a Shareholding Bank the Commission shall forthwith remove such Bank from being a Shareholding Bank.

(3) Whenever the Commission removes under this section a Shareholding Bank from being a Shareholding Bank, such Bank shall forthwith cease to be a Shareholding Bank for the purposes of this Act, but such removal shall not prevent the subsequent admission under this Act of such Bank to be a Shareholding Bank nor relieve such bank from liability to pay on due presentation the amount of every consolidated bank note outstanding with it at the time of such removal or from liability for payments on consolidated bank notes in respect of consolidated bank notes outstanding with it whether before or after such removal.

(4) Except when a Shareholding Bank is removed on its own application, the Commission shall not remove under this section a Shareholding Bank from being a Shareholding Bank without giving such Bank a reasonable opportunity of being heard.

(5) No ordinary Commissioner shall vote on or otherwise take part in the removal under this section of a Shareholding Bank of which he is a director or by which he is employed.

Registers of shareholders of Shareholding Banks.

42.—(1) In this section the expression "local register" means a register of such of the shareholders of the Bank in respect of which the expression is used as are resident in Saorstát Eireann with such particulars of those shareholders as are mentioned in section 25 of the Companies (Consolidation) Act, 1908.

(2) Every Bank which is incorporated in a place outside

Saorstát Eireann and is admitted to be one of the first Shareholding Banks and does not at the time of the establishment of the Commission maintain in Saorstát Eireann a local register shall within three months after such establishment or such longer period as may be sanctioned by the Minister after consultation with the Commission, set up in Saorstát Eireann a local register, and the failure of any such Bank so to set up such a register shall be a ground for removing such Bank from being a Shareholding Bank.

(3) No Bank which is incorporated in a place outside Saorstát Eireann shall be admitted after the establishment of the Commission to be a Shareholding Bank unless at the time of such admission it maintains in Saorstát Eireann a local register.

(4) If a Shareholding Bank which is incorporated in a place outside Saorstát Eireann ceases to maintain in Saorstát Eireann a local register, such cesser shall be a ground for removing such Bank from being a Shareholding Bank.

(5) Whenever a Shareholding Bank establishes in pursuance of this section a local register, such Bank shall forthwith furnish to the Registrar of Companies a copy of such register with a statement annexed thereto of the several places in Saorstát Eireann at which it then carries on business.

(6) Every Shareholding Bank which maintains in pursuance of this section a local register shall in every month of January while it so maintains such register furnish to the Registrar of Companies a copy of such register as it stood on the first day of such month with a statement annexed thereto of the several places in Saorstát Eireann at which it carried on business on the said first day of such month, and any Shareholding Bank which furnishes in any month of January to the Registrar of Companies in accordance with this sub-section such copy of such register with such statement annexed thereto shall thereupon be relieved from making the return required by section 6 of the Bankers (Ireland) Act, 1825, or to be made before the then next 25th day of March and from making the return required by section 22 of the Bankers (Ireland) Act, 1845, in such month of January.

Regulations by the Commission in relation to Shareholding Banks.

43.—(1) The Commission may make such regulations as it thinks proper in regard to—

(*a*) the exercise by Shareholding Banks of their rights and powers under this Act in respect of legal tender notes and consolidated bank notes, and

(*b*) the putting into and withdrawal from circulation of legal tender notes and consolidated bank notes by Shareholding Banks, and the retention by Shareholding Banks of such notes in their vaults and tills, and

(*c*) the performance generally by Shareholding Banks of their functions in relation to the circulation of currency, and

(*d*) the returns to be made periodically by Shareholding Banks to the Commission in relation to legal tender notes, consolidated bank notes, coins, and other forms of currency.

(2) It shall be the duty of every Shareholding Bank to observe and conform to the regulations made by the Commission under this section and any contravention (whether of commission or omission) by a Shareholding Bank of any such regulation shall be a ground for removing such Bank from being a Shareholding Bank.

Regulations by the Minister in relation to Shareholding Banks.

44.—(1) The Minister may, with the unanimous concurrence of the Commission, make regulations prescribing the times and intervals at which and the form in which Shareholding Banks shall publish their respective balance sheets.

(2) It shall be the duty of every Shareholding Bank to observe and conform to the regulations made under this section, and any contravention (whether of commission or omission) by a Shareholding Bank of any such regulation shall be a ground for removing such Bank from being a Shareholding Bank.

PART V.

Legal Tender Notes.

Provision of legal tender notes.

45.(1) It shall be lawful for the Commission to provide and issue in accordance with this Act notes to be known and in this Act referred to as legal tender notes for the following denominations namely ten shillings, one pound, five pounds, ten pounds, twenty pounds, fifty pounds, and one hundred pounds, and such legal tender notes shall be current in Saorstát Eireann in the same manner and to the same extent and as fully as gold coins to be issued under Part II of this Act will when so issued be current and shall be legal tender in Saorstát Eireann for the payment of any amount.

(2) Every legal tender note shall be of such form, size and design and printed in such manner and on such paper and numbered and authenticated in such manner as the Commission shall, with the sanction of the Minister for Finance, prescribe.

Application of certain enactments.

46.—Legal tender notes issued under this Act shall be deemed to be bank notes within the meaning of the Forgery Act, 1913 and any other enactment relating to offences in respect of bank notes which is for the time being in force in Saorstát Eireann and to be valuable securities within the meaning of the Larceny Act, 1861, the Larceny Act, 1916 and any other law relating to stealing which is for the time being in force in Saorstát Eireann and to be current coin of Saorstát Eireann for the purpose of the Acts relating to truck and any other like enactment.

Issue of legal tender notes.

47.—(1) When and so soon as the Commission is in a position to issue legal tender notes the Commission shall by notice in writing sent to every Shareholding Bank and published in the *Iris Oifigiúil* appoint a day (in this section referred to as the appointed day) not less than fourteen days after the sending and publication of such notice on which it will commence the issue of legal tender notes in accordance with this Act.

(2) If and whenever any person on or after the appointed day applies to the Commission at the place in Dublin appointed for the purpose by the Commission for legal tender notes and delivers to the Commission at such place and in accordance with the regulations in that behalf made by the Commission not less at any one time than one hundred ounces of gold bullion as defined by this Act or gold coins (in this section called Saorstát gold coins) which are for the time being legal tender under this Act in Saorstát Eireann for unlimited amounts or money (in this section called British money) in any form which is for the time being legal tender in Great Britain for unlimited amounts, the Commission shall issue to such person legal tender notes of an amount equal (as the case may be) to the value under this section of the gold bullion or to the nominal amount of the Saorstát gold coins or to the nominal amount of the British money so delivered by such person to the Commission.

(3) Until section 5 (which relates to coining from gold bullion on request) of this Act has come into operation it shall be lawful for the Commission if it thinks fit so to do to refuse to accept delivery of any gold bullion tendered to it under this section.

(4) The Commission may, whenever on or after the appointed day it thinks fit so to do, issue in Dublin to the general fund or the note reserve fund legal tender notes in exchange for any equal nominal amount of Saorstát gold coins or of British money.

(5) The Commission may, whenever on or after the appointed day it thinks fit so to do, issue in Dublin to any Shareholding Bank or to the general fund or the note reserve fund legal tender notes against—

(*a*) a bank draft payable at sight in London, approved by the Commission, and of a nominal amount equal to the amount of the legal tender notes so issued, or

(*b*) the transfer to the Commission for the account of the legal tender note fund of such amount of British Government securities approved by the Commis-

sion as in the opinion of the Commission is equal in value at the current market prices to the amount of legal tender notes so issued.

(6) The Commission may, whenever on or after the appointed day it thinks fit so to do, issue at the London Agency to any person or to the general fund or the note reserve fund legal tender notes in exchange for an equal nominal amount of British money.

(7) The Commission may at any time after the appointed day issue to any person in accordance with regulations made by it legal tender notes in exchange for an equal amount of legal tender notes previously issued under this Act.

(8) Gold bullion delivered to the Commission under this section which is of the standard fineness shall be valued for the purposes of this section at the rate of 123.27447 grains of such bullion to the Saorstát pound, and gold bullion so delivered which is of a fineness superior or inferior to the standard fineness shall be so valued at such higher or lower (as the case may be) rate as is proportionate to such superiority or inferiority of fineness.

(9) The Commission may refuse to accept delivery for the purpose of this section of any gold bullion tendered to it for such delivery which is of such fineness that in the opinion of the Commission or of the Minister it cannot be brought to the standard fineness without refining some portion of it and if the Commission so accepts any such bullion it may impose such charge as it thinks proper to meet the expense of refining such bullion.

(10) Whenever after the coming into operation of section 5 (which relates to the coining of gold bullion on request) of this Act the Commission issues under this section legal tender notes otherwise than in exchange for Saorstát gold coins or legal tender notes previously issued, the Commission may require the person to whom or fund to which such legal tender notes are so issued to pay therefor to the Commission such charge corresponding to the charge for coining for the time being made by the Minister under the said section 5 as the Commission shall think proper.

(11) Every amount of legal tender notes issued by the Commission under this section shall be so issued in such denominations authorised by this Act as shall be specified by the person to whom such notes are so issued.

Calling in of legal tender notes.

48.—The Commission may, subject to such conditions as to time, place, manner, and order of presentation as it thinks fit, call in any legal tender notes issued under this Act on the terms of paying for such notes on presentation at their face value in gold coins which are for the time being legal tender under this Act in Saorstát Eireann for unlimited amounts or in money in any form which is for the time being legal tender in Great Britain for unlimited amounts or in legal tender notes issued under this Act or, if the person presenting such notes so agrees, by a draft on London.

Redemption of legal tender notes.

49.—(1) Every legal tender note shall be payable by the Commission on presentation at the London Agency and shall be so payable in money in any form which is for the time being legal tender in Great Britain for unlimited amounts.

(2) The Commission may, if and whenever and to such extent as it thinks fit, redeem in Dublin in gold coins which are for the time being legal tender under this Act in Saorstát Eireann for unlimited amounts or in money in any form which is for the time being legal tender in Great Britain for unlimited amounts or, if the person presenting the notes so agrees, by a draft on London, any legal tender notes presented to it for such redemption at the place in Dublin appointed in that behalf by the Commission.

(3) The Commission may refuse to redeem any legal tender note which is so worn or damaged that it is in the opinion of the Commission not identifiable as a particular legal tender note or that the portion of such note forthcoming is not sufficient in the opinion of the Commission to exclude the possibility of the residue of such note being redeemed on another occasion.

(4) The Commission may make by regulation or otherwise such arrangements as it thinks proper for the cancellation and destruc-

tion by it or on its behalf of such redeemed legal tender notes as it does not think proper to preserve for re-issue.

Provision of money to redeem legal tender notes.

50.—(1) All moneys required for the redemption of legal tender notes by the Commission (whether at the London Agency or in Dublin) in pursuance of this Act shall be provided by the Commission out of the legal tender note fund, and, if that fund proves insufficient, out of the note reserve fund and, if such last-mentioned fund proves insufficient, out of moneys advanced under this section to the Commission out of the Central Fund.

(2) Whenever the legal tender note fund and the note reserve fund have proved or are expected by the Commission to prove in the then near future insufficient to provide the moneys necessary for the redemption of legal tender notes by the Commission in pursuance of this Act, the Commission shall certify to the Minister the existence or expectation (as the case may be) of such insufficiency and the sum which is required by the Commission for the redemption in accordance with this Act of all such legal tender notes as in the opinion of the Commission will probably be presented for such redemption in the then near future, and upon receipt of such certificate the Minister shall forthwith advance to the Commission out of the Central Fund or the growing produce thereof the sum so certified by the Commission.

(3) All sums advanced to the Commission out of the Central Fund under this section shall be repaid without interest to the Exchequer by the Commission out of the first moneys to the credit of the note reserve fund.

(4) For the purposes of this section any payment under this Act (otherwise than in legal tender notes) on presentation of legal tender notes which have been called in shall be deemed to be a redemption of such legal tender notes.

PART VI.

Consolidated Bank Notes.

Provision of consolidated bank notes.

51.—(1) It shall be lawful for the Commission to provide and issue to the Shareholding Banks in accordance with this Act bank notes to be known and in this Act referred to as "consolidated bank notes."

(2) Every consolidated bank note shall be of one of the following denominations that is to say one pound, five pounds, ten pounds, twenty pounds, fifty pounds, and one hundred pounds.

(3) Every consolidated bank note shall be of such form, size, and design, and printed in such manner and on such paper and be numbered and authenticated in such manner as the Commission shall prescribe.

(4) Consolidated bank notes shall be deemed to be bank notes within the meaning of the Forgery Act, 1913 and any other enactment relating to offences in respect of bank notes for the time being in force in Saorstát Eireann and to be valuable securities within the meaning of the Larceny Act, 1861, the Larceny Act, 1916, and any other law relating to stealing which is for the time being in force in Saorstát Eireann.

Issue of consolidated bank notes.

52.—(1) Subject to the limitations and conditions specified in this Act and to compliance with the provisions of this section, the Commission may issue to any Shareholding Bank such amount of consolidated bank notes in such denominations authorised by this Act as such Bank shall from time to time apply for.

(2) The total amount of the consolidated bank notes at any time outstanding (otherwise than on an extraordinary issue) with a Shareholding Bank shall not exceed the total amount of the liquid sound advances by such Bank to persons in Saorstát Eireann proved to the satisfaction of the Commission to exist at that time.

(3) Proof for the purposes of the foregoing sub-section of the existence of liquid sound advances by a Shareholding Bank to persons in Saorstát Eireann shall be given by such Bank to the Commission in such manner as the Commission shall direct or allow and for the purposes of such proof the Chairman or an officer of the Commission specially authorised in that behalf in writing by the Chairman may inspect the relevant books and documents of such Bank.

(4) The Commission may require any Shareholding Bank to give to the Commission security to such amount as the Commission shall direct for consolidated bank notes theretofore or thereafter issued to such Bank by the transfer (by way of security only and not absolutely) to the Commission of assets of such Bank acceptable to the Commission or by such charge in favour of the Commission on such assets of such Bank as shall be acceptable to the Commission.

(5) The taking of security by the Commission from a Shareholding Bank under this section in respect of consolidated bank notes issued to such Bank shall not prejudice or affect the liability under this Act of such Bank in respect of such consolidated bank notes nor the rights under this Act of the Commission in respect of such consolidated bank notes nor of the holder of any such note.

(6) References in this Act to consolidated bank notes outstanding with a Shareholding Bank shall be construed as referring to and including all consolidated bank notes which at the time to which the reference relates have been issued by the Commission to that Shareholding Bank and have not been returned to the Commission for retirement.

Limit of amount of consolidated bank notes.

53.—(1) In this Part of this Act—
the expression " maximum limit " means the maximum amount of consolidated bank notes which may under this Act be outstanding otherwise than on an extraordinary issue made under this Act at the time in reference to which the expression is used and the expression " initial period " means the period of two years from the 31st day of March or the 30th day of September, whichever first occurs next after the day appointed under this Act for the commencement of the issue of consolidated bank notes.

(2) The Commission shall take such steps, by restriction of issue or otherwise as it thinks fit, to ensure that the amount of consolidated bank notes outstanding at any one time exclusive of consolidated bank notes outstanding on an extraordinary issue made under this Act does not exceed the amount appointed by or under this section to be the maximum limit for that time.

(3) Save as is otherwise provided in this section, the maximum limit during the initial period shall be six million pounds.

(4) At or within one month before the expiration of the initial period and of every period of three years thereafter, the Commission shall consider the maximum limit and may, on such consideration at or before the expiration of the initial period by unanimous vote and, on such consideration at or before the expiration of any triennial period by majority vote fix the maximum limit at such amount as it considers proper having regard to the total amount of liquid sound advances by Shareholding Banks to persons in Saorstát Eireann then existing, and such other matters as it considers relevant, and if the Commission on the occasion of any such consideration so fixes the maximum limit, the same shall be the maximum limit for the ensuing triennial period, and if at or before the expiration of the initial period the Commission does not so fix the maximum limit the maximum limit for the first triennial period shall be six million pounds and if at or before the expiration of any triennial period the Commission does not so fix the maximum limit the maximum limit for the then ensuing triennial period shall be the same as the maximum limit for the then expiring triennial period.

(5) If the average amount of legal tender notes outstanding during any half-year which expires during the initial period

is not less than six million pounds the Commission by unanimous vote may, if it so thinks fit, fix the maximum limit at such amount as it considers proper having regard to the total amount of liquid sound advances by Shareholding Banks to persons in Saorstát Eireann then existing and such other matters as it considers relevant and if and whenever the maximum limit is so fixed the same shall be and continue to be the maximum limit until the expiration of the initial period or the fixing of a maximum limit under the next following sub-section whichever shall first happen.

(6) If the average amount of legal tender notes outstanding during any half-year does not exceed four million pounds the Commission may, if it so thinks fit, during the ensuing half-year fix the maximum limit at the sum of one million pounds in excess of the said average amount and if and whenever the maximum limit is so fixed the same shall notwithstanding anything to the contrary contained in this section be and continue to be the maximum limit until the Commission fixes under the next following sub-section some other maximum limit.

(7) Whenever the Commission has fixed a maximum limit under the foregoing sub-section, the Commission may at any time thereafter remove such maximum limit and if such maximum limit is so removed during the initial period the Commission shall forthwith fix the maximum limit at six million pounds and if such first-mentioned maximum limit is so removed after the expiration of the initial period the Commission shall forthwith fix the maximum limit at such amount as it considers proper having regard to the total amount of liquid sound advances by Shareholding Banks to persons in Saorstát Eireann then existing, and such other matters as it considers relevant, and whenever the Commission fixes a maximum limit under this sub-section such maximum limit shall be and continue to be the maximum limit during the residue of the initial period or the triennal period (as the case may be) then current.

(8) The Commission shall not at any time fix the maximum limit at a sum exceeding six million pounds without the previous consent of the Minister.

(9) If the period commencing on the day appointed under this Act for the commencement of the issue of consolidated bank notes and ending on the next ensuing 31st day of March or 30th day of September, whichever first occurs, exceeds three months such period shall for the purpose of this section be deemed to be a half-year, and if such period does not exceed three months such period and the next ensuing half-year shall for the purpose of this section be deemed to form together one half-year.

Allotment of consolidated bank notes amongst Shareholding Banks.

54.—(1) The Commission shall take such steps as it thinks proper to ensure that the amount of consolidated bank notes outstanding with any particular Shareholding Bank at any one time otherwise than on an extraordinary issue does not exceed the quota or proportion of the maximum limit at that time assigned to such Bank under this section.

(2) If and so long as no Bank other than the Banks named in the Third Schedule to this Act is a Shareholding Bank and whether all or some only of such Banks are Shareholding Banks, the quota of each Shareholding Bank shall, unless and until otherwise provided under this section, be the proportion which the sum set out in the said Third Schedule opposite to the name of such Bank bears to the sum of six million pounds.

(3) At or within one month before the expiration of the initial period and the expiration of every period of three years thereafter the Commission shall consider the quotas of the several Shareholding Banks and may vary the amounts of all or any of such quotas (including the fixing of the quota of a Bank which has become a Shareholding Bank during the then expiring initial or triennial period and the distribution of the quota formerly belonging to a Bank which has during such initial or triennial period ceased to be a Shareholding Bank) in such manner as the Commission may think

proper having regard to the relative volume of the liquid sound advances of each Shareholding Bank and to any amalgamation, partition, transfer, or other change which may have occurred amongst the Shareholding Banks, and such other matters as it considers relevant, and the quota which is on any such occasion fixed by the Commission for any Shareholding Bank shall be the quota of such Bank during the ensuing triennial period and if on any such occasion the quota of any Shareholding Bank is not varied by the Commission, the quota of such Bank during the ensuing triennial period shall be the same as its quota during the preceding initial or triennial period.

(4) Whenever after the establishment of the Commission a Bank becomes a Shareholding Bank no consolidated bank notes shall be issued to such Bank during the residue of the initial or triennial period then current.

(5) Whenever any amalgamation, partition, transfer, or other change occurs amongst the Shareholding Banks the Commission shall make such (if any) adjustment of the quotas of the Banks concerned in or affected by such change as in the opinion of the Commission the circumstances require.

Extraordinary issues of consolidated bank notes.

55.—Whenever a Shareholding Bank is for any reason temporarily unable to comply with the provisions of this Act in relation to the issue to it of consolidated bank notes or the having such notes outstanding and also whenever a Shareholding Bank has outstanding the whole of its quota and temporarily requires a further issue of consolidated bank notes, the Commission may if it so thinks fit by unanimous vote and with the consent of the Minister make to such Bank an extraordinary issue of consolidated bank notes but such extraordinary issue shall be subject to the conditions imposed in regard thereto by this Act and also to the condition that the Commission may in addition to its powers under any other section of this Act, require such bank to give or provide to the Commission such extraordinary security as the Commission shall direct and also to the limitations that such extraordinary issue shall not continue for more than twelve months and may be terminated by the Commission at any time during such twelve months and that the amount of consolidated bank notes outstanding at any one time on such extraordinary issue shall not exceed the amount at that time of the accumulated profits in excess of capital of such Bank.

Limit on issue of consolidated bank notes to particular banks.

56.—(1) In the case of a Shareholding Bank which under the law of any place outside Saorstát Eireann is entitled to issue bank notes in that place, the Commission shall, notwithstanding anything contained in this Act, take such steps as it thinks proper to ensure that the amount of consolidated bank notes outstanding with such Bank (otherwise than by virtue of an extraordinary issue) at any one time together with the amount of the bank notes of such Bank issued in such place outside Saorstát Eireann which are estimated by the Commission to be in circulation at that time on a fiduciary basis shall not form an excessive proportion in the opinion of the Commission of the total amount of the advances made (whether in or outside Saorstát Eireann) at that time by such Bank to its customers.

(2) Any abatement under this section during the course of the initial or triennial period of the amount of consolidated bank notes which may be outstanding with such Bank (otherwise than by virtue of an extraordinary issue) shall be effected only by unanimous vote of the Commission but no ordinary Commissioner shall vote on or otherwise take part in proceedings under this section in relation to a Bank of which he is a director or by which he is employed.

Retirement and cancellation of consolidated bank notes.

57.—The Commission shall make by regulation or otherwise such arrangements as it thinks proper for the retirement by Shareholding Banks of consolidated bank notes issued to them under this Act (including the retirement of any such notes which have become worn or damaged and the issue of new notes in lieu thereof) and for the cancellation and destruction by or on behalf of

the Commission of such retired consolidated bank notes as it does not think proper to preserve for re-issue.

Responsibility of Shareholding Banks for payment of consolidated bank notes

58.—(1) Every consolidated bank note shall have printed thereon the name of the Shareholding Bank to which such note is issued by the Commission and in this section the expression " responsible Bank " means the Shareholding Bank whose name is so printed on the consolidated bank note in relation to which the expression is used.

(2) Save as authorised by the Commission under this section no Shareholding Bank shall pay out to any person (other than the responsible Bank) any consolidated bank note in respect of which it is not itself the responsible Bank.

(3) The Commission may, if special circumstances appear to the Commission to render such course expedient, by unanimous vote authorise a Shareholding Bank to pay out consolidated bank notes in respect of which it is not itself the responsible bank during such period, to such extent and subject to such conditions as the Commission thinks fit.

(4) The amount of every consolidated bank note shall be payable by the responsible Bank on presentation at its principal office in Dublin on any day which is not a Sunday or a Bank holiday and during the time for which such Bank is ordinarily open for business on such day, and such amount shall be so payable in coins or notes (at the option of such Bank) which are at the time of such presentation legal tender in Saorstát Eireann for such amount.

(5) Whenever the responsible Bank fails to pay in accordance with the foregoing sub-section a consolidated bank note duly presented to it in accordance with that sub-section, the holder of such note may either

(*a*) recover the amount of such note from the responsible Bank by action in any Court of competent jurisdiction or, in the event of such Bank going into liquidation, prove in such liquidation for the amount of such note, or

(*b*) present such note to the Commission at its principal office in Dublin together with such evidence as the Commission may require of the due presentation of such note to the responsible Bank and the failure of such Bank to pay the amount thereof.

(6) Whenever a consolidated bank note is presented under this section to the Commission, the Commission shall receive such note and shall recover the amount thereof from the responsible Bank by action, claim, or proof on such note (for which purpose the Commission shall be deemed to be the holder of the note) or by resort to and enforcement of the security held by it from the responsible Bank.

(7) Whenever a consolidated bank note is duly presented to the Commission under the foregoing sub-section the Commission shall, at its own option, either—

(*a*) pay to the person who presented such note or his legal representative all moneys recovered from the responsible Bank by the Commission on foot of such note and, if such moneys are less than the amount of such note, pay the deficiency to such person or his legal representative out of the note reserve fund, or

(*b*) as soon as may be convenient after the presentation of such note, pay to such person or his legal representative the amount of such note out of the note reserve fund and pay all moneys recovered from the responsible Bank on foot of such note into the note reserve fund.

All moneys paid out of the note reserve fund under this subsection by the Commission to a person or the legal representative of a person who presented a consolidated bank note shall bear interest payable by the responsible Bank to the Commission at such rate as the Commission shall appoint and recoverable by the Commission from such Bank as a civil debt.

(8) Every Shareholding Bank shall be liable and responsible to the holder of a consolidated bank note in respect of which such Bank is the responsible Bank for the amount of such note and such amount may be recovered by such holder from such Bank by process of law.

(9) For the purposes of section 6 of the Bank of Ireland Act 1821, section 2 of the Bankers (Ireland) Act 1825, and section 1 of the Bankers (Ireland) Act 1845 every consolidated bank note shall be the note of and be deemed to have been issued by the Shareholding Bank (unless such Bank is the Bank of Ireland) which is under this section the responsible Bank in respect of such note and accordingly every shareholder and stockholder of such Bank shall be liable and responsible for the due payment of such note, but this sub-section shall not apply to the Bank of Ireland.

(10) For the purposes of section 20 of the Act of the Irish Parliament entitled " An Act for establishing a bank by the name of the Governors and Company of the Bank of Ireland " and passed in the year 1781-82, the amount of every consolidated bank note in respect of which the Bank of Ireland is the responsible Bank shall be a debt due by the said Bank to the holder of such note, and the said section shall apply accordingly.

(11) For the purposes of section 251 of the Companies (Consolidation) Act, 1908 every Shareholding Bank shall be a " bank of issue " and every consolidated bank note in respect of which such Bank is the responsible Bank shall be a note of such Bank, and the said section shall apply accordingly.

(12) In this section the expression " Shareholding Bank " includes a bank which has ceased to be a Shareholding Bank but with which consolidated bank notes remain outstanding and not covered by a deposit of Saorstát gold coins or legal tender notes with the Commission in accordance with this Act.

Consolidated bank notes of bank which ceases to be a Shareholding Bank.

59. —Whenever a Shareholding Bank ceases to be a Shareholding Bank it shall within six months after such cesser deposit with the Commission such amount of Saorstát gold coins which are legal tender under this Act for unlimited amounts or of legal tender notes as shall be equal to the amount of consolidated bank notes outstanding with it at the time of such deposit and thereupon—

(*a*) such Bank shall cease to be liable to pay the amount of any such consolidated bank note or to pay any payment on consolidated bank notes in respect of any such note for any period subsequent to such deposit, and

(*b*) the Commission shall surrender to such Bank all securities then held by it from such Bank in respect of such consolidated bank notes, and

(*c*) all such consolidated bank notes shall be payable by the Commission on presentation at its principal office in Dublin and the amount so deposited by such Bank with the Commission shall be held by the Commission in trust to provide the moneys for so paying such consolidated bank notes, and

(*d*) such consolidated bank notes shall not for any purpose relating to the maximum limit or to the quota of any Shareholding Bank, be reckoned as consolidated bank notes outstanding.

Prohibition of bank notes other than consolidated bank notes.

60.—(1) When and so soon as the Commission is in a position to issue consolidated bank notes the Commission shall by notice in writing sent to every Shareholding Bank and published in the *Iris Oifigiúil* appoint a day (in this section referred to as the appointed day) on which it will commence the issue of consolidated bank notes in accordance with this Act and the day so appointed shall not be less than fourteen days after the sending and publication of the said notice and shall not be earlier than the day appointed under this Act for the commencement of the issue of legal tender notes.

(2) On and after the appointed day it shall not be lawful for

any bank whether it is or is not a Shareholding Bank to issue or pay out, save as authorised by the Commission under this section, any bank notes other than consolidated bank notes and if any bank shall issue or pay out any bank note in contravention of this section such bank shall be liable to pay to the Commission a sum equal to one-tenth of the amount of such note.

(3) The Commission may in its absolute discretion authorise any bank to issue and pay out or to pay out after the appointed day such bank notes (other than consolidated bank notes) during such period, to such extent, and subject to such conditions as the Commission thinks fit.

(4) The Commission shall determine, in such manner as it thinks fit, in respect of every Bank which is at the passing of this Act a bank of issue the proportion of the notes of such Bank outstanding (including notes in the tills or vaults of such Bank) immediately before the appointed day which appertains to Saorstát Eireann and such proportion of such notes shall on or as soon as may be after the appointed day be redeemed cancelled and destroyed in such manner as the Commission shall direct and in the case of a first Shareholding Bank so much of such proportion as is for the time being not so redeemed shall for the purpose of payments on consolidated bank notes by such Bank and for the purpose of the issue of consolidated bank notes to such Bank be deemed up to one half of the quota of such Bank to be consolidated bank notes outstanding with such Bank otherwise than on an extraordinary issue.

(5) Every sum payable to the Commission by a bank under this section shall be recoverable by the Commission as a civil debt in any court of competent jurisdiction.

PART VII.

Financial.

Legal tender note fund.

61.—(1) The Commission shall keep a separate capital fund to be called the legal tender note fund and shall maintain and manage such fund in accordance with this Act.

(2) All gold bullion, moneys, securities, and funds (other than legal tender notes and other than moneys paid by way of a charge for refining gold bullion or a charge corresponding to a charge for coining) paid or transferred to the Commission by any person or from any fund for legal tender notes issued by the Commission to such person or fund shall be carried to the legal tender note fund.

(3) The capital of the legal tender note fund shall be held by the Commission or at its disposal in such one or more of the following forms as the Commission in its absolute discretion shall think proper and in no other form, that is to say:—

(*a*) gold bullion;

(*b*) gold coins which are for the time being legal tender in Saorstát Eireann for unlimited amounts;

(*c*) money in any form which is for the time being legal tender in Great Britain for unlimited amounts;

(*d*) British Government securities;

(*e*) sterling balances on current or deposit account at the London Agency or any Bank in Great Britain or Northern Ireland.

(4) The Commission shall in its absolute discretion determine from time to time as occasion requires the allocation of the capital of the legal tender note fund amongst the several forms mentioned in the foregoing sub-section or any of them.

(5) All dividends and interest received by the Commission in respect of the capital of the legal tender note fund shall be carried as income to the general fund.

(6) The Commission may, if and whenever it thinks fit, borrow temporarily for the purposes of the legal tender note fund, and may pledge the capital or any part of the capital of the legal tender note fund as security for such borrowing and shall charge all interest on such borrowing against the income of the general fund.

(7) At the end of every half-year the Commission shall value in accordance with current market values the capital assets of the legal tender note fund and shall ascertain the extent of the net surplus or deficiency, if any, of such capital assets as so valued (less by the capital amount of any temporary borrowing under the foregoing sub-section then outstanding) above or below the amount of legal tender notes outstanding at the end of such half-year, and shall as soon as may be after such ascertainment transfer (as the case may require) from or to the legal tender note fund to or from the note reserve fund capital assets in any one or more of the forms mentioned in sub-section (3) of this section equal in value to the amount of such surplus or deficiency, if any.

The note reserve fund.

62.—(1) The Commission shall keep a separate capital fund to be called the note reserve fund and shall maintain and manage such fund in accordance with this Act and shall pay into such fund all moneys which are by this Act required to be paid thereinto and shall pay out of such fund all moneys which are by this Act required to be paid thereout.

(2) The capital of the note reserve fund shall be held by the Commission or at its disposal in such one or more of the following forms as the Commission in its absolute discretion shall think proper and in no other form, that is to say:—

(*a*) gold bullion;

(*b*) gold coins which are for the time being legal tender in Saorstát Eireann for unlimited amounts;

(*c*) money in any form which is for the time being legal tender in Great Britain for unlimited amounts;

(*d*) British Government securities;

(*e*) securities guaranteed by the British Government;

(*f*) sterling balances on current or deposit account at the London Agency or any Bank in Great Britain or Northern Ireland;

(*g*) legal tender notes.

(3) Subject to the restriction that not more than one-tenth of the capital of the note reserve fund may at any time be held in the form of legal tender notes the Commission shall in its absolute discretion determine from time to time as occasion requires the allocation of the capital of the note reserve fund amongst the several forms mentioned in the foregoing sub-section or any of them.

(4) All dividends and interest received by the Commission in respect of the capital of the note reserve fund shall be carried as income to the general fund.

(5) The Commission may, if and whenever it thinks fit, borrow temporarily for the purposes of the note reserve fund and may pledge the capital or any part of the capital of the note reserve fund as security for such borrowing and shall charge all interest on such borrowing against the general fund.

(6) At the end of every half-year the Commission shall value in accordance with current market values the capital assets of the note reserve fund and shall ascertain the extent of the net deficiency, if any, of such capital assets as so valued (less by the capital amount of any temporary borrowing under the foregoing sub-section and the value of any capital assets then transferable to the legal tender note fund, but with the addition of any capital assets then transferable from the legal tender note fund) below one-tenth of the maximum amount of consolidated bank notes which might under this Act be outstanding (otherwise than on an extraordinary issue) on the last day of such half-year and, if on any such ascertainment any such deficiency is found to exist, shall as soon as may be transfer to the note reserve fund from the general fund in any of the forms mentioned in sub-section (2) of this section an amount equivalent to whichever of the following amounts is the less, that is to say:—

(*a*) the amount of such deficiency, or

(*b*) one-fifth of the surplus of the total amount received by the Commission during such half-year on account of

dividends and interest in respect of the capital of the legal tender note fund and the capital of the note reserve fund remaining after deducting from such total amount all (if any) interest payable during such half-year on any temporary borrowing for the purposes of either of such funds.

General fund.

63.—(1) The Commission shall keep a separate fund to be called the general fund and shall maintain and manage such fund in accordance with this Act.

(2) The Commission shall carry to the general fund all moneys received by the Commission and not required by this Act to be carried to the legal tender note fund or paid into the note reserve fund and the Commission shall draw out of the general fund all payments made by the Commission and not required by this Act to be paid out of the legal tender note fund or out of the note reserve fund, and in particular shall pay out of the general fund the expenses of the Commission.

(3) It shall be lawful for the Commission to exercise the functions of a banker in relation to the moneys for the time being in the general fund.

(4) The Commission may for the purpose of meeting charges required by this Act to be paid out of the general fund borrow on the security of the general fund up to the amount for the time being paid up by Shareholding Banks on account of their capital liability.

(5) The Minister may, after consultation with the Commission, make regulations providing for the determination periodically of the surplus income of the Commission and may by such regulations enable provision to be made for reserves, depreciation, and other like matters before determination of the surplus income.

(6) The Commission may out of its surplus income as determined under this section pay to Shareholding Banks dividends, at such rate not exceeding six per cent. per annum as the Minister may sanction, on the amount for the time being paid up by them on account of their capital liability.

(7) The Commission shall pay its surplus income as and when determined under this section or the balance of such surplus income remaining after payment of dividends under the foregoing sub-section (as the case may be) into the Exchequer in such manner as the Minister shall direct and may at any time pending such determination pay into the Exchequer such sums on account of surplus income as may be agreed upon by the Minister and the Commission.

Capital liability of Shareholding Banks.

64.—(1) Every Shareholding Bank shall be liable to pay to the Commission the sum of five thousand pounds (in this Act called its capital liability) at the times and in the manner following, that is to say:—

(*a*) each of the first Shareholding Banks shall, when applying for admission to be one of the first Shareholding Banks, pay the sum of one thousand pounds to the Minister in trust for the Commission and shall pay the residue of its capital liability to the Commission as and when required under this Act so to do by the Commission, and

(*b*) a Bank admitted to be a Shareholding Bank after the establishment of the Commission shall immediately upon such admission pay to the Commission a sum equal to the amount then already paid by each of the other Shareholding Banks on account of their respective capital liabilities and shall pay the residue of its capital liability as and when required under this Act so to do by the Commission.

(2) All sums paid by the first Shareholding Banks on account of capital liability to the Minister in trust for the Commission shall be paid by the Minister to the Commission immediately after the establishment of the Commission.

(3) Every requisition made by the Commission to Shareholding Banks for a payment on account of capital liability shall be made to all such banks simultaneously and shall require payment of a equal amount from every such Bank.

(4) Every sum payable by a Shareholding Bank to the Commission on account of capital liability shall be recoverable by the Commission as a civil debt in any court of competent jurisdiction, and the failure of a Shareholding Bank to pay in accordance with this section a sum on account of capital liability shall be a ground for removing such Bank from being a Shareholding Bank.

(5) In the event of a Shareholding Bank ceasing by any means to be a Shareholding Bank the Commission shall forthwith pay to such Bank the amount then paid up by it on account of its capital liability.

(6) Section 113 of the Stamp Act, 1891 shall not apply to the capital liability of the Shareholding Banks.

Payments on consolidated bank notes.

65.—(1) Every Shareholding Bank shall pay to the Commission in respect of every half-year the following sums (in this Act referred to as payments on consolidated bank notes), that is to say:—

(*a*) during so much, if any, of such half-year as the maximum amount of consolidated bank notes which might under this Act be outstanding did not exceed six million pounds, a sum calculated at the rate of one and one-half per cent. per annum on the amount of consolidated bank notes outstanding (otherwise than on an extraordinary issue) from day to day with such Bank during such half-year, and

(*b*) during so much, if any, of such half-year as the said maximum amount exceeded six million pounds, a sum calculated at the rate of one and one-half per cent. per annum on so much of the amount of consolidated bank notes outstanding (otherwise than on an extraordinary issue) from day to day with such Bank during such half-year as bears to the whole amount of consolidated bank notes so outstanding the same proportion as six million pounds bears to the said maximum amount, and a further sum calculated at the rate of two per cent. per annum on the residue of the amount of consolidated bank notes so outstanding, and

(*c*) if any consolidated bank notes were during such half-year outstanding with such Bank on an extraordinary issue, a sum calculated during the first month of the continuous existence of such extraordinary issue at the rate of five per cent. per annum on the amount of consolidated bank notes so outstanding, and during the second month of such continuous existence at the rate of five and one-half per cent. per annum on such amount, and during the third month of such continuous existence at the rate of six per cent. per annum on such amount, and so on, such rate increasing by one-half per cent. per annum for every month of such continuous existence, and

(*d*) such share of the expenses incurred during such half-year by the Commission in providing consolidated bank notes as the Commission shall by regulation prescribe.

(2) Whenever for any reason the amount of consolidated bank notes outstanding with a Shareholding Bank otherwise than on an extraordinary issue is in excess of the amount permitted by or under this Act to be so outstanding, the amount so in excess shall for the purposes of the foregoing sub-section be deemed to be outstanding on an extraordinary issue.

(3) At the end of every half-year the Commission shall ascertain in respect of every Shareholding Bank the amount of the payments on consolidated bank notes payable under this section

by it in respect of such half-year and shall send to every Shareholding Bank a certificate showing the said amount so ascertained in respect of it and how such amount is made up, and every Shareholding Bank shall within fourteen days after receiving any such certificate pay to the Commission the amount stated in such certificate to be payable by it.

(4) Every sum payable by a Shareholding Bank to the Commission under this section shall be recoverable by the Commission from such Bank as a civil debt in any court of competent jurisdiction and the non-payment of any such sum by a Shareholding Bank within the time specified in this section for payment thereof shall be a ground for removing such Bank from being a Shareholding Bank.

(5) A certificate under the seal of the Commission stating the amount payable on any occasion by a Shareholding Bank to the Commission under this section and that such amount or a specified portion thereof is due and unpaid shall, in any proceedings by the Commission to recover such amount, be evidence until the contrary is proved of the said matters so stated in such certificate.

(6) For the purpose of this section the period commencing on the day appointed under this Act for the commencement of the issue of consolidated bank notes and ending on the next ensuing 31st day of March or 30th day of September, whichever first occurs, shall be deemed to be a half-year.

Payments on certain outstanding bank notes.

66.—(1) Where the Commission has determined under this Act in respect of any Bank which is at the passing of this Act a bank of issue the proportion appertaining to Saorstát Eireann of the notes of such Bank outstanding immediately before the day appointed for the commencement of the issue of consolidated bank notes there shall be payable by such Bank to the Commission in respect of every half year a sum calculated from day to day at the appropriate rate per cent. per annum on so much of such proportion of such notes as after the day so appointed is for the time being not redeemed in accordance with the directions of the Commission and is not deemed under this Act to be consolidated bank notes outstanding with such Bank otherwise than on an extraordinary issue.

(2) For the purpose of the foregoing sub-section the appropriate rate per cent. per annum shall be three per cent. per annum for the period of twelve months from the day appointed for the commencement of the issue of consolidated bank notes and five per cent. per annum thereafter.

(3) At the end of every half-year the Commission shall ascertain in respect of every Bank which is at the passing of this Act a bank of issue the amounts of the payments payable under this section by it in respect of such half-year and shall send to every such Bank a certificate showing the said amount so ascertained in respect of it and how such amount is made up, and every such Bank shall within fourteen days after receiving any such certificate pay to the Commission the amount stated in such certificate to be payable by it.

(4) Every sum payable by a Bank to the Commission under this section shall be recoverable by the Commission from such Bank as a civil debt in any Court of competent jurisdiction and the non-payment of any such sum by any such Bank which is a Shareholding Bank within the time specified in this section for payment thereof shall be a ground for removing such Bank from being a Shareholding Bank.

(5) A certificate under the seal of the Commission stating the amount payable on any occasion by a Bank to the Commission under this section and that such amount or a specified portion thereof is due and unpaid shall in any proceedings by the Commission to recover such amount be evidence until the contrary is proved of the said matters so stated in such certificate.

(6) For the purpose of this section the period commencing on the day appointed for the commencement of the issue of con-

solidated bank notes and ending on the next ensuing 31st day of March or 30th day of September, whichever first occurs, shall be deemed to be a half-year.

Exemptions from taxes and duties.

67.—(1) Relief from income tax shall be given by repayment or otherwise to the Commission in respect of all income from whatever source accruing to the Commission under or by virtue of this Act.

(2) Part V of the Finance Act 1920 as amended by subsequent enactments shall not apply to the profits of the Commission.

(3) Notwithstanding anything contained in paragraph (*b*) of clause 10 of the Inland Revenue (Adaptation of Taxing Acts) Order, 1923 (No. 4 of 1923), Exemption (1) of the General Exemptions from all Stamp Duties contained in the First Schedule to the Stamp Act 1891 shall apply to all transfers made by the Commission of shares in—

(*a*) the stock and funds of the Government or Parliament of the late United Kingdom of Great Britain and Ireland, and

(*b*) the stocks and funds of the Government or Parliament of the United Kingdom of Great Britain and Northern Ireland,

whether such stocks and funds are registered in the books of the Bank of Ireland in Dublin or are registered elsewhere.

(4) Stamp duty shall not be chargeable on any contract note issued to the Commission in any case in which such duty would be payable by the Commission as part of its expenses.

Bankers composition duty.

68.—(1) The composition duty on promissory notes on unstamped paper issued by a licensed banker or on such notes of such banker in circulation shall be paid in respect of the period to which this section relates at that rate which bears to the rate in force at the passing of this Act the same proportion as the number of complete weeks in the said period bears to the number twenty-six.

(2) The conditions of every bond given by a licensed banker under section 7 of the Bankers Composition (Ireland) Act, 1828 shall apply to promissory notes issued by such banker during the period to which this section relates with the modification that, in lieu of the account required by that section to be delivered half-yearly, an account duly verified in accordance with that section of the promissory notes issued by such banker under that Act and in circulation within the meaning of that Act on the Saturday in every week during the said period shall be delivered by such banker to the Revenue Commissioners within fourteen days after the last day of the said period to which this section relates.

(3) This section relates to the period commencing on the 1st day of January or the 1st day of July, whichever shall be the later, next before the day appointed under this Act for the commencement of the issue of consolidated bank notes and ending on the day so appointed for such commencement.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.	Date of Repeal
9 Geo. IV. c. 80.	The Bankers Composition (Ireland) Act, 1828.	The whole Act.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
5 & 6 Vic. c. 82.	The Stamp Duties (Ireland) Act, 1842	Section 2 so far as it relates to promissory notes on unstamped paper issued by a licensed banker in Ireland or such notes of such banker in circulation.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
8 & 9 Vic. c. 37.	The Bankers (Ireland) Act, 1845	Sections 8 to 21 and 23.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
16 & 17 Vic. c. 59.	The Stamp Act, 1853.	Section 20 so far as it relates to promissory notes on unstamped paper issued by a licensed banker in Ireland or such notes of such banker in circulation.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
33 Vic. c. 10.	The Coinage Act, 1870.	Sections 4 and 5.	The day appointed under this Act for the commencement of the issue of legal tender notes.
54 & 55 Vic. c. 39.	The Stamp Act, 1891.	Sections 29, 30, and 31 and the head of charge "Bank Note" in the First Schedule.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
4 & 5 Geo. V. c. 14.	The Currency and Bank Notes Act, 1914.	The whole Act.	The day appointed under this Act for the commencement of the issue of legal tender notes.
4 & 5 Geo. V. c. 72.	The Currency and Bank Notes (Amendment) Act, 1914.	The whole Act.	The day appointed under this Act for the commencement of the issue of legal tender notes.
10 & 11 Geo. V. c. 24.	The Bank Notes (Ireland) Act, 1920.	The whole Act.	The day appointed under this Act for the commencement of the issue of consolidated bank notes.
No. 14 of 1926.	The Coinage Act, 1926.	Section 7.	The day appointed under this Act for the commencement of the issue of legal tender notes.

SECOND SCHEDULE.

Particulars of Gold Coins.

(1) Denomination of Coin	(2) Standard Weight		(3) Least Current Weight		(4) Standard Fineness	(5) Remedy Allowance		
						Weight per Piece		Millesimal Fineness
	Imperial Weight Grains	Metric Weight Grams	Imperial Weight Grains	Metric Weight Grams		Imperial Grains	Metric Grams	
Pound	123.27447	7.98805	122.50000	7.93787	Eleven-twelfths fine gold, one-twelfth alloy, or millesimal fineness, 916.6	0.20000	0.01296	2
Ten Shillings ..	61.63723	3.99402	61.12500	3.96083		0.15000	0.00972	

THIRD SCHEDULE.

BANKS.

Name of Bank	Ratio Figure
	£
The Bank of Ireland	1,760,000
The Hibernian Bank, Limited	439,000
The National Bank, Limited	1,365,000
The Northern Banking Company, Limited	243,000
The Munster and Leinster Bank, Limited	852,000
The Provincial Bank of Ireland, Limited	649,000
The Royal Bank of Ireland, Limited	273,000
The Ulster Bank, Limited	419,000

FOURTH SCHEDULE.

RULES FOR THE ELECTIONS OF THE ELECTED COMMISSIONERS AND THE FIRST CHAIRMAN.

Rules Applicable to Every Case.

1. In this Schedule the word "representative" means a representative of a Shareholding Bank present at a meeting for the election of the first elected Commissioners or any subsequent elected Commissioner, and the word "Commissioner" when used without qualification means an ordinary Commissioner attending the meeting of such Commissioners for the election of the first Chairman, and the word "meeting" means (as the context may require) a meeting of representatives to elect the first elected Commissioners or any subsequent elected Commissioner or the meeting of Commissioners to elect the first Chairman.

2. The representatives or Commissioners (as the case may be) shall elect one of their number to be the chairman of the meeting and such chairman shall conduct the proceedings at the meeting but shall not have any second or casting vote.

3. Save as is otherwise provided by these Rules, all questions arising at the meeting shall be decided by the vote of the majority of the representatives or Commissioners.

4. The meeting may be adjourned from time to time but no adjournment shall be made to a time subsequent to the time within which the election is required by this Act to be completed.

Rules Applicable to the Election of the First Elected Commissioners.

5. Every representative may nominate three candidates and no more for election.

6. The election shall be by rounds and on each round every representative shall have three votes but may not in any one round give more than one vote to any one candidate.

7. On the first round all the candidates shall be voted on and any candidate who on such round receives a number of votes exceeding half the number of representatives present shall be elected and the three candidates who receive the least number of votes shall be eliminated.

8. On the second round all the candidates except those elected or eliminated on the first round shall be voted on and any candidate who on such round receives a number of votes exceeding half the number of representatives present shall be elected and the three candidates who receive the least number of votes shall be eliminated.

9. The third and every subsequent round shall be conducted in a similar manner.

10. If on any round by reason of an equality of votes amongst the candidates who receive the least number of votes it is not possible to eliminate three candidates, the Chairman shall determine how many and which candidates are to be eliminated on that round.

11. The election shall be continued until three candidates have been elected.

12. At the conclusion of the election the Chairman shall prepare a statement in writing setting forth the names of the representatives and the Banks they respectively represented, and the names, addresses, and descriptions of the three elected candidates, and such statement shall then be signed by the chairman and at least one-third of the other representatives and shall be sent by the chairman to the Minister in accordance with this Act.

Rules applicable to the Election of an elected Commissioner subsequent to the first elected Commissioners.

13. Every representative may nominate one and only one candidate for election.

14. The election shall be by rounds and on each round every representative shall have one vote.

15. On the first round all the candidates shall be voted for and the candidate who receives the least number of votes shall be eliminated.

16. On the second round all the candidates except the candidate eliminated on the first round shall be voted on and the candidate who receives the least number of votes shall be eliminated.

17. The third and every subsequent round shall be conducted in a similar manner.

18. If on any round two or more candidates receive the least number of votes, all such candidates shall be eliminated.

19. If on any round a candidate receives a number of votes exceeding one half the number of representatives present such candidate shall be elected or if on any round all but one of the candidates voted on in that round are eliminated that one candidate shall be elected.

20. At the conclusion of the election the chairman shall prepare a statement in writing setting forth the names of the representatives and the Banks which they respectively represented and the name, address, and description of the elected candidate and such statement shall then be signed by the chairman and at least one-third of the other representatives and sent by the chairman to the Commission in accordance with this Act.

RULES APPLICABLE TO THE ELECTION OF THE FIRST CHAIRMAN.

21. The election of the first Chairman shall be conducted in the like manner in all respects as the election of an elected Commissioner subsequent to the first elected Commissioners is required by these Rules to be conducted and accordingly the Rules applicable to the election of an elected Commissioner subsequent to the first elected Commissioners shall apply to the election of the first Chairman with the substitution therein of the Commissioners for the representatives and the modification that the statement prepared at the conclusion of the election shall be sent to the Minister.

Saorstát Eireann.

BILLE AIRGID REATHA, 1927.

BILLE

(*Mar d'ath-thugadh isteach*)
dá ngairmtear

Acht chun a údarú go dtabharfar amach monaidh óir agus chun socrú do dhéanamh chun nótaí airgid reatha ag a mbeidh cáilíocht tairsgeana dlíthiúla do thabhairt amach agus chun deire do chur le baneanna aonair do thabhairt amach nótaí baine agus chun tabhairt amach nótaí baine ag príomh-údarás do chur ina ionad san, agus chun coimisiún do bhunú chun bainistí agus stiúrú do dhéanamh ar thabhairt amach agus ar fhuascailt na nótaí airgid reatha san agus ar thabhairt amach nótaí baine agus chun feidhmeanna áirithe eile d'fheidhmiú maidir leis an airgead reatha.

An tAire Airgid do thug isteach.

Do horduíodh, ag Dáil Eireann, *do chló-bhuala,*
29*adh Meitheamh*, 1927.

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Saorstát Eireann.

CURRENCY BILL, 1927.

BILL

(*As re-introduced*)
entitled

An Act to authorise the issue of gold coinage to make provision for the issue of currency notes having a legal tender quality, to terminate the issue of bank notes by individual banks and substitute an issue of bank notes by a central authority, and to establish a commission to manage and control the issue and redemption of the said currency notes and the issue of bank notes and to exercise certain other functions in relation to the currency.

Introduced by the Minister for Finance.

Ordered, by Dáil Eireann, *to be printed,*
29*th June*, 1927.

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