



**AN BILLE UM RIALU BANC (LUACH SAOTHAIR AGUS
COINNIOLLACHA FOSTAIOCHTA) (FORALACHA
SEALADACHA), 1975**

**REGULATION OF BANKS (REMUNERATION AND
CONDITIONS OF EMPLOYMENT) (TEMPORARY
PROVISIONS) BILL, 1975**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

Section

1. Commencement and expiry.
2. Definitions.
3. Reference to Labour Court and power to prohibit temporarily increases of remuneration, etc. paid by banks.
4. Power to prohibit increases of remuneration paid by banks.
5. Penalties.
6. Application of section 382 of Companies Act, 1963.
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8. Authorised officers.
9. Powers of authorised officers.
10. Exclusion of civil liability of banks in certain cases.
11. Laying of orders before Houses of Oireachtas.
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13. Short title.



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**REGULATION OF BANKS (REMUNERATION AND
CONDITIONS OF EMPLOYMENT) (TEMPORARY
PROVISIONS) BILL, 1975** 5

BILL

entitled

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Commencement
and expiry.

1.—(1) If the Minister is satisfied that in order to maintain, in the
national interest, general adherence to the National Agreements it is
necessary for him to do so, he may by order appoint a day on which
this Act shall come into operation and this Act shall come into
operation on that day. 20

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

Definitions.

2.—In this Act—

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

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

“the National Agreements” means the Employer-Trade Union 30
National Agreement of the Employer-Labour Conference ratified on
the 7th day of March, 1974, and the Employer-Trade Union National
Agreement of the Employer-Labour Conference ratified on the 22nd
day of April, 1975, and revised on the 24th day of September, 1975;

“the Minister” means the Minister for Labour. 35

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

3.—(1) Where any banks, whether before, on or after the com-
mencement of this Act, pay or agree to pay increases of remunera-
tion to any of their employees or amend or vary or agree to amend
or vary any other terms or conditions of employment of any of their
employees so as to provide improved or more favourable terms or 40
conditions of employment for them—

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

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

5 (i) consider it and determine whether the payment or making of the increases, improvements or variations is, or (if they have not been paid or made) would, if they were paid or made, be, at variance with the provisions or purposes of the National Agreements and of this Act, and

(ii) furnish a report thereon to the Minister together with such recommendations (if any) as it thinks proper,

10 and the Industrial Relations Acts, 1946 and 1969, shall apply and have effect in relation to the reference as if it were a reference under section 24 of the Industrial Relations Act, 1946, and

1946, No. 26.

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

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

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

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

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

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

(iv) six months after its commencement,

whichever is the earliest.

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

Power to
prohibit
increases of
remuneration
paid by banks.

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

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

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

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

4.—(1) Where—

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

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

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

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

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

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

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

- (d) An order under this section shall not have effect in relation to—
- (i) payments made by the banks to their employees before the date of the reference to the Labour Court of the matter to which the order relates,
 - (ii) the application or operation, before such date, of amendments or variations of any other terms or conditions of employment of those employees.
- (e) The Minister may by order amend or revoke an order under this section, including an order under this subsection.
- (f) An order made by the Minister under this section shall accord with the relevant terms of any report or recommendation of the Labour Court relating to the matter.
- (g) When an order is made under *section 3* of this Act in relation to any matter, an order under this section in relation to that matter, shall not have effect in respect of any period before the commencement of the order under the said *section 3*.

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

Penalties.

- (a) on summary conviction, to a fine not exceeding £400, or
 - (b) on conviction on indictment, to a fine not exceeding £10,000, together with, in the case of an offence under *section 3* or *4* of this Act which is a continuing offence, a further fine not exceeding £10,000 for each day upon which the offence is continued.
- (2) (a) A person who is fined upon conviction of an offence under this Act shall not be liable to imprisonment in default of payment of the fine, but the court by which the person is convicted may by order direct that payment of the fine be secured by the seizure, entry into possession and, where necessary, sale of the property of the person by the appropriate sheriff or county registrar and may by order provide for such subsidiary and ancillary matters as may be necessary to secure such payment.

(b) In this subsection—

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

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

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

Application of section 382 of Companies Act, 1963.

Offences by directors and certain officers of banks.

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

Authorised officers.

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

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

Powers of authorised officers.

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

(a) at all reasonable times enter premises of a bank, 20

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

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

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

Exclusion of civil liability of banks in certain cases.

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

Laying of orders before Houses of Oireachtas.

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

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

13.—This Act may be cited as the Regulation of Banks Short title.
5 (Remuneration and Conditions of Employment) (Temporary Pro-
visions) Act, 1975.

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An Act to enable the Minister for Labour to
regulate the remuneration and conditions of
employment of persons employed in banks and to
provide for matters connected with the
matters aforesaid.

And it is enacted that the Minister shall
have power to make regulations in relation to
the remuneration and conditions of employment
of persons employed in banks and to
provide for matters connected with the
matters aforesaid.

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REGULATION OF BANKS (REMUNERA-
TION AND CONDITIONS OF EMPLOY-
MENT) (TEMPORARY PROVISIONS)
BILL, 1975

BILLE

dá ngairtear

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

*Rite ag dhá Theach an Oireachtais,
10 Nollaig, 1975*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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

*Passed by both Houses of the Oireachtas,
10th December, 1975*

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