



**AN BILLE SEIRBHÍSÍ POIST AGUS TEILEACHUMARSÁIDE,  
1982**

**POSTAL AND TELECOMMUNICATIONS SERVICES BILL, 1982**

**EXPLANATORY MEMORANDUM**

**INTRODUCTION**

1. The Bill which implements the White Paper "Reorganisation of Postal and Telecommunications Services" (Prl. 9805) provides for the establishment of two State-sponsored companies, An Post and Bord Telecom Éireann, to manage the postal and savings services and telecommunications services, respectively. The Bill sets out the functions, duties and powers of the two companies and provides for transfer to them of many of the rights, duties and liabilities related to postal, telecommunications and savings services vested in the Minister for Posts and Telegraphs under Telegraph, Postal and other relevant Acts. The functions of and the powers reserved to the Minister for Posts and Telegraphs and other Government Ministers in relation to these services are also laid down. The Bill provides too for the establishment of separate statutory Users' Councils for the postal and telecommunications services, the election of Employee Directors to each company, the election of a Postmaster as Director of An Post and the appointment of a Statutory Interim Board for each service to provide for a smooth changeover to State-sponsored status after the legislation has been enacted. Finally, the Bill contains provisions dealing with certain financial aspects of the reorganisation and contains a number of transitional provisions concerning such matters as maintenance of the validity of stamps, postal and money orders issued before the vesting day, the take-over by the companies of contracts entered into by the Minister for Posts and Telegraphs which are extant on the vesting day, continuance of legal proceedings and so on.

**PART I**

**PRELIMINARY AND GENERAL**

(comprising *Sections 1* to *8* which contain provisions of a general kind most of which are standard features of Acts).

2. *Section 1* contains the short title of the Bill.
3. *Section 2* contains definitions. It also provides that the Bill as enacted will apply to subsidiaries of either company to the extent that the subsidiary is performing functions of the company.
4. *Section 3* provides that any regulations or orders made by the Minister for Posts and Telegraphs, the Minister for Finance or the Minister for Trade, Commerce and Tourism under the Bill as enacted must be laid before each House of the Oireachtas in accordance with standard practice.

5. *Section 4* lays down penalties for offences under the Bill.
6. *Section 5* empowers the two companies to take proceedings in respect of summary offences under the Bill as enacted and under existing legislation which relates to the functions of the companies.
7. *Section 6* provides that the Minister for Posts and Telegraphs shall be recouped from the Exchequer the expenses incurred by him in the administration of the Bill as enacted.
8. *Section 7* provides for the repeal or revocation of the provisions of existing legislation as specified in the *Third Schedule* to the Bill and *Section 8* provides for the amendment of the provisions of existing legislation as specified in the *Fourth Schedule* to the Bill. *Section 8* also empowers the Minister for Posts and Telegraphs to adapt, by order, the provisions of existing legislation as necessary to give full effect to the assignment of functions under the Bill as enacted.

## PART II

### ESTABLISHMENT OF AN POST AND BORD TELECOM ÉIREANN

(comprising *Sections 9* to *36* which deal with the establishment of the two companies, certain financial matters and other provisions many of which are standard features of Acts dealing with State-sponsored companies).

9. *Section 9* requires the Minister for Posts and Telegraphs, after consultation with the Minister for Finance, to have two companies conforming to the conditions laid down in the Bill as enacted registered under the Companies Acts and to appoint a vesting day on which each company will come into operation.

10. *Section 10* contains the names of the companies and provides that they will be permitted to dispense with the use of "limited" or "teoranta" in their names. It also deals with the authorised share capital of each company and provides that it may be divided into several classes of shares if the company, with the consent of the Minister for Posts and Telegraphs and the Minister for Finance, so decides.

11. *Sections 11* to *17* deal with the Memorandum and Articles of Association of the companies and their principal objects and duties. *Section 11* requires that the Memorandum of Association of each company shall be consistent with the Bill as enacted and be subject to the approval of the Minister for Posts and Telegraphs with the consent of the Minister for Finance. *Section 12* sets out the principal objects of An Post which must be stated in its Memorandum of Association and *Section 13* sets out the duties of An Post in relation to financial matters. *Section 14* sets out the principal objects of Bord Telecom Éireann which must be stated in its Memorandum of Association and *Section 15* sets out the duties of Bord Telecom Éireann in relation to financial matters. *Sections 13* and *15* also provide that nothing in *Sections 12* and *14* shall impose on either company a duty or liability enforceable by Court proceedings to which it would not otherwise be subject. *Section 16* contains provisions regarding the size of the boards of the companies, appointments and remuneration of directors and auditors, etc., which must be included in the Articles of Association of the companies. It also provides that the Articles shall be consistent with the Bill as enacted and be subject to the approval of the Minister for Posts and Telegraphs, with the consent of the Minister for Finance and where appropriate the Minister for the Public Service. *Section 17* provides that no changes may be made in the Memorandum or

Articles of Association without the prior approval or consent where appropriate of the foregoing Ministers.

12. *Section 18* deals with the issue of shares by the companies to the Minister in exchange for assets being transferred to them. The value of such assets will be determined by the Minister after consultation with the companies.

13. *Sections 19 to 24* contain standard provisions regarding the shares of the companies. *Section 19* obliges the companies to issue shares to the subscribers to the Memorandum of Association and provides that the cost of such shares will be borne by the Exchequer. *Section 20* prohibits the issue of share capital, other than in accordance with the Bill as enacted, unless such issue is authorised by the Minister. *Section 21* contains provisions empowering the Minister to acquire shares in the companies and to exercise the rights and powers of a shareholder. *Section 22* provides that money for share subscriptions by the Minister shall be advanced from the Central Fund. *Section 23* requires shareholders who subscribe to the Memorandum of Association of the companies to hold their shares in trust for the Minister and pay over to him all dividends, etc., in respect of those shares. *Section 24* provides that all dividends received by the Minister in respect of shares in the companies and all amounts received by the Minister for Finance representing repayment of or interest on loans shall be paid into the Exchequer.

14. *Section 25* restricts the borrowing powers of the companies and *Section 26* empowers the Minister for Finance to guarantee such borrowings. These provisions are standard.

15. *Section 27* empowers the Minister for Finance to make available to An Post for capital purposes a sum not exceeding £50 million either by purchase of shares in the company or by way of loans or a combination of these. It also empowers the Minister for Finance to make grants not exceeding £20 million to the company during a period of 3 years after the vesting day. *Section 28* provides that sums which may become payable by the Minister for Finance under *Sections 26* and *27* shall be advanced out of the Central Fund.

16. *Section 29* provides for the issue from the Central Fund of working capital to each company. The company must issue shares to the Minister equal in nominal value to the amount of working capital provided.

17. *Section 30* provides on standard lines for the keeping of accounts by the companies, for the audit of those accounts and their presentation to each House of the Oireachtas. *Section 31* provides on standard lines for the furnishing by the companies of an annual report and of information to the Minister for Posts and Telegraphs about the annual accounts and reports and about the policy and operations of the companies other than day-to-day operations. *Section 31* also provides that the annual reports must include information in a form to be agreed with the Minister, with the consent of the Minister for Finance, regarding the cost-effectiveness of the companies' operations.

18. *Section 32* requires that one-third of the directors of each company shall be employees who are elected in accordance with the provisions of the section. These are broadly in line with the provisions of the Worker Participation (State Enterprises) Act, 1977. *Part I* of the *First Schedule* to the Bill contains detailed provisions for these elections.

19. *Sections 33, 34 and 35* contain general provisions about directors of the companies. *Section 33* provides that no distinction in the payment of allowances, etc., shall be made between directors appointed from elections carried out under *Section 32* and other directors. *Section 34* provides for the disclosure of certain interests by directors of either company. *Section 35* provides on standard lines that members of Dáil Éireann, Seanad Éireann or the European Assembly shall be ineligible for appointment as directors of either company. It also extends the same prohibitions to membership of the staff of either company.

20. *Section 36* provides for the appointment as first chief executives of the companies of the persons who are employed immediately before the vesting day as chief executives of An Bord Poist and An Bord Telecom, subsequent chief executives being appointed by the companies.

### PART III

#### PROVISIONS APPLICABLE TO BOTH COMPANIES

(comprising *Sections 37 to 58* which contain provisions dealing with transfer of assets to the companies, Users' Councils, appointment of Statutory Interim Boards, transitional arrangements relating to day-to-day operations of the postal and telecommunications services, etc.).

21. *Section 37* deals with the vesting in An Post and Bord Telecom Éireann of land and buildings appropriate to postal and telecommunications services. It provides that land and buildings used for telecommunications purposes will be assigned to Bord Telecom Éireann, those used for postal purposes and buildings shared between the two services will be assigned to An Post. However, An Post will be required under *subsection (4)* to lease back to the telecommunications company that portion of shared buildings being used for telecommunications purposes on the vesting day.

22. *Section 38* provides for the vesting in An Post and Bord Telecom Éireann of other assets appropriate to the two services such as equipment, plant, motor vehicles, furniture, etc., in the possession of the Department of Posts and Telegraphs on the vesting day.

23. *Section 39* deals with the transfer to the two companies of rights and liabilities of the Minister for Posts and Telegraphs by virtue of contracts or agreements entered into by him or by others on his behalf in relation to postal and telecommunications services which are still operative on the vesting day. In the event of a dispute arising as to whether the particular contract or agreement had been taken over by one of the two companies, the Minister for Posts and Telegraphs will have power to issue a certificate clarifying the position.

24. *Section 40* provides for the exemption from stamp duty of the vesting in the companies of property, under *Sections 37 and 38*, and also of the leasing by An Post of portions of shared buildings to Bord Telecom Éireann, under *Section 37(4)*.

25. *Section 41* empowers An Post and Bord Telecom Éireann to acquire land compulsorily subject to the constraints laid down in the *Second Schedule*. (Compulsory wayleave acquisition powers are being given to Bord Telecom Éireann by amendments to the Telegraph Acts contained in the *Fourth Schedule*). The prior consent of the Minister concerned will be required for the acquisition of State lands or of wayleaves in relation to such lands by the companies.

26. *Section 42* provides that the pay and conditions of staff transferred to the companies may not be worsened and that they will remain unchanged unless and until they are varied by the companies following consultation with recognised trade unions and staff associations.

27. *Section 43* requires An Post and Bord Telecom Éireann to provide superannuation schemes for their staff, the terms of which in the case of staff of the Department of Posts and Telegraphs who are transferred to the companies must be not less favourable than those to which they were entitled as civil servants.

28. *Section 44* is an enabling provision to empower trustees of certain welfare funds to cater for the staff of the new State-sponsored bodies and their dependants. At present the funds cater for existing and former staff of the Department of Posts and Telegraphs and their relatives who are in need.

29. *Section 45* provides for the establishment of a separate statutory Users' Council for posts and for telecommunications. The functions of the Councils as set out in *Section 46* are broadly in line with those of the present non-statutory Post Office Users' Council. The new Councils will, however, have a function in relation to tariffs.

30. *Section 47* provides for the appointment of Statutory Interim Boards for postal and telecommunications services when the Bill is enacted with the same functions as the present Interim Boards, An Bord Poist and An Bord Telecom. The Minister may assign other functions to them. These Boards will automatically be dissolved on the vesting day of An Post and Bord Telecom Éireann.

31. *Section 48* gives the companies a statutory entitlement to an increase in charges to compensate for losses incurred in the provision or maintenance of services provided by direction of the Minister for Posts and Telegraphs subject to the conditions that the company establishes that such losses have been incurred over a period of at least 12 months and that such losses were not allowed for in any previous increase in charges. The Minister would be empowered to require an audit of the books and records of the company to establish that the claim for an increase in charges was justified.

32. *Section 49* provides for exemption of monopoly postal and telecommunications services provided by the companies from the provisions of the Restrictive Practices Act, 1972, and from the monopolies provisions of the Mergers, Take-overs and Monopolies (Control) Act, 1978. It also provides that the Prices Acts will not apply to the companies.

33. *Section 50* provides that the Commissioners of Public Works in Ireland shall have power to undertake work at the request of either company and that when performing such work they will be deemed not to be a State Authority for the purposes of the Planning Acts.

34. *Section 51* provides that property vested in An Post and Bord Telecom Éireann on the vesting day would not be exempt from rates.

35. *Section 52* is designed to enable the Statutory Interim Boards appointed under *Section 47* to make advance arrangements during the period between the enactment of the legislation and the vesting day for the licensing of vehicles to be assigned to An Post and Bord Telecom Éireann.

36. *Section 53* provides that, as from the vesting day, claims by or against the Minister for Posts and Telegraphs related to postal and telecommunications services shall be regarded as claims by or against the appropriate company. Outstanding claims by or against Government Departments are excluded from the scope of the section because these are covered by knock-for-knock arrangements.

37. *Section 54* provides for the continuance by An Post or Bord Telecom Éireann, as appropriate, after the vesting day of legal proceedings to which the Minister for Posts and Telegraphs is a party which relate to postal, telecommunications or savings services.

38. *Section 55* is designed to maintain the validity after the vesting day of any notices, certificates, declarations, etc., related to the functions being assigned to the companies which were given by or to the Minister for Posts and Telegraphs and which are extant on the vesting day.

39. *Section 56* provides that licences or permissions granted by the Minister for Posts and Telegraphs which relate to the functions being assigned to the companies and which are extant on the vesting day shall be regarded as having been granted by the appropriate company.

40. *Section 57* provides that the companies will not have to reconsult the Planning Authority after the vesting day in relation to consultations completed or in progress prior to the vesting day by the Minister for Posts and Telegraphs in connection with proposals for the erection or extension of postal or telecommunications buildings.

41. *Section 58* provides that for a transitional period of two years after the vesting day An Post and Bord Telecom Éireann will have relief from the full application of the Planning Acts. The companies will, however, be obliged to comply with conditions imposed on their developments by the Planning Authority or the Minister for the Environment. Developments covered by *Section 57* will not be affected.

#### PART IV

#### THE POSTAL COMPANY

(comprising *Sections 59 to 81* which contain provisions relating to the day-to-day operations of An Post).

42. *Section 59* contains a definition.

43. *Section 60* grants to An Post the postal monopoly which the Minister for Posts and Telegraphs enjoys under *Section 34* of the Post Office Act, 1908.

44. *Section 61* grants to An Post immunity from liability for loss or damage to postal packets and provides that the company's staff will be immune from civil liability except at the suit of the company. The section also provides that the Sale of Goods and Supply of Services Act, 1980, will not apply to international services provided by the company or to internal services unless the Minister for Trade, Commerce and Tourism, after consultation with the Minister for Posts and Telegraphs, makes an Order under this Act.

45. *Section 62* is designed to correct a deficiency in the law under which mail must be delivered to the addressee's residence or place of

business even though an alternative such as a road side letter-box might be quite acceptable.

46. *Section 63* provides for the inviolability of mail except where there is a statutory provision to the contrary. The section also provides immunity from prosecution for staff of the company who in the course of their duties have in their possession or deliver prohibited articles contained in the post.

47. *Section 64* empowers the Minister for Finance, after consultation with the Minister for Posts and Telegraphs and the Central Bank, by Order to permit the postal company to provide banking services including giro.

48. *Section 65* maintains the validity of postal orders and money orders which are unpaid on the vesting day. It also maintains the exemption of money and postal orders from stamp duty and provides that powers of the Revenue Commissioners and the Minister for Finance in relation to postal and money orders will no longer apply. Finally, it provides that An Post will not be obliged to hold a licence under the Central Bank Act, 1971, in connection with its postal or money order business.

49. *Section 66* deals with postage stamps and supplementary insurance stamps. It maintains the validity of postage stamps issued by the Minister for Posts and Telegraphs prior to the vesting day and provides that the design and issue of new postage stamps will be subject to the consent of the Minister for Posts and Telegraphs. It also provides that powers of the Minister for Finance and the Revenue Commissioners in relation to postage stamps will no longer apply; that appropriate portions of the Stamp Acts will apply to postage stamps issued by the company and that certain powers under those Acts in regard to offences applicable to postage stamps and supplementary insurance stamps may be exercised by An Post.

50. *Section 67* provides for the making of schemes by An Post setting out the charges and other terms and conditions which will apply to its services and for publication of such schemes. Any increase in charges set out in such schemes will require the consent of the Minister for Posts and Telegraphs. The company will have power to make special pricing arrangements with customers where appropriate.

51. *Section 68* provides that a certificate signed by an officer of An Post that a sum of money is due to the company will be *prima facie* evidence in Court proceedings of that fact.

52. *Section 69* provides that regulations made under Post Office Acts which lay down charges and other terms and conditions applicable to the postal service will continue to apply after the vesting day unless and until they are superseded by schemes made by the company under *Section 67*.

53. *Section 70* empowers An Post, with the consent of the Minister for Posts and Telegraphs, to grant a licence for the provision of services included in the monopoly granted to it under *Section 60*. It also provides that a person whose application for such a licence is refused may appeal to the Minister whose decision will be final.

54. *Section 71* empowers An Post, with the consent of the Minister for Posts and Telegraphs, in consultation with the Ministers for the Environment and Defence as appropriate, to lay down conditions governing operational aspects of the electoral free postage scheme.

Existing regulations will continue in force after the vesting day unless and until they are amended and any amendment of any existing regulations will require prior Ministerial consent. The section also empowers the Minister for Posts and Telegraphs, after consultation with the appropriate Minister, to direct the company to make schemes or amend existing regulations so that power to implement Government decisions in relation to electoral free postage will continue to be available.

55. *Section 72* provides An Post with a statutory entitlement to recoupment of the postage due in respect of free postal services provided in connection with elections and referenda and in respect of postal packets delivered free-of-postage to Government Ministers, to members of the Oireachtas and to Government Departments.

56. *Sections 73, 74, 75 and 76* contain enabling provisions under which the Minister for Posts and Telegraphs may delegate to An Post work connected with the collection of television licence fees. Under *Section 73* the Minister for Posts and Telegraphs may empower the company to sell television licences on his behalf; he may pass to the company information about transactions in television sets supplied to him under the Wireless Telegraphy Act, 1972; he may authorise the company to exercise on his behalf his functions under that Act so far as they refer to registration of or supply of information by television dealers; or finally he may delegate to the company full responsibility for collection of television licence fees. The section also provides that An Post must supply to the Minister any information he requires in respect of work delegated to it. *Section 74* gives the company power to take summary proceedings for unauthorised possession of an unlicensed television set and for dealers' failure to supply information required by the 1972 Act in the event of responsibility for those matters being delegated to the company by the Minister under *Section 73*. *Section 75* requires the company to pay over to the Minister sums collected for television licences and *Section 76* provides for the recoupment of the company of the cost of work done in the exercise of powers conferred on it under *Section 73*.

57. *Section 77* empowers An Post, in consultation with Bord Telecom Éireann, to determine the hours of business of telegraph offices under its control. It also provides that in the event of disagreement between the two companies either may refer the question to the Minister for Posts and Telegraphs whose decision will be final.

58. *Section 78* provides that one director of An Post shall be a Postmaster elected in accordance with the provisions of the section. *Part II* of the *First Schedule* to the Bill contains detailed provisions for this election.

59. *Section 79* preserves the existing right of postal staff in the course of their duties to enter and leave harbours and Shannon Customs-free airport (including buildings, aircraft, ships, etc., therein).

60. *Section 80* empowers An Post to refuse to accept, open, defer, suspend or delay due course transmission of mail in specified circumstances. It also empowers the company to make provisions about the packaging of mail, to register mail, to demand pre-payment or security for postage or other charges which may become due and to prohibit the inclusion of objectionable matter in the mail.

61. *Section 81* deals with transitional financial arrangements arising from the transfer of staff and functions related to the postal and savings services from the Department of Posts and Telegraphs to An Post. It provides that revenue collected by the company in respect of

services provided before the vesting day will be paid over to the Minister for Posts and Telegraphs; that the Minister will pay over to the company revenue collected by the Department in respect of services to be provided after the vesting day and moneys due to or in respect of staff for the period prior to the vesting day which is paid by the company. Payments under this section will be subject to the concurrence of the Minister for Finance.

## PART V

### THE TELECOMMUNICATIONS COMPANY

(comprising Sections 82 to 95 which contain provisions dealing with the day-to-day operations of Bord Telecom Éireann and the take-over by the company of ownership of Irish Telecommunications Investments Limited).

62. Section 82 contains a definition.

63. Section 83 grants to Bord Telecom Éireann the monopoly which the Minister for Posts and Telegraphs enjoys under the Telegraph Acts except that the company's monopoly will end at a connecting point in subscribers' premises. The section also provides that the penalties applicable at present to breaches of the Minister's telecommunications monopoly will also apply to breaches of the company's monopoly.

64. Section 84 grants to Bord Telecom Éireann immunity from liability for loss, damage or injury arising from failure, interruption, etc., of telecommunications services or errors or omissions in directories and provides that the company's staff will be immune from civil liability except at the suit of the company. The section also provides that the Sale of Goods and Supply of Services Act, 1980, will not apply to international services provided by the company or to internal services unless the Minister for Trade, Commerce and Tourism, after consultation with the Minister for Posts and Telegraphs, makes an Order under this Act.

65. Section 85 empowers Bord Telecom Éireann, with the consent of the Minister for Posts and Telegraphs, to grant a licence for the provision of services included in the monopoly granted to it under Section 83. It also provides that a person whose application for such a licence is refused may appeal to the Minister for Posts and Telegraphs whose decision will be final.

66. Section 86 provides for the making of schemes by Bord Telecom Éireann setting out the charges and other terms and conditions which will apply to its services and for the publication of such schemes. Any increase in charges set out in such schemes will require the consent of the Minister for Posts and Telegraphs. The company will have power to make special pricing arrangements with customers where appropriate.

67. Section 87 provides that a certificate signed by an officer of Bord Telecom Éireann that a sum of money is due to the company will be *prima facie* evidence in Court proceedings of that fact.

68. *Section 88* provides that regulations made under the Telegraph Acts which lay down charges and other terms and conditions applicable to the telecommunications service will continue to apply after the vesting day unless and until they are superseded by schemes made by the company under *Section 86*.

69. *Section 89* provides for the transfer from the Exchequer to Bord Telecom Éireann of funds held as security against the credit allowed to subscribers for call charges. Those sums are refundable when an agreement for telephone or telex service is terminated.

70. *Section 90* provides that Bord Telecom Éireann will replace the Minister for Posts and Telegraphs in any proceedings for the settlement of disputes or differences under the Telegraph Acts which are unresolved on the vesting day.

71. *Section 91* empowers the Minister for Posts and Telegraphs, after consultation with the Minister for the Environment, to make regulations requiring developers of housing and industrial estates and other building developments to provide facilities for the expeditious provision of telecommunications services. This is an enabling provision.

72. *Section 92* empowers Bord Telecom Éireann to determine the duration of a telecommunications call; to suspend, interrupt or disconnect a telecommunications service in specified circumstances; to require security for and advance payment of telecommunications charges; and to prohibit the inclusion or transmission of objectionable matter in telecommunications messages. Subject to Ministerial consent, the company will also have power to recognise prisoners of war, etc., for acceptance of foreign telegrams and determine the acceptability of foreign press telegrams.

73. *Section 93* provides that shares in Irish Telecommunications Investments Limited held immediately before the vesting day by nominees of the Minister for Posts and Telegraphs and the Minister for Finance will be transferred to persons nominated by the telecommunications company with the concurrence of these Ministers. It also provides for amendment of the Memorandum and Articles of Association of Irish Telecommunications Investments Limited to take account of the change of ownership.

74. *Section 94* provides that a person who attempts to fraudulently use or who so uses the telecommunications system is guilty of an offence.

75. *Section 95* deals with the transitional financial arrangements arising from the transfer of staff and functions related to the telecommunications service from the Department of Posts and Telegraphs to Bord Telecom Éireann. It provides that revenue collected by the company in respect of services provided before the vesting day will be paid over to the Minister for Posts and Telegraphs; that the Minister will pay over to the company revenue collected by the Department in respect of services to be provided after the vesting day and moneys due to or in respect of staff for the period prior to the vesting day which is paid by the company. Payments under this section will be subject to the concurrence of the Minister for Finance.

## PART VI

### POST OFFICE SAVINGS BANK AND OTHER SAVINGS SERVICES

(comprising Sections 96 to 103 which contain provisions dealing with the transfer to An Post of responsibility for day-to-day management and operation of the Savings services).

76. Section 96 contains definitions.

77. Section 97 empowers An Post, with the consent of the Minister for Finance, to make regulations setting out the operational details and other terms and conditions which will apply to the Post Office Savings Bank. It provides that existing regulations in the matter will continue to apply after the vesting day unless and until they are superseded by regulations made by the company and it empowers the Minister for Finance, after consultation with An Post, to direct the company to amend or revoke regulations related to the service. In order to remove a legal doubt in the matter, subsection (4) validates regulations made over the years by the Minister for Posts and Telegraphs with the consent of the Minister for Finance under the Post Office Savings Bank Acts.

78. Section 98 empowers An Post to decide when and where Post Office Savings Bank business may be transacted and to determine other matters relating to the transaction of Post Office Savings Bank business.

79. Section 99 grants to An Post immunity from liability for loss or damage suffered by any person in connection with services of the Post Office Savings Bank. It also provides that the staff of An Post will be immune from civil liability except at the suit of the company.

80. Section 100 provides for continuation of the existing arrangements under which all cheques, warrants, etc., executed on behalf of the Post Office Savings Bank are exempt from stamp duty; correspondence between the Bank and persons within the State or depositors outside the State may be transmitted free-of-postage and postage due on such correspondence is recouped from the funds of the Bank.

81. Section 101 provides that statutory restrictions on disclosure of information about Post Office Savings Bank deposits will not apply to disclosure of information required for the purpose of Court proceedings in respect of an offence.

82. Section 102 is a transitional provision under which An Post will be substituted for the Minister for Posts and Telegraphs in any proceedings which are pending on a reference to the Registrar of Friendly Societies about a Post Office Savings Bank account or a Savings Certificate.

83. Section 103 provides for payment to An Post (from the funds of the Post Office Savings Bank in the case of the Bank) in respect of work done in relation to the Savings services; the amount involved to be determined by the company with the consent of the Minister for Finance. It also provides that moneys received in relation to the Savings services by An Post must be paid over promptly to the Minister for Finance and it requires the company to supply any information the Minister for Finance may request about the Savings services, including the company's management of them.

## PART VII

### FUNCTIONS OF MINISTER FOR POSTS AND TELEGRAPHS

(comprising Sections 104 and 105 which deal with residual functions and powers of the Minister for Posts and Telegraphs in regard to public policy relating to postal and telecommunications services).

84. Section 104 empowers the Minister for Posts and Telegraphs to give binding directions to the companies, as necessary, to comply with Government policy in relation to the development of the postal and telecommunications services, to ensure compliance with international obligations of the Government or the State or to perform work for the Government. It provides that such directions shall be given by way of Order, to be laid before each House of the Oireachtas, if the company concerned so requests, except where the direction refers to compliance with international obligations or to public order or security. The section also empowers the Minister in consultation with the companies and with the consent of the Minister for Finance to formulate financial targets to be achieved by the companies.

85. Section 105 empowers the Minister for Posts and Telegraphs with the consent of the Minister for Finance to grant licences for the provision of services of a kind included in the monopolies granted to the companies by Sections 60 and 83, respectively. It provides that in the event of such a licence being granted appropriate provisions of the Bill as enacted may be applied by regulations to the licensee as they apply to the companies. The section also empowers the Minister to grant licences for the provision of telecommunications services of a kind not included in the monopoly of Bord Telecom Éireann. Such licences will contain conditions which will ensure that any telecommunications services provided under them will be compatible with the public telecommunications network.

### SCHEDULES

86. There are four Schedules to the Bill. Part I of the First Schedule details the arrangements for the election of employees as directors of the companies under Section 32. Part II of the First Schedule contains arrangements for the election of a Postmaster as a director of An Post under Section 78. The Second Schedule sets out the detailed provisions which will apply to the compulsory acquisition powers being conferred on the companies under Section 41. The Third Schedule specifies the provisions of existing legislation to be repealed or revoked under Section 7. The Fourth Schedule specifies the provisions of existing legislation to be amended under Section 8.

*An Roinn Poist agus Telegrafa,  
Bealtaine, 1982.*