



## **Comhchoiste um Airgeadas, Caiteachas Poiblí agus Athchóiriú, agus an Taoiseach**

Tuarascáil maidir leis an nGrinnscrúdú  
Réamhreachtach ar Scéim Ghinearálta an Bhille um  
Rochtain ar Airgead Tirim

Márta 2024

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## **Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach**

Report on Pre-Legislative Scrutiny of the General  
Scheme of Access to Cash Bill

March 2024



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## Related information

### Publications

All publications for this committee are available on the [Oireachtas website](#).

### Committee videos

Footage of Committee proceedings can be found on the [Committee videos page](#).

### Contact details

The contact details for the Committee can be found on the [Committee page](#).

### Terms of reference

Read the [terms of reference](#) for the Committee.

## Committee Membership

### Cathaoirleach

[John McGuinness TD](#), Fianna Fáil

### Leas-Cathaoirleach

[Bernard Durkan TD](#), Fine Gael

### Members

[Richard Boyd Barrett TD](#), Solidarity - People Before Profit

[Rose Conway-Walsh TD](#), Sinn Féin

[Pearse Doherty TD](#), Sinn Féin

[Damien English TD](#), Fine Gael

[Steven Matthews TD](#), Green Party

[Jim O'Callaghan TD](#), Fianna Fáil

[Peadar Tóibín TD](#), Aontú

[Senator Maria Byrne](#), Fine Gael

[Senator Pat Casey](#), Fianna Fáil

[Senator Aidan Davitt](#), Fianna Fáil

[Senator Alice Mary Higgins](#), Independent

[Senator Marie Sherlock](#), Labour

## Foreword

The Joint Committee agreed to conduct Pre-Legislative Scrutiny of the General Scheme of the Access to Cash Bill 2024. As part of its scrutiny the Joint Committee held two public meetings to discuss the provisions of the General Scheme.

The first meeting was held on 27 February with officials from the Department of Finance and representatives of the Banking and Payments Federation of Ireland. A second meeting was held on 6 March which was attended by representatives of Age Action. The Joint Committee also sought written submission from a range of relevant stakeholders to inform their scrutiny of the General Scheme.

This report sets out the details of that scrutiny, highlights a number of key issues and contains recommendations that the Joint Committee feel would enhance and strengthen the Bill.

I would like to express my sincere thanks to the witnesses and to the organisations who provided written submissions for their assistance to the Committee and to the Members for their work in this process. The Joint Committee looks forward to the Bill's progression through the Houses of the Oireachtas and on engaging on the Bill again at Committee stage.

**John McGuinness TD**

Cathaoirleach to the Committee  
26 March 2024

## All recommendations

1. The Committee recommends that consideration is given to including the coverage in a 5 km radius within the defining criteria in addition to the coverage in a 10 km radius.
2. The Committee recommends that the criteria under Head 6 is amended to clearly capture the distinction between the types of ATMs.
3. The Committee recommends that consideration be given to ensuring that the criteria makes a distinction between access during business hours (i.e. over the counter banks/post offices and ATMs in shops) and 24 hour access.
4. The Committee recommends that provision be made within the criteria for a minimum level of accessible ATMs which must provide the necessary functionality to be accessible for those with visual impairment.
5. The Committee recommends the provision of a clear timeline for the publication of guidelines in relation to the assessment and classification of local deficiencies and when a remedy is appropriate and proportionate. The guidelines should clearly outline:
  - who can raise the issue of a local deficiency and how that process will operate
  - how a deficiency will be assessed and classified
  - who will be responsible for ensuring that any proposed remedy is appropriate and proportionate
6. In order to ensure that all factors listed under section 3 of this Head are included in the assessment of any potential local deficiency, the Committee recommends that section three of Head 7 is amended by deleting “may” and replacing with “shall” to read: “The relevant factors to be considered by the Bank shall include...”
7. The Committee recommends that access to public transport, geographic factors and demographics of the impacted population, are given special consideration in the assessment of any potential local deficiency.

8. The Committee recommends that a monitoring and review group be established including membership from the community and voluntary sector and DPROs. This should include a mechanism by which vulnerable groups can raise concerns related to access to cash infrastructure.
9. The Committee recommends that consideration is given to making the data collected from relevant entities including banks and IADs publicly available, in a similar manner to the publication of the Central Bank's monthly card payment statistics.
10. The Committee welcomes that Head 10 introduces the ability for the Minister to prohibit or cap charging access fees for the use of ATMs and emphasises the importance of this provision.
11. The Committee recommends that an obligation to make available denominations of cash lower than €50 be included in the regulations to be applied to IADs.
12. The Committee recommends the inclusion of a mechanism to notify affected parties (stakeholders, residents of the region) once the Central Bank has been given notice of a proposed business change as defined under this Head.
13. The Committee recommends that it be a prescribed requirement that ATM operators provide accessible ATMs which have a headphone socket and text-to-speech functionality.
14. The Committee recommends that a review be conducted on the accessibility of existing ATMs with a view to implementing the upgrade of the existing stock of ATMs should it be required.



## Introduction

The General Scheme of the Access to Cash Bill 2024 was provided to the Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach ('the Committee') for decision on whether the Committee wished to undertake pre-legislative scrutiny in January 2024 – a link to the text of the General Scheme can be found in [Appendix 4](#).

The Committee decided to undertake pre-legislative scrutiny of the General Scheme by holding a meeting on 27 February 2024 with officials from the Department of Finance and representatives of the Banking and Payments Federation (BPF). A further meeting was held on 6 March with representatives from Age Action. In addition, written submissions were sought from a range of relevant stakeholders. A full list of stakeholders and links to submissions received can be found at [Appendix 2](#).

## Purpose of the Bill

The 2022 [Retail Banking Review](#) found that there is a reasonable level of cash access in the State, but it noted that there is no framework to maintain reasonable access to cash into the future.

Accordingly, the Review recommended that the Department of Finance should develop Access to Cash legislation with the initial objective of developing criteria that would secure access to cash at about the levels prevailing in December 2022, but also to provide for such criteria to be amended appropriately in future as and when cash usage changes further.

The purpose of this Bill therefore, is to provide for continued reasonable access to cash in the State. It aims to ensure that the evolution of the access to cash infrastructure does not move ahead of society's needs and expectations and that future of access to cash infrastructure is handled in a fair, orderly, transparent and equitable manner for all stakeholders. The key elements of the Bill relate to access to cash; resilience of the cash system; and a miscellaneous provision.

## General Scheme

The General Scheme of the Access to Cash Bill 2024 contains 37 Heads in 4 Parts as follows:

Relevant Heads of Bill	Section	Measure	Discussed in report
1		Short title and commencement	p.12
2		Purposes of this Bill	p.12-13
3		Interpretation	p.13
4		Expenses	
5		Power of Bank to require information, records, plans, etc.	
6		Reasonable access to cash	p.13-17
7		Local deficiencies	p.18-21
8		Monitoring and enforcement	p.21-23
9		Designated entities	p.23-24
10		Prohibition of charging of access fees	p.24
11		Scope of Bank's supervision - performance of certain functions	p.25-26
12		Obligation on Cash-In-Transit companies and ATM deployers to register with the Bank	p.26
13		Transitional provision for existing CITs and ATM deployers	
14		Application for registration	
15		Grant and refusal of applications for registration	

16	Bank may impose conditions on a CIT company when granting an application for registration	
17	Terms of registration	
18	Bank may amend registration granted to a CIT company or ATM deployer	
19	Regulatory disclosure statement	
20	Offence to fail to comply with conditions or prescribed requirements	
21	Revocation of registration by Bank on application of holder	
22	Revocation of registration other than on application of holder	
23	Direction not to carry out business other than as directed	
24	Bank to publish notice of revocation	
25	Bank's power to make regulations for this Part	
26	Prescribed requirements for ATM Operators	p.27-29
27	Holders of registrations to retain certain records	
28	Bank's power to give directions	
29	Bank may apply to High Court for orders enforcing directions	
30	Power to appoint authorised officers	
31	Powers of authorised officers	

32	Application of certain parts the Central Bank Reform Act 2010	
33	Amendment to Companies Act 2014	
34	Cooperation between the Bank and the Private Security Authority	p.34
35	Amendment of Section 33AK(5) of the Central Bank Act 1942	
36	Amendment of Section 32D of the Central Bank Act 1942	
37	Amendment of Section 50 of the Central Bank Act 2013	

## Procedural basis for scrutiny

Pre-legislative consideration was carried out in accordance with Standing Order 174A, which provides that, prior to its presentation or introduction, a General Scheme of a Bill shall be given to the committee empowered to consider Bills published by the relevant member of Government.

## Consideration of the General Scheme

### Meetings Held

The Committee held a meeting on 27 February 2024 to discuss the provisions of the General Scheme with officials from the Department of Finance and representatives from the Banking and Payments Federation of Ireland (BPFI). The Committee also met with representatives of Age Action in public session on 6 March 2024. Further details and links to the opening statements and the Official reports of these meetings are included in appendices to this report. A number of written submissions were also sought from relevant stakeholders. A full list of stakeholders and links to the submissions are available at [Appendix 2](#).

### Witnesses

Date	Session	Witness
27 February 2024	Session One	<ul style="list-style-type: none"> <li>• Oliver Gilvarry – Assistant Secretary, Banking and Financial Stability, Department of Finance</li> <li>• John Palmer - Principal Officer, Banking and Financial Stability Division, Department of Finance</li> <li>• Susan O'Reilly - Principal Officer, International Finance Division, Department of Finance</li> </ul>
27 February 2024	Session Two	<ul style="list-style-type: none"> <li>• Brian Hayes – CEO, Banking and Payments Federation Ireland</li> <li>• Gavin Purtill - Director, Supervision &amp; Regulation, Banking and Payments Federation Ireland</li> <li>• Gill Byrne - Head of Payments, Banking and Payments Federation Ireland</li> <li>• Ali Ughr - Chief Economist, Banking and Payments Federation Ireland</li> </ul>
6 March 2024	NA	<ul style="list-style-type: none"> <li>• Nat O'Connor – Senior Public Affairs and Policy Specialist, Age Action</li> </ul>

## Overview and Assessment of General Scheme

### Part 1 – Preliminary and General

**Head 1** of the General Scheme are standard provisions necessary for its enactment.

**Head 2** is a standard provision inserted to outline the overall purpose of the legislation: -

- i. To ensure the continuation of reasonable access to cash;
- ii. To develop a framework to manage future changes in the access to cash infrastructure in a fair, equitable and transparent manner; and
- iii. To bring ATM deployers and Cash in Transit companies within the regulatory perimeter of the Central Bank of Ireland

**Head 3** is a standard provision to set out interpretations for the terms used in this Bill.

Further interpretations may be included during the drafting process.

### Part 2 – Reasonable Access to Cash

#### Head 6: Reasonable access to cash

**Head 6** defines what reasonable access to cash is by setting criteria for the level of access to cash which should be available in different geographical regions. The regions for this Bill will be the NUTS3 regions established under the nomenclature of territorial units for statistics (NUTS3) classification, relied on by statistical agency Eurostat. There are eight NUTS3 regions in Ireland.<sup>1</sup>

It has been designed to ensure the access to cash infrastructure is initially preserved at approximately December 2022 levels, as outlined in the Retail Banking Review<sup>2</sup>, but with the two main retail banks who exited the market during 2022/2023 removed.

Separate criteria are used for withdrawal and lodgement. For withdrawal, the Head refers to ATM access in section 1. It sets out a population criterion that will require X% of the population in a specific region to be no more than 10 km from an ATM. It also sets out capacity criteria by population, by way of establishing a minimum number of ATMs per 100,000 people.

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<sup>1</sup> [Information Note for Data Users: revision to the Irish NUTS 2 and NUTS 3 Regions - CSO - Central Statistics Office](#)

<sup>2</sup> [gov - Retail Banking Review \(www.gov.ie\)](#)

For deposits, the Head refers to “cash service points” in section 1, point (iii). While this does include ATMs, a large proportion of deposits are made at counters in bank branches or in post offices. These will be set out in a regulation to be made by the Minister.

With regard to the decision around key criteria under this Head, Members drew attention to figures which show that Ireland already has a penetration of 99% of the population within 10 km of an ATM and that there are 81 ATMs per 100,000 people. It was also raised that in other jurisdictions 95% of the population live within 1 mile of an ATM in an urban area and within 3 miles in a rural area. Officials told the Committee that a number of options were considered but the decision was arrived at to set the criteria at a distance of 10 km alongside the local deficiency clause (discussed under Head 7).

The written submission from the Irish Rural Link (IRL) highlights the connection between access to cash and transport, referencing a recent survey conducted alongside Social Justice Ireland finding that 37% of respondents were between a distance of 10km and 20km from a bank, while 17% were more than 20km from a bank. Concern is raised about the ATM or cash service being no more than 10km if a person does not have access to transport to these services.

The IRL submission outlines that from the survey, a good percentage of people lived within 5km of a post office. While these can offer cash services and possibly ATMs, it did not suit everyone if they needed access to cash outside of their opening hours, which is usually 9am to 5pm and in smaller towns and villages close for lunch.

The Committee heard from the Department of Finance that at a State level, the coverage is approximately 87.4% in a 5 km criterion, which compares to 99% coverage in a 10 km criterion.

It was queried if it would be possible to include this figure in tandem with the 10 km criteria and in this way, ensure access to cash remains at its current level. Further, it was suggested that if the 5 km rate were set at the current level of 84.7% and the demand for cash reduces in the future, then it would be possible for the Minister to revise this figure downwards in line with any potential decrease in demand for cash services.

BPFI say that banks will face replacing services withdrawn by other providers with a potential cost imposed. To this end, BPFI suggest revision of the geographical radius from

10k to 15k in line with An Post's geographical commitments. BPI also were of the view that the scope should be extended to Post Offices and cashback services.

#### Recommendation

1. The Committee recommends that consideration is given to including the coverage in a 5 km radius within the defining criteria in addition to the coverage in a 10 km radius.

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During the course of hearing evidence from the Department, the Committee discussed the definitions of “ATMs” and “Cash service points”, within this Bill the following definitions are used:

- “Access to cash infrastructure” is defined in the Bill as ATMs and cash service points.
- “ATMs” are defined as an electromechanical device that allows authorised users, typically using machine-readable plastic cards, to withdraw cash from their accounts and/or access other services (allowing them, for example, to make balance enquiries, transfer funds or deposit money).
- “Cash service points” are defined as a location operated by designated entities or by entities with an agency relationship with one or more designated entities where cash can be deposited and withdrawn by consumers and SMEs and where in-person assistance is available during normal business hours.

During this discussion, the Committee heard that within these definitions there are further categories of ATMs:

- “Limited ATMs” which are located within a premises not open to the general public and requires membership or patronage, such as a stadium or concert venue and whose use is therefore, limited.
- “Unlimited ATMs” are those which are available to access at all times. Such ATMs include ATMs located outside e.g. traditional ‘hole in the wall’ ATMs.
- The final category consists of ATMs which are located within a business premises and so, may only be accessed during business hours.



While it was clarified that limited ATMs have been excluded from the calculation of the criteria, Members raised queries around the number of ATMs being counted, asking if the ATMs located inside of banks are counted. Department officials clarified that ATMs located inside the banks have been included in the total figures which may skew the overall availability. For example, if a bank has four ATMs but three of those are located within the premises, then they cannot be available outside of business hours but will still be included within the calculation.

As such, it appears that there is no distinction within the legislation as currently drafted between the *types* of ATMs to be available. That is, there is no distinction in the heads of Bill with regard to whether an ATM is available 24 hours a day, 7 days a week or, from 9 am to 6 pm.

In addition, the submission from Age Action makes the point that it is important that the law does not conflate ATMs with over-the-counter financial services in terms of the quality of access through “cash service points”. Older persons are least likely to use ATMs or ‘cashback’ from a retailer and most likely to withdraw over the counter in a bank or post office.

As outlined in the evidence provided by the Department around the various categories, the Committee is of the view that there is a clear distinction between the types of ATM available and this should be captured in the legislation in order to ensure that the objective of unrestricted access to cash is achieved.

#### Recommendation

2. The Committee recommends that the criteria under Head 6 is amended to clearly capture the distinction between the types of ATMs.
3. The Committee recommends that consideration be given to ensuring that the criteria makes a distinction between access during business hours (i.e. over the counter banks/post offices and ATMs in shops) and 24 hour access.

The Department considers that the number of ATMs available as calculated would provide sufficient coverage for the vast majority of the population in line with the defining criteria. However, it was raised that this may not provide sufficient coverage in less densely populated areas, taking for example regions along the Wild Atlantic Way. The Department responded that this is the reason for the local deficiencies criteria under Head 7, intended to act as a reinforcing pillar by which to identify and fill those gaps as and when they appear. The provisions of Head 7 will be discussed in the next section.

Finally, the submission received from Voice of Vision Impairment (VVI) raises the issue of the lack of ATMs which are accessible to visually impaired people. The submission cites an article by VVI<sup>3</sup> which outlines the decline in accessible ATMs, detailing how by September 2022 Ulster Bank was the only provider of accessible machines, i.e., those with a headphone jack and text-to-speech functionality. The article notes that while tactile interfaces are an accessibility prerequisite for visually impaired customers, without the ability to ‘read’ what is on the screen, transactions are virtually impossible.

They say the exit of Ulster Bank from the market in 2023 has resulted in a situation where there are now no accessible ATMs, as no other ATMs provide this function. As such, provision for the right of visually impaired people to access their own money ought to be accommodated within this legislation.

#### Recommendation

4. The Committee recommends that provision be made within the criteria for a minimum level of accessible ATMs which must provide the necessary functionality to be accessible for those with visual impairment.

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#### Head 7: Local deficiencies

**Head 7** makes provisions for addressing local deficiencies. Local deficiencies are cases where, although the population and capacity criteria set out in Head 6 are being met, localised difficulties with access to cash infrastructure arise. Reasons for these deficiencies may vary and may arise due to challenges with local infrastructure, or from large scale

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<sup>3</sup> [Accessible ATMs in Ireland to go from Few to None – Voice of Vision Impairment \(vvi.ie\)](https://www.vvi.ie/accessible-atms-in-ireland-to-go-from-few-to-none)

increases in population due to several large housing schemes coming on stream within a short period.

The General Scheme sets out that the Central Bank shall issue guidelines on this provision prior to its implementation. The submission from the Central Bank emphasises that the process of identifying local deficiencies must be based on a transparent framework and rely as much as possible on objective criteria.

To this end, the Central Bank will develop guidelines for how a local deficiency process will operate and consult on these guidelines. This will include the criteria for a person to make submissions to the Central Bank, and to request a local deficiencies review in their area. The guidelines will also address the Central Bank's assessment and classification of local deficiencies and when a remedy is appropriate and proportionate. It is further envisaged that the Central Bank will have the powers to issue directions and pursue administrative sanctions where necessary in addressing breaches of reasonable access to cash and local deficiencies.

Questions were raised about how the provisions in this Head will operate in practice. The Department outlined that it is intended to create a collaborative space for the retail banks through which a notification can be issued regarding an identified local deficiency. The designated entities must then work together to propose a solution. If no designated entity makes a proposal to provide a solution, then a draft directive will be issued to a specific entity.

Following the issuing of a draft directive, the designated entity will have two weeks to comply. If the designated entity fails to comply, it then becomes a designated enactment with an administrative fine imposed. The Committee heard that the process has been designed with the intention of providing flexibility in line with best practice in other jurisdictions.

### Recommendation

5. The Committee recommends the provision of a clear timeline for the publication of guidelines in relation to the assessment and classification of local deficiencies and when a remedy is appropriate and proportionate. The guidelines should clearly outline:

- who can raise the issue of a local deficiency and how that process will operate
  - how a deficiency will be assessed and classified
  - who will be responsible for ensuring that any proposed remedy is appropriate and proportionate
- 

As currently drafted, Section 3 of this Head sets out:

3. *The relevant factors to be considered by the Bank **may** include:*
- a. The size of the population likely to be impacted by the deficiency;*
  - b. The prevailing level of cash infrastructure prior to the deficiency, where relevant;*
  - c. The nearby availability of alternative access to cash infrastructure*
  - d. Hours of availability;*
  - e. Travel and geographic factors;*
  - f. The demographics of the impacted population;*
  - g. The impact on financial inclusion; and*
  - h. Such other matters as the Bank considers appropriate.*

The submission from the Irish Rural Link (IRL) welcomes the identification of gaps and deficiencies at the NUTS3 regional level and agree that the relevant factors to be considered by the Bank are appropriate. However, IRL would recommend that the age of population also be included. In some regions, particularly the Border and West, population may decline but the age profile of the population increases.

Age Action state that it is essential that lack of access to public transport be considered a ‘local deficiency’ in the sense defined in the Bill. Age Action refer to the figures provided the *Access to Cash: Supplementary Information*<sup>4</sup> report and urge caution in interpreting the statistics in isolation from the issue of transport as well as access to counter services.

As outlined above, this Head provides a list of relevant factors which may be considered by the Central Bank in the assessment of each potential local deficiency. In light of evidence received, the Committee is of the view that the factors listed under this section are all relevant and constitute due consideration.

## Recommendation

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<sup>4</sup> [Access to Cash: Supplementary Information \(www.gov.ie\)](http://www.gov.ie)

6. In order to ensure that all factors listed under section 3 of this Head are included in the assessment of any potential local deficiency, the Committee recommends that section three of Head 7 is amended by deleting “may” and replacing with “shall” to read:

“The relevant factors to be considered by the Bank shall include...”

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In particular, the Committee would suggest that *(e) travel and geographic factors* and *(f) the demographics of the impacted population* are always considered in the assessment of any potential local deficiency.

#### Recommendation

7. The Committee recommends that access to public transport, geographic factors and demographics of the impacted population, are given special consideration in the assessment of any potential local deficiency.
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The Age Action submission (p.6) breaks down CSO data around the distance people live from a bank or post office in comparison to distances from public bus stops, showing that some 1.4 million people in rural areas are not served by public transport and therefore, meet further obstacles in accessing cash.

Age Action suggest that coordination with the Department of Social Protection (DSP) might be a possibility in considering where ATMs are required. This could be done by way of cross-tabulation of recipient addresses (held by DSP) with the known location of cash facilities to allow a mapping exercise to be conducted to identify residences of cash-users furthest from cash facilities. It is further suggested that mapping of public transport to ensure adequate transport options to access cash facilities should be part of this exercise.

#### Head 8: Monitoring and enforcement

**Head 8** sets out that the Bank will monitor and publish information in relation to cash provision in the State, which it will do having regard to information gathered from all relevant entities, the designated entities (i.e., main retail banks), and also other ATM operators such as Independent ATM deployers (IADs) under this legislation. This

information will be gathered and analysed in order to determine whether the criteria set out in the legislation are being met.

Age Action highlight that the minimum standards provided for under this head will be helpful, if adequately enforced. However, the submission suggests that more detail is required on how the legislation will be monitored over time and asks a series of practical questions such as to whom would one make a complaint? How quickly is it likely to be addressed? And how will it be determined which financial institution will have to provide an ATM where there is a gap?

The Irish Rural Link state that reports in relation to cash provision and number of ATMs and cash services available must be easily accessible and if changes are to be made, necessary stakeholders should be notified early to determine what the impacts of the changes will be and who will be impacted. To this end, IRL recommend the establishment of a Monitoring/Review Group and suggest that CSO's and Community and Voluntary sector are part of any such group that is established to ensure the cash needs of vulnerable groups continue to be met. Further, there should be a mechanism in place where vulnerable groups can raise concerns if the ATM or cash service in the area is under threat of closure.

The submission from Voice of Vision Impairment draws attention to the UNCRPD, under which Disabled Persons Representative Organisations (DPROs) are the legitimate representative organisations regarding disability, and in terms of disability-proofing policies, the views and opinions of DPROs should be prioritised. To this end, the Committee take the view that any monitoring and review group established should also include representation from DPROs.

### Recommendation

8. The Committee recommends that a monitoring and review group be established including membership from the community and voluntary sector and DPROs. This should include a mechanism by which vulnerable groups can raise concerns related to access to cash infrastructure.

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The submission from MABS emphasises the importance of data collection under this Head to ensure that conditions of the Bill are being met, while also providing for a new, nationally collated data set for the purposes of monitoring cash access and use in Ireland.

This provision requires that the Central Bank will monitor and publish the number of ATMs and cash service points in each regional area. This will include gathering appropriate data from all relevant entities including banks and IADs. MABS would support the availability and accessibility of this data in the public domain, suggesting that this could be done in a similar manner to the publication of the Central Bank’s monthly card payment statistics.

#### Recommendation

9. The Committee recommends that consideration is given to making the data collected from relevant entities including banks and IADs publicly available, in a similar manner to the publication of the Central Bank’s monthly card payment statistics.
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#### Head 9: Designated entities

**Head 9** sets out that designated entities will be credit institutions that provide current accounts in the Irish market that meet the following criteria to be set by the Minister in Regulations:

- The entity has more than 5% of current/payment accounts; and
- It holds more than 5% of household deposits.

It will be the responsibility of the Central Bank to identify entities meeting the criteria and reviewing the position on a regular basis to see if currently designated entities no longer meet the criteria and if a new entity does. This Head allows for a review in response to events, e.g., a take-over or an exit leading to redistribution of customers and deposits to other entities.

The Committee heard that the intention behind the 5% de minimus is to ensure that the burden of access to cash is distributed proportionately and fairly among designated entities. This is intended to allow for future proofing given that there is uncertainty as to how the market will be composed in the future.

The Banking and Payments Federation of Ireland (BPFi) told the Committee that the measures introduced by this legislation are “neither fair nor equitable”. BPFi take the view that an undue burden is being placed on the three retail banks in their role as designated entities by placing sole responsibility on those entities to ensure access to cash remains at

current levels, despite the fact that they are only responsible for one third of the ATM infrastructure of the State. However, this composition is largely a result of the sell-off in recent years of ATMs by the retail banks to independent operators. The Department clarified the rationale for designating the three retail banks as “designated entities” is tied to the objective of enabling people to access their own cash. The vast majority of deposits are held by the retail banks and so it is appropriate that they are responsible for ensuring access to that cash.

Attention was drawn to the potential for other institutions to become designated entities in the future, if and when the set thresholds are crossed. It was further outlined that while An Post is part of the solution with regard to cash services, it is not a banking provider and does not provide the full range of services that a bank does.

The Committee notes that the BPFİ disagrees with the Bill in regard to the initial designation of designated entities but takes the view that the Bill makes appropriate provision for the future designation of entities, as and when the thresholds set out are met.

#### **Head 10: Prohibition of charging access fees**

**Head 10** deals with access fees, which is typically a flat rate charged irrespective of the amount being withdrawn, to use a specific ATM. Access fee, which are a feature in some other countries, are not generally a feature in Ireland.

In recognition of the fact that access to cash is not “reasonable” if it comes at a high cost to the consumer/user, and the imposition of such fees would increase financial exclusion, the purpose of this Head is to give the Minister the power to make regulations that would prohibit or cap ATM operators from charging consumers with EU bank accounts an access fee to withdraw cash from an ATM in Ireland by commencing the Section.

The submission from MABS provides insight to the range of clients it supports and draws attention to the additional financial burdens which are sometimes faced by those who rely on cash, citing charges on ATM withdrawals and ‘cash premiums’ for paying for public transport, utility bills or other household charges. MABS views this provision as particularly important in that regard.



## Recommendation

10. The Committee welcomes that Head 10 introduces the ability for the Minister to prohibit or cap charging access fees for the use of ATMs and emphasises the importance of this provision.
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## Part 3 – Registration regime for Cash-In-Transit companies (CITs) and Independent ATM deployers (IADs)

### Head 11: Scope of Bank's supervision – performance of certain functions

**Head 11** provides that the functions conferred on the Bank under the Bill shall include providing for a registration regime for CIT companies and ATM deployers and supervising their compliance with obligations under that regime and this legislation. The intention of this is to make clear the intended function of the Bank under the access to cash legislation vis-à-vis ATM deployers and CIT companies.

As the operation of ATMs is not currently regulated by the Central Bank, there are no codes or regulations governing service standards, including hours of operation, denomination stocking, outages and maximum repair times. Reporting is voluntary and there are no requirements to give notice of decisions to close or install ATMs or indeed of a decision to exit the business or enter it.

The provisions of this Head will ensure that CIT companies and ATM operators must register with the Central Bank, in order to supervise compliance with obligations. Such obligations would include notification of an intent to withdraw an ATM with sufficient notice, in order to allow for the identification and accommodation of any deficiency that may arise from its withdrawal.

The submission from the Private Security Authority (PSA) provides detail around the expansion of companies within the CIT sector into financial activities and the subsequent finding that financial activities of the CIT sector do not come under the regulation of any Department or regulator. The PSA raised concerns around the regulatory deficit and welcomes that the provisions of this Bill will address that deficit by allowing the Central Bank to regulate the financial aspects of the CIT sector.

The submission from the Central Bank (CB) outlines that the main role of the CB in overseeing IADs will be to produce regulations to set minimum service standards and oversee compliance with these standards. In comparison to the authorisation process applied to other firms within the financial sector<sup>5</sup> regulated by the Central Bank, registration for IADs will require applicant firms to provide basic information only. Further, the submission from the Central Bank draws a distinction between the oversight model to be applied to IADs and what it refers to as a full supervisory regime, which would assess the safety and soundness of firms through several lenses. In the case of oversight of IADs, the oversight regime will:

1. Ensure IADs are adhering to service standards; and
2. Ensure IADs provide sufficient notice of withdrawal of services.

A registration and oversight regime will be implemented for the CIT sector and will involve the collection of data by the CB to monitor the evolution of CITs and observe early warning signs of stress in these entities. The Central Bank will have the power to:

1. Require CIT companies notify the Central Bank in advance of material changes planned to their business; and,
2. Require CIT companies to have business continuity plans and exit strategies to ensure an orderly withdrawal from the Irish market in the event they decide to leave.

#### **Head 12: Obligation on Cash-In-Transit companies and ATM deployers to register with the Bank**

**Head 12** requires persons intending to provide the services of an ATM deployer or a CIT company to register with the Bank. It establishes that carrying on the business of a CIT company or an ATM operator without being regulated by the Central Bank will be an offence.

#### **Head 26: Prescribed requirements for ATM operators**

**Head 26** deals with prescribed requirements for ATM operators. This Head allows for the Bank to require ATM Operators, to submit information to the Bank about service levels of ATMs to ensure that consumers have a reasonable expectation that an ATM is operational.

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<sup>5</sup> Authorisation assessments are more intrusive and focus on areas including applicant firms' risk management frameworks, governance arrangements, fitness and probity of key staff, business plans, strategy, financial resilience, operational resilience, IT frameworks, and ability to recover and/or safely wind down

Service levels may include % of time that an ATM is operational, and denominations stocked.

In addition, ATM Operators will need to notify the Central Bank about any business changes that could potentially impact the cash system as a whole. This would ensure that, if an ATM operator intends to withdraw a number of ATMs, the Central Bank receives sufficient notice and can notify designated entities of the upcoming change to facilitate an appropriate response.

With regard to the regulations to be imposed on IADs, the submission from the Irish Rural Link suggests better regulation on hours of availability of ATMs and further asks that lower denominations of cash be made available. MABS also raise this point in their submission, stating that the amount of €20 is regularly unavailable for withdrawal forcing a minimum withdrawal of €50 and that the consumer may not have this amount in funds available to them, especially if they are low-income and/or in receipt of social welfare.

#### **Recommendation**

11. The Committee recommends that an obligation to make available denominations of cash lower than €50 be included in the regulations to be applied to IADs.
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The submission from the Irish Rural link welcomes the required lead-in time for notification of withdrawal of a service by an ATM operator. With this in mind, they would recommend that the Bank, once notified of changes by the operator, relevant stakeholders are notified of the closure so that the public in the area are aware in advance of the closure.

#### **Recommendation**

12. The Committee recommends the inclusion of a mechanism to notify affected parties (stakeholders, residents of the region) once the Central Bank has been given notice of a proposed business change as defined under this Head.
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With regard to the issues raised by the Voice for Visual Impairment submission, and noting that while tactile interfaces are an accessibility prerequisite for visually impaired customers

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on all bank card machines (including ATMs and contactless payment facilities), without being able to ‘read’ what is on the screen, transactions for any customer would be virtually impossible.

Further, the submission from Voice of Vision Impairment raises the transposition of the European Accessibility Act in Irish law in S.I. No. 636/2023. Under this Act, new ATMs will have to be accessible from 28 June 2025. With this in mind, the Committee considers it appropriate that a requirement of ATM operators should be the provision of accessible ATMs, which have a headphone socket and text-to-speech functionality.

#### **Recommendation**

13. The Committee recommends that it be a prescribed requirement that ATM operators provide accessible ATMs which have a headphone socket and text-to-speech functionality.
  14. The Committee recommends that a review be conducted on the accessibility of existing ATMs with a view to implementing the upgrade of the existing stock of ATMs should it be required.
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#### **Head 34: Cooperation between the Bank and the Private Security Authority**

Currently, the Private Security Authority (PSA) is competent authority for CIT companies. However, its functions primarily relate to the security requirements of these entities’ activities and not the provision of financial services. The intention is for the Bill to allow the Bank to regulate these entities for the provision of financial service activities.

This means that CIT companies will be regulated by the PSA for security activities and by the Central Bank for financial activities.

As such, the two bodies will need to cooperate in the exchange of information regarding the general supervision of CIT companies. This Head will set out the interaction of the two bodies by way of a Memorandum of Understanding (MOU) facilitating the sharing of information between the PSA and the Central Bank in a lawful and controlled manner.

#### **Additional considerations**

A number of stakeholders raised issues around the use and acceptance of cash. While the Committee feels this is an important issue it is not within the scope of this Bill. However, the

Committee is of the view that this should be addressed under the work of the National Payments Strategy and encourages the Minister to bring proposals in this regard forward as soon as possible.

## **Conclusion**

The Committee welcomes the preparation and publication of the General Scheme and is broadly supportive of the measures it proposes to introduce. The Committee is of the opinion that the General Scheme would be improved by the inclusion of its recommendations.

The Committee looks forward to the speedy introduction of the Bill and to engaging further on it as it progresses through the Houses of the Oireachtas.

## Appendix 1 – Meeting Transcript

The transcript of the meeting of Tuesday, 27 February is available [here](#).

The transcript of the meeting of Wednesday, 6 March is available [here](#).

## Appendix 2 – Submissions Received

The written submission from Age Action is available to view [here](#).

The written submission from the Central Bank is available to view [here](#).

The written submission from Irish Rural Link is available to view [here](#).

The written submission from MABS is available to view [here](#).

The written submission from the Private Security Authority is available to view [here](#).

The written submission from the Irish Security Industry Association is available to view [here](#).

## Appendix 3 – Opening Statements

The opening statement given by Mr Oliver Gilvarry, Assistant Secretary, Banking and Financial Stability, Department of Finance is available [here](#)

The opening statement given by Mr Brian Hayes, Chief Executive, Banking and Payments Federation is available [here](#)

The opening statement given by Mr Nat O'Connor, Senior Public Affairs and Policy Specialist, Age Action is available [here](#)

## Appendix 4 – General Scheme of Access to Cash Bill (2024)

The General Scheme of the Access to Cash Bill 2024 is available [here](#).