



# **Submission to the Oireachtas Joint Committee on Finance, Public Expenditure and Reform, and Taoiseach**

## **On the Pre-Legislative Scrutiny of the General Scheme of the Access to Cash Bill 2024**

*Age Action is Ireland's leading advocacy organisation promoting equality for us all as we age.*



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## Introduction

This legislation is one measure in the wider context of the review of Ireland's National Payment Strategy and measures at EU level to ensure ongoing access to cash.

The Minister for Finance has rightly said:

“All citizens should be able to participate fully in all aspects of modern life using digital or cash methods of payment. While technology can enable vulnerable groups partake in society in new ways, it should not exclude them. I want to ensure choice is at the centre of our future payments strategy. As the trend towards digitalisation continues, we have to ensure that people are not left behind and we must avoid the risk of financial exclusion.”<sup>1</sup>

There is a risk of ageism and age discrimination due to the rush to embrace new payment technologies, and this must be avoided. For example, older age is the indicator for who is digitally excluded. Refusing cash payments for services is a decision to treat older persons less favourably than other age cohorts. Therefore, it is ageist to demand an older person must agree to cashless payments particularly in cases where that person doesn't have the opportunity to develop digital skills, where digital devices are unaffordable and/or where someone relies on cash to budget a low weekly income. The cumulative impact of a person's life history of 70 or 80 years on their capabilities and their preferences cannot be erased just because it is more convenient for a business or publicly funded service to avoid the extra costs involved in handling cash.

Over one million people in Ireland are aged 60 and older, and they represent 1 in 4 adults. Issues of digital exclusion and social exclusion due to 'cashless' payment models affect older persons much more than other age groups. The Access to Cash Bill 2024 is one step towards ensuring that older persons in every locality can continue to have access to cash, but wider issues remain unresolved.

## High-Level Recommendations

Age Action's high-level recommendations in relation to cash payments and older persons are as follows:

- **Promote a model of inclusive financial services**, designed to serve all of society, with particular attention to the financial exclusion of people who are disadvantaged or marginalised.
- **Legislate to require the acceptance of cash** by all publicly funded services that deal with the public, and by all consumer-facing retail, including shops, cafes, sports and arts venues, etc. whether they are private enterprises and not-for-profit organisations.

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<sup>1</sup> <https://www.gov.ie/en/press-release/d34ad-minister-mcgrath-seeks-publics-view-on-future-of-payments/>

- **Actively monitor and enforce the acceptance of cash by publicly funded services**, including private enterprises and organisations commissioned to deliver public services.
- **Monitor financial exclusion through frequent, large-sample surveys**, supplemented by interviews and focus groups to ascertain the situation of people who are most disadvantaged or marginalised.
- **Provide for a higher proportion of cash points in rural areas** where there is lower population density or where lack of transport is a barrier to accessing cash.
- **Ensure that people paying in cash are not treated less favourably** or required to pay extra for the same goods or services.
- **Fund digital skills training** to assist people who wish to develop their capability to make digital financial transactions.

## Regulatory Impact Analysis

The Regulatory Impact Analysis (RIA) acknowledges that doing nothing about the loss of ATMs around the country could “contribute to the exclusion of digitally marginalised or socially vulnerable citizens such as older people, people with disabilities, and lower-income groups” and “would not address the question (highlighted in the Retail Banking review) of how to ensure the decline in cash demand is not outpacing the needs of society and the economy.”<sup>2</sup>

We welcome the recognition in the RIA that cash “is a crucial money management tool for many of those who are less well-off and it also allows individuals, including those who are older, to control their finances and reduce the risk of financial dependency or financial abuse.”<sup>3</sup>

For avoidance of any doubt in relation to these points:

- 3 in 10 older persons (60+) do not use the internet at all—and therefore, for example, could not check their balance even if they paid by ‘tapping’ a bank card.<sup>4</sup>
- 3 in 10 older persons are using the internet but with ‘below basic’ digital skills, and are often reluctant to make financial transactions online.<sup>5</sup>

<sup>2</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/281548/6838e49a-5948-4f7c-806f-9487965fa3c9.pdf#page=2>

<sup>3</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/281548/6838e49a-5948-4f7c-806f-9487965fa3c9.pdf#page=3>

<sup>4</sup> In 2022, 183,000 people aged 75 or older had never used the internet or not in the last three months. Among those aged 60-74, another 115,000 had never used the internet or not it in the last three months. A further 50,000 people aged 16-59 were not using the internet in 2022, mostly people in the 45-59 age group. Data from <https://data.cso.ie/table/ICA05> and <https://data.cso.ie/table/ICA76> Data for ‘never used the internet’ and ‘used, but not in the last three months’ were combined to give the total number not using the internet. Data on people aged 75 or older is only available from 2020 onwards.

<sup>5</sup> According to the European Union’s Digital Economy and Social Index (DESI), [https://ec.europa.eu/eurostat/databrowser/view/isoc\\_sk\\_dskl\\_i21/default/table?lang=en](https://ec.europa.eu/eurostat/databrowser/view/isoc_sk_dskl_i21/default/table?lang=en), for Irish individuals aged 16-74 who used the internet in the last three months, 71% of had basic or above digital skills, up from 59% in 2019. Of those aged 55-64, 61% had basic or above digital skills, and for those aged 65-74, it was 51%. People aged 75 or

- 7 in 10 older persons get more than half their weekly income from the Department of Social Protection (DSP), including 3 in 10 who get more than 90% of their income from DSP.<sup>6</sup>
- Many people on these fixed incomes manage their financial affairs through cash.<sup>7</sup>
- Many older persons do not have digital devices for online banking.<sup>8</sup>
- Ownership of digital devices should not be interpreted as the capability for online banking or cashless transactions.<sup>9</sup>
- Many older people did not have the opportunity to learn how to use computers and the internet, and there is currently no state scheme to support older persons to learn digital skills.
- There will be a large cohort of older persons who are digitally excluded with a preference to use cash for at least the next 15 to 20 years.

## **The Access to Cash Bill 2024 is Just One Piece of the Jigsaw**

In the wider context of older persons' digital exclusion, human rights and the need to preserve people's ability to use cash, the Access to Cash Bill 2024 only deals with one element.

As stated in the RIA:

"The legislation will outline separate criteria for the withdrawal of cash and the lodgement/deposit of cash and cheques (known as cash service points). For withdrawal, the Bill will set out that the Minister can set population criteria that will

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older in Ireland were not surveyed. When the data on internet use is combined with data on digital skills, it shows that 347,000 have below basic digital skills.

<sup>6</sup> [https://www.ageaction.ie/sites/default/files/published\\_age\\_action\\_spotlight\\_on\\_income\\_in\\_older\\_age.pdf](https://www.ageaction.ie/sites/default/files/published_age_action_spotlight_on_income_in_older_age.pdf)

<sup>7</sup> The consumer sentiment banking survey commissioned by the Department of Finance (August 2023) shows that older people (aged 65+) are least likely to use online banking, at 36% compared to an average of 65%. It also showed that people in social classes C2DE preferred cash, which is likely to include more people relying on social protection incomes. The survey also showed that older persons were far more likely than others to visit a bank branch to pay bills, to lodge savings or to transfer money. Older persons were least likely to express confidence in their ability to make digital transactions, with 45% stating they had 'none'. Older persons were also far more likely to spend larger amounts using cash than other age groups, with 45% spending €70 or more in cash each week compared to a national average of 24%. Older persons were less likely to use ATMs, although 66% did so, and they were more likely than others to withdraw cash from a bank counter or post office. <https://assets.gov.ie/270387/a7717b19-5f69-447f-b9e8-72a58f219019.pdf> As noted in the NPS consultation document, the same survey found that 18% of adults did not have a bank account. That includes 18% of people aged 65+. The previous survey (April 2022) found that 39% older persons preferred to pay in cash compared to 20% of the population generally. [https://banda.ie/wp-content/uploads/2022/05/224332\\_eb9c06f4-e9c9-416e-a48b-bb39b3a9dcff.pdf](https://banda.ie/wp-content/uploads/2022/05/224332_eb9c06f4-e9c9-416e-a48b-bb39b3a9dcff.pdf)

<sup>8</sup> Only half (50.6%) of households headed by people aged 65+ have a personal computer and just over half (51.3%) have broadband internet access. Another 5.1% have internet but not broadband. However, nearly half (46.3%) do not have a personal computer and two in five (40.8%) do not have internet access. Of older people living alone, two-thirds (65.6%) do not have a computer and three in every five (60.8%) do not have internet access. As such, there are around 100,000 older people living alone who do not have internet access. Source: Census 2016, <https://data.cso.ie/table/E1057>

<sup>9</sup> Age Action has worked with over 30,000 older people to provide them with digital skills through the Age Action Getting Started Programme. Many older persons have a smartphone or tablet, but are unwilling or unable to use it for financial transactions. Also, some older persons may have a smartphone but they do not have a computer, and they are reluctant to go digital for billing as they do not perceive that they can store digital copies of bills and because banks or utilities may only allow online access to statements or spending history for a limited number of years.

require X% of the population in a specific region to be no more than 10km from an ATM. It also allows for the setting of a capacity criteria by population, i.e. the necessary number of ATMs per number of people. The exact figures will be set out in regulations made by the Minister. These will be subject to periodic review and can be amended to ensure the burden on the banks will remain appropriate and proportionate as things change, particularly declines in demand for cash.”<sup>10</sup>

These minimum standards should be helpful, if they are adequately enforced, but it will not meet the basic needs of older persons in relation to their ability to transact through cash. **More detail is needed on how the legislation will be monitored over time, as ‘X per 100,000’ or ‘X% within 10km<sup>2</sup> of an ATM’ are not visible at individual level.** To whom would someone make a complaint? How quickly is it likely to be addressed? How will it be determined which financial institution will have to provide an ATM when there is a gap?

## Public Transport is a Common ‘Local Deficiency’

According to the RIA, the law provides for addressing “local deficiencies”:

“Local deficiencies are cases where, although the population and capacity criteria are being met, localised difficulties with access to cash infrastructure arise. Reasons for these deficiencies may vary, and may arise from, for example, difficult access to infrastructure because of a river, lake, motorway, or railway line that means increased travel times. A deficiency could also arise from large scale increases in population due to several large housing schemes coming on stream within a short period.”<sup>11</sup>

**It is essential that lack of access to public transport be considered a ‘local deficiency’ in the sense defined in the Bill.**

The *Access to Cash: Supplementary Information* report shows that across the state, around 52,000 people (1%) live more than 10km away from an ATM. Most of them live within 10km of a “cash service point”,<sup>12</sup> but around 15,600 do not. On the face of it, those statistics appear to suggest that cash is available to most people, including most older persons. However, caution is needed about interpreting the statistics in isolation from the issue of transport as well as access to counter services.

CSO data from 2019 shows that 907,699 people lived more than 10km from a bank, including 102,624 who people lived over 20km away. Similarly, 69,960 lived more than 10km away from a post office, but almost everyone was within 20km of one.<sup>13</sup>

Moreover, 713,329 people lived more than 5km away from the nearest public bus stop, and a further 670,237 lived more than 2km away from one.<sup>14</sup> Regional breakdowns

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<sup>10</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/281548/6838e49a-5948-4f7c-806f-9487965fa3c9.pdf#page=4>

<sup>11</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/281548/6838e49a-5948-4f7c-806f-9487965fa3c9.pdf#page=4>

<sup>12</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/281529/0d4f9e70-499b-4f6a-a00f-48b813b18229.pdf#page=2>

<sup>13</sup> <https://data.cso.ie/table/MDS04>

<sup>14</sup> <https://data.cso.ie/table/MDS04>

show that these distances are much larger in rural counties.<sup>15</sup> As such, nearly 1.4 million people are not served by public transport.

On average, people aged 66 or older live 2.7km away from their nearest public transport stop,<sup>16</sup> and 593,411 people aged 66 or older do not have car or van ownership, including 184,047 who live more than 2km away from their nearest public transport stop.<sup>17</sup> We know, for example, nearly half of women aged 65+ and 28% of men aged 65+ say they have “unmet” transport needs, and half of women aged 75+ do not have a driving licence.<sup>18</sup>

Ireland has one of the lower population densities in Europe,<sup>19</sup> which indicates that EU-wide metrics on access to cash (in terms of distance or number of ATMs per 100,000 in the population) may not be suitable to all areas of Ireland. In some cases, rural areas will need more access to cash than these minimum requirements. In particular, older persons in rural areas are likely to be much further away from banks, post offices, ATMs and other sources of cash if the minimum requirement of X per 100,000 is provided.

When considering whether an area lacks an ATM, one possibility would be to co-operate with the Department for Social Protection, which issues weekly pensions (often in cash via post offices). Cross-tabulation of recipient addresses (held by DSP) with the known location of cash facilities would allow a mapping exercise to be conducted to identify residences of cash-users furthest from cash facilities. Mapping of public transport to ensure adequate transport options to get to cash facilities should be part of this exercise.

## Counter Service is Different from an ATM

The legislation uses the key definition, “cash service point”, to mean a place where cash can be deposited or withdrawn. This includes ATMs but also counters in bank branches or in post offices.

**It is important that the law does not conflate ATMs with over-the-counter financial services in terms of the quality of access to cash through ‘cash service points’.**

As shown in the *Consumer Sentiment Banking Survey August 2023*, older persons (65+) 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.<sup>20</sup>

Not everyone can use an ATM, as the screens can be difficult to read for some older persons. Note that Ireland has high levels of people with literacy and numeracy issues (1 in 6 adults),<sup>21</sup> and this is likely to be concentrated among older persons. As such,

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<sup>15</sup> <https://data.cso.ie/table/MDS02>

<sup>16</sup> <https://data.cso.ie/table/MDS07>

<sup>17</sup> <https://data.cso.ie/table/MDS06>

<sup>18</sup> [https://www.ageaction.ie/sites/default/files/reframing\\_ageing\\_state\\_of\\_ageing\\_in\\_ireland\\_2022\\_published.pdf](https://www.ageaction.ie/sites/default/files/reframing_ageing_state_of_ageing_in_ireland_2022_published.pdf)

<sup>19</sup> <https://ec.europa.eu/eurostat/databrowser/view/tps00003/default/table?lang=en>

<sup>20</sup> <https://www.gov.ie/pdf/?file=https://assets.gov.ie/270387/a7717b19-5f69-447f-b9e8-72a58f219019.pdf#page=72>

<sup>21</sup> <https://www.nala.ie/literacy-and-numeracy-in-ireland/>



speaking to someone over the counter facilitates financial inclusion to a much greater extent than access to an ATM.

Older persons have told Age Action of their dissatisfaction with bank branches where the only service is to be shown to a row of machines for transactions, rather than a traditional counter service. Often branch staff can't answer queries that are even slightly complicated, and a person is guided to a phone where they have to speak to a 'robot' operator before they can speak to a person.

Older persons have also told Age Action that they are nervous about using an ATM in some public places, for fear of robbery.

**There is a need for the law to take account of the fact that not all cash service points are open 24/7. Counter services obviously won't be, but also many ATMs are inside shops or shopping centres. The law should take account of *when* cash service points are available as well as how many of them there.**

## **Other Aspects of Cash Service Points should be Regulated**

As ATMs are being regulated for the first time, the law should consider regulating some other aspects of their operation—either through statute or by ensuring that the Central Bank produces a binding code of practice.

**Any charges levied by ATM providers must be required to be transparent.** For those on a low income who wish to withdraw smaller sums of money, there is a risk that a fixed minimum fee will be disproportionately carried by those in society with the lowest incomes, which includes many older persons.

**All ATMs should be required to have clear contact details in case of any difficulty.** For example, if someone is concerned that an ATM might have been tampered with (such as to insert a card skimming device), they need reassurance that the matter will be dealt with promptly. As ATMs are private property, it is not clear whether the Gardaí have the power to close one off and prevent it being used in such cases.

As fewer people use cash over time, there is a risk that ATMs will not be as well maintained. **Some regulation is needed to ensure that ATMs are positioned in locations that are safe, well-lit and kept clean. There should be a requirement on ATM providers to ensure a minimum level of cleanliness. There should be minimum requirements for how frequently cash is replaced in an ATM and for how quickly repairs are done when they are out of order.**

## **Financial Abuse**

The latest HSE safeguarding report (2022), for persons aged 65+, included 850 reports of financial abuse. These statistics are limited to cases reported to the HSE. The accused person is typically a family member or relative/friend but can sometimes be another service user or staff member.<sup>22</sup>

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<sup>22</sup> <https://www.hse.ie/eng/about/who/socialcare/safeguardingvulnerableadults/nationalsafeguardingreport2022.pdf>



Age Action's deals with cases of financial abuse through our Information Service. Our experience is that these are often highly complex cases involving coercive control of an older person (including by children or other relatives, although Irish law only recognises coercive control as existing in intimate relationships). There can be uncertainty about whether permission was granted when relatives move into an older person's home. And there can be uncertainty about when a person in a care role takes control of an older person's finances. Permission on one occasion to 'get yourself something' can cascade into unwarranted, extensive appropriation of an older person's savings. Many older persons are reluctant to press charges or give evidence against family members, even when abuse has clearly occurred.

The move from cash to digital payments can create enabling conditions that allow a greater level of financial abuse of older persons to occur.

Similarly, if an older person has to rely on a relative or neighbour to drive to an ATM to take out cash on their behalf, there is a risk of fraud. That is another reason why older persons should be facilitated to access cash themselves, without having to surrender their autonomy to someone else.

## **Acceptance of Cash**

Access to cash is no use if an increasing number of retailers and service providers refuse to take cash.

Cash from consumers should be universally accepted. The practice of businesses putting up 'card payment only' signs should be banned for all customer-facing retail, including shops, cafes, sports and arts venues, etc. Too often, there is no alternative to the 'no cash' venue, and those unable or unwilling to make a digital payment are simply excluded.

All public services should accept cash and no consumer should face higher costs for the service because they pay in cash.

All public bodies should consider the Public Sector Equality and Human Rights Duty when proposing payment methods, and in almost all cases this will require public bodies to accept cash for the foreseeable future.

While businesses can reasonably be asked by public bodies to transact digitally, every publicly funded service should be required by law to accept cash payments by private individuals or households, including publicly owned trading enterprises and private bodies commissioned to deliver public services.

People need somewhere to go to report non-acceptance of cash, and there needs to be a quick, effective mechanism to inform a service of their legal responsibilities, with follow up enforcement as required. Given the geographical spread of the issue, developing a compliance office within local government offices would seem appropriate, as they already have information on trading businesses for the purpose of levying commercial rates.

A large part of the motivation to move to digital payments is that it saves money for retailers and service providers. Cash incurs cash-in-transit costs, greater security and insurance costs, more staff time to handle and account for cash transactions, etc.

There is a cost to retain cash, and as the proportion of people preferring cash diminishes, there will be greater unit costs.

This is a necessary cost that all of society should bear to achieve social inclusion.