

## Publication of Statutes and Regulations

The laws that are adopted in the course of a calendar year are published in annual volumes, entitled *Acts of the Oireachtas*. Statutory instruments, which before January 1, 1948 were styled "statutory rules and orders," are now published in annual volumes as *Statutory Instruments*. Acts and statutory instruments are published in both Gaelic and English.

## The Central Bank Act, 1942<sup>1</sup>

NOTE:—By virtue of the Central Bank Act, 1942, the Central Bank of Ireland was established on February 1, 1943 and took the place of the Currency Commission which had been set up under the Currency Act, 1927. The Central Bank of Ireland is to be distinguished from the Bank of Ireland, which was established by Royal Charter of 1783 and which still maintains the accounts and stock registers of the Government of the Republic of Ireland.

An Act to establish a Bank to be the principal currency authority in the State, to dissolve the Currency Commission and transfer its powers and duties (with certain modifications) to the said Bank, to confer on the said Bank divers other powers and duties, and to provide for other matters connected with banking, currency, coinage, and the matters aforesaid and in particular for the gradual extinction of consolidated bank notes.

[4th November 1942]

BE IT ENACTED by the Oireachtas as follows:—

### PART I.—PRELIMINARY AND GENERAL

- 1.—(1) This Act may be cited as the Central Bank Act, 1942.  
Short title,  
collective  
citation, and  
construction.
- (2) The Currency Acts, 1927 and 1930, and this Act may be cited together as the Currency and Central Bank Acts, 1927 to 1942.
- (3) This Act shall be construed as one with the Currency Acts, 1927 and 1930.
- (4) The expression "this Act" wherever it occurs in the Currency Act shall be construed and have effect as including the Currency (Amendment) Act, 1930 (No. 30 of 1930), and this present Act.

### 2.—In this Act—

Definitions.  
the expression "the Minister" means the Minister for Finance;  
the expression "the Currency Act" means the Currency Act, 1927 (No. 32 of 1927), as adapted in consequence of the enactment of the Constitution;  
the expression "the Commission" means the Currency Commission;

<sup>1</sup> Act No. 22 of 1942 as amended through July 31, 1966.

the expression "the Bank" means the Central Bank of Ireland established by this Act;<sup>2</sup>  
 the expression "the Board" means the Board of Directors of the Bank;  
 the word "Governor" means the Governor of the Bank;  
 the expression "Director of the Bank" does not include the Governor;  
 the word "Director" means (save where the context otherwise requires) a Director of the Bank;  
 the expression "service Director" means a Director who is in the permanent service of the State;  
 the expression "licensed banker" means the holder of a banker's licence issued to him under this Act and for the time being in force;  
 the expressions "legal tender note," "consolidated bank note," "legal tender note fund," "note reserve fund," and "general fund" have the same meanings as they respectively have in the Currency Act.

The appointed day.

3.—(1) The Minister shall by order appoint a day to be the appointed day for the purposes of this Act.

(2) In this Act the expression "the appointed day" means the day appointed under this section to be the appointed day for the purposes of this Act.

Repeals.

4.—(1) The several sections of the Currency Act mentioned in the first column of Part I of the First Schedule to this Act are hereby repealed to the extent mentioned in the second column, and as on and from the date specified in the third column, of the said Part of the said Schedule opposite the mention of such section in the said first column.

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

## PART II.—ESTABLISHMENT OF THE CENTRAL BANK OF IRELAND AND DISSOLUTION OF THE CURRENCY COMMISSION

Establishment of the Bank.

5.—(1) On the appointed day there shall be and is hereby established in accordance with this Act a body to be called and known as Banc Ceannais na hÉireann or, in the English language, the Central Bank of Ireland, to fulfil the functions assigned to it by this Act.

(2) The Bank shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold and dispose of land.

(3) The Bank shall be conducted and managed in accordance with this Act by a Board of Directors consisting of—

<sup>2</sup> For the name of the Central Bank in Gaelic, see Sec. 5, below.

- (a) a Governor, and
- (b) three Directors to be known and in this Act referred to as banking Directors, and
- (c) such number of other Directors (not exceeding five and not including at any one time more than two service Directors) as the Minister shall from time to time determine.
- (4) The functions, powers, and duties of the Bank shall be exercised and performed by the Board of Directors for and in the name of the Bank.
- (5) It shall be lawful for the Board to do, by regulations made by the Board, all or any of the following things, that is to say:<sup>3</sup>

  - (a) authorise the setting up of committees of the Board consisting of one or more members of the Board either solely or together with one or more officers of the Bank;
  - (b) regulate the procedure and define the functions, powers, and duties of any committee so set up;
  - (c) delegate to any such committee the exercise and performance of any one or more of the functions, powers, and duties of the Bank or of the Board;
  - (d) delegate to the Governor (including the Deputy Governor) or to any Director or to any two or more members of the Board or to any one or more officers of the Bank the exercise and performance of any one or more of the functions, powers, and duties of the Bank or of the Board;
  - (e) impose conditions, limitations, or restrictions on the exercise and performance by any such committee or persons or person of the functions, powers, and duties delegated to them or him under this subsection;
  - (f) provide in appropriate cases for the review by the Board of decisions taken or things done by any such committee or persons or person in the exercise or performance of any function, power, or duty delegated to them or him under this subsection.

- (6) Section 9 of the Ministers and Secretaries Act, 1924 (No. 16 of 1924), shall not apply to the Bank.

- (6)—(1) In addition and without prejudice to the functions, powers, and duties vested by law in the Commission immediately before the appointed day and to such functions, powers, and duties as are specifically conferred or imposed by this Act on the Bank, the Bank shall have the general function and duty of taking (within the limit of the powers for the time being vested in it by law) such steps as the Board may from time to time deem appropriate and advisable towards safeguarding the integrity of the currency and ensuring that, in what pertains to the control of credit, the constant and predominant aim shall be the welfare of the people as a whole.

General function and duty of the Bank.

<sup>3</sup> For the text of Central Bank of Ireland Regulations Nos. 2 and 3, 1943, made by the Board under this subsection, see below, pp. 401-402.

Certain particular powers of the Bank.

(2) The Minister may, on such occasions as he shall think proper, request the Governor on behalf of the Board or the Board to consult and advise with him in regard to the execution and performance by the Bank of the general function and duty imposed on the Bank by the foregoing subsection of this section, and the Board shall comply with every such request.

7.—(1) It shall be lawful for the Bank to do, for the purposes of or through the general fund, all or any of the following things on such occasions and to such extent as the Board shall think proper, that is to say:—

- (a) buy or sell coin or gold or silver bullion or any foreign currency;
- (b) receive deposits from a Minister of State or any public authority or any Associated Bank, or any other bank or credit institution carrying on business wholly or partly within the State;
- (c) open accounts in other countries or act as agent, depository, or correspondent of any bank carrying on business in or outside the State;
- (d) with the consent of the Minister, acquire, hold, or dispose of shares in any international bank formed wholly or mainly by banks which are the principal currency authority in their respective countries;
- (e) rediscount exchequer bills and bills of local authorities which have previously been accepted, discounted, or endorsed by an Associated Bank or any other bank or credit institution carrying on business wholly or partly within the State and which mature in not more than twelve months from their date;
- (f) rediscount bills of exchange which are, in the opinion of the Board, first class commercial bills and mature, in the case of bills drawn for agricultural purposes or based on live stock, in not more than twelve months (excluding days of grace) from their date or, in any other case, in not more than six months (excluding days of grace) from their date;
- (g) fix and publish from time to time the minimum rate or rates at which the Bank will rediscount such exchequer bills, bills of local authorities, or bills of exchange as are mentioned in either of the two next preceding paragraphs of this subsection;
- (h) buy, hold, or sell securities of or guaranteed by the State which have been offered for public subscription or tender before being bought by the Bank and are officially quoted on the Dublin Stock Exchange and the Cork Stock Exchange or securities of or guaranteed by the Government of any other country or securities of any international bank or international financial institution, being a bank or institution formed wholly or mainly by Governments;
- (i) buy, hold, or sell securities of any public authority which are authorised by law for the investment of trust funds and have been offered for public subscription or tender before being bought by the Bank and are officially quoted on the Dublin Stock Exchange and on the Cork Stock Exchange;

(j) make loans or advances to banks and other credit institutions (carrying on business wholly or partly within the State) on the security of such bills of exchange as the Bank is hereinbefore empowered to rediscount or of such securities as the Bank is hereinbefore empowered to buy, or of gold coin or bullion or of documents relating to the shipment or storage of gold coin or bullion;

(k) keep registers of securities of the State;

(l) keep, for or on behalf of any public authority, registers of any stock issued by such authority;

(m) keep the accounts of any bankers' clearing.

(2) Each of the following bodies shall be a public authority for the purposes of the foregoing subsection of this section, and the expression "public authority" shall in that subsection be construed and have effect accordingly, that is to say:—

- (a) a commission, board, or other body (whether corporate or unincorporated) charged by law with the execution throughout the State of functions of government or public administration or with the administration throughout the State of any public service (including the provision of credit but excluding transport), and
- (b) a corporation, council, committee, or other body (whether corporate or unincorporated) charged by law with the execution of functions of local government within a defined area of the State or the execution of functions of public administration or public service (other than transport) of a local character.

8.—It shall be lawful for the Bank to do all or any of the following things on such occasions and to such extent as the Board shall think proper, that is to say:—

Certain further powers of the Bank.

- (a) make provision for the collection and study of data relating to monetary and credit problems and publish informative material in regard thereto;
- (b) establish and maintain, either directly or indirectly, contact with the monetary authorities established in other countries;
- (c) do all such things as may be ancillary or incidental to or consequential on the exercise of any of the powers or the performance of any of the duties conferred or imposed on the Bank by this or any other section of this Act or from time to time conferred or imposed on the Bank by law.

9.—(1) The capital of the Bank shall be the sum of forty thousand pounds whereof the sum of twenty-four thousand pounds shall be paid to the Bank by the Minister on the appointed day or as soon thereafter as may be and whereof the residue shall be paid to the Bank by the Minister at such time or times as may be agreed upon by the Board and the Minister.

The capital of the Bank.

(2) All moneys payable to the Bank by the Minister under the foregoing subsection of this section shall be charged on and paid out of the Central Fund or the growing produce thereof.

(3) When the Minister has paid to the Bank the sum of twenty-four thousand pounds in pursuance of the foregoing provisions of this section, the Bank shall forthwith repay to every bank which is a Shareholding Bank immediately before the appointed day all sums paid by such bank to the Commission in pursuance of Section 64 of the Currency Act together with the appropriate dividend on every such sum for the period from the last date up to which dividend had been paid thereon to the date of such repayment.

(4) Subsection (4) of Section 63 of the Currency Act is hereby amended by the deletion of the words "for the time being paid up by Shareholding Banks on account of their capital liability," and the insertion in the said subsection of the words "of the capital of the Bank for the time being paid up" in lieu of the words so deleted.

The seal of  
the Bank.

10.—(1) The Bank shall provide itself with a seal on or as soon as may be after the appointed day.

(2) The seal of the Bank shall be authenticated by the signature of the Governor or of a Director authorised in that behalf by the Board and by the counter-signature of the secretary of the Bank or some other officer of the Bank authorised in that behalf by the Board.

(3) Every document purporting to be made or issued by the Bank and to be sealed with the seal of the Bank authenticated in the manner provided by this section shall be received in evidence and shall, without proof of the signature or the authority of any of the persons purporting to sign or counter-sign such document, be deemed, until the contrary is proved, to have been made or issued by the Bank.

(4) Until the Bank shall have provided itself with a seal in pursuance of this section, the seal of the Commission shall be deemed to be the seal of the Bank and it shall be lawful for the Bank to use the seal of the Commission accordingly.

(5) When the Bank has provided itself with a seal in pursuance of this section, the Board shall cause the seal of the Commission to be so broken or defaced as to be incapable of being used.

Interpretation  
of references  
to the Com-  
mission in the  
Currency Act,  
1927.

11.—(1) On and after the appointed day and subject to the repeals and amendments effected by this Act, the Currency Acts, 1927 and 1930, shall have effect with and subject to the modification that every mention of or reference to the Chairman shall be construed as a mention of or reference to the Governor and every mention of or reference to the Commission shall be construed as a mention of or reference to the Bank, save that any such mention or reference which, expressly or by necessary implication,

refers to the members of the Commission shall be construed as a mention of or reference to the Board.

(2) A legal tender note may, on and after the appointed day, be either of such form, size and design and printed in such manner and on such paper and numbered and authenticated in such manner as shall have been prescribed (whether before or after the passing of this Act) by the Commission under subsection (2) of Section 45 of the Currency Act (as modified by the foregoing subsection of this section) before the appointed day or of such form, size and design and printed in such manner and on such paper and numbered and authenticated in such manner as shall be prescribed by the Bank under the said subsection (2) of the said Section 45 (as modified as aforesaid) on or after the appointed day.

(3) A consolidated bank note may, on and after the appointed day, be either of such form, size and design and printed in such manner and on such paper and numbered and authenticated in such manner as shall have been prescribed (whether before or after the passing of this Act) by the Commission under subsection (3) of Section 51 of the Currency Act (as modified by the first subsection of this section) before the appointed day or of such form, size and design and printed in such manner and on such paper and numbered and authenticated in such manner as shall be prescribed by the Bank under the said subsection (3) of the said Section 51 (as modified as aforesaid) on or after the appointed day.

12.—(1) There shall be associated with the Bank such other banks as are specified or provided for in this section and those banks shall be known The Associated Banks. and are in this Act referred to as Associated Banks.

(2) The eight banks named in the second column of the Third Schedule to this Act shall, on the appointed day, become and be Associated Banks.

(3) Sections 42 and 43 of the Currency Act shall, on and after the appointed day, apply and have effect in relation to the Associated Banks with and subject to the modifications that the expressions "the Board," "Associated Banks," and "Associated Bank" shall respectively be substituted for the several expressions "the Commission," "Shareholding Banks," and "Shareholding Bank" wherever the latter expressions respectively occur in the said Sections 42 and 43.

(4) Every reference to or mention of the Shareholding Banks (whether in the singular or the plural) contained in the Currency Act (other than Sections 42 and 43) shall be construed and have effect on and after the appointed day as a reference to or mention of the Associated Banks (in the singular or the plural as the case may require).

(5) Subsection (4) of Section 5 of the Currency (Amendment) Act, 1930 (No. 30 of 1930), is hereby amended by the deletion therefrom of the word "Shareholding."

Admission of a bank to be an Associated Bank.

13.—(1) Any bank may, at any time, on or after the appointed day, apply to the Minister to be admitted to be an Associated Bank, and the Minister, after consultation with the Board, may in his absolute discretion grant or refuse such application.

(2) Whenever the Minister grants under this section an application by a bank to be admitted to be an Associated Bank, such bank shall, as on and from the date on which such application is granted, become and be an Associated Bank for the purposes of this Act and of the Currency Act as applied, modified, or amended by this Act.

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

Removal of a bank from being an Associated Bank.

14.—(1) The Minister may, at any time on or after the appointed day, in his absolute discretion remove any Associated Bank from being an Associated Bank either (after consultation with the Board) on any of the grounds expressly authorised by the Currency Act as adapted by this Act or (with the consent of the Board) on any other ground which appears to the Minister to be sufficient.

(2) Any Associated Bank may, at any time on or after the appointed day, apply to the Minister to be removed from being an Associated Bank, and, whenever such application is so made by an Associated Bank, the Minister shall forthwith remove such bank from being an Associated Bank.

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

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

(5) No banking Director shall vote on any resolution relating to the removal of an Associated Bank of which he is a director or by which he is employed.

15.—(1) On the appointed day, the Commission shall become and be dissolved and the members thereof shall cease to hold office but shall not thereby be rendered ineligible for appointment as the Governor or a Director of the Bank.

(2) On the appointed day the following provisions shall have effect, that is to say:—

- (a) the legal tender note fund, the note reserve fund (if then subsisting), and the general fund as they respectively subsist immediately before the appointed day and all investments, moneys, and assets then comprised in those funds respectively and also all other property, whether real or personal (including choses-in-action), which immediately before the appointed day is vested in or held by the Commission shall, on the appointed day and without any conveyance or assignment but subject, where necessary, to transfer in the books of any bank, corporation, or company, become and be vested in the Bank for all the estate, term, and interest for which the same were vested in the Commission immediately before the appointed day;
- (b) any property transferred by the foregoing paragraph of this subsection to the Bank which, immediately before the appointed day, is standing in the books of any bank within the jurisdiction of the Oireachtas in the name of the Commission or is registered in the books of any bank, corporation, or company within the said jurisdiction in the name of the Commission shall, upon the request of the Board made on or at any time after the appointed day, be transferred in such books by such bank, corporation, or company into the name of the Bank;
- (c) where any property transferred or expressed to be transferred to the Bank by paragraph (a) of this subsection is, immediately before the appointed day, situate outside the jurisdiction of the Oireachtas or is standing or registered in the books of any bank, corporation, or company outside the said jurisdiction, it shall be the duty of the Board to take all such steps as may be requisite to secure the transfer to the Bank of the legal and effective ownership of such property;
- (d) every chose-in-action transferred to the Bank by paragraph (a) of this subsection may be sued upon, recovered, or enforced by the Bank in its own name, and it shall not be necessary for the Bank to give notice to the person bound by such chose-in-action of the transfer effected by the said paragraph;
- (e) every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which, immediately before the appointed day, is owing and unpaid or has been incurred and is undischarged by the Commission shall, on the appointed day, become and be the debt or liability of the Bank and shall be paid or discharged by and may be recovered from or enforced against the Bank accordingly;

Dissolution of the Commission.

(f) every contract made between the Commission and any other person which is in force or is enforceable immediately before the appointed day and is not fully performed or executed shall, on the appointed day, become and be a contract between the Bank and the said other person and shall be enforceable by or against the Bank accordingly.

(3) The amount of all stamp duties paid (whether in pursuance of the laws of the State or of the laws of another country) by the Bank in respect of any transfer or conveyance of property which is executed in order to supplement or give full effect to the transfer of such property effected by the next preceding subsection of this section shall be refunded to the Bank by the Minister out of moneys provided by the Oireachtas.

(4) Every person who, immediately before the appointed day, is in the employment of the Commission in any capacity shall, on the appointed day, become and be transferred to the employment of the Bank in the same capacity and with the same tenure, remuneration, and conditions of service as he had in the employment of the Commission immediately before the appointed day, and in order to secure to every such person on and after the appointed day the like rights and benefits (if any) in relation to superannuation and compensation for loss of employment as he had immediately before the appointed day, the following provisions shall have effect, that is to say:—

- (a) every scheme made by the Commission under subsection (4) of Section 31 of the Currency Act which is in force immediately before the appointed day shall continue in force on and after the appointed day and shall be observed and performed by the Bank accordingly;
- (b) for the purposes of every scheme continued in force by the foregoing paragraph of this subsection and of every scheme which may be made by the Bank under the said subsection (4) of Section 31 on or after the appointed day, service in the employment of the Commission (including service in any other employment which is deemed by such scheme to be service in the employment of the Commission) shall be deemed to be service in the employment of the Bank and the period of service (including service deemed as aforesaid) of any person in the employment of the Commission ending immediately before the appointed day and the period of service of such person in the employment of the Bank beginning on and continuing after the appointed day shall be deemed to be one continuous period of service in the employment of the Bank.

16.—(1) Subject to the provisions of the next following subsection of this section, every appointment under subsection (2) of Section 31 of the Currency Act of an officer or servant of the Bank shall be made by competition (including a qualifying or competitive test in Irish) to be conducted according to regulations to be made by the Board, and the Board may, in relation to any such competition, impose such conditions of entry, limitations, and safeguards as it thinks proper.

Appointments  
to the staff of  
the Bank.

(2) The foregoing subsection of this section shall not apply to appointment to a position in respect of which appointment by competition is, in the opinion of the Board, unsuitable.

17.—Section 12 of the Industrial and Commercial Property (Protection) (Amendment) Act, 1929 (No. 13 of 1929), shall apply and have effect in relation to legal tender notes and consolidated bank notes respectively issued by the Bank in like manner and as fully as it applies and has effect in relation to legal tender notes and consolidated bank notes issued by the Commission, save that the copyright in any such notes issued by the Bank shall belong, by virtue of the said Section 12, to the Bank.

18.—Every mention of or reference to the Commission which is contained in any enactment (other than the Currency Acts, 1927 and 1930) in force on the appointed day shall, on and after that day, be construed and have effect as a mention of or reference to the Bank.

### PART III.—THE BOARD OF DIRECTORS OF THE BANK

19.—(1) The Governor shall be appointed by the President on the advice of the Government and shall receive such remuneration and allowances and be subject to such conditions of service as the Board shall from time to time determine.

(2) The term of office of every Governor shall (unless he sooner dies, resigns, is removed, or becomes disqualified) be seven years from, in the case of the first Governor, the appointed day or, in the case of every subsequent Governor, the expiration by effluxion of time or the earlier cessation from any cause (as the case may be) of the tenure of office of his predecessor.

(3) A Governor retiring on the expiration by effluxion of time of his term of office shall be eligible for reappointment.

(4) The following provisions shall apply and have effect in relation to every Governor, that is to say:—

- (a) [Repealed] \*
- (b) he shall, during his term of office, be ineligible for election as a director of any bank whatsoever;

\* Repealed by Sec. 3 (ii) of the Central Bank Act, 1964. See, however, Sec. 2 of the same Act, which reads as follows:

"(1) Where the Governor or a Director of the Central Bank of Ireland is nominated, with his consent, as a candidate for election to either House of the Oireachtas or is nominated as a member of Seanad Éireann, he shall thereupon cease to be such Governor or Director.

"(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from being or becoming the Governor or a Director of the Central Bank of Ireland."

Copyright in  
notes issued by  
the Bank.

General  
adaptation of  
references to the  
Commission.

- (c) if, at the time of his appointment, he is a director of any bank whatsoever, he shall divest himself of such directorship within ten days after his appointment and, if he fails so to do, he shall at the expiration of such ten days be disqualified from holding the office of Governor;
  - (d) if and whenever he is adjudged bankrupt (whether in the State or in any other country) or makes a composition or arrangement with his creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, he shall forthwith become and be disqualified from holding the office of Governor.
- (5) In the next preceding subsection of this section the expression "any bank whatsoever" does not include an international bank formed wholly or mainly by banks which are the principal currency authority in their respective countries.

Prohibition of  
the Governor  
holding shares  
in a bank.

**20.**—(1) Every person appointed to be Governor shall within three months after his appointment absolutely sell or otherwise dispose of all shares in any bank which he shall, at the time of his appointment, own or be interested in for his own benefit.

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

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

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

(5) In this section the word "bank" includes a bank incorporated outside the State as well as a bank incorporated in the State, and references to shares in a bank shall be construed as including stock, shares, debentures, debenture stock, bonds, or other securities of such bank.

Removal of  
the Governor.

**21.**—(1) If the Governor becomes by ill-health permanently incapacitated for performing his duties as Governor he may be removed from office by the President on the advice of the Government.

(2) If the Board, by unanimous vote of all the Directors, requests the President to remove the Governor from office for cause stated, it shall be lawful for the President on the advice of the Government to remove the Governor from office.

**22.**—(1) Whenever the Governor is temporarily unable, by reason of absence, ill-health, or any other cause, to discharge the duties of his office, he may appoint any one of the Directors to act as Deputy Governor during such inability and, if he fails so to do, the Board may appoint any one of the Directors to act as aforesaid.

The Deputy  
Governor.

(2) Whenever the office of Governor becomes vacant, the Board may appoint any one of the Directors to act as Deputy Governor during such vacancy, but no Director so appointed shall act as Deputy Governor after the expiration of three months from the occurrence of the vacancy which occasioned his appointment.

(3) A Director appointed under this section to act as Deputy Governor shall, while so acting, have, exercise, and perform such of the rights, powers, and duties of the Governor as shall be delegated to him by the Governor or, where he is appointed by the Board, by the Board.

(4) A Director appointed under this section to act as Deputy Governor shall, while so acting, be paid such (if any) remuneration and allowances as the Board shall determine.

(5) A Director appointed under this section to act as Deputy Governor shall not, by reason of such appointment, vacate his office as Director.

**23.**—(1) The Directors shall be appointed by the Minister.

(2) The banking Directors shall be appointed from a panel prepared for the purpose by representatives of the Associated Banks in accordance with this Act.

Appointment,  
remuneration,  
etc. of the  
Directors.

(3) The Civil Service Regulation Acts, 1924 and 1926, shall not apply to a Director.

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

(5) Every Director shall be ordinarily resident within the State, and a person who is not so resident shall not be eligible for appointment as a Director.

(6) [Repealed]<sup>\*</sup>

(7) A Director (other than a banking Director) shall, while he holds that office, be ineligible for election as a director of any bank whatsoever and shall, if at the time of his appointment he is a director of any bank whatsoever, divest himself of such directorship within ten days after his

<sup>\*</sup> Repealed by Sec. 3 (iii) of the Central Bank Act, 1964; see footnote to Sec. 19(4)(a), above.

appointment and, if he fails so to do, he shall at the expiration of such ten days be disqualified from holding the office of Director.

Tenure of office  
of the Directors.

**24.—(1) Of the first banking Directors—**

- (a) one, to be selected by lot at the first meeting of the Board, shall, unless he sooner dies, resigns, or becomes disqualified, hold office for two years from the appointed day, and
- (b) one other, also to be selected by lot at the first meeting of the Board, shall, unless he sooner dies, resigns, or becomes disqualified, hold office for four years from the appointed day.

**(2) Of the first Directors who are neither banking Directors nor service Directors—**

- (a) one, to be selected by lot at the first meeting of the Board, shall, unless he sooner dies, resigns, or becomes disqualified, hold office for one year from the appointed day, and
- (b) one other, also to be selected by lot at the first meeting of the Board, shall, unless he sooner dies, resigns, or becomes disqualified, hold office for three years from the appointed day.

(3) Subject to the provisions of the two foregoing subsections of this section, every Director (other than a service Director and a Director appointed to fill a casual vacancy) shall, unless he sooner dies, resigns, or becomes disqualified, hold office for five years from (as the case may require) the appointed day or the expiration by effluxion of time of the term of office of his predecessor.

(4) Every Director (other than a banking Director or a service Director) who, after the appointment of the first Directors, is appointed for a purpose other than filling a vacancy amongst the Directors (other than as aforesaid) shall hold office for five years from the day as on and from which he is appointed.

(5) Every service Director shall hold office at the pleasure of the Minister and may be removed by the Minister at any time.

(6) A person appointed to fill a casual vacancy in the office of Director (other than the office of a service Director) shall hold office for the residue of the term for which the Director whose death, resignation, or disqualification created the vacancy would have held office if he had not died, resigned, or become disqualified.

Disqualification  
of Directors.

**25.—If and whenever a Director other than a service Director—**

- (a) becomes by ill-health permanently incapacitated for performing his duties as such Director, or
- (b) is adjudged bankrupt (whether in the State or in any other country) or makes a composition or arrangement with his creditors, or

- (c) is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude, or
- (d) ceases to be ordinarily resident within the State, or
- (e) absents himself from all meetings of the Board for a period of six months without the permission of the Board, he shall forthwith become and be disqualified from holding the office of Director.

**26.—(1) Not more than thirty nor less than ten days before the appointed day, the Minister shall appoint a time and place (in this section referred to as the appointed time and place) for the meeting of representatives of the Associated Banks for the election of the panel from which the first banking Directors are to be appointed.**

(2) The Minister shall cause every Associated Bank to be informed in writing of the appointed time and place.

(3) Every Associated Bank may cause one, and only one, representative nominated by it in that behalf to attend at the appointed time and place, and the several such representatives who attend at that time and place shall then or within three days thereafter elect, in accordance with the Rules contained in the Second Schedule to this Act, a panel of six persons eligible and willing to act as banking Directors, and shall forthwith communicate to the Minister in accordance with the said Rules the names of the six persons so elected.

(4) If a panel is duly elected in accordance with the foregoing provisions of this section, the first banking Directors shall be appointed from amongst the persons so elected to such panel.

(5) If the said representatives of the Associated Banks who attend at the appointed time and place fail to elect in accordance with this section the said panel of six persons or if no representatives of the Associated Banks attend at the appointed time and place, it shall be lawful for the Minister to appoint such three eligible persons as he shall think proper to be the first banking Directors, but subject to the restrictions that, if and so far as eligible and suitable persons willing to act can be found amongst the directors of the several Associated Banks, no person who is not a director of an Associated Bank shall be appointed by the Minister under this subsection, and in any event no person who is in the permanent service of the State shall be so appointed.

**27.—(1) Not more than thirty nor less than ten days before the expiration by effluxion of time of the term of office of a banking Director and also as soon as conveniently may be after the office of a banking Director becomes vacant otherwise than by effluxion of time, the Board shall notify every Associated Bank in writing of such prospective or actual vacancy and shall in such notification request such Associated Bank to cause one, and only one, representative to attend at a time and place (in**

Panel for  
appointment of  
the first banking  
Directors.

Panel for the  
appointment of  
banking  
Directors  
other than  
the first such  
Directors.

this section referred to as the appointed time and place) appointed by the Board and stated in such notification to elect a panel of three persons from amongst whom such vacancy may be filled.

(2) Whenever two or three vacancies amongst the banking Directors occur at or about the same time, the Board may, if they think it convenient so to do, send to every Associated Bank one, and only one, notification under the foregoing subsection of this section in respect of all such vacancies, and where the Board so send only one such notification they shall, in such notification, state that the representatives attending at the appointed time and place are required to elect, if there are two and only two such vacancies, a panel of five persons or, if there are three such vacancies, a panel of six persons from amongst whom such vacancies may be filled.

(3) The several representatives of the Associated Banks (not being more than one representative from each such Bank) who attend at the appointed time and place shall then or within three days thereafter elect, in accordance with the Rules contained in the Second Schedule to this Act, a panel of persons eligible and willing to act as banking Director and shall forthwith communicate to the Minister and to the Board the names of the persons so elected.

(4) The panel to be elected in pursuance of the next preceding subsection of this section shall be, if there is only one vacancy to be filled, a panel of three persons or, if there are two and only two vacancies to be filled, a panel of five persons, or, if there are three vacancies to be filled, a panel of six persons.

(5) If a panel is duly elected in accordance with the foregoing provisions of this section, the said vacancy or vacancies (whether prospective or actual) shall be filled from amongst the persons so elected to such panel.

(6) If the said representatives of the Associated Banks who attend at the appointed time and place fail to elect in accordance with this section the said panel or if no representatives of the Associated Banks attend at the appointed time and place, it shall be lawful for the Minister to appoint such eligible person or persons as he shall think proper to fill the said vacancy or vacancies, but subject to the restrictions that, if an eligible and suitable person or if and so far as eligible and suitable persons willing to act can be found amongst the directors of the several Associated Banks, no person who is not a director of an Associated Bank shall be appointed by the Minister under this subsection, and in any event no person who is in the permanent service of the State shall be so appointed.

28.—(1) This section applies only to Directors who are neither banking Directors nor service Directors.

(2) Not less than ten days before the expiration by effluxion of time of the term of office of a Director to whom this section applies the Board shall notify the Minister of such prospective vacancy.

Notices of  
vacancies and  
appointments of  
certain  
Directors.

(3) As soon as may be after the Board becomes aware that the office of a Director to whom this section applies has become vacant otherwise than by effluxion of time, the Board shall notify the Minister of such vacancy.

(4) Whenever the Minister appoints a person to be a Director to whom this section applies he shall cause notice of such appointment having been made and of the name and other particulars of the person appointed to be given forthwith to the Board.

(5) Whenever a Director to whom this section applies ceases by any means to hold office as such Director and the Minister determines to reduce the number of such Directors and for that purpose not to fill the vacancy occasioned by such cesser, such cesser shall for the purposes of this Act (except this section) be deemed not to have occasioned a vacancy in the membership of the Board.

(6) Whenever the Minister, for the purpose of reducing the number of Directors to whom this section applies, determines not to fill a vacancy which has occurred amongst those Directors, he shall cause the Board to be informed of such determination.

29.—(1) This section applies to all Directors except banking Directors.

(2) A Director to whom this section applies shall within three months after his appointment absolutely sell or otherwise dispose of all shares in any bank which he shall, at the time of his appointment, own or be interested in for his own benefit.

(3) If and whenever any shares in a bank shall come to or vest in a Director to whom this section applies by will or succession for his own benefit, he shall within three months after the same shall have so come to or vested in him, absolutely sell or otherwise dispose of the same or his interest therein.

(4) A Director to whom this section applies shall not purchase, take, or become interested in for his own benefit any shares in any bank.

(5) If a Director to whom this section applies shall retain, purchase, take, or become or remain interested in any shares in any bank in contravention of this section he shall forthwith become and be disqualified from holding the office of Director.

(6) In this section the word "bank" includes a bank incorporated outside the State as well as a bank incorporated in the State and references to shares in a bank shall be construed as including stock, shares, debentures, debenture stock, bonds, or other securities of such bank.

30.—(1) No disqualification of the Governor or a Director under any provision of this Act shall operate to remove him from his office until a resolution has been passed by the Board declaring him to be disqualified on a stated ground from holding his said office.

Prohibition of  
certain Directors  
holding shares  
in a bank.

Operation of disqualification of  
the Governor or  
a Director.

Oath of secrecy  
to be taken by  
the Governor,  
Directors, and  
officers.

(2) No member of the Board shall vote on a resolution under this section in relation to his own disqualification.

31.—(1) The Governor and every Director and also every officer of the Bank shall, immediately after his appointment and before he begins to act as Governor or Director or as such officer, take and subscribe before a Peace Commissioner an oath in the following form:—

"I, ..... do solemnly swear that I will not disclose any information relative to the business, records, or books of any bank which may come to my knowledge by virtue of my position as the Governor or a Director or an officer of the Central Bank of Ireland, except to such persons only as shall act in the execution of the statutes regulating the said Bank and where it shall be necessary to disclose the same to them for the purposes of any such statute."

(2) Every person who, having been appointed to be the Governor or a Director or being or having been appointed to be an officer of the Bank, acts as the Governor or a Director or as such officer (as the case may be) before he has taken the oath required by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(3) Every officer of the Commission who on the appointed day becomes an officer of the Bank by virtue of this Act shall take the oath required by this section on or as soon as conveniently may be after the appointed day, and if he so takes the said oath he shall be deemed to have complied with this section and shall not be liable to any penalty for acting as an officer of the Bank before having taken the said oath.

Procedure of  
the Board.

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

(2) Four members of the Board personally present shall form a quorum at a meeting of the Board.

(3) The Board may act notwithstanding one or more vacancies in its membership.

(4) At any meeting of the Board the Governor may, in the event of an equality of votes, exercise a second or casting vote.

Compensation  
and super-  
annuation of  
Chairman,  
Commissioners,  
Governor, and  
Directors.

33.—(1) The Commission may, at any time before the appointed day, make, with the approval of the Minister, a scheme providing for the following things, that is to say:—

- (a) the grant by the Bank of compensation for loss of office to the person who is the Chairman of the Commission immediately before the appointed day, provided that person is not appointed to be the Governor as on and from the appointed day, and
- (b) the grant by the Bank of compensation for loss of office to any person who is, immediately before the appointed day, a member

of the Commission holding office otherwise than at the pleasure of the Minister and does not become a Director holding office as on and from the appointed day, and

(c) the grant by the Bank of a superannuation allowance or gratuity to or for the benefit of every Governor who ceases to hold office otherwise than by becoming disqualified,\* and

(d) the grant by the Bank of a superannuation allowance or gratuity to or for the benefit of every Director (other than a service Director) who devotes the whole of his time to his duties as such Director and ceases to hold office otherwise than by becoming disqualified.

(2) If the Commission does not make under the foregoing subsection of this section such scheme as is mentioned in that subsection, it shall be lawful for the Board to make, with the approval of the Minister, such scheme on or at any time after the appointed day.

(3) The Bank shall carry into effect the scheme made under the foregoing provisions of this section.

(4) A scheme made under this section may provide that a Governor who has held office as Chairman of the Commission may, for the purposes of such scheme, add his period of service as such Chairman to his period of service as Governor and reckon both those periods as one continuous period of service as Governor.

#### PART IV.—EXTINCTION OF CONSOLIDATED BANK NOTES

34.—(1) In this Part of this Act the word "half-year" means a period of six months ending on the 31st day of March or the 30th day of September, and the expression "Associated Bank" means one of the eight banks named in the second column of the Third Schedule to this Act and does not apply to any other bank.

(2) References in this Part of this Act to consolidated bank notes outstanding with an Associated Bank shall be construed as referring to and including all consolidated bank notes which, at the time to which the reference relates, have been issued by the Commission or by the Bank to that Associated Bank and have not been accepted by either the Commission or the Bank for retirement.

35.—(1) The maximum amount of consolidated bank notes which may be outstanding with any particular Associated Bank mentioned in the second column of the Third Schedule to this Act—

(a) on any day during the period commencing on the day after the date of the passing of this Act and ending on the 31st day of December, 1944, shall not exceed the amount stated in the third column of the

Definitions in  
respect of this  
Part of this Act.

Restrictions on  
amount of  
consolidated  
bank notes  
outstanding.

\*Authority to amend the scheme made pursuant to paragraph (c) of subsection (1), is contained in the Central Bank Act, 1961, in particular, Sec. 2 (General power to amend the Scheme) and Sec. 3 (Restriction with respect to service in the Civil Service).

- said Third Schedule opposite the name of such Associated Bank in the second column of that Schedule;
- (b) on any day during the triennial period ending on the 31st day of December, 1947, shall not exceed the amount stated in the fourth column of the said Third Schedule opposite the name of such Associated Bank in the second column of that Schedule;
  - (c) on any day during the triennial period ending on the 31st day of December, 1950, shall not exceed the amount stated in the fifth column of the said Third Schedule opposite the name of such Associated Bank in the second column of that Schedule;
  - (d) on any day during the triennial period ending on the 31st day of December, 1953, shall not exceed the amount stated in the sixth column of the said Third Schedule opposite the name of such Associated Bank in the second column of that Schedule.

(2) The Commission shall before the appointed day and the Bank shall on and after that day each take such steps, by restriction of issue or otherwise, as it thinks fit towards ensuring that the amount of consolidated bank notes outstanding with an Associated Bank on any day during a period mentioned in the foregoing subsection of this section does not exceed the maximum amount indicated in that subsection in respect of such Associated Bank for such period.

(3) No consolidated bank notes shall be issued by the Bank to any Associated Bank after the 31st day of December, 1953.

(4) It shall not be lawful for any Associated Bank to pay out any consolidated bank notes in respect of which it is the responsible bank after the 31st day of December, 1953, and if any Associated Bank shall pay out any consolidated bank note in contravention of this subsection, such Associated Bank shall be liable to pay to the Bank a sum equal to one-tenth of the amount of such note.

(5) Subsection (3) of Section 58 of the Currency Act shall cease to have effect as on and from the 1st day of January, 1954, and every regulation made and direction given under that subsection which is in force immediately before that day shall similarly cease to have effect.

(6) No consolidated bank notes shall be issued by the Commission or by the Bank to any bank which is not one of the eight banks named in the second column of the Third Schedule to this Act.

(7) Whenever any amalgamation, partition, transfer, or other change occurs amongst the eight banks mentioned in the second column of the Third Schedule to this Act, it shall be lawful for the Board, with the consent of the Minister, to make such (if any) adjustment of all or any of the amounts stated in the third, fourth, fifth, and sixth columns respectively of the said Third Schedule as shall, in the opinion of the Board, be requisite or desirable in consequence of such amalgamation, partition, transfer, or other change.

36.—(1) Every Associated Bank shall, after the 31st day of December, 1953, and before the 1st day of January, 1957, pay to the Bank such sum as shall be equal to the amount (if any) of consolidated bank notes outstanding with such Associated Bank on the date of such payment.

(2) Every sum paid by an Associated Bank to the Bank in accordance with subsection (1) of this section shall be placed by the Bank to the credit of the currency reserve.

(3) Upon payment by an Associated Bank to the Bank in accordance with subsection (1) of this section of the sum required by that subsection to be so paid by such Associated Bank, the following provisions shall have effect in respect of such Associated Bank, that is to say:—

- (a) such Associated Bank shall cease to be liable to pay the amount of any consolidated bank note outstanding with such Associated Bank on the date of such payment or to pay any payment on consolidated bank notes in respect of any period subsequent to the date of such payment to the Bank;
- (b) the Bank shall surrender to such Associated Bank all securities which, on the date of such payment to the Bank, are held by the Bank from such Associated Bank in respect of consolidated bank notes;
- (c) all consolidated bank notes outstanding with such Associated Bank on the said date shall be payable by the Bank on presentation at its principal office in Dublin and shall be so payable out of the currency reserve.

37.—(1) Every Associated Bank shall pay to the Commission or to the Bank (as the case may require), in respect of every half-year ending after the date of the passing of this Act, the following sums, that is to say:—

- (a) in respect of the half-year (if any) which is partly before and on and partly after the date of the passing of this Act or which commences on that date—
  - (i) for the portion of such half-year which ends on or consists of the date of the passing of this Act, a sum calculated in accordance with subsection (1) (except paragraph (e) thereof) of Section 65 of the Currency Act, and
  - (ii) for the portion of such half-year which is subsequent to the date of the passing of this Act, a sum calculated at such rate, not exceeding two and one-half per cent per annum, as shall from time to time be appointed in that behalf by the Minister on the amount of consolidated bank notes outstanding (up to the maximum amount authorised by this Act to be so outstanding) from day to day with such Associated Bank during the said portion of such half-year;
- (b) in respect of every half-year which begins after the date of the passing of this Act, a sum calculated at such rate, not exceeding two and one-half per cent per annum, as shall from time to time

Payment in  
respect of  
consolidated  
bank notes  
outstanding after  
cesser of issue.

Payments by  
Associated  
Banks on  
consolidated  
bank notes.

be appointed in that behalf by the Minister on the amount of consolidated bank notes outstanding (up to the maximum amount authorised by this Act to be so outstanding) from day to day with such Associated Bank during such half-year;

- (c) in respect of every half-year ending after the date of the passing of this Act, a sum calculated at such rate, not exceeding three per cent per annum, as shall from time to time be appointed in that behalf by the Minister on the amount of consolidated bank notes (if any) outstanding after the said date from day to day with such Associated Bank during such half-year in excess of the amount authorised by this Act to be so outstanding;
- (d) in respect of every half-year ending after the date of the passing of this Act, such share of the expenses incurred during such half-year by the Commission or by the Bank in providing consolidated bank notes as shall be prescribed by regulations made by the Commission or by the Bank and for the time being in force.

(2) At the end of every half-year the Commission or the Bank (as the case may require) shall ascertain in respect of every Associated Bank the amount of the payments on consolidated bank notes payable under this section by such bank in respect of such half-year and shall send to every Associated Bank a certificate showing the said amount so ascertained in respect of it and how such amount is made up, and every Associated Bank shall within fourteen days after receiving any such certificate pay to the Commission or the Bank (as the case may require) the amount stated in such certificate to be payable by it.

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

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

Stamp duty in  
respect of  
consolidated  
bank notes.

38.—Section 49 of the Finance Act, 1932 (No. 20 of 1932), as amended by Section 15 of the Finance Act, 1937 (No. 18 of 1937), shall apply and have effect in relation to the half-year (if any) which is partly before and on and partly after the date of the passing of this Act or which commences on that date as if the portion of such half-year which ends on or consists of the said date were a half-year, and the said Section 49 as so amended shall, in pursuance of the repeal thereof by this Act, not apply or have

effect in relation to the portion of such half-year which is subsequent to the said date.

39.—(1) In the case of every Associated Bank which was, at the passing of the Currency Act, a bank of issue, so much of the proportion of notes mentioned in subsection (4) of Section 60 of that Act as is for the time being not redeemed in pursuance of that section shall not, in respect of any day after the date of the passing of this Act, be deemed for the purposes of this Part of this Act to be consolidated bank notes outstanding with such Associated Bank.

(2) As on and from the day after the date of the passing of this Act, the appropriate rate per cent per annum for the purposes of subsection (1) of Section 66 of the Currency Act shall be such rate, not exceeding two and one-half per cent per annum, as shall from time to time be appointed by the Minister.

40.—(1) Where, for the purpose of computing the payments to be made under Section 66 of the Currency Act by an Associated Bank which was, at the passing of that Act, a bank of issue, it is necessary to have regard to the total amount, as ascertained by the Commission, of the notes of such Associated Bank outstanding (including notes in the tills or vaults of such Associated Bank) immediately before the appointed day mentioned in Section 60 of the Currency Act, such Associated Bank may, for the said purpose, from time to time write off, with the sanction of the Minister, from the said total amount as so ascertained an amount not exceeding the amount of so many of the said notes of such Associated Bank still outstanding at the time of such writing off as are estimated by such Associated Bank to be unlikely ever to be presented to such Associated Bank for payment.

(2) The Minister may attach to any sanction given by him to a writing off under the foregoing subsection of this section such conditions as he shall, having regard to the circumstances, think proper, and may in particular require that the Associated Bank making such writing off shall pay to the Bank for addition to the currency reserve a specified proportion of the amount so written off, but subject to the limitation that the amount of such specified proportion shall not exceed the amount of the proportion appertaining to Saorstát Eireann determined by the Commission under subsection (4) of Section 60 of the Currency Act in respect of the notes of such Associated Bank outstanding immediately before the appointed day mentioned in that subsection.

(3) Every writing off under this section by an Associated Bank shall have effect as on and from the date on which the sanction of the Minister thereto is given.

(4) Whenever an Associated Bank has written off an amount under this section, due regard shall be had to such writing off when computing

Notes of former  
banks of issue.

Power of  
banks of issue  
to write off  
certain notes.

the amount of any payment under Section 66 of the Currency Act, as amended by this Act, payable by such Associated Bank in respect of a period wholly or partly subsequent to the date as on and from which such writing off has effect.

(5) No writing off under this section by an Associated Bank shall operate to release such Associated Bank from liability to pay any of its notes.

Construction  
of references  
to holding  
oneself out  
as a banker.

#### PART V.—DEPOSITS BY BANKERS

41.—(1) For the purposes of this Part of this Act, a person shall (save as is otherwise provided by the next following subsection of this section) be deemed to hold himself out as a banker—

- (a) if, being a company or other corporate body carrying on any business whatsoever, the name of such body includes any of the words "bank," "banker," or "banking" or any word which is a variant or a derivative of any of those words, or
- (b) if, being an individual he carries on any business whatsoever under a name or title (other than his own name without any addition thereto) which includes any of the words "bank," "banker," or "banking" or any variant or derivative of any of those words, or
- (c) if, being a partnership or other unincorporated body carrying on any business whatsoever, the name under which such body carries on such business (not being in the case of a partnership the name or names of one or more of the partners without any addition thereto) includes any of the words "bank," "banker," or "banking" or any word which is a variant or a derivative of any of those words, or
- (d) in any case, if by the use, in an advertisement, circular, business card, or other document, of any of the words "bank," "banker," or "banking" or any variant or derivative of those words or any phrase analogous thereto he holds himself out or represents himself as conducting or being willing to conduct banking operations with, for, or on behalf of members of the public.

(2) Notwithstanding anything contained in the foregoing subsection of this section, none of the following banks, that is to say, the Bank, the Post Office Savings Bank, and a trustee savings bank certified (whether before or after the passing of this Act) under the Trustee Savings Banks Act, 1863, shall be deemed to hold itself out as a banker within the meaning or for the purposes of this Part of this Act.

Obligation to  
make deposit  
in the High  
Court.

42.—(1) During the period of three years beginning on the 1st day of January next after the passing of this Act it shall not be lawful for any person to hold himself out as a banker unless he has deposited and keeps deposited in the High Court in accordance with this Part of this Act the sum of ten thousand pounds or, in the case of a person to whom an order

under subsection (3) of this section relates, the sum mentioned in such order.

(2) From and after the expiration of the period of three years mentioned in the foregoing subsection of this section it shall not be lawful for any person to hold himself out as a banker unless he has deposited and keeps deposited in the High Court in accordance with this Part of this Act the sum of twenty thousand pounds or, in the case of a person to whom an order under subsection (3) of this section relates, the sum mentioned in such order.

(3) The Minister, where satisfied that special considerations so warrant, may by order permit a person holding himself out as a banker to deposit and keep deposited in the High Court in accordance with this Part of this Act a sum less than that mentioned in subsection (1) or subsection (2) of this section (whichever is applicable) but not less than five thousand pounds.

(4) The Minister may by order revoke or amend any order under this section.

(5) Every person who holds himself out as a banker in contravention of this section shall be guilty of an offence under this section and shall be liable,

- (a) on conviction thereof on indictment, to a fine not exceeding five hundred pounds together with a further fine not exceeding twenty-five pounds for every day on which the offence is continued, or
- (b) on summary conviction thereof, to a fine not exceeding fifty pounds together with a further fine not exceeding one pound for every day on which the offence is continued.

(6) Where a company or other corporate body commits an offence under this section, every director and every officer of such company or body who wilfully authorises or permits the offence shall also be guilty of the offence and be liable on conviction thereof to the penalty mentioned in the next preceding subsection.

(7) Where a partnership or other unincorporated body commits an offence under this section, every member of such partnership or body shall be guilty of the offence and be liable on conviction thereof to the penalty mentioned in subsection (5) of this section, unless he proves that he did not know and could not reasonably have known of such contravention.

43.—(1) The following provisions shall apply and have effect in relation to deposits in the High Court made in pursuance of this Part of this Act, that is to say:—

- (a) every such deposit shall be under the control of the High Court and shall be made with the privity of the Accountant of the Courts of Justice;

General  
provisions in  
relation to  
deposits under  
this Part of  
this Act.

- (b) the Accountant of the Courts of Justice shall issue free of charge on request to any person proposing to make or add to any such deposit the forms requisite for that purpose;
- (c) any such deposit may, in lieu of being made wholly in money, be made wholly or partly by the deposit of securities authorised by rules of court for the investment of moneys under the control of the High Court;
- (d) where any such deposit is made or held wholly or partly in money, such money or a specified part thereof shall, on the request and at the cost of the depositor, be invested in such securities authorised as aforesaid as the depositor shall specify;
- (e) whenever any such deposit has been made, the Accountant of the Courts of Justice shall forthwith inform the Minister of the making of such deposit, the name of the person by whom such deposit was made, and the amount of such deposit, and whenever any such deposit has been added to the said Accountant shall forthwith inform the Minister of the making of such addition and of the amount thereof;
- (f) the income derived from the securities of which any such deposit is wholly or partly composed shall be paid to the depositor;
- (g) all or any of the securities of which any such deposit is wholly or partly composed shall, at the request and cost of the depositor, be varied into other securities authorised as aforesaid specified by the depositor or be converted into money;
- (h) the depositor of any such deposit or his liquidator, personal representative, assignee, or other successor in title may at any time apply, in accordance with rules of court, for the return of such deposit or so much thereof as has not been paid out in pursuance of an order of the High Court under this Part of this Act;
- (i) where any such application for the return of a deposit has been duly made, such deposit, or so much thereof as has not been paid out as aforesaid, shall, save as is otherwise provided by this Part of this Act, be returned in accordance with such application at the expiration of six months from the receipt of such application;
- (j) whenever any such deposit, or so much thereof as aforesaid, has been returned in pursuance of the next preceding paragraph of this subsection, the Accountant of the Courts of Justice shall forthwith inform the Minister of such return.

(2) On the 2nd day of January in every year subsequent to the year next after the year in which this Act is passed the Accountant of the Courts of Justice shall, in respect of every deposit maintained in the High Court under this Part of this Act which is wholly or partially composed of securities, ascertain the total current market value of the securities comprised in such deposit and shall forthwith send by post to the depositor of such deposit notice in writing stating the amount of the said total current market value so ascertained and the amount of the money (if any) com-

prised in such deposit, and also stating whether the aggregate amount (in this subsection referred to as the actual amount) of the said total current market value and the said money (if any) exceeds, equals, or falls short of the amount (in this subsection referred to as the proper amount) of the deposit required by this Part of this Act, and, where the actual amount of the deposit exceeds or falls short of the proper amount thereof, the amount of the excess or the deficit (as the case may be), and upon such notice being so sent such (if any) of the following provisions as is or are applicable shall have effect, that is to say:—

- (a) if the actual amount exceeds the proper amount and the depositor, on or before the 2nd day of February next after the posting of the said notice, requests the return of the excess or a specified part of the excess of the actual amount over the proper amount, a sum equal to such excess or such specified part thereof (less the cost of any requisite sale of securities) shall forthwith be returned to the depositor;
  - (b) if the actual amount is less than the proper amount, the depositor may deposit in the High Court (by way of addition to the said deposit) an amount in money or in securities authorised by rules of court for the investment of moneys under the control of the High Court or partly in money and partly in such securities equal to the amount by which the actual amount falls short of the proper amount;
  - (c) where, in a case to which the next preceding paragraph of this subsection applies, the depositor makes the additional deposit authorised by that paragraph on or before the 2nd day of February next after the posting of the said notice, the depositor shall be deemed to have maintained the deposit at the proper amount, but where, in any such case, the depositor fails to make such additional deposit on or before the said 2nd day of February the Accountant of the Courts of Justice shall forthwith inform the Minister of such failure.
- (3) Rules of court may provide for all or any of the following things being done without an order of the High Court, that is to say:—
- (a) the making of deposits under this Part of this Act and of additions to such deposits;
  - (b) the investment of money comprised in any such deposit;
  - (c) the payment to a depositor of the income derived from securities comprised in his deposit;
  - (d) the variation of all or any of the securities comprised in any such deposit;
  - (e) the return under this section of any such deposit or part of any such deposit to the depositor.

Deposit on  
behalf of a  
company  
before its  
incorporation.

**44.**—Where a company is intended to be incorporated under the Companies Acts, 1908 to 1924, with a name which includes any of the words "bank," "banker," or "banking," or any word which is a variant or a derivative of any of those words, the following provisions shall have effect, that is to say:—

- (a) it shall be lawful for a deposit to be made in the High Court under this Part of this Act on behalf and in the name of such intended company notwithstanding that such company has not been incorporated;
- (b) an order under subsection (3) of Section 42 of this Act in relation to the amount of such deposit shall be capable of being made notwithstanding that such company has not been incorporated;
- (c) the registrar of companies shall not give a certificate of incorporation in respect of such intended company unless or until such deposit has been so made on behalf and in the name of such intended company;
- (d) when such intended company has been duly incorporated under the said Acts, the said deposit shall be deemed for all purposes to have been made by such company.

Payment of  
debts out of  
deposit.

**45.**—(1) Whenever a person (in this subsection referred to as the creditor) obtains in any Court a judgment, order, or decree against a person (in this section referred to as the depositor) who has made and maintains a deposit in the High Court under this Part of this Act for the payment of a sum of money in discharge of a liability (whether liquidated or unliquidated) incurred by the depositor in the course of or in relation to the business carried on by him, the High Court may, if it so thinks proper on the application in a summary manner of the creditor, order that the said sum of money and the costs (if any) payable by the depositor to the creditor under the said judgment, order, or decree and also (if the High Court so thinks proper) the creditor's costs of such application be paid to the creditor out of the said deposit so maintained by the depositor.

(2) Whenever any money is paid, in pursuance of an order of the High Court made under the foregoing subsection of this section, out of a deposit in the High Court under this Part of this Act, the following provisions shall have effect, that is to say:—

- (a) the Accountant of the Courts of Justice shall forthwith inform the Minister of such payment;
- (b) the said Accountant shall ascertain the amount of the balance of the said deposit remaining after such payment thereout and, if that balance is less than the proper amount of the said deposit under this Part of this Act, the said Accountant shall send by post to the depositor a notice in writing stating that the said balance falls short of the said proper amount and also stating the amount (in this subsection referred to as the said deficiency) by which the said balance so falls short;

- (c) for the purpose of the said ascertainment of the amount of the said balance, all (if any) securities comprised in the said deposit shall be valued at their respective current market values;
- (d) when the said Accountant has sent to the depositor such notice as aforesaid, the depositor may deposit in the High Court (by way of addition to the said deposit) in money or in securities authorised by rules of court for the investment of moneys under the control of the High Court or partly in money and partly in such securities an amount equal to the said deficiency, and, if the depositor so deposits the said amount not more than fourteen days after the posting of the said notice, he shall be deemed to have maintained the said deposit at the amount required by this Part of this Act.

#### PART IV.—BANKERS' LICENCES AND THE DUTIES OF LICENSED BANKERS

**46.**—This Part of this Act does not apply to the Bank or to the Post Office Savings Bank or to any trustee savings bank certified (whether before or after the passing of this Act) under the Trustee Savings Banks Act, 1863.

Application of  
this Part of  
this Act.

Bankers'  
licences.

**47.**—(1) In this section, the expression "banking business" means a business which consists of or includes the acceptance of deposits payable on demand or on not more than seven days' notice, but the acceptance by a trader of deposits from persons employed by him in his trading business or the acceptance by a trader in the normal course of his trading business of deposits from persons who are customers of that trading business or the acceptance by a trader of both those classes of deposits shall not of itself make the trading business of such trader a banking business for the purposes of this section.

(2) No person (other than a bank to which this Part of this Act does not apply) shall, on or after the 1st day of January next after the passing of this Act, carry on a banking business or hold himself out or represent himself as carrying on any business which is banking business within the meaning of this section unless he holds a banker's licence issued to him under this section and for the time being in force.

(3) Any person may apply to the Revenue Commissioners and obtain from them a licence (in this Act referred to as a banker's licence) authorising him to carry on banking business from the date of issue of such licence until the next following 31st day of December or, in the case of a licence issued by way of renewal of a licence which has not expired, from the 1st day of January next after the date of issue of the licence so issued until the next following 31st day of December.

(4) Every banker's licence and every application for a banker's licence shall be in the form prescribed by regulations made under this section and, if a stamp duty is payable by law on such licence, such application shall be

accompanied by the amount of such duty and the payment of such duty shall be a condition precedent to the consideration of such application.

(5) Where the holder of a banker's licence (in this subsection referred to as an existing licence) desires to obtain a banker's licence (in this subsection referred to as a renewal licence) by way of renewal of such existing licence he may apply under this section for such renewal licence before but not more than one month before the expiration of such existing licence.

(6) The Revenue Commissioners shall send to the Bank in the month of January in every year a list containing the name and address of every person to whom a banker's licence expiring on the 31st day of December in that year has been issued under this section before the date on which such list is so sent, and shall also, whenever a banker's licence so expiring is issued under this section on or after the date on which such list is so sent, forthwith notify the Bank of the issue of such licence and of the name and address of the person to whom it is issued.

(7) The Revenue Commissioners may, with the consent of the Minister, make regulations prescribing forms for banker's licences and applications therefor and the procedure generally in relation to applications for and the issue of bankers' licences.

(8) Every person who, in contravention of this section, carries on banking business or holds himself out or represents himself as carrying on any business which is banking business within the meaning of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds together with a further fine not exceeding ten pounds for every day during which such contravention is continued.

Publication of financial statements by licensed bankers.

43.—(1) In this section the word "year" means a period of twelve months beginning on the 1st day of January.

(2) On and after the 1st day of January next after the passing of this Act, Section 108 (which relates to the publication of a certain financial statement by certain companies) of the Companies (Consolidation) Act, 1908, shall not apply or have effect in relation to a licensed banker.

(3) Every licensed banker, unless exempted by the Minister under this section,—

- (a) shall post up and at all times keep posted up in a conspicuous place in every office, branch, or other place in which he carries on banking business and also, in the case of a limited company incorporated in the State, in the registered office of the company, a statement (in the form required by this section) in relation to the banking business carried on by him, and
- (b) shall furnish on demand to every of his creditors and, in the case of a limited company, to every member of the company a copy of

the latest such statement on payment of a sum not exceeding six-pence therefor.

(4) The Minister may at any time, if he so thinks proper, exempt from the provisions of the next preceding subsection of this section a licensed banker who, immediately before the passing of this Act, carried on banking business in the State and was not then a company to which Section 108 of the Companies (Consolidation) Act, 1908, applied.

(5) The statement required by this section to be posted up by a licensed banker shall, in the case of an Associated Bank, be in the form of a copy of its latest balance sheet and, in every other case, be in such form as shall be prescribed by the Minister or, until such form is so prescribed, in the same form as nearly as may be as the balance sheets of the Associated Banks.

(6) Every licensed banker who shall contravene (whether by act or omission) this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day during which the offence is continued.

(7) Where a licensed banker who is a limited company commits an offence under this section, every director and every manager of such company who wilfully authorises or permits the offence shall also be guilty of the offence and be liable on summary conviction thereof to the penalty mentioned in the next preceding subsection.

49.—(1) The Minister may, after consultation with the Board, make regulations for either or both of the following purposes, that is to say:—

- (a) requiring licensed bankers to prepare and publish balance sheets at the times and intervals specified in such regulations;
- (b) prescribing the form in which the balance sheets of licensed bankers are to be prepared.

Publication of balance sheets by licensed bankers.

(2) Regulations made under this section may prescribe different requirements in respect of different licensed bankers.

(3) Every licensed banker shall comply in all respects with every regulation made under this section and applicable to him, and if any licensed banker fails so to comply with any such regulation he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds.

50.—(1) If at any time it should appear to the Board, with the concurrence of the Minister, that it is expedient so to do, it shall be lawful for the Board to make, with the consent of the Minister, regulations requiring every licensed banker to make with the Bank a deposit (not bearing interest) of a specified amount or calculated in a specified manner whenever

Power to require deposit by licensed bankers in certain circumstances.

after a specified date the assets held by him within the State fall below a specified proportion in relation to his liabilities within the State, and to maintain such deposit so long as such assets are below the said specified proportion.

(2) Regulations made under this section may prescribe different requirements in respect of different licensed bankers.

(3) If and whenever regulations made by the Board under this section are in force, it shall be the duty of every licensed banker to comply with such of those regulations as are applicable to him, and, if any licensed banker fails (whether by act or omission) so to do, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds for every day during which such failure is continued.

Powers in respect  
of licensed  
bankers'  
clearances.

51.—(1) If at any time it should appear to the Board, with the concurrence of the Minister, that it is expedient so to do, it shall be lawful for the Board to make, with the consent of the Minister, regulations requiring every licensed banker to settle all or a particular class or particular classes (defined in the regulations) of his clearances by cheques drawn either (as shall be specified in the regulations) on the Bank or on an agent appointed for the purpose by the Bank and requiring every licensed banker, for the purposes of so settling such clearances, to make and maintain with the Bank such balances as may be necessary for the purpose.<sup>7</sup>

(2) If at any time it should appear to the Board, with the concurrence of the Minister, that it is expedient so to do, it shall be lawful for the Board to make, with the consent of the Minister, regulations requiring every licensed banker to lodge with the Bank for clearance all such cheques, bills, notes, or other negotiable instruments (payable outside the State and lodged for clearance at an office in the State of such banker) as shall be prescribed in that behalf by the Board by or under the regulations.

(3) If and whenever regulations made by the Board under either of the foregoing subsections of this section are in force, it shall be the duty of

<sup>7</sup>The Central Bank of Ireland Regulations (No. 1), 1958, provide as follows:

2. In the Regulations—

"the Bank" means the Central Bank of Ireland;

"licensed banker" means a person holding a banker's licence.

3. Every licensed banker—

(a) shall settle all his clearances arising from the exchange of cheques, drafts, bills, warrants, notes, vouchers, or other articles between members of the Dublin Bankers' Clearing Committee at the Central Clearing in Dublin, by cheques drawn on the Bank, and

(b) for the purpose of so settling such clearances shall make and maintain with the Bank such balances as may be necessary for the purpose.

every licensed banker to comply with those regulations and, if any licensed banker fails (whether by act or omission) so to do, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds for every day during which such failure is continued.

PART VII.—COUNTERFEIT AND UNAUTHORISED CURRENCY

52.—In this Part of this Act the expression "bank note" has the same meaning as it has in the Forgery Act, 1913, as amended or extended by the Currency Act and by this Part of this Act.

Definition of  
"bank note" in  
this Part of  
this Act.

53.—(1) Currency notes issued by or on behalf of the Government of any country outside the State shall be deemed to be bank notes within the meaning of the Forgery Act, 1913.

Extension of  
the Forgery  
Act, 1913.

(2) In the foregoing subsection of this section the expression "currency note" includes any notes (by whatever name they are called) which are legal tender in the country in which they are issued.

Disposal of bank  
notes, etc.,  
seized under the  
Forgery Act,  
1913.

54.—Where any forged bank note, or any machinery, implement, utensil, or material used or intended to be used for the forgery of a bank note is lawfully seized under a warrant granted under subsection (1) of Section 16 (as adapted by or under subsequent enactments) of the Forgery Act, 1913, or otherwise, such bank note, machinery, implement, utensil, or material (as the case may be) shall, by order of the court by which any person is tried for an offence in relation thereto or, if no person is so tried, by order of the justice of the District Court or by direction of the Peace Commissioner (as the case may be) by whom such warrant was granted, be delivered up to the Commission or a person authorised by the Commission to receive the same or, if such order is made after the appointed day, to the Bank or a person authorised by the Bank to receive the same.

Making, etc., a  
document  
purporting to be  
or resembling a  
bank note.

55.—(1) If any person makes, or causes to be made, or uses for any purpose whatsoever, or utters any document purporting to be, or in any way resembling, or so nearly resembling as to be calculated to deceive, a bank note or part of a bank note, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(2) Where a person is convicted of an offence under the foregoing subsection of this section, it shall be lawful for the court by which he is so convicted to order that the document in respect of which such offence was committed and all copies of such document and all plates, blocks, dies, and other instruments used for or capable of being used for printing or reproducing such document which are in the possession of the person so convicted to be delivered up to the Commission or, if such order is made after the appointed day, to the Bank.

(3) If any person whose name appears on a document the making of which is an offence under subsection (1) of this section refuses without lawful excuse to disclose to a member of the Gárdá Síochána, on being required by such member so to do, the name and address of the person by whom such document was printed or otherwise made, the said person so refusing shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) The fact that the name of a particular person appears on a document in respect of which he or any other person is charged with an offence under subsection (1) of this section or appears on any other document used or distributed in connection with that document shall, until the contrary is proved, be evidence that the person whose name so appears made or caused to be made the said document in respect of which the said charge is brought.

Prohibition of unauthorised money.

56.—(1) No person shall make, provide, issue, reissue, or give or receive in payment any document (not being a document excluded by this section from the operation of this section) in writing (whether written on paper or on any other substance or material) which complies with both of the following conditions, that is to say:—

- (a) the document purports or is expressed to be or is in fact exchangeable for a specified sum of lawful money on presentation by the holder for the time being thereof to a particular person or any two or more particular persons, whether such person or persons is or are or is not or are not specified in the document and whether such presentation is or is not subject to restrictions as to time and place and whether such restrictions (if any) are or are not stated in the document, and
- (b) the document is intended or purports or appears to be intended to circulate as money or to be used as a substitute for lawful money, whether generally or for a particular purpose or within a particular area.

(2) Every person who makes, provides, issues, reissues, or gives or receives in payment any document in contravention of the foregoing subsection of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

(3) Where a document is or purports or is expressed to be made, provided, issued, reissued, or given or received in payment by or on behalf of a club, association, committee, council, or other body which is not incorporated, every member of that body shall be guilty of an offence under this section and be punishable accordingly.

(4) In any prosecution of a person for an offence under this section, the burden of proof that the document in relation to which the offence is alleged to have been committed was not intended and does not purport

or appear to be intended to circulate as money or to be used as a substitute for lawful money (whether generally or for a particular purpose or within a particular area) shall lie on the person so prosecuted, and, unless and until the contrary is proved, it shall be presumed that the said document was intended (in contravention of this section) to circulate as money and be used as a substitute for lawful money.

(5) Every of the following documents is excluded from the operation of this section, that is to say:—

- (a) bank notes;
- (b) postal orders, post office money orders, and other documents issued by the Minister for Posts and Telegraphs;
- (c) bank drafts, deposit receipts, and other documents issued by any bank;
- (d) bills of exchange not payable on presentation;
- (e) promissory notes for not less than five pounds;
- (f) cheques drawn on a banker, including cheques drawn by a banker on himself;
- (g) tallies which—
  - (i) are (whether before or after the passing of this Act) issued or provided by a club or association the members of which consist wholly or mainly of persons who are for the time being unemployed, and
  - (ii) circulate only amongst the members of such club or association, and
  - (iii) are so issued or provided and are used solely for the purpose of enabling goods produced or services rendered by members of such club or association to be exchanged between members of such club or association.

57.—(1) Section 17 of the Customs Consolidation Act, 1876, is hereby amended by the deletion of the words "British currency" and the insertion, in lieu of those words, of the words "currency which is for the time being legal tender in the State." Amendment of the Customs Consolidation Act, 1876.

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

- (a) counterfeits of legal tender notes, and
- (b) counterfeits of consolidated bank notes.

## PART IX.—MISCELLANEOUS

Winding-up of the note reserve fund and establishment of the currency reserve.

62.—(1) As soon as may be after the passing of this Act and in any event not later than one month after such passing, the note reserve fund shall be wound up and for that purpose the following provisions shall have effect, that is to say:—

- (a) there shall be established in the general fund an account to be called the currency reserve;
- (b) out of the assets of the note reserve fund there shall be transferred to the legal tender note fund such assets (not exceeding two hundred thousand pounds in total value at the market prices current at the time of the transfer) as the Commission shall think proper;
- (c) the assets transferred to the legal tender note fund in pursuance of the next preceding paragraph of this subsection shall be applied in writing down in the books of that fund to such extent as the Commission shall think proper the values in such books of such of the assets of the said fund as the Commission shall think proper;
- (d) the assets of the note reserve fund (other than those assets transferred to the legal tender note fund under the foregoing provisions of this section) shall be transferred to the general fund and the amount thereof shall be placed to the credit of the currency reserve;
- (e) from and after the winding-up of the note reserve fund in pursuance of this section, the transfers required by subsection (7) of Section 61 (as amended by this Act) of the Currency Act to be made from or to the legal tender note fund to or from the note reserve fund shall be made from or to the legal tender note fund to or from the currency reserve in the general fund.

(2) If the winding-up of the note reserve fund in pursuance of the foregoing subsection of this section takes place on or after the appointed day, every mention in that subsection of the Commission shall be construed and have effect as a mention of the Board.

(3) Section 50 and subsection (7) of Section 58 of the Currency Act are hereby amended, as from the completion of the winding-up of the note reserve fund, by the substitution of the expression "currency reserve" for the expression "note reserve fund" wherever the latter expression occurs in the said Section 50 and the said subsection (7) respectively.

(4) Section 4 of the Currency (Amendment) Act, 1930 (No. 30 of 1930), is hereby amended, as from the completion of the winding-up of the note reserve fund, by the substitution of the expression "currency reserve" for the expression "note reserve fund" wherever the latter expression occurs in the said Section 4, and by the substitution of the words "in which assets of the legal tender note fund are for the time being permitted to be held" for the words and figures "mentioned in subsection (2) of Section 62 of the Principal Act" where those words and figures occur in subsection (1) of the said Section 4.

**Amendment of Section 61 of the Currency Act.**

63.—Section 61 of the Currency Act is hereby amended by the deletion of subsection (7) thereof and the insertion in the said section of the following subsection in lieu of the said subsection so deleted, that is to say:—

"(7) As soon as may be after the last day of February and after the 31st day of August in every year the Commission shall value, at values not exceeding the current market prices on such last day of February or 31st day of August (as the case may be), the capital assets of the legal tender note fund on such last day of February or 31st day of August (as the case may be), and shall ascertain the extent of the net surplus or deficiency, if any, of such capital assets as so valued (less by the capital amount of any temporary borrowing under the next preceding subsection of this section then outstanding) above or below the amount of legal tender notes outstanding on such last day of February or 31st day of August (as the case may be), and shall, as soon as may be after such ascertainment, transfer (as the case may require) from or to the legal tender note fund to or from the note reserve fund capital assets in any one or more of the forms in which assets of the legal tender note fund are for the time being permitted to be held equal in value to the amount of such surplus or deficiency, if any."

**Amendment of Section 3 of the Currency (Amendment) Act, 1930.**

64.—Section 3 of the Currency (Amendment) Act, 1930 (No. 30 of 1930), is hereby amended as follows, that is to say:—

- (a) by the deletion of the word "unanimously" where it occurs in subsection (1), and
- (b) by the deletion of the word "unanimous" where it occurs in subsection (2), and
- (c) by the insertion in subsection (3) after the word "subsections" of the words "upon a request of the Commission which is not unanimous," and
- (d) by the insertion, before subsection (4), of a new subsection as follows, that is to say:—

"(3A) Every order made under subsection (1) or subsection (2) of this section on a unanimous request of the Commission shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such order is passed by either such House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order."

65.—(1) It shall be lawful for the Bank to obtain from—

- (a) any person who by way of trade sells goods on the terms commonly called hire-purchase or on any other terms under which the price (with or without an additional sum for interest) is payable by instalments, or

**Power of Bank to obtain information as to hire-purchase businesses.**

(b) any person who carries on the business of financing (whether by loan, guarantee, or otherwise) the sale of goods on any of the terms mentioned in the foregoing paragraph of this section, all such information in relation to the said trade or business (as the case may be) carried on by such person as shall appear to the Board to be necessary or desirable, and it shall be lawful for the Bank, for the purpose of obtaining such information, to serve on any such person a notice in writing requiring him to furnish in writing to the Bank such information (which shall be specified in the notice) either within a specified time not less than fourteen days after the service of the notice or periodically at intervals of not less than three months.

(2) It shall be the duty of every person on whom a notice is served by the Bank under the foregoing subsection of this section to comply with such notice within the time or on the periodic occasions (as the case may be) specified in such notice, and if he fails so to do he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds together with a further fine not exceeding one pound for every day on which such failure is continued.

(3) A notice served by the Bank under this section on any person may be so served by sending it by prepaid post addressed to such person at his place of business or, where he has more than one such place, the place which appears to the Board to be his principal place of business within the State or, where such person is a limited company incorporated in the State, at the registered office of such company.

Amendment of  
the Bills of  
Exchange Act,  
1882, in respect  
of banker's  
drafts.

Legalisation of  
bank deposit  
as a trustee  
investment.

Amendment of  
Section 22 of the  
Bankers  
(Ireland)  
Act, 1845.

66.—(1) In this section the expression "banker's draft" means a draft payable on demand drawn by or on behalf of a bank upon itself, whether payable at the head office or at some other office of such bank.

(2) Sections 76 to 82 (which relate to crossed cheques) of the Bills of Exchange Act, 1882, as amended by the Bills of Exchange (Crossed Cheques) Act, 1906, shall apply to a banker's draft as if such draft were a cheque.

67.—A trustee, unless expressly forbidden by the instrument (if any) creating the trust, may, in addition to any other mode of investment for the time being authorised by law or by the said instrument (if any), invest any trust funds in his hands (whether such funds are or are not at the time in a state of investment) by placing such funds in an interest-bearing deposit account with an Associated Bank or a bank of which a controlling interest is held by an Associated Bank.

68.—So much of Section 22 of the Bankers (Ireland) Act, 1845, (as adapted by or under subsequent enactments) as requires the Revenue Commissioners to publish in the *Iris Oifigiúil* returns made to them under that section shall cease to have effect on the passing of this Act.

## FIRST SCHEDULE

## ENACTMENTS REPEALED

PART I.—SECTIONS OF THE CURRENCY ACT REPEALED  
IN WHOLE OR IN PART

Section Repealed	Extent of Repeal	Date of Repeal
Sections 14 to 28.	The whole of each section.	The appointed day.
Section 30.	The whole of the section.	The appointed day.
Sections 32 to 34.	The whole of each section.	The appointed day.
Section 38.	Subsections (2) and (3).	The appointed day.
Sections 39 and 44.	The whole of each section.	The passing of this Act.
Sections 40 and 41.	The whole of each section.	The appointed day.
Section 47.	The words "or the note reserve fund" where those words occur in subsections (4), (5), and (6) respectively.	The completion of the winding-up of the note reserve fund.
Sections 53, 54, and 55.	The whole of each section.	The day after the date of the passing of this Act.
Section 62.	The whole of the section.	The completion of the winding-up of the note reserve fund.
Section 63.	In subsection (2), the words "or paid into the note reserve fund," and the words "or out of the note reserve fund."	The completion of the winding-up of the note reserve fund.
Section 63.	Subsections (3) and (6); in subsection (7), the words "or the balance of such surplus income remaining after payment of dividends under the foregoing subsection (as the case may be)."	The appointed day.
Section 64.	The whole of the section.	The appointed day.
Section 65.	The whole of the section.	The day after the date of the passing of this Act.
Section 66.	Subsection (2).	The day after the date of the passing of this Act.

## PART II.—OTHER ENACTMENTS REPEALED

Number and Year	Short Title	Extent of Repeal	Date of Repeal
No. 14 of 1926.	The Coinage Act, 1926.	Section 11.	The appointed day.
No. 30 of 1930.	The Currency (Amendment) Act, 1930.	In subsection (1) of Section 3 the words "or the note reserve fund or both those funds" and the words "or to the list of forms contained in subsection (2) of Section 62 of the Principal Act or to both of those lists," and in subsection (4) of the said Section 3, the words "or Section 62" and the words "or both those sections (as the case may be)."	The completion of the winding-up of the note reserve fund.
No. 20 of 1932.	The Finance Act, 1932.	Section 49.	The day after the date of the passing of this Act.
No. 18 of 1937.	The Finance Act, 1937.	Section 15.	The day after the date of the passing of this Act.

## SECOND SCHEDULE

## RULES FOR THE ELECTIONS OF PANELS FOR THE APPOINTMENT OF BANKING DIRECTORS

## RULES APPLICABLE TO EVERY CASE

1.—In this Schedule the word "representative" means a representative of an Associated Bank present at a meeting for the election of a panel, and the word "meeting" means a meeting of representatives to elect a panel.

2.—The representatives shall elect one of their number to be the chairman of the meeting and such chairman shall conduct the proceedings at the meeting, but shall not have any second or casting vote.

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

4.—The meeting may be adjourned from time to time but shall not be adjourned to a time later than three days after the time appointed under this Act for the meeting.

5.—At the conclusion of the election the chairman shall prepare a statement in writing setting forth the names of the representatives and the names of the banks they respectively represented and the names, addresses, and descriptions of the persons forming the panel elected at the meeting, and such statement shall then be signed by the chairman and at least one-third of the other representatives and shall be sent by the chairman to the Minister in accordance with this Act.

## RULES APPLICABLE TO THE ELECTION OF THE PANEL FOR THE FIRST BANKING DIRECTORS

6.—Every representative may nominate six candidates and no more for election.

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

8.—On the first round, all the candidates shall be voted on and, subject to Rules Nos. 11 and 12 of these Rules, any candidate who on such round receives a number of votes exceeding half the number of representatives present shall be elected and the six (or such lesser number as the chairman shall fix) candidates who receive the least number of votes shall be eliminated.

9.—On the second round, all the candidates except those elected or eliminated on the first round shall be voted on and, subject to Rules Nos. 11 and 12 of these Rules, any candidate who on such round receives a number of votes exceeding half the number of representatives present shall be elected and the six (or such lesser number as the chairman shall fix) candidates who receive the least number of votes shall be eliminated.

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

11.—If on any round, by reason of an equality of votes amongst the candidates who receive the least number of votes, it is not possible to eliminate six (or the lesser number fixed by the chairman) of the candidates, the chairman shall determine how many and which candidates are to be eliminated on that round.

12.—If on any round a greater number of candidates than the number required to be elected receive a number of votes exceeding half the number of representatives present, the chairman shall determine how many candidates, if any, shall be elected on that round.

13.—The election shall be continued until the full panel of six persons has been elected.

RULES APPLICABLE TO THE ELECTION OF THE PANEL FOR BANKING  
DIRECTORS OTHER THAN THE FIRST SUCH DIRECTORS

14.—Where a panel of three persons is to be elected, the foregoing Rules Nos. 6 to 13 (inclusive) shall apply and have effect as if they were here repeated with the substitution of the number "three" for the number "six" wherever the latter number is mentioned in those Rules.

15.—Where a panel of five persons is to be elected, the foregoing Rules Nos. 6 to 13 (inclusive) shall apply and have effect as if they were here repeated with the substitution of the number "five" for the number "six" wherever the latter number is mentioned in those Rules.

16.—Where a panel of six persons is to be elected, the foregoing Rules Nos. 6 to 13 (inclusive) shall apply and have effect as if they were here repeated without modification.

THIRD SCHEDULE

MAXIMUM AMOUNTS OF CONSOLIDATED BANK NOTES WHICH MAY  
BE OUTSTANDING WITH THE ASSOCIATED BANKS RESPECTIVELY

Ref No.	Name of Associated Bank	Maximum Amount of Consolidated Bank Notes			
		In the period from the day after the date of the passing of this Act to the 31st December, 1944 (3)	In the triennial period ending on 31st December, 1947 (4)	In the triennial period ending on 31st December, 1950 (5)	In the triennial period ending on 31st December, 1953 (6)
(1)	(2)				
1	The Bank of Ireland.	£ 1,286,000	£ 965,000	£ 643,000	£ 322,000
2	The Hibernian Bank, Limited.	550,000	413,000	275,000	138,000
3	The Munster & Leinster Bank, Limited.	900,000	675,000	450,000	225,000
4	The National Bank, Limited.	1,141,000	856,000	571,000	286,000
5	The Northern Bank, Limited.	160,000	120,000	80,000	40,000
6	The Provincial Bank of Ireland, Limited.	555,000	417,000	278,000	139,000
7	The Royal Bank of Ireland, Limited.	273,000	205,000	137,000	69,000
8	The Ulster Bank, Limited.	319,000	240,000	160,000	80,000

The Central Bank of Ireland Regulations (No. 2),  
1943<sup>1</sup>

In pursuance of the powers vested in it by subsection (5) of Section 5 of the Central Bank Act, 1942, and of every other power enabling it in that behalf, the Board of the Central Bank of Ireland hereby makes the following regulations, that is to say:—

(1) The Governor shall be the chief executive officer of the Bank and shall on behalf of the Board have the direction and control of the administration of the assets and general business of the Bank with authority to act and to give decisions in all matters which are not by the Currency and Central Bank Acts, 1927 to 1942, or any amendments thereof or any regulations made thereunder specifically reserved to the Board.

(2) Every word and expression used in the Central Bank Act, 1942, to which a particular meaning is given by the Act for the purposes of the Act has in these regulations the meaning so given.

(3) These regulations may be cited as the Central Bank of Ireland Regulations (No. 2), 1943.

The Central Bank of Ireland Regulations (No. 3),  
1943<sup>2</sup>

In pursuance of the powers vested in it by subsection (5) of Section 5 of the Central Bank Act, 1942, and of every other power enabling it in that behalf, the Board of the Central Bank of Ireland hereby makes the following regulations, that is to say:—

(1) There shall be an Executive Committee of the Board consisting, subject to the next following regulation, of such members of the Board as may from time to time be designated by minute of the Board.

(2) Any member of the Board not designated as aforesaid shall be at liberty to attend any meeting of the Executive Committee and shall be a member of the Executive Committee for the purpose of such meeting.

(3) The quorum at a meeting of the Executive Committee shall be three.

(4) The Executive Committee may exercise and perform all the functions, powers, and duties of the Board except the making of statutory regulations and the determination of matters respecting which a unanimous vote or any specified proportion of votes is prescribed by statute and any other

<sup>1</sup> Of February 9, 1943.

<sup>2</sup> Of February 23, 1943.

functions, powers, and duties which the Board by minute reserved to itself.

(5) At any meeting of the Executive Committee any member present may require that any matter arising shall be reserved for consideration by the Board.

(6) The Secretary shall keep minutes of the proceedings of the Executive Committee and all such minutes shall be laid before the next following Board meeting.

(7) Meetings of the Executive Committee shall be convened by the Governor.

(8) Every word and expression used in the Central Bank Act, 1942, to which a particular meaning is given by the Act for the purposes of the Act has in these regulations the meaning so given.

(9) These regulations may be cited as the Central Bank of Ireland Regulations (No. 3), 1943.

### The Central Bank of Ireland (Surplus Income) Regulations, 1943 \*

WHEREAS it is enacted by subsection (5) of Section 63 of the Currency Act, 1927 (No. 32 of 1927), as adapted by Section 11 of the Central Bank Act, 1942 (No. 22 of 1942), that the Minister for Finance may, after consultation with the Board of Directors of the Central Bank of Ireland, make regulations providing for the determination periodically of the surplus income of the said Bank and may by such regulations enable provision to be made for reserves, depreciation, and other like matters before determination of the surplus income:

AND WHEREAS the Minister for Finance has, before making these Regulations, consulted with the said Board of Directors:

Now, the Minister for Finance, in exercise of the powers conferred on him by subsection (5) of Section 63 of the Currency Act, 1927 (No. 32 of 1927), as adapted by Section 11 of the Central Bank Act, 1942 (No. 22 of 1942), and of every and any other power him in this behalf enabling, hereby makes the following Regulations, that is to say:—

1. These Regulations may be cited as the Central Bank of Ireland (Surplus Income) Regulations, 1943.

2. The Interpretation Act, 1937 (No. 38 of 1937), applies to these Regulations.

#### 3. In these Regulations—

the expression "the Bank" means the Central Bank of Ireland; the expression "the Board" means the Board of Directors of the Bank; the expression "the said balance" means the sum (if any) shown by the audited statement of accounts of the Bank prepared under Section 35 of the Currency Act, 1927 (No. 32 of 1927), as adapted by Section 11 of the Central Bank Act, 1942 (No. 22 of 1942), for any financial year to be transferred from the Profit and Loss Account of the General Fund for that year to the credit of the Profit and Loss Appropriation Account of the General Fund for that year.

4. The surplus income of the Bank in respect of any financial year shall be so much of the said balance in respect of that year as shall remain after making thereout provision where necessary for or towards extinguishing any debit balance brought forward in the Profit and Loss Appropriation Account from any previous financial year and making thereout such, if any, provision as the Board may think fit to make under these Regulations for reserves, depreciation, and other like matters.

5. The Board may, out of the said balance in respect of any financial year, make such, if any, provision as is hereinafter authorised in respect of reserves, depreciation, and other like matters, that is to say:—

(a) the Board may out of the said balance transfer to the Currency Reserve and the General Reserve such sums, if any, as it may think fit but not exceeding in the aggregate twenty per cent of the said balance, and

(b) the Board may out of the said balance transfer to a Superannuation Reserve such sum as it may think fit not exceeding fifteen per cent of the expenditure incurred by the Bank in the financial year to which the said balance relates for remuneration and salaries and wages of and allowances to the Governor and every Director who devotes the whole of his time to his duties as such Director and the Bank's officers and servants, and

(c) the Board may out of the said balance transfer to such Depreciation Accounts as it shall think fit to maintain such sums as are, in the opinion of the Board, required to provide for any decrease in value from any cause of any of the Bank's assets other than the capital of the legal tender note fund.

6. The Currency Commission (Surplus Income) Regulations, 1929 (S.R. & O., No. 10 of 1929), are hereby revoked.

\* Statutory Rules and Orders, 1943, No. 93.

**The Central Bank of Ireland (Form of Statement of Accounts) Regulations, 1961 \***

I, Séamas Ó Riain, Minister for Finance, in exercise of the powers conferred on me by Section 35 of the Currency Act, 1927 (No. 32 of 1927), as adapted by Section 11 of the Central Bank Act, 1942 (No. 22 of 1942), and after consultation with the Board of Directors of the Central Bank of Ireland, hereby make the following regulations:—

1. These Regulations may be cited as the Central Bank of Ireland (Form of Statement of Accounts) Regulations, 1961.

2. The Interpretation Act, 1937 (No. 38 of 1937), applies to these Regulations.

3. In these Regulations—

"the Bank" means the Central Bank of Ireland;

"the Act" means the Currency Act, 1927 (No. 32 of 1927), as adapted by Section 11 of the Central Bank Act, 1942 (No. 22 of 1942).

4. Every statement of accounts prepared by the Bank under Section 35 of the Act shall be in the form set out in the Schedule to these Regulations save that, whenever in any statement of accounts a nil entry would require to be made under any heading in that form, the Bank may, in lieu of making the nil entry, omit that heading from that statement of accounts.

5. Every statement of accounts prepared by the Bank under Section 35 of the Act shall have appended thereto the signature of the Governor of the Bank and the signature of an officer of the Bank nominated for that purpose by the Board of Directors of the Bank.

6. The following are hereby revoked—

- (a) the Central Bank of Ireland (Form of Statement of Accounts) Regulations, 1943 (S.R. & O., No. 94 of 1943);
- (b) the Central Bank of Ireland (Form of Statement of Accounts) (Amendment) Regulations, 1957 (S.I. No. 86 of 1957);
- (c) the Central Bank of Ireland (Form of Statement of Accounts) (Amendment) Regulations, 1959 (S.I. No. 99 of 1959); and
- (d) the Central Bank of Ireland (Form of Statement of Accounts) (Amendment) Regulations, 1960 (S.I. No. 103 of 1960).

\* Statutory Instrument No. 187 of 1961.

**SCHEDULE**

**FORM OF STATEMENT OF ACCOUNTS**

**PART I. LEGAL TENDER NOTE FUND**

*A. Issue Account*

Notes outstanding as at 31st March, 19..	£	Notes redeemed during year ended 31st March, 19..	£
10/-	£	10/-	£
£1.....	£1.....	£1.....	£1.....
£5.....	£5.....	£5.....	£5.....
£10.....	£10.....	£10.....	£10.....
£20.....	£20.....	£20.....	£20.....
£50.....	£50.....	£50.....	£50.....
£100.....	£100.....	£100.....	£100.....
	£		£
	£		£

  

Notes issued during year ended 31st March, 19..	£	Notes outstanding as at 31st March, 19..	£
10/-.....	£	10/-.....	£
£1.....	£1.....	£1.....	£1.....
£5.....	£5.....	£5.....	£5.....
£10.....	£10.....	£10.....	£10.....
£20.....	£20.....	£20.....	£20.....
£50.....	£50.....	£50.....	£50.....
£100.....	£100.....	£100.....	£100.....
	£		£
	£		£

*B. Balance Sheet*

Liabilities	Assets
Notes outstanding as at 31st March, 19..	Gold .....
Temporary borrowings	£
	Money in any form which is for the time being legal tender in Great Britain for unlimited amounts .....
	British Government securi- ties .....
	Sterling balances on cur- rent or deposit account at the London Agency or any Bank in Great Britain or Northern Ireland .....
	Currency and securities of the Federal Government of the United States of America .....
	Irish Government Security for advances under sub- section (7) of Section 3 of the Bretton Woods Agreements Act, 1957..
	Balance in General Fund
	£
	£