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*Number 4 of 2025*

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**Finance (Provision of Access to Cash Infrastructure) Act 2025**

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## **FINANCE (PROVISION OF ACCESS TO CASH INFRASTRUCTURE) ACT 2025**

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Companies Act 2014 (No. 38)

Credit Union Act 1997 (No. 15)

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Private Security Services Act 2004 (No. 12)

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## **FINANCE (PROVISION OF ACCESS TO CASH INFRASTRUCTURE) ACT 2025**

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An Act to provide for the continued provision of sufficient and effective access to cash infrastructure for individuals and SMEs; to provide for access to cash criteria; to provide for a framework to manage future changes to access to cash infrastructure in a fair, equitable and transparent manner and for that purpose to provide for review and amendment of the access to cash criteria and for the identification of, and measures to be taken to remedy, local deficiencies in access to cash infrastructure and to ensure compliance with the access to cash criteria; to provide for the designation of entities on whom certain obligations are imposed to remedy local deficiencies and ensure compliance with the access to cash criteria; to provide for the monitoring and enforcement of obligations imposed on designated entities; to provide for the collection and publication of certain information by the Central Bank of Ireland; to provide for regulation by the Central Bank of Ireland of ATM deployers and cash-in-transit providers and for that purpose to provide for the registration of ATM deployers and cash-in-transit providers; to provide for the oversight of ATM operators and cash-in-transit providers and enforcement by the Central Bank of Ireland of compliance by ATM operators and cash-in-transit providers with their obligations under this Act; to provide for the sharing of information and cooperation between the Central Bank of Ireland and the Private Security Authority; for those and other purposes to amend the Central Bank Act 1942, the Central Bank Reform Act 2010, the Central Bank (Supervision and Enforcement) Act 2013 and the Companies Act 2014; and to provide for related matters. [20th May, 2025]

**Be it enacted by the Oireachtas as follows:**

### **PART 1**

#### **PRELIMINARY AND GENERAL**

##### **Short title and commencement**

1. (1) This Act may be cited as the Finance (Provision of Access to Cash Infrastructure) Act 2025.

- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

## **Interpretation**

### **2. In this Act—**

“access to cash criteria” has the meaning given to it by *section 5*;

“Act of 1942” means the Central Bank Act 1942;

“Act of 2004” means the Private Security Services Act 2004;

“ATM” means an automated teller machine;

“ATM deployer” means a person who—

- (a) provides cash withdrawal services from one or more than one ATM that is operated by the person and by whom, or on whose behalf, the ATM or ATMs are stocked with banknotes,
- (b) does not hold payment accounts, and
- (c) does not provide a payment service referred to in paragraph 1, 3, 4, 5, 6, 7 or 8 of the Schedule to the Regulations of 2018;

“ATM operator” means—

- (a) an ATM deployer, or
- (b) a payment services provider referred to in subparagraph (a), (b), (c), (f), (g), (h), (i) or (k) of Regulation 6(1) of the Regulations of 2018 which owns and operates one or more than one ATM;

“automated teller machine” means an electromechanical device that allows for the withdrawal of banknotes from an account;

“Bank” means the Central Bank of Ireland;

“cash” means banknotes and coins;

“cash demand” means the total value of cash withdrawal transactions, as published by the Bank under *section 6* or as provided to the Bank under *section 12*, from either or both of the following:

- (a) ATMs;
- (b) cash service points;

“cash infrastructure” means ATMs and cash service points;

“cash-in-transit provider” means the holder of a licence issued by the Private Security Authority, pursuant to regulations made under section 51 of the Act of 2004, to provide a security service and references in this Act to “CIT provider” shall be construed



accordingly;

“cash service” means any service by which cash may be deposited and withdrawn by individuals and SMEs, to or from an account, and in-person assistance is available in connection with that service;

“cash service point” means a location at which cash services are provided by or on behalf of a designated entity;

“consumer” means an individual who is acting for purposes unrelated to the individual’s trade, business or profession;

“credit institution” means any of the following that provides, or offers to provide, current accounts in the State:

- (a) the holder of a licence under section 9 of the Central Bank Act 1971;
- (b) the holder of an authorisation under section 9A of the Central Bank Act 1971;
- (c) a credit institution authorised and supervised by the competent authority of another Member State that carries on business in the State, by way of the establishment of a branch in the State, in accordance with the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014);
- (d) a credit union registered as such under the Credit Union Act 1997;

“current account” means an account held with a credit institution by means of which one or more than one named person may—

- (a) deposit or receive funds,
- (b) withdraw or transfer funds, and
- (c) execute and receive payment transactions to and from third parties, including the execution of credit transfers;

“designated entity” shall be construed in accordance with *section 10*;

“financial inclusion” means having affordable, timely and adequate access to a range of regulated financial products and services by all segments of society;

“funds” has the same meaning as it has in Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015<sup>1</sup> on payment services in the internal market;

“guidelines” has the meaning given to it by *section 8*;

“household deposits” means the figure contained in the most recent data available in the statistics in relation to the State published monthly by the Bank in accordance with Regulation (EU) 2021/379 of the European Central Bank of 22 January 2021<sup>2</sup> on the balance sheet items of credit institutions and of the monetary financial institutions sector;

“local deficiency” has the meaning given to it by *section 7*;

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<sup>1</sup> OJ No. L337, 23.12.2015, p. 35

<sup>2</sup> OJ No. L73, 3.3.2021, p. 16

“Minister” means the Minister for Finance;

“normal hours of operation of ATMs” has the meaning given to it by *section 31(1)(d)(i)*;

“NUTS 3 region” means a geographical area in the State that is classified as NUTS level 3 in accordance with Regulation (EC) No. 1059/2003 of the European Parliament and of the Council of 26 May 2003<sup>3</sup> on the establishment of a common classification of territorial units for statistics (NUTS), as amended from time to time;

“payment account” has the same meaning as in the Regulations of 2018;

“payment services provider” has the same meaning as in the Regulations of 2018;

“prescribed requirement” shall be construed in accordance with *section 31(1)*;

“quarter” means a period of 3 months ending on 31 March, 30 June, 30 September or 31 December in any year;

“Regulations of 2018” means the European Union (Payment Services) Regulations 2018 (S.I. No. 6 of 2018);

“security service” means a security service referred to in paragraph (f) of the definition of that term in section 2(1) of the Act of 2004 with respect to the provision of protected forms of transport of banknotes or coins, or both, as the case may be;

“SME” means a micro, small or medium-sized enterprise which employs fewer than 250 persons and which has either or both of the following:

- (a) an annual turnover not exceeding €50 million;
- (b) an annual balance sheet total not exceeding €43 million.

### Expenses

3. (1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.
- (2) The Bank shall not provide any funds from its own resources, other than from—
- (a) those resources arising to it from—
    - (i) any levies prescribed under *section 40*,
    - (ii) any fees prescribed under *section 41*, or
    - (iii) any levies prescribed by the Central Bank Commission under section 32D of the Act of 1942,
- as the case may be, in respect of the performance of its functions under this Act,  
and

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3 OJ No. L154, 21.6.2003, p. 1

- (b) those resources provided to it under *subsection (3)*, to defray expenses of the Bank incurred by it in the performance of its functions under this Act.
- (3) The Minister shall, at the request in writing of the Bank, advance to the Bank such sums as the Minister thinks proper to enable the Bank to defray such of the expenses of the Bank, arising in the year concerned, associated with the performance of its functions under this Act where, in any year, the Bank reasonably believes that it will be unable to defray those expenses by way of any levies or fees referred to in *subsection (2)(a)*.
- (4) All moneys from time to time required by the Minister to meet sums which may become payable by the Minister under this section shall be advanced out of the Central Fund or the growing produce thereof.

#### **Regulations and orders made by Minister**

- 4. (1) Every regulation or order made by the Minister under this Act may—
  - (a) make different provision for different circumstances or cases, classes or types, and
  - (b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulation or order.
- (2) Every regulation or order (other than an order under *section 1(2)*) made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order, as the case may be, is passed by either such House within the next 21 days on which that House sits after the regulation or order is laid before it, the regulation or order concerned shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

## **PART 2**

### **ACCESS TO CASH**

#### **Access to cash criteria**

- 5. (1) The Minister, with the approval of the Government, following consultation with the Bank and having regard to—
  - (a) the need to ensure the continued provision of sufficient and effective access to cash infrastructure for individuals and SMEs, and
  - (b) in the case of the order first made under *subparagraph (i)* after the commencement of this section, the level of access to cash infrastructure available to individuals and SMEs as it stood on 31 December 2022, adjusted to take account of any changes to the level of such access that arose, before the making

of that order, as a consequence of the exit from the market in the State by Ulster Bank Ireland DAC and KBC Bank Ireland plc,

in respect of each NUTS 3 region—

(i) shall, by order, specify—

(I) the minimum percentage of the population of the region concerned that ought to be within a radius, specified in the order, of not less than 5 kilometres and not more than 10 kilometres of an ATM,

(II) the minimum number of ATMs that ought to be available per 100,000 people in the region concerned, and

(III) the minimum percentage of the population of the region concerned that ought to be within a radius, specified in the order, of not less than 5 kilometres and not more than 10 kilometres of a cash service point,

and

(ii) subject to *subsection (2)*, may, by order, specify the minimum number of ATMs that ought to be available, per 100,000 people in the region concerned, outside the normal hours of operation of ATMs,

(in this Act referred to as the “access to cash criteria”).

(2) Without prejudice to *subsection (1)*, before making an order under *subsection (1)(ii)*, the Minister shall consult with the Bank regarding—

(a) the level of cash demand, in the NUTS 3 region concerned, outside the normal hours of operation of ATMs,

(b) the need to address any deficiency, in the NUTS 3 region concerned, in the number of ATMs available outside the normal hours of operation of ATMs,

(c) in the case of the order first made under *subsection (1)(ii)* after the commencement of this section, the number of ATMs available, in the NUTS 3 region concerned, outside the normal hours of operation of ATMs, on 31 December 2022, adjusted to take account of any changes to the number of such ATMs available that arose, before the making of the order, as a consequence of the exit from the market in the State by Ulster Bank Ireland DAC and KBC Bank Ireland plc, and

(d) such other matters as the Minister considers necessary and appropriate for the purposes of making the order.

(3) The Bank—

(a) shall, not later than 9 months after the occurrence of any of the following:

(i) publication of the final result of every census of population of the State;

(ii) where the Minister so requests in writing;

- (iii) a reduction in cash demand of more than 15 per cent in a calendar year compared to the immediately preceding calendar year,

and

- (b) may, at any time, on its own initiative,

subject to *subsections (4) and (5)*, conduct a review of the access to cash criteria in respect of one or more than one NUTS 3 region and prepare and submit to the Minister a report of the findings of such a review and the conclusions drawn from those findings, including, as the Bank considers appropriate, recommendations for amendment of any or all of the access to cash criteria in respect of the region or regions concerned.

- (4) When preparing a report under *subsection (3)*, the Bank shall have regard to—
  - (a) the level of cash demand and any changes thereto,
  - (b) population changes,
  - (c) financial inclusion,
  - (d) operating costs related to cash infrastructure, and
  - (e) such other matters relating to the need to ensure the continued provision of sufficient and effective access to cash infrastructure for individuals and SMEs as the Bank considers appropriate for the purposes of the report.
- (5) For the purposes of preparing a report under *subsection (3)*, the Bank shall consult with—
  - (a) the designated entities,
  - (b) one or more than one body representing the interests of consumers,
  - (c) one or more than one body representing the interests of persons with disabilities,
  - (d) one or more than one body representing the interests of elderly persons,
  - (e) one or more than one body representing the interests of SMEs, in particular in the retail and hospitality sectors, and
  - (f) such other persons as it considers appropriate for those purposes.
- (6) Where a report is submitted to the Minister under *subsection (3)*, the Minister shall assess the findings, conclusions and any recommendations set out in the report and, having regard to the need to ensure the continued provision of sufficient and effective access to cash infrastructure for individuals and SMEs, following consultation with the Bank and such other persons as the Minister considers appropriate, may, with the approval of the Government, amend an order made under *subsection (1)(i) or (ii)*, as the case may be.

**Bank to collect and publish information relating to cash infrastructure**

6. (1) The Minister may, for the purposes of the performance of the Minister's functions under this Act, by request in writing, require the Bank to collect and publish information relating to cash infrastructure, in respect of one or more than one NUTS 3 region, as specified in the request, including:
  - (a) the total number and the total value of cash withdrawal transactions from—
    - (i) ATMs, and
    - (ii) cash service points,
  - (b) the average number of hours of unavailability of such class of ATM, as specified in the request, by reference to the reasons for such unavailability, including, but not necessarily limited to, technical and cash restocking issues,
  - (c) the total of each banknote denomination withdrawn from ATMs, and
  - (d) such other statistical information in relation to cash infrastructure as may be specified in the request.
- (2) The Bank shall comply with a request under *subsection (1)*.
- (3) A request under *subsection (1)* shall specify—
  - (a) the information required to be collected and published, and
  - (b) the form and manner in which the information shall be published.
- (4) A request under *subsection (1)* may be for the collection and publication of information—
  - (a) on a once-off basis, or
  - (b) on an ongoing basis at such intervals as may be specified in the request.
- (5) The Bank shall not be required to publish any personal data, or data which may be prohibited from disclosure under section 33AK of the Act of 1942.
- (6) In this subsection—

“personal data” has the meaning it has in the Data Protection Regulation;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016<sup>4</sup> on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

**Local deficiencies**

7. (1) The Bank may, subject to *subsection (3)*, on its own initiative or having assessed any notification made to it under *subsection (2)*, make a determination that, in any part of a NUTS 3 region—

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4 OJ No. L119, 4.5.2016, p. 1

- (a) there is a deficiency which limits access to cash infrastructure for individuals or SMEs, or
  - (b) there is reasonably likely to be a deficiency which limits access to cash infrastructure for individuals or SMEs,
- whether or not the access to cash criteria for the NUTS 3 region concerned are complied with (in this Act referred to as a “local deficiency”).
- (2) A person may notify the Bank, in writing, where the person is of the opinion that, in any place specified in the notification—
    - (a) there is a deficiency which limits access to cash infrastructure for individuals or SMEs, or
    - (b) there is reasonably likely to be a deficiency which limits access to cash infrastructure for individuals or SMEs.
  - (3) For the purposes of making a determination under *subsection (1)*, the Bank shall, in accordance with the guidelines—
    - (a) assess any notification made to it under *subsection (2)*, and
    - (b) have regard to any or all of the matters referred to in *subsection (5)* as it considers may be appropriate in the circumstances.
  - (4) Where the Bank makes a determination under *subsection (1)(a)*, the Bank shall make a determination, in accordance with the guidelines, having regard to any or all of the matters referred to in *subsection (5)* as it considers may be appropriate in the circumstances, as to whether it is appropriate and proportionate that the local deficiency concerned be remedied.
  - (5) The matters referred to in *subsections (3)(b)* and *(4)* shall include the following:
    - (a) the number of people impacted or likely to be impacted by the local deficiency concerned;
    - (b) the number of ATMs, the number of cash service points and the cash demand, in the part of the NUTS 3 region concerned, prior to the local deficiency arising;
    - (c) the current number of ATMs, the current number of cash service points and the current cash demand, in the part of the NUTS 3 region concerned (“the first-mentioned part”) and in any other part of the NUTS 3 region concerned or of any other NUTS 3 region, adjacent to the first-mentioned part;
    - (d) the hours of availability of cash infrastructure in the part of the NUTS 3 region concerned (“the first-mentioned part”) and in any other part of the NUTS 3 region concerned or of any other NUTS 3 region, adjacent to the first-mentioned part;
    - (e) travel and geographic factors;
    - (f) demographic factors applicable to the persons impacted by the local deficiency;
    - (g) the impact of the local deficiency on financial inclusion;

- (h) the likely cost of taking any measures to remedy the local deficiency;
  - (i) such other matters as the Bank considers appropriate for the purposes of making a determination under *subsection (1) or (4)*, as the case may be.
- (6) The Bank shall specify on a website maintained by it or on its behalf the form and manner in which a notification shall be made to it under *subsection (2)* and, subject to the guidelines, the information that shall accompany the notification.

### Guidelines

8. (1) The Bank shall, within 12 months of the commencement of this section, having regard to the matters referred to in *section 7(5)*, prepare guidelines (in this Act referred to as “the guidelines”) in relation to—
- (a) the manner in which the Bank shall make a determination under *section 7(1)*,
  - (b) the information to be provided to the Bank when making a notification under *section 7(2)*,
  - (c) the manner in which the Bank shall assess a notification made under *section 7(2)*, and
  - (d) the circumstances in which a determination may be made under *section 7(4)*.
- (2) For the purposes of the preparation of the guidelines, the Bank shall consult with—
- (a) the Minister,
  - (b) the designated entities,
  - (c) one or more than one body representing the interests of consumers,
  - (d) one or more than one body representing the interests of persons with disabilities,
  - (e) one or more than one body representing the interests of elderly persons,
  - (f) one or more than one body representing the interests of SMEs, in particular in the retail and hospitality sectors, and
  - (g) such other persons as it considers appropriate for those purposes.
- (3) The Bank shall publish the guidelines on a website maintained by it or on its behalf.

### Monitoring and enforcement

9. (1) (a) The Bank shall, for the purposes of monitoring compliance with the access to cash criteria—
- (i) monitor the location, number and hours of availability of ATMs and cash service points in each NUTS 3 region, and
  - (ii) publish the information referred to in *subparagraph (i)* on a website maintained by it or on its behalf as soon as practicable after the end of each quarter.



- (b) In the case of the information first published under *paragraph (a)* after the commencement of this section, the Bank shall publish the information as soon as practicable after such commencement in respect of the immediately preceding quarter.
- (2) The Bank may make a determination, in respect of any NUTS 3 region, having regard to the access to cash criteria and any information provided to it under this Act—
  - (a) that the level of provision of cash infrastructure does not comply with any of the access to cash criteria, or
  - (b) that non-compliance with any of the access to cash criteria is reasonably likely.
- (3) Where the Bank makes a determination under *subsection (2)(a)* or *section 7(4)*, it shall notify the designated entities setting out the details of the non-compliance or local deficiency concerned, or both, as the case may be.
- (4) Where the Bank makes a determination under *subsection (2)(b)* or *section 7(1)(b)*, it shall notify the designated entities setting out the details of the likely non-compliance or likely local deficiency concerned, or both, as the case may be.
- (5) A designated entity may, not later than 28 days after receipt of a notification under *subsection (3)* or such longer period not exceeding 8 weeks as the Bank may specify in the notification, alone or together with any other designated entity, submit to the Bank proposals in writing in relation to any measure that is proposed to be taken to ensure compliance with the access to cash criteria or to remedy the local deficiency, or both, as the case may be.
- (6) Before submitting proposals under *subsection (5)*, a designated entity may consult with the Bank.
- (7) Where—
  - (a) there are no proposals submitted to the Bank under *subsection (5)*, or
  - (b) the Bank, following assessment of any proposals submitted to it under *subsection (5)*, is of the opinion that the proposals do not address the non-compliance or remedy the local deficiency, or both, as the case may be, notified under *subsection (3)*,the Bank may decide to give a draft direction to one or more than one designated entity to ensure compliance with the access to cash criteria or to remedy a local deficiency, or both, as the case may be.
- (8) A draft direction shall state—
  - (a) the appropriate and proportionate measures which the Bank requires be taken by the designated entity or entities to which it is given to ensure compliance with the access to cash criteria or remedy the local deficiency, or both, as the case may be, and
  - (b) the period within which those measures shall be taken.
- (9) For the purposes of giving a draft direction under *subsection (7)*, the Bank shall—

- (a) have regard to the causes of the non-compliance with the access to cash criteria or of the local deficiency, or both, as the case may be,
  - (b) have regard to the total value of household deposits and the number of current accounts held in the State by each designated entity,
  - (c) where a designated entity is part of a group of companies (within the meaning given to that term by section 8 of the Companies Act 2014), have regard to the total value of household deposits and the number of current accounts held by credit institutions who are part of such group but who are not designated entities,
  - (d) have regard to such other factors as the Bank considers relevant and appropriate for the purposes of this section, and
  - (e) taking account of *paragraphs (a) to (d)*, endeavour to ensure fairness as between designated entities.
- (10) A designated entity to whom a draft direction is given under *subsection (7)* may, within 14 days of the date of the draft direction, make submissions in writing to the Bank in relation to the draft direction.
- (11) Following its consideration of any submissions made to it under *subsection (10)*, the Bank may decide to give a direction to each designated entity to whom the draft direction was given, with or without amendment.
- (12) The Bank may, if it considers it appropriate to do so, withdraw, or amend by a further direction, any direction given under this section, and *subsections (7) to (11)* and this subsection shall apply to such further direction with any necessary modifications.
- (13) A decision to give a direction under this section is an appealable decision for the purposes of Part VIIA of the Act of 1942.
- (14) Where a direction is given to a designated entity under this section, the direction shall apply notwithstanding that the credit institution concerned may no longer be a designated entity by virtue of *section 10(6)*.

### Designated entities

10. (1) Where, at the end of a quarter (in this section referred to as “the first-mentioned quarter”), a credit institution meets the conditions set out in *subsection (3)*—
- (a) at the end of the first-mentioned quarter, and
  - (b) at the end of the quarter immediately preceding the first-mentioned quarter,
- the Bank shall notify the credit institution, as soon as practicable after the end of the first-mentioned quarter, that it is a designated entity for the purposes of this Act with effect from the date of the notification.
- (2) For the purposes of *subsection (1)*, on the commencement of this section—
- (a) the quarter in which this section comes into operation shall be deemed to be the first-mentioned quarter, and

- (b) the quarter immediately preceding the quarter referred to in *paragraph (a)* shall be deemed to be the quarter immediately preceding the first-mentioned quarter.
- (3) The conditions referred to in *subsection (1)* are that the credit institution holds—
- (a) a percentage share of current accounts in the State that is not less than the amount prescribed by order under *subsection (5)(a)* of the total number of such accounts held by credit institutions (in this section referred to as “the current account prescribed share”), and
  - (b) a percentage share of household deposits in the State that is not less than the amount prescribed by order under *subsection (5)(b)* of the total number of such deposits held by credit institutions (in this section referred to as “the household deposit prescribed share”).
- (4) Where 2 or more credit institutions are part of the same group of companies (within the meaning given to that term by section 8 of the Companies Act 2014) and each such credit institution does not exceed the current account prescribed share or the household deposit prescribed share, as the case may be, their respective percentage shares of current accounts in the State and household deposits shall each be considered in aggregate, and if the aggregated share in each case exceeds the current account prescribed share and the household deposit prescribed share, then the credit institution with the larger or largest percentage share of household deposits shall be deemed to be a designated entity.
- (5) The Minister shall, following consultation with the Bank and taking account of the number of credit institutions in the State and their proportionate share of current accounts in the State and household deposits and the need to ensure that the objective of a fair distribution amongst those credit institutions of the obligations imposed by virtue of *sections 5 and 7* in respect of access to cash infrastructure is met, by order prescribe—
- (a) a share of at least 5 per cent and not greater than 15 per cent of the total number of current accounts in the State of a credit institution, and
  - (b) a share of at least 5 per cent and not greater than 15 per cent of the total value of household deposits of a credit institution.
- (6) Where, at the end of a quarter, a designated entity no longer meets either or both of the conditions set out in *subsection (3)*, the Bank shall notify the credit institution concerned that it is no longer a designated entity with effect from the date of notification.
- (7) The Bank shall maintain and publish on a website maintained by it or on its behalf a list of designated entities and shall update the list accordingly.
- (8) (a) The Bank shall notify the Minister of any matters, including market developments, that in its opinion may result in the current account prescribed share or household deposit prescribed share, or both, as the case may be, no longer meeting the objective set out in *subsection (5)* and may make such recommendations, as it considers appropriate, for amendment of the current

account prescribed share or household deposit prescribed share, or both, as the case may be.

- (b) The Bank shall include in a notification under *paragraph (a)* such information as it considers appropriate and shall provide such information as the Minister may, in writing, request.
- (9) (a) The Minister may, following consultation with the Bank and such other persons as the Minister considers appropriate, and having regard to any matters notified by the Bank under *subsection (8)*, by order, amend the current account prescribed share or the household deposit prescribed share, or both, as the case may be.
- (b) An order made under this subsection shall come into operation from the beginning of the next quarter after the order is made.
- (c) *Subsections (5) and (8)* shall apply to an order made under this subsection as those subsections apply to an order made under *subsection (5)*.

#### Access fees

##### 11. (1) In this section—

“access fee” means a charge or fee, for the use by individuals and SMEs of an ATM in the State to withdraw cash, imposed by an ATM operator who is not the provider of the relevant account from which the cash is withdrawn;

“relevant account” means an account that—

- (a) facilitates the withdrawal of cash from an ATM in the State, and
  - (b) is provided to an individual or SME by an entity that is authorised in a Member State (including the State) to provide financial services.
- (2) The Minister may, following consultation with the Bank, make regulations—
- (a) prohibiting the charging of an access fee, or
  - (b) prescribing the maximum access fee which may be charged,
- where—
- (i) the withdrawal concerned is from a relevant account, and
  - (ii) the Minister is satisfied that regulations are necessary to ensure that—
    - (I) access to cash by individuals and SMEs and the affordability for them of such access is not impaired by reason of—
      - (A) there being an access fee, or
      - (B) the level of any access fee charged being such as to act as a disincentive to their seeking to access cash by the withdrawal of cash from ATMs,
    - and
    - (II) financial inclusion is not impaired.

- (3) *Subsection (2)* is without prejudice to the imposition of charges or fees relating to currency conversion.

**Power of Bank to require information, records, plans, etc.**

12. (1) In this section, “person to whom this section applies” means, as the case may be—
- (a) a designated entity,
  - (b) an ATM operator,
  - (c) a CIT provider, or
  - (d) any other entity which operates a cash service point on behalf of a designated entity.
- (2) Where the Bank considers it necessary to do so for the purposes of the performance of its functions under this Act, it may give a direction to a person to whom this section applies, in relation to the business of such person, to—
- (a) provide the information,
  - (b) provide the records, or
  - (c) prepare and provide the forecasts, plans, accounts or other documents,
- specified in the direction, to the Bank.
- (3) The information which may be specified in a direction given under *subsection (2)*, may include, but not necessarily be limited to, any or all of the information referred to in *section 6(1)*.
- (4) A person to whom a direction is given under this section shall comply with it—
- (a) at such time or times, or within such period, and
  - (b) at such place,
- as may be specified in the direction.
- (5) The Bank may require, in a direction given under this section, that information, records, forecasts, plans, accounts or other documents provided in compliance with the direction be certified or attested as to their authenticity or correctness in such manner as the Bank may reasonably require, including by statutory declaration.
- (6) The Bank may take copies of, or extracts from, any records or other documents provided in compliance with a direction under this section.
- (7) This section shall not limit any other power of the Bank to require the provision of information or records or the preparation and provision of documents.

## PART 3

## REGISTRATION OF ATM DEPLOYERS AND CIT PROVIDERS

**Definitions (Part 3)****13.** In this Part—

“applicant” means a person who applies to the Bank for registration as an ATM deployer or a CIT provider, as the case may be, under *section 17*;

“application for registration” has the meaning given to it by *section 17*;

“holder” means the holder of a registration;

“prescribed” means prescribed by regulations made by the Bank under this Act;

“registration” means a registration granted by the Bank under this Part to an ATM deployer or a CIT provider, as the case may be, and, if the registration is amended under this Part, means the registration as amended.

**Obligation on ATM deployers and CIT providers to register with Bank****14.** (1) A person who intends to carry on business as—

(a) an ATM deployer, or

(b) a CIT provider,

shall register as an ATM deployer or CIT provider, as the case may be, for the purposes of this Act.

(2) A person shall not carry on business as an ATM deployer or hold himself or herself out as an ATM deployer unless the person is registered under this Part.

(3) A person shall not carry on business as a CIT provider or hold himself or herself out as a CIT provider unless the person is registered under this Part.

(4) A person who contravenes *subsection (2) or (3)*, as the case may be, commits an offence.

**Register of ATM deployers and CIT providers****15.** (1) The Bank shall establish and maintain—

(a) a register of persons registered under this Part as ATM deployers, to be known as the “Register of ATM deployers”, and

(b) a register of persons registered under this Part as CIT providers, to be known as the “Register of CIT providers”,

(each referred to in this Act as “the Register”).

(2) The Register shall contain—

- (a) the name, and the address of the principal place of business, of each person registered as an ATM deployer or CIT provider, as the case may be, and
  - (b) subject to *subsection (7)*, such other particulars as may be prescribed.
- (3) The Register may be in book form, electronic form or such other form as the Bank may determine and may be maintained in an electronic, mechanical or other non-written form only if it is capable of being reproduced in a written form.
- (4) The Bank shall publish the Register in written, electronic or other form and a member of the public is entitled to obtain a copy of the Register or of an entry in the Register on payment of such reasonable fees for copying as may be prescribed under *section 41*.
- (5) The holder of a registration to which an entry in the Register relates shall, as soon as practicable after the holder becomes aware of any error in the entry, give notice in writing to the Bank of the error.
- (6) In any legal proceedings, a certificate purporting to be signed by the Bank and stating that a person—
- (a) is recorded in the Register as a holder,
  - (b) is not recorded in the Register as a holder,
  - (c) was recorded in the Register as being, at a specified date or during a specified period, a holder, or
  - (d) was not recorded in the Register as being, at a specified date or during a specified period, a holder,
- is evidence of the matter referred to in *paragraph (a), (b), (c) or (d)*, as the case may be, and is taken to have been signed by the person purporting to have signed it, unless the contrary is shown.
- (7) The Bank may prescribe particulars for the purposes of *subsection (2)(b)* for the purposes of the performance of its functions under this Act.

#### **Transitional provision for existing ATM deployers and CIT providers**

- 16.** (1) Notwithstanding *section 14*, a person carrying on the business of an ATM deployer or CIT provider, as the case may be, immediately before the commencement of this Part, is taken to be registered as an ATM deployer or CIT provider, as the case may be, until the Bank has granted or refused an application for registration under *section 18*, provided that the person applies to the Bank for registration not later than 3 months after *section 17* comes into operation.
- (2) Where a person is taken to be registered as an ATM deployer or CIT provider under *subsection (1)*, the Bank may decide to impose on the person such conditions or requirements, or both, as the Bank considers appropriate relating to the proper and orderly regulation and oversight of ATM deployers or CIT providers, as the case may be, for the purposes of this Act.

- (3) A person shall comply with any condition or requirement imposed under *subsection (2)*.
- (4) A decision to impose a condition or requirement under this section is an appealable decision for the purposes of Part VIIA of the Act of 1942.

### **Application for registration**

17. (1) A person may apply to the Bank to be registered under this Part (in this Part referred to as an “application for registration”).
- (2) An application for registration shall—
- (a) be in a form provided or specified by the Bank,
  - (b) state the name of the applicant,
  - (c) state the address of the principal place of business of the applicant,
  - (d) contain information demonstrating that the applicant has in place the resources, procedures and arrangements for the carrying on of the business of an ATM deployer or CIT provider, as the case may be, and the performance of activities relating to that business, taking into account the nature, scale and complexity of its business and the obligations imposed on an ATM deployer or CIT provider, as the case may be, under this Act,
  - (e) contain such other information, and be accompanied by such documents, as the Bank may reasonably request for the purposes of determining the application for registration under this Part, and
  - (f) be accompanied by such fees as may be prescribed under *section 41*.
- (3) The Bank may, by notice given to an applicant, require the applicant to provide, within the period of not less than 14 days specified in the notice, such additional information and documents as are reasonably necessary to enable the Bank to determine the application for registration.

### **Grant and refusal of applications for registration**

18. (1) The Bank may refuse an application for registration only if—
- (a) the application does not comply with the requirements of *section 17(2)*,
  - (b) the applicant does not comply with a notice given under *section 17(3)*,
  - (c) the Bank has reasonable grounds to be satisfied that information given to the Bank by the applicant in connection with the application is false or misleading in any material particular,
  - (d) the applicant has failed to satisfy the Bank that it has in place the resources, procedures and arrangements for the carrying on of the business of an ATM deployer or CIT provider, as the case may be, and the performance of activities relating to that business, taking into account the nature, scale and complexity of



its business and the obligations imposed on an ATM deployer or CIT provider, as the case may be, by or under this Act,

- (e) the applicant has failed to satisfy the Bank that the applicant would, if registered, comply with the following:
    - (i) in the case where the applicant is a CIT provider, any condition that the Bank would have imposed under *section 19* on the registration concerned, if the Bank had granted the application;
    - (ii) in the case where the applicant is an ATM deployer, any prescribed requirement;
    - (iii) any other obligation imposed on the applicant by or under this Act,
  - (f) where the applicant is a body corporate, the body corporate is being wound up,
  - (g) where the applicant is a partnership, the partnership is dissolved by the death or bankruptcy of a partner or because of the operation of a provision of the Partnership Act 1890 or otherwise,
  - (h) where the applicant is a natural person, such person is an undischarged bankrupt, or
  - (i) there are objective and demonstrable grounds for believing that the management body of the applicant may pose a threat to its sound and prudent management and to the best interests of its customers and the integrity of the market.
- (2) If the Bank proposes to refuse an application for registration, it shall give to the applicant a notice—
- (a) specifying the grounds on which it is proposed to refuse the application, and
  - (b) informing the applicant that the applicant may, within 21 days after the giving of the notice, make representations in writing to the Bank showing why the Bank should grant the application.
- (3) Not later than 21 days after a notice is given to an applicant under *subsection (2)*, the applicant may make representations in writing to the Bank showing why the Bank should grant the application for registration.
- (4) The Bank may decide to refuse an application for registration after having considered any representations made by the applicant in accordance with *subsection (3)*.
- (5) As soon as practicable after deciding to refuse an application for registration under this section, the Bank shall give a notice of the decision to the applicant, and the notice shall include a statement setting out the reasons for that decision.
- (6) A decision of the Bank to refuse an application for registration is an appealable decision for the purposes of Part VIIA of the Act of 1942.
- (7) If the Bank does not refuse the application for registration, it shall grant it and, on granting the application, the Bank shall—

- (a) record the particulars of the applicant, referred to in *subsection (2)*, in the Register of ATM deployers or the Register of CIT providers, as the case may be, and
- (b) give the applicant notice of confirmation of registration as an ATM deployer or CIT provider, as the case may be.

**Bank may impose conditions on CIT provider when granting application for registration**

- 19.** (1) In granting an application for registration as a CIT provider under *section 18*, the Bank may decide to impose on the holder concerned one or more of the following conditions, as the Bank considers appropriate, relating to the proper and orderly regulation and oversight of CIT providers for the purposes of this Act:
- (a) that the holder notify the Bank, in such form and manner and to the extent that the Bank considers necessary and proportionate for the purposes of the performance of the Bank's functions under this Act, and including such information as the Bank may specify in such conditions, of any proposed business changes or developments, or potential business changes or developments of which the holder becomes aware, that may impact materially the ability of the holder to service the needs of any or all of its customers, including any plans to cease any or all of its activities in the State or any part of it;
  - (b) that the holder notify its customers, in such form and manner and to the extent that the Bank considers necessary and proportionate for the purposes of the performance of the Bank's functions under this Act, and including such information as the Bank may specify in such conditions, of any proposed business changes or developments, or potential business changes or developments of which the holder becomes aware, that may impact materially the ability of the holder to service the needs of any or all of its customers, including any plans to cease any or all of its activities in the State or any part of it;
  - (c) that the holder have in place such policies, as the Bank may specify in such conditions, relating to operational resilience and business continuity arrangements and compliance with those policies.
- (2) The Bank shall specify any condition imposed under *subsection (1)* in the registration granted to the holder or in one or more than one document annexed to that registration.
- (3) If the Bank decides to impose any condition under *subsection (1)*, the Bank shall give to the holder, together with the notice of confirmation of registration under *section 18(7)(b)*, a notice of the decision to impose such condition, and the notice shall include a statement setting out the reasons for its imposition.
- (4) A holder shall comply with any condition imposed under *subsection (1)*.
- (5) A decision of the Bank to impose any condition under *subsection (1)* is an appealable decision for the purposes of Part VIIA of the Act of 1942.

**Offence to fail to comply with condition imposed under section 19**

20. A holder who fails to comply with any condition imposed under *section 19(1)* commits an offence.

**Term of registration**

21. (1) A registration comes into force on the day on which the registration is granted, or, if a later date is specified in the registration, on that later date, whether or not, in the case of a CIT provider, an appeal against any decision to impose a condition of registration is made by virtue of *section 19(5)*.
- (2) A registration remains in force, unless sooner revoked under this Part, from the date on which it comes into force.

**Bank may amend registration**

22. (1) The Bank may, from time to time, amend a registration by varying, replacing or revoking any condition or, subject to *section 19*, in the case of a CIT provider, by adding any further condition if the Bank considers that the variation, replacement, revocation or addition is necessary for the proper and orderly regulation of the business of the holder concerned as an ATM deployer or CIT provider, as the case may be, under this Act.
- (2) If the Bank proposes to amend a registration under this section, the Bank shall give to the holder a notice informing the holder of the Bank's intention to amend the registration.
- (3) The notice shall—
- (a) specify the proposed amendment, and
  - (b) inform the holder that the holder may, within 21 days after giving the notice, make representations in writing to the Bank showing why the Bank should not make that amendment.
- (4) Not later than 21 days after a notice is given to the holder under *subsection (2)*, the holder may make representations in writing to the Bank showing why the Bank should not amend the registration.
- (5) The Bank may decide to amend a registration only after having considered any representations to the Bank made in accordance with *subsection (4)*.
- (6) As soon as practicable after deciding to amend a registration under this section, the Bank shall give notice of the decision to the holder, and the notice shall include a statement setting out the reasons for that decision.
- (7) A decision of the Bank to amend a registration is an appealable decision for the purposes of Part VIIA of the Act of 1942.
- (8) The amendment of a registration under this section takes effect from the date of the notice of the decision under *subsection (6)*, or, if a later date is specified in the notice,

from that date, whether or not an appeal against the decision is made by virtue of *subsection (7)*.

### **Regulatory disclosure statement**

- 23.** (1) Subject to *subsection (2)*, the holder shall include a statement (in this section referred to as a “regulatory disclosure statement”) in the prescribed form in all advertisements for its services stating that the holder is registered under this Part.
- (2) For the purposes of this section, the Bank may prescribe the form of the regulatory disclosure statement, including its size, colour and font type and the manner in which the statement shall be displayed.
- (3) In this section, “advertisement” means any form of commercial communication which is intended to publicise or otherwise promote the holder in relation to the carrying on of its business as an ATM deployer or CIT provider, as the case may be.

### **Revocation of registration on application of holder**

- 24.** The Bank shall revoke a registration on the application of the holder, but only if satisfied that the holder has complied with all of the following, where applicable:
- (a) a direction under *section 12*;
  - (b) where the holder is a CIT provider, any condition imposed on it under *section 19*;
  - (c) any amendment to a registration under *section 22*;
  - (d) a direction under *section 27*;
  - (e) where the holder is an ATM deployer, any prescribed requirement;
  - (f) the obligation to retain records under *section 33*;
  - (g) a direction under *section 34*.

### **Revocation of registration other than on application of holder**

- 25.** (1) The Bank may revoke a registration only if the Bank has reasonable grounds to be satisfied of one or more of the following:
- (a) the holder has not commenced carrying on business as an ATM deployer or CIT provider within the period of 12 months after the date of the notice of confirmation of registration under *section 18(7)*;
  - (b) the holder has not carried on business as an ATM deployer or CIT provider for the immediately preceding period of 6 months;
  - (c) the registration was obtained by means of a false or misleading representation;
  - (d) the holder has contravened, or is contravening, any obligation imposed on ATM deployers or CIT providers under this Act;
  - (e) the holder has failed to satisfy the Bank—

- (i) where the holder is a CIT provider, that the policies referred to in *section 19(1)(c)*, or
  - (ii) where the holder is an ATM deployer, that any procedures that are a prescribed requirement that the holder has in place,  
are adequate or fit for purpose;
  - (f) the holder has contravened or is contravening any of the following:
    - (i) a direction under *section 12*;
    - (ii) where the holder is a CIT provider, any condition imposed under *section 19*;
    - (iii) any amendment to a registration under *section 22*;
    - (iv) a direction under *section 27*;
    - (v) where the holder is an ATM deployer, any prescribed requirement;
    - (vi) the obligation to retain records under *section 33*;
    - (vii) a direction under *section 34*;
  - (g) the holder is so structured, or the business of the holder is so organised, that the holder is not capable of being regulated under this Part;
  - (h) there are objective and demonstrable grounds for believing that the management body of the holder may pose a threat to its sound and prudent management and to the best interests of its customers and the integrity of the market;
  - (i) where the holder is a body corporate, the body corporate is being wound up;
  - (j) where the holder is a partnership, the partnership is dissolved by the death or bankruptcy of a partner or because of the operation of a provision of the Partnership Act 1890 or otherwise;
  - (k) where the holder is a natural person, the holder is declared bankrupt.
- (2) If the Bank proposes to revoke a registration under this section, the Bank shall give to the holder a notice informing the holder of the Bank's intention to revoke the registration.
- (3) The notice shall—
- (a) specify the grounds on which the Bank proposes to revoke the registration, and
  - (b) inform the holder that the holder may, within 21 days after the giving of the notice, make representations in writing to the Bank showing why the Bank should not revoke the registration.
- (4) Not later than 21 days after a notice is given to the holder under *subsection (2)*, the holder may make representations in writing to the Bank showing why the Bank should not revoke the registration.
- (5) The Bank may decide to revoke the registration only after having considered any representations made by the holder in accordance with *subsection (4)*.

- (6) As soon as practicable after deciding to revoke a registration under this section, the Bank shall give notice of the decision to the person who was the holder, and the notice shall include a statement setting out the reasons for that decision.
- (7) A decision of the Bank to revoke a registration under this section is an appealable decision for the purposes of Part VIIA of the Act of 1942.
- (8) The revocation of a registration under this section takes effect from the date of the notice of the decision under *subsection (6)*, or, if a later date is specified in the notice, from that date, whether or not an appeal against the decision is made by virtue of *subsection (7)*.

#### **Bank to publish notice of revocation**

- 26. As soon as practicable after revoking a registration under *section 24* or *25*, as the case may be, the Bank shall publish a notice in *Iris Oifigiúil* giving particulars of the revocation.

#### **Direction not to carry out business other than as directed**

- 27. (1) If the Bank reasonably believes that there may be grounds for revoking a registration under *section 25*, the Bank may decide to give to the holder a direction prohibiting the holder from carrying on business as an ATM deployer or CIT provider, as the case may be, other than in accordance with conditions specified by the Bank in the direction.
- (2) The Bank shall include in a direction under this section a statement—
  - (a) setting out the reasons for giving the direction,
  - (b) specifying the period during which the direction is to remain in force, and
  - (c) specifying the conditions with which the holder is required to comply.
- (3) Subject to *subsection (5)*, a decision of the Bank to give a direction under *subsection (1)* is an appealable decision for the purposes of Part VIIA of the Act of 1942.
- (4) A holder to whom a direction is given under *subsection (1)* may apply to the High Court for, and the High Court may, if it considers it appropriate to do so, grant, an order affirming, setting aside or varying the direction.
- (5) A holder may not make an appeal under Part VIIA of the Act of 1942 against a direction under *subsection (1)* where the direction is or has been the subject of an application to the High Court under *subsection (4)*.
- (6) An application under *subsection (4)* shall be made not later than 21 days after the date of the direction given to the holder under *subsection (1)* or within such extended period as the High Court allows.

- (7) At the hearing of an application made under *subsection (4)*, the High Court may make such order as it considers appropriate in the circumstances (including an order dismissing the application).
- (8) The High Court may direct the hearing together of applications made under *subsection (4)* and *section 35* that relate to the same direction.
- (9) Where the High Court is satisfied that it is desirable, because of the nature or the circumstances of the case, or having regard to the interests of justice, then the whole or any part of proceedings relating to an application under *subsection (4)* before it may be heard otherwise than in public.
- (10) The Bank may, by notice given to the holder concerned, amend or revoke a direction given under this section.
- (11) A direction under this section takes effect from the date on which it is given or, if a later date is specified in the direction, from that date, whether or not an application is made under *subsection (4)* or an appeal against the direction is made by virtue of *subsection (3)*.
- (12) A direction under this section ceases to have effect on the earlier of—
  - (a) the end of the period, not exceeding 12 months, specified in the direction, or
  - (b) on the revocation of the holder’s registration under this Part.
- (13) A person shall comply with a direction given to the person under this section.
- (14) A person who contravenes a direction given to the person under this section commits an offence.

### **Sharing of information and cooperation between Bank and Private Security Authority**

- 28.** (1) In this section, “Authority” means the Private Security Authority.
- (2) (a) The Authority may provide, to the Bank, information in relation to CIT providers which the Authority acquires in the course of the performance of its functions under the Act of 2004 if the Authority is reasonably satisfied that information is required by the Bank for the purposes of the performance of the Bank’s functions under this Act in so far as they relate to CIT providers.
  - (b) Where the Bank receives information from the Authority under this subsection, that information may only be used by the Bank for the purposes of the performance of its functions under this Act in so far as they relate to CIT providers.
  - (3) The Bank and the Authority, in so far as it is consistent with the proper performance of their respective functions under this Act and the Act of 2004, may enter into one or more than one agreement or arrangement (whether in the form of a memorandum of understanding or otherwise) from time to time for the purposes of—
    - (a) facilitating administrative efficiency and cooperation between the Bank and the Authority in the performance of their respective functions in so far as they relate

to the monitoring of compliance by CIT providers with this Act and with the Act of 2004,

- (b) avoiding duplication of activities by the Bank and the Authority, and
  - (c) subject to *subsection (2)* and section 33AK(5)(bc) of the Act of 1942, sharing information for the purposes of monitoring compliance by CIT providers with this Act and the Act of 2004.
- (4) The parties to an agreement or arrangement under this section may vary the terms of the agreement or arrangement.
  - (5) An agreement or arrangement under this section, or any variation of such an agreement or arrangement, shall be in writing.
  - (6) An agreement or arrangement under this section shall not operate to bind the parties to the agreement or arrangement.
  - (7) The Bank shall provide the Minister and the Minister for Justice with a copy of each agreement or arrangement under this section and any variation thereof.
  - (8) An agreement or arrangement under this section shall not operate to require the Bank to provide information to the Authority if the disclosure of that information by the Bank is not permitted by section 33AK(5)(bc) of the Act of 1942 or is prohibited by law.
  - (9) An agreement or arrangement under this section shall not operate to require the Authority to provide information to the Bank if the disclosure of that information by the Authority is not permitted by *subsection (2)* or the Act of 2004 or is prohibited by law.

## PART 4

### MISCELLANEOUS POWERS OF BANK

#### **Definitions (*Part 4*)**

#### **29.** In this Part—

“authorised officer” means a person appointed by the Bank under *section 36* to be an authorised officer;

“relevant records” means records of information, relating to the business of an ATM deployer or CIT provider, as the case may be, however compiled, recorded or stored, and includes—

- (a) any book, register and any other document containing information, and
- (b) any disc, tape or other article from which information is capable of being produced in any form that is capable of being reproduced visually or aurally.



**Bank's power to make regulations**

- 30.** (1) The Bank may, by regulations, provide for any matter referred to in *Part 3* or this Part as prescribed or to be prescribed.
- (2) Without prejudice to any provision of *Part 3* or this Part, a regulation made by the Bank under *Part 3* or this Part may contain such incidental, supplementary and consequential provisions as appear to the Bank to be necessary or expedient for the purposes of the regulation.
- (3) The Minister shall arrange for every regulation made by the Bank under *Part 3* or this Part to be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

**Prescribed requirements for ATM operators**

- 31.** (1) The Bank shall, subject to *subsections (2), (3) and (4)*, following consultation with the Minister, in relation to ATM operators, make regulations prescribing the following, each of which shall be a prescribed requirement for the purposes of this Act:
- (a) subject to *subsection (2)*, notification to the Bank by an ATM operator of any proposed changes to its business which may materially alter the scope of its provision of cash services including—
- (i) the planned withdrawal of one or more than one ATM,
- (ii) the installation of one or more than one ATM in additional locations,
- (iii) any plans to cease carrying on business as an ATM operator in the State or any part of the State;
- (b) notification to the Bank by an ATM operator of any change of ownership of the ATM operator;
- (c) notification to the Bank by an ATM operator immediately after the ATM operator becomes aware of any closure of an ATM in circumstances beyond its control, including, but not limited to the following:
- (i) the forced withdrawal or unavailability of an ATM where the premises in which it is located is no longer available for the operation of the ATM;
- (ii) an ATM is rendered inoperable without notice or at such short notice that the ATM operator cannot reasonably be expected to comply with the notification requirements set out in *paragraph (a)*;
- (d) the requirement that ATM operators ensure that appropriate service standards are being achieved in respect of such matters as are specified in the regulations including, but not limited to the following:

- (i) the hours during which an ATM shall be available for the withdrawal of cash (in this Act referred to as “the normal hours of operation of ATMs”);
  - (ii) any further hours, outside the normal hours of operation of ATMs, during which an ATM shall be available for the withdrawal of cash;
  - (iii) the maximum amount of cash that may be withdrawn from an ATM in a single transaction;
  - (iv) the stocking of ATMs with banknotes of different denominations, which shall not be less than 2 different such denominations, at least one of which shall be less than €50;
  - (v) maximum periods for which an ATM may be unavailable for the withdrawal of cash during the normal hours of operation of ATMs for the purposes of maintenance, including for the purpose of the restocking of the ATM, repair, upgrading or for any other reason;
  - (vi) signage requirements for ATMs including, but not necessarily limited to the following:
    - (I) the name of the ATM operator;
    - (II) a unique identification number for each ATM;
    - (III) a contact telephone number;
  - (vii) the information required to be communicated by an ATM operator to the user of an ATM when withdrawing cash, including the provision of a receipt at the request of the user and the information to be included on the receipt relating to the transaction and the ATM operator;
  - (viii) the information required to be published by an ATM operator, including information in respect of the services that an ATM operator provides relating to ATMs and notification of any planned changes to those services, the period of notice to be given in respect of any such planned changes and the form and manner in which that information shall be published.
- (2) A notification under *subsection (1)(a)(i) or (iii)* shall be made not less than 2 months before the date of the implementation of the first planned withdrawal of an ATM or of any plan to cease carrying on business as an ATM operator in the State or any part of the State, as the case may be, or such other longer period as may be prescribed.
- (3) Regulations under this section may make different provision for different classes of ATM operators and different classes of ATMs and may, having regard to the different classes of ATM operators and different classes of ATMs, make different provision for requirements in respect of different such classes.
- (4) Regulations may be made under this section only where the Bank is satisfied that it is necessary to do so for any of the following purposes:
- (a) the proper and orderly regulation of the business of ATM operators under this Act;

- (b) the performance by the Bank of its functions under this Act;
  - (c) to ensure sufficient and effective access to cash infrastructure for individuals and SMEs.
- (5) An ATM operator shall comply with the prescribed requirements.

**Offence to fail to comply with prescribed requirements**

32. An ATM operator who fails to comply with any prescribed requirement commits an offence.

**Retention of records**

33. (1) This section applies to the following persons:
- (a) ATM deployers;
  - (b) CIT providers.
- (2) A person to whom this section applies shall—
- (a) retain at an office or other premises in the State such relevant records as may, subject to *subsections (8), (9) and (10)*, be prescribed, and
  - (b) notify the Bank, in writing, of the address of any office or other premises where those relevant records are retained.
- (3) The obligation imposed by *subsection (1)* is in addition to, and not in substitution for, any other obligation imposed by or under any other enactment or rule of law with respect to the retention of records by a person to whom this section applies.
- (4) A person to whom this section applies shall retain the relevant records referred to in *subsection (2)* for a period of not less than 6 years after the date on which the relevant record is made.
- (5) A person to whom this section applies may keep the relevant records referred to in *subsection (2)* wholly or partly in an electronic, mechanical or other non-written form only if they are capable of being reproduced in a written form.
- (6) Subject to *subsection (4)*, the obligations imposed under this section continue to apply to a person who is no longer a person to whom this section applies.
- (7) Where a person to whom this section applies is a body corporate (in this section referred to as “the first-mentioned body corporate”), the obligation to retain a relevant record referred to in *subsection (2)* applies to any body corporate that is a successor to, or a continuation of, the first-mentioned body corporate.
- (8) The Bank may, for the purposes of *subsection (2)*, prescribe relevant records to be retained where it determines such records are necessary for the proper and orderly regulation and oversight of ATM deployers or CIT providers, as the case may be, for the purposes of this Act.

- (9) The Bank may prescribe requirements relating to the retention of relevant records referred to in *subsection (2)* of a body corporate that is wound up, a partnership that is dissolved or a natural person who is declared bankrupt.
- (10) Regulations under this section may apply to such class of relevant records as the Bank may prescribe.
- (11) A person to whom this section applies who fails to comply with this section commits an offence.

**Bank's power to give directions**

- 34.** (1) Where the Bank is satisfied that an ATM operator or CIT provider, as the case may be, has failed, is failing or is likely to fail, to comply with any condition or requirement (including any prescribed requirement) imposed by or under this Act, the Bank may decide to give a direction to the ATM operator or CIT provider concerned to comply with the condition or requirement specified in the direction.
- (2) The provisions of a direction under *subsection (1)* have effect from the date specified in the direction in relation to them.
- (3) A direction under *subsection (1)* shall set out—
- (a) the terms of the direction, including any specification of a date by which, or a period within which, any provision made by the direction is to be complied with, and
  - (b) any incidental, consequential or supplemental provisions for implementing the direction and ensuring that it is fully and effectively carried out.
- (4) The Bank may publish a direction under *subsection (1)* in any such manner as the Bank considers appropriate.
- (5) An ATM operator or CIT provider, as the case may be, shall comply with a direction given to it under *subsection (1)*.
- (6) A decision by the Bank to give a direction under *subsection (1)* is an appealable decision for the purposes of Part VIIA of the Act of 1942.

**Bank may apply to High Court for orders enforcing directions**

- 35.** (1) This section applies to a direction under *section 12, 27 or 34*, as the case may be.
- (2) Where the Bank is of the opinion that a direction to which this section applies has not been or is not being complied with by the person to whom the direction is given, the Bank may, without prejudice to any of its other functions, apply to the High Court in a summary manner for an order enforcing the direction.
- (3) If the High Court is satisfied that a direction to which this section applies has not been or is not being complied with, the High Court may make an order requiring the person to whom the direction is given to comply with the direction.

- (4) On an application to it under *subsection (2)*, the High Court may make any interim or interlocutory order as it considers appropriate.
- (5) An order under *subsection (3)* may include an order to take such ancillary or incidental steps as the High Court may consider appropriate to give full effect to the order.
- (6) Where the High Court is satisfied that it is desirable, because of the nature or the circumstances of the case or it is otherwise in the interests of justice, the whole or any part of proceedings relating to an application under this section may be heard otherwise than in public.

**Power to appoint authorised officers**

**36.** (1) This section and *section 37* apply to the following persons:

- (a) ATM operators;
  - (b) CIT providers.
- (2) The Bank may, in writing—
- (a) appoint such and so many persons as the Bank considers necessary to be authorised officers for the purpose of monitoring compliance with *Part 3* and this Part by persons to whom this section and *section 37* applies, and
  - (b) at any time, revoke any such appointment.
- (3) Subject to *subsection (2)(b)*, an appointment under *subsection (2)(a)* may be for a specified or unspecified period.
- (4) Every authorised officer shall—
- (a) be furnished by the Bank with a certificate of his or her appointment as an authorised officer, and
  - (b) when exercising a power conferred by this Part, produce the certificate or a copy of it, together with a form of personal identification, for inspection, if requested to do so by a person affected by the exercise of the power.
- (5) An appointment under *subsection (2)* of a person as an authorised officer ceases on the occurrence of the earliest of the following:
- (a) where the Bank revokes the appointment, the time of revocation;
  - (b) where the person dies, the time of death;
  - (c) where the person resigns from the appointment, the time of resignation;
  - (d) where the appointment is for a specified period, the end of that period;
  - (e) where the person appointed is, when appointed, an officer of the Bank, when the person ceases to be such an officer;

- (f) where the person appointed is, when appointed, a person employed by a third party to which the Bank has delegated a function under this Part, when the person ceases to be so employed.

### **Powers of authorised officers**

37. (1) An authorised officer may, for the purpose of monitoring compliance with *Part 3* and this Part, do any or all of the following:

- (a) subject to *subsection (2)*, at all reasonable times enter any place at which there are reasonable grounds to believe that there are relevant records;
  - (b) search and inspect the place referred to in *paragraph (a)* and any relevant records at that place;
  - (c) secure for later inspection any place, or any part of any place at which relevant records are kept or at which the officer has reasonable grounds for believing relevant records are kept;
  - (d) require any person to whom this section applies to produce to the officer relevant records, and if the relevant records are in a non-legible form to reproduce them in a legible form or to give to the officer such information as the officer reasonably requires in relation to entries in the relevant records;
  - (e) inspect and take copies of relevant records inspected or produced under this section (including, in the case of relevant records in a non-legible form, a copy of all or part of the relevant records in a permanent legible form);
  - (f) remove and retain any of the relevant records inspected or produced under this section for such period as may be reasonable to facilitate further examination;
  - (g) require a person to give to the officer information (including information by way of a written report) that the officer reasonably requires and to produce to the officer any relevant records that the person has or has access to;
  - (h) require a person by whom, or on whose behalf, data equipment is or has been used, or any person who has charge of, or is otherwise concerned with the operation of, the data equipment or any associated apparatus or material, to give the officer all reasonable assistance in relation thereto;
  - (i) require a person to explain entries in any relevant records;
  - (j) summon, at any reasonable time, a person to give to the authorised officer such information as the authorised officer may reasonably require and to require the person to answer questions and to make a declaration as to the truth of the answers to those questions.
- (2) An authorised officer shall not, except with the consent of the occupier, enter a private dwelling unless the officer has obtained a warrant from a judge of the District Court.
- (3) Where an authorised officer in the exercise of the authorised officer's powers under this section is prevented from entering any place, whether or not a private dwelling,

where the authorised officer believes that there are relevant records, the authorised officer may apply to a judge of the District Court for a warrant under this section authorising the entry by the authorised officer into the place.

(4) Without prejudice to the powers conferred on an authorised officer by or under this section, an authorised officer may, for the purposes of monitoring compliance with this Act, apply to a judge of the District Court for a warrant in relation to any place.

(5) Where, on the hearing of an application under *subsection (3) or (4)*, as the case may be, a judge of the District Court is satisfied on sworn information of the authorised officer that the authorised officer—

- (a) has been prevented from entering any place that is not a private dwelling,
- (b) has reasonable grounds for believing that relevant records are kept at a place that comprise, or form part of, a private dwelling, or
- (c) has reasonable grounds for suspecting that evidence of, or relating to, non-compliance with this Act is to be found in any place,

that judge may issue a warrant under the judge's hand authorising one or more than one authorised officer accompanied, if the judge considers it appropriate to so provide, by such number of members of An Garda Síochána as may be specified in the warrant, at any time within 28 days from the date of issue of the warrant, to enter, if need be by reasonable force, the place or private dwelling and exercise any of the powers referred to in this section.

(6) Where any person from whom production of a relevant record is required claims a lien thereon, the production of it shall be without prejudice to the lien.

(7) A person making information available to the Bank in accordance with this section shall not, in so doing, be considered to be infringing any restriction on disclosure of information imposed by contract or law and, accordingly, shall not be liable for making the information so available.

(8) The requirement to produce any relevant record or report or to provide information or assistance under this section extends to—

- (a) an examiner, liquidator or receiver of, or any person who is or has been an officer or employee or agent of, a person to whom this section applies, or
- (b) any other person who appears to the Bank or the authorised officer concerned to have the relevant record or report in his or her possession or under his or her control or the ability to provide information or assistance, as the case may be.

(9) When exercising a power under this section, an authorised officer may, where the officer considers it necessary, be accompanied by one or more than one member of An Garda Síochána or one or more than one authorised officer.

(10) A person who—

- (a) obstructs or interferes with an authorised officer or a member of An Garda Síochána in the course of exercising a power conferred on him or her by this

section or a warrant under *subsection (5)*, or impedes the exercise by the person or member, as the case may be, of such power, or

- (b) fails or refuses to comply with a request or requirement of, or to answer a question asked by, an authorised officer or member of An Garda Síochána pursuant to this section, or in purported compliance with such request or requirement or in answer to such question, give information to an authorised officer or such member that he or she knows to be false or misleading in a material particular,

commits an offence.

- (11) A statement or admission made by a person pursuant to a requirement under *paragraph (g), (h), (i) or (j) of subsection (1)* shall not be admissible as evidence in proceedings brought against that person for an offence (other than an offence under *subsection (10)*).
- (12) A person the subject of a requirement under this section shall be entitled to the same immunities and privileges in respect of compliance with such requirement as if the person were a witness before the High Court.
- (13) In this section, “place” includes the following:
  - (a) a dwelling or a part thereof;
  - (b) a building or a part thereof;
  - (c) a vehicle, whether mechanically propelled or not;
  - (d) an aircraft, whether capable of operation or not;
  - (e) a vessel, whether sea-going or not.

### Offences and penalties

- 38.** (1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Bank.
- (2) A person who commits an offence under *section 14(4), 20, 27(14), 32, 33(11) or 37(10)* is liable—
    - (a) on summary conviction, to a class A fine, or
    - (b) on conviction on indictment, to a fine not exceeding €100,000.
  - (3) A person who, after conviction for an offence under *section 14(4), 20, 27(14), 32 or 33(11)*, continues to contravene the provision concerned, shall be guilty of an offence on each day on which the contravention continues and for each such offence shall be liable—
    - (a) on summary conviction, to a class E fine, or
    - (b) on conviction on indictment, to a fine not exceeding €7,500.



**Offences by bodies corporate**

39. (1) Where an offence under this Act is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and may be proceeded against and punished as if he or she were guilty of the first-mentioned offence.
- (2) Where the affairs of a body corporate are managed by its members, *subsection (1)* applies to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

**Bank's power to prescribe levies**

40. (1) The Bank may, with the prior consent of the Minister, make regulations prescribing levies to be paid by ATM deployers and CIT providers.
- (2) In particular, regulations under *subsection (1)* may provide for any of the following matters:
- (a) the amounts of specified kinds of levies;
  - (b) the ATM deployers and CIT providers, or classes of ATM deployers and CIT providers, who are required to pay specified kinds of levies;
  - (c) the periods for which, or the dates by which, specified kinds of levies are to be paid to the Bank;
  - (d) penalties payable by an ATM deployer or CIT provider who does not pay a levy on time;
  - (e) the keeping of records, and the making of returns to the Bank, by ATM deployers and CIT providers in respect of levies;
  - (f) the collection and recovery of levies.
- (3) The Bank may, by proceedings in a court of competent jurisdiction, recover as a debt an amount of levy payable under regulations in force under this section.
- (4) The Bank may refund the whole or a part of a levy paid or payable under regulations in force under this section.
- (5) In this section, "levy" does not include a fee.

**Bank's power to prescribe fees**

41. (1) The Bank may, with the prior consent of the Minister, make regulations prescribing fees for the purpose of any provision of this Act that provides for the payment of a fee.
- (2) In particular, regulations under *subsection (1)* may provide for any of the following matters:

- (a) the persons, or classes of persons, who are required to pay specified kinds of fees;
- (b) the amounts of specified kinds of fees;
- (c) the collection of fees.
- (3) The Bank may, by proceedings in a court of competent jurisdiction, recover as a debt an amount payable as a fee under regulations in force under this section.
- (4) The Bank may refund the whole or a part of a fee paid or payable under regulations in force under this section.

**Surplus or deficiency in income of Bank during financial year**

**42.** (1) If the total sum received by the Bank on account of—

- (a) any levies and fees prescribed under *sections 40 and 41*, respectively, and
- (b) any levies prescribed by the Central Bank Commission under section 32D of the Act of 1942 in respect of the performance of its functions under this Act,

during a financial year is greater than the Bank's expenditure on the performance of its functions under this Act during that financial year, the Bank—

- (i) shall apply the surplus to the performance of those functions in the following financial year, and
- (ii) shall reduce the levies and fees so prescribed in relation to the latter financial year accordingly.

(2) If the sum received by the Bank on account of—

- (a) levies and fees prescribed under *sections 40 and 41*, respectively, and
- (b) any levies prescribed by the Central Bank Commission under section 32D of the Act of 1942 in respect of the performance of its functions under this Act,

during a financial year is less than the Bank's expenditure on the performance of its functions under this Act during that financial year, the Bank may prescribe levies and fees in relation to the following financial year sufficient to—

- (i) make good the deficiency, and
- (ii) ensure that the sum received by the Bank on account of such levies and fees during the following financial year fully covers the performance of its functions during both of those financial years.

## PART 5

## CONSEQUENTIAL AMENDMENTS

**Amendment of section 32C of Act of 1942**

43. Section 32C(b) of the Act of 1942 is amended by the substitution of “the designated enactments, designated statutory instruments and the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (in so far as that Act is not a designated enactment)” for “the designated enactments and designated statutory instruments”.

**Amendment of section 32L of Act of 1942**

44. Section 32L(1) of the Act of 1942 is amended by the insertion of “and with regard to its functions under the *Finance (Provision of Access to Cash Infrastructure) Act 2025*” after “financial services”.

**Amendment of section 33AK of Act of 1942**

45. Section 33AK(5) of the Act of 1942 is amended—
- (a) in paragraph (bb), by the substitution of “2013/36/EU), or” for “2013/36/EU).”, and
  - (b) by the insertion of the following paragraph after paragraph (bb):

“(bc) to the Private Security Authority that is required for the performance of its functions under the Private Security Services Acts 2004 to 2021 in so far as those functions relate to the regulation of cash-in-transit providers (within the meaning of the *Finance (Provision of Access to Cash Infrastructure) Act 2025*).”.

**Amendment of section 57A of Act of 1942**

46. Section 57A(1) of the Act of 1942 is amended by the substitution of the following definition for the definition of “appealable decision”:
- “ ‘appealable decision’ means a decision of the Bank that is declared by a provision of this Act, a designated enactment, a designated statutory instrument or the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (in so far as that Act is not a designated enactment), to be an appealable decision for the purposes of this Part;”.

**Amendment of section 61G of Act of 1942**

47. Section 61G(1) of the Act of 1942 is amended—
- (a) by the substitution of “a designated enactment, a designated statutory instrument or the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (in so far as

that Act is not a designated enactment)” for “a designated enactment or designated statutory instrument”, and

(b) by the substitution of the following paragraph for paragraph (b):

“(b) in the case of a body corporate—

(i) by leaving the notice or other document at, or

(ii) by sending it by prepaid post to,

the head office, a registered office or a principal office of the body corporate, or”.

#### **Amendment of Schedule 2 to Act of 1942**

**48.** The Act of 1942 is amended in Part 1 of Schedule 2 by the insertion of the following item after item 50:

“

51		<i>Finance (Provision of Access to Cash Infrastructure) Act 2025</i>	<i>Parts 1 and 2 save in so far as those Parts apply to ATM deployers and cash-in-transit providers (both within the meaning of that Act)</i>
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#### **Amendment of Schedule 5 to Companies Act 2014**

**49.** Schedule 5 to the Companies Act 2014 is amended by the insertion of the following paragraph after paragraph 18:

“19. A company that is a cash-in-transit provider (within the meaning of the *Finance (Provision of Access to Cash Infrastructure) Act 2025*) that is registered on the Register of CIT Providers.”.

### **PART 6**

#### **MISCELLANEOUS AMENDMENTS**

#### **Amendment of section 17A of Central Bank Reform Act 2010**

**50.** Section 17A of the Central Bank Reform Act 2010 is amended by the insertion of the following subsection after subsection (6):

“(6A) (a) Before making regulations under this section, the Bank shall carry out an assessment of the costs and benefits of the business standards it proposes to prescribe.

- (b) An assessment referred to in paragraph (a) shall include an assessment of the potential impacts of the proposed regulations on customers and fair competition in the financial markets in the State.
- (c) The Bank shall, not later than the date of the making of any regulations under this section, publish any assessment carried out under paragraph (a) on a website maintained by it or on its behalf.”.

**Amendment of Central Bank (Supervision and Enforcement) Act 2013**

- 51.** The Central Bank (Supervision and Enforcement) Act 2013 is amended by the insertion of the following section after section 50:

**“Assessment of costs and benefits of regulations**

- 50A.** (1) The Bank shall carry out an assessment of the costs and benefits of regulations it proposes to make under section 48 before making such regulations.
- (2) An assessment referred to in subsection (1) shall include an assessment of the potential impacts of the proposed regulations on customers and fair competition in the financial markets in the State.
  - (3) The Bank shall, not later than the date of the making of any regulations under section 48, publish any assessment carried out under subsection (1) on a website maintained by it or on its behalf.”.