

**COMHAIRLE CHONTAE CHILL DARA
KILDARE COUNTY COUNCIL**

**CASUAL TRADING BYE-LAWS
(DROICHEAD NUA)
2007**

Kildare County Council, in exercise of its powers under section 6 of the Casual Trading Act, 1995, hereby makes the following bye-laws in relation to the control, regulation, supervision and administration of casual trading in its functional area.

Interpretation

1. In these bye laws:

“the act” means the Casual Trading Act, 1995;

“authorised officer” means any person appointed by the council under section 10 of the act to be an authorised officer;

“casual trading” means selling of goods at a place (including a public road) to which the public have access as a right or any other place that is a casual trading area as defined by the act;

“casual trader” means any person or his nominated agent, authorised to carry out casual trading pursuant to the Casual Trading Act, 1995 and these bye-laws.

“casual trading area” means the land standing designated in these bye-laws as an area where casual trading may be carried on;

“the council” means Kildare County Council;

“food” includes drinks except alcoholic drinks, and “grown” shall be construed accordingly;

“licence” means a licence under section 4 of the act and for the time being in force, except where otherwise stated;

“sell, selling or sale” includes agreeing to offer, to sell or displaying for sale or inviting an offer to buy;

“stall” includes any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or both or other stand or conveyance used for casual trading;

“trading bay or space” means any one area numbered on the schedule map attached to these bye-laws;

“vehicle” means every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or articles.

Designation of land as Casual Trading Area

2. The council hereby designates the following as a casual trading area:
Georges Street, Droichead Nua (exclusive of any part of Main Street, Eyre Street and the area known as Market Square), situate in the administrative area of Kildare County Council, which said land is more particularly delineated in red and described on drawing No. 1 attached to these bye-laws.
3. Casual trading shall only be carried on at the place designated for that purpose in these bye-laws.

Trading Hours

4. Casual trading shall only take place between 9.00a.m. and 2.00 p.m. on the Saturday of each week in the area designated under article 2 of these bye-laws.

Produce to be Sold

5. Having regard to the need for sustainable development and the protection of the environment, goods to be sold in the casual trading area shall consist of the items set out in the first schedule hereto.

Licences

6. An applicant for a licence must complete the required application form and pay the appropriate licence fee as set out in article 27 and the second schedule hereto. The licence shall indicate what goods may be sold and only such goods as are shown on the licence and for which the appropriate licence fee has been paid may be sold by the licence holder.

Order

7. A person engaged in casual trading in the casual trading area:
 - (a) shall only engage in such trading in the space specified in the licence granted by the council and numbered on the map and schedule, attached to these bye-laws;
 - (b) shall only trade in the goods specified in the licence;
 - (c) shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the space specified in the licence;
 - (d) shall not obstruct or cause to be obstructed free passage through the casual trading area or any of the immediate approaches thereto;

- (e) shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the casual trading area;
 - (f) shall not obstruct or impede or assist a person to obstruct or impede the council or its servants or agents in the carrying out of any works of maintenance in any part of the casual trading area;
 - (g) shall not allow:-
 - i. any fish to be trimmed, gutted or cleaned at or about the stall, or
 - ii. any fowl or feathered game to be plucked at or about the stall;
 - (h) shall leave the casual trading area clean and safe and in the same manner as before trading took place;
 - (i) shall cause the stall to be properly cleansed immediately before and after the sale of goods for the day, and
 - (j) shall provide, at his own expense, a suitable receptacle that meets the requirements of the council for the disposal of waste.
8. Food, prepared or unprepared, shall not be displayed stored or kept in any other manner except and in accordance with "The Food Hygiene Regulations, 1950" or any further regulations that may be made in that regard.
9. A person shall not park a vehicle in the casual trading area during the trading hours specified in article 4 of these bye-laws. Exceptions to this article may be agreed by the council at its absolute discretion.
10. No stall shall:
- (a) be established or set up earlier than 40 minutes before the trading hours specified in article 4 of these bye-laws;
 - (b) remain in the casual trading area for longer than 40 minutes after the end of the said hours;
 - (c) exceed the dimensions of the defined space of the trading bay;
 - (d) be of such weight that it damages the pavement;
 - (e) exceed 3 metres in height.
11. The council may appoint an authorised officer or officers for the purposes of managing and controlling the casual trading areas.
12. A casual trader shall comply with all lawful requests and directions by an authorised officer or by a member of the Garda Síochána.
13. An authorised officer appointed by the council may:
- a) enter, inspect and examine any place where he has reasonable cause to believe that casual trading is being engaged;

- b) require any person whom he/she has reasonable cause to believe to be engaging in casual trading;
 - (i) to produce, if it is not being displayed, a casual trading licence authorising such trading and to permit the officer or any member of the Garda Síochána to examine the licence, and
 - (ii) if the licence is not produced forthwith or, in a case in which it is not being displayed, to furnish to the officer his/her name and address and, if he is the servant or agent of another person, the name and address of the other person;
 - (c) make such examination and inquiry as may be necessary to ascertain whether the provisions of the act or of these bye-laws are being complied with;
 - (d) require any person whom he has reasonable cause to believe to be engaging in casual trading in contravention of the act to give such information as is in his power to give as to the ownership of any goods being sold in the course of such trading.
14. A person shall not obstruct or interfere with, or give false information to an authorised officer or member of the Garda Síochána in the performance of functions under these bye-laws.
15. The council shall not be held responsible for any property belonging to any person whatsoever deposited or left in any part of the casual trading area.
16. A person engaged in casual trading shall indemnify the council, to such an extent as in such amount as the council may require, against any and all claims whatsoever by any person for damages for personal injuries, loss or damage caused by any act or omission of the said person holding a licence or his/her servants or agents in and about the carrying on of casual trading.
17. A person carrying on casual trading in the casual trading area shall display in any stall operated by him, whether on his own behalf or otherwise, by a notice in the prescribed form the number of the licence relating to the stall. The notice shall be painted or inscribed or printed and affixed on a durable material, and shall be so displayed in a conspicuous position as to be clearly visible and easily legible to members of the public at such place. Form No. 1 set out in schedule to these bye-laws shall be the prescribed form of any such notice.
18. A licence shall only be used by the person to whom it is issued or by such agent of such person as agreed in writing by the Council.

19. A person applying to the council for a licence shall furnish the information requested in the form prescribed, together with such further information as the council may request for the purposes of the exercise of its powers and functions under the act and, if a person fails to comply with this article, the council may refuse to grant the person the licence.
20. Applications for licences shall be made on the appropriate form addressed to, the council at Áras Chill Dara, Devoy Park, Naas, County Kildare, and a separate application shall be made for each licence.
21. The council reserves the right to grant or refuse a licence.
22. Individual trading spaces shall be allocated by the council by such methods as it may at its discretion decide. This shall not exclude allocation by lot.
23. If a trading space is not taken up for six successive markets, the council may, at its discretion reallocate the space in question.
24. Trading spaces shall not be exchanged without the prior consent of the council in writing.
25. The allocation of a trading space by means of a licence shall not confer upon its holder any tenancy or right to occupy or transfer the said space.
26. The council may revoke a licence if it is satisfied that a condition of the licence is being or has been contravened or if the person to whom it was granted is convicted of an offence in relation to the importation, possession or sale of goods committed while he was the holder of a casual trading licence or an offence under the Act.
27. A fee of €520.00 shall be payable to the council in respect of an application for the grant of a licence in respect of casual trading in the casual trading area. Notwithstanding this the council will allow a discount of €170 in the first year of the market's existence; and the net fee of €350 shall be payable in two equal instalments in advance.
28. A licence holder may surrender his licence to the county council at any time prior to the expiry of the licence period. A person who surrenders a licence may obtain a refund of that portion of the licence fee equivalent to the unexpired term of the licence, subject to a maximum refund of 50% of the total fee. Where a licence has been surrendered, the county council may issue a new licence for the unexpired term of the surrendered licence.

29. A person who contravenes any of these bye-laws shall be guilty of an offence under subsection (12) of section 6 of the act and shall be liable on summary conviction to a fine not exceeding €1,270.00 specified in section 14 of the act.

These bye-laws shall be known as the Kildare County Council Casual Trading Bye-Laws (Droichead Nua) and shall come into operation on such date as the council may order.

Made and adopted on this [DAY] day of [MONTH] 2007

In witness whereof the common seal of Kildare County Council was affixed hereto.

COUNTY MANAGER

MAYOR

FIRST SCHEDULE

Nature Goods to be Sold in Accordance with Article 5

- (a) Food grown in Ireland, of which at least thirty percent shall have been grown within twenty kilometres of the said area and a further forty percent shall have been grown within fifty kilometres of the said area;
- (b) Food grown outside Ireland which does not constitute more than forty percent of the total quantity of food on sale in any stall;
- (c) Irish-made works of art and Irish-made craftwork, but not including clothing which is not hand-made.
- (d) Two-thirds of licences granted in any one year shall be for sale of food only.

SECOND SCHEDULE

FORM NO. 1

Form of Notice Required to be Displayed at a Casual Trading Space in the Casual Trading Area in Accordance with Article 17

COMHAIRLE CHONTAE CHILL DARA
(KILDARE COUNTY COUNCIL)

CASUAL TRADING ACT, 1995

CASUAL TRADING NOTICE

Kildare County Council has granted a casual trading licence under section 4 of the Casual Trading Act, 1995 authorising casual trading at this casual trading space.

The number of the casual trading licence is _____

Trading hours are _____

Day on which casual trading is permitted _____

The casual trading licence expires on _____

Signed: _____
Director of Services,
Kildare County Council

FORM NO. 2

Form of Application for a Casual Trading Licence in Accordance with Article 6

COMHAIRLE CHONTAE CHILL DARA
(KILDARE COUNTY COUNCIL)

CASUAL TRADING ACT 1995
APPLICATION FOR A CASUAL TRADING LICENCE

1. Name of Applicant: _____
(Please provide two passport photographs)
2. Full Postal Address: _____

3. Telephone Number: _____
4. Occupation: _____
5. (a) RSI No. (in the case of an individual): _____
(b) Tax Reference No. (in the case of a company): _____
6. If the application is in the name of a limited company,
the company registration number,
as supplied by the Companies Registration Office _____
7. First date on which it is intended
to engage in casual trading _____
8. Description of goods to be sold _____

9. If you were the holder of a previous
casual trading licence, please give:
the licence number _____ and expiry date _____
(Please forward old licence with this form)
- 10 Place for which licence is sought: Georges Street, Newbridge

11. Do you intend using any equipment in connection with your casual trading activity, e.g. cooking facilities, etc.?

Yes/No.

If Yes, please give details:

12. Do you propose to engage an assistant who will act as an agent for Casual Trading purposes. Please supply details:

I hereby apply to Kildare County Council for a Casual Trading Licence for the purpose described in this application and in accordance with the provisions of the Casual Trading Act 1995

I declare that:

(A) I have not been convicted of two or more offences under the Casual Trading Act, 1995, within three years prior to the date on which I intend to commence Casual Trading.

(B) The foregoing particulars are correct.

I enclose a cheque/bank draft/postal order/cash for €_____ being the fee fixed under bye-law by the local authority under section 6 of the Casual Trading Act, 1995.

Signed: _____

Date: _____

FOR OFFICIAL USE ONLY

Received		Amount	
Date		Type	
Conv.		Receipt No.	
Location		Bay No.	