

CHONTAE DHUN LAOGHAIRERATH AN DUIN

Dun Laoghaire Rathdown County Council

BYE LAWS MADE UNDER THE CASUAL TRADING ACT 1995.

BYE-LAWS

MADE BY

Dun Laoghaire-Rathdown County Council in exercise of the powers conferred on the Council by 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 the functional area of Dun Laoghaire-Rathdown County Council: -

1. TITLE

These Bye-Laws may be cited as the Dun Laoghaire-Rathdown County Council Casual Trading Bye-Laws.

2. INTREPRETATION

In these Bye-laws, except where expressly stated to the contrary, the following words have the meanings hereby respectively assigned to them, that is to say:

- "the Act" - means the Casual Trading Act, 1995.
- "the Council" - means Dun Laoghaire-Rathdown County Council.
- "Licence" - means a Casual Trading Licence issued under the Casual Trading Act, 1995.
- "Casual Trading" - means selling goods at a place (including a public road) to which the public have access as of right or at any other place that is a casual trading area as defined by the Act but shall not include the following classes of selling:
 1. The sale of newspapers at established/ traditional locations.
 2. The sale of ice-cream from mobile outlets other than at a location that is within 100 meters from the coastline or a public park to which the Parks Bye-Laws apply.
- "Trading Place" - means an area allocated to an individual trader as a trading area as identified in the Casual Trading Licence.
- "Trader" - means a person to whom a licence has been issued or any person acting as agent to the licensee.
- "Authorised Officer" - means a person appointed under Section 10 of the Act to be an Authorised Officer.
- "Litter Warden" - has the same meaning as contained in the Litter Pollution Act 1997.

3. LICENCES

- a) A Casual Trading Licence shall issue only respect of a specific trading place identified in the licence and any person engaging in Casual Trading shall do so only within the confines of the specific place to which the licence refers.
- b) Casual trading shall be carried out in a specified place in accordance with the Licence issued on the Licence.
- c) A trader shall only trade in the goods specified in the licence.
- d) An application for a Casual Trading Licence shall not be made less than thirty days in advance of the first date on which trading is proposed to take place.
- e) The allocation of a trading place / places to a licensee, shall not confer any tenancy or any other rights, other than the rights conferred by the Licence.
- f) The Council may refuse to grant a casual trading licence where it considers that the granting of a licence would give rise to a traffic hazard, pedestrian and vehicular congestion or would not be in accordance with the proper planning and development of the area or would otherwise be likely to cause offence.
- g) In granting a casual trading licence the Council without prejudice to the generality of section 5 (30 (a) of the act may impose conditions relating to: -
 - i. the prevention, collection and control of litter
 - ii. participation in promotions sponsored by the Council in relation to litter prevention and control.
- h) A trader shall display the number of the licence in a prominent position at the trading place.
- i) A trader shall if so requested produce on demand to any person his/her casual trading licence.
- j) A trader who fails to produce his/her licence on demand to a member of the Garda Siochana or an Authorised Officer or a Litter warden shall forthwith cease trading and shall immediately remove all his/her property, goods, equipment and vehicles from the casual trading area.
- k) The fees for application and for the grant of casual trading licences shall be as set out in the Schedule hereto.

4. PROHIBITED ACTS

a) Offence: -

Trading shall not be conducted in a manner that causes or is likely to cause offence either through the creation of litter, noise, odours, pedestrian or vehicular congestion or otherwise.

b) Food Hygiene Regulations, 1950 to 1989: -

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 to 1989 or any further regulations that may be made in that regard.

c) Obstruction, etc: -

No trader or any other person shall interfere with or obstruct any officer, servant or agent of the Council, Bord Gais, E.S.B. or any other provider of public utilities, engaged in the carrying out of any works of maintenance on any part of the casual trading area, even when such work is carried out during trading hours.

Note: - Licences may be revoked by the County Council without notice for such duration as to enable the Council and other public authorities carry out any works considered necessary in the trading area.

5. ALLOCATION OF TRADING PLACES

Individual trading places shall be allocated by the Council by such methods that it may at its discretion decide to include allocation by lot.

6. PARKING OF VEHICLES

Any vehicle, mechanically propelled or otherwise, which is associated with any stall, shall be parked wholly within the trading place / places, as allocated.

7. REMOVAL OF LITTER

A shall maintain a trading place in a litter-free state and at the close of each day's trading, remove all goods and refuse.

8. DAMAGE OR LOSS OF PROPERTY

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, nor for any loss, damage or injury caused by the negligence of any trader, his agents, employees or customers.

9. BREACH OF BYE-LAWS

- a) A person who is engaged in casual trading and who is in contravention of
- i. any provision of the Casual trading Act 1995
 - ii. any provision of these bye-laws
 - iii. any condition of the casual trading licence shall at the request of a Litter Warden, An Authorised Person or member of the Garda Siochana discontinue trading forthwith and remove any goods, vehicles, materials etc. used in connection with the conduct of his trading.
- b) A person who contravenes any of the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding €1,027.

10. COMING INTO FORCE OF BYELAWS

These bye laws shall come into effect on 1st April 1998.