

**DONEGAL COUNTY COUNCIL**

**(CASUAL TRADING) GENERAL  
BYE-LAWS 2004**

**JANUARY 2004**

# DONEGAL COUNTY COUNCIL

## *Casual Trading Act, 1995 - Section 6*

### GENERAL BYE-LAWS

Donegal 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 administrative area.

#### **Definitions**

1. (a) In these Bye Laws, the following definitions shall apply:-

"The Act" means the Casual Trading Act, 1995.

"The Council" means Donegal County Council.

"Casual Trader" means any person or his nominated agent, authorised to carry out casual trading pursuant to the Act and these Bye-Laws.

"Licence" means a Casual Trading Licence.

"Stall" shall, in addition to its ordinary meaning, include 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 Space" means the place within a casual trading area where the holder of a licence is authorised to engage in casual trading in accordance with Section 4 (1) (a) (ii) of the Act.

"Vehicle" means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or articles.

"Trading Hours" means the hours on specified days during which casual trading is permitted in the casual trading area.

(b) Other words, terms and expressions defined in the Act will have the same meaning in these Bye-Laws.

(c) Words importing the masculine gender shall include the feminine where appropriate.

2. **Additions to classes of selling which does not constitute casual trading**

In accordance with Section 2 (4) of the Act the Council as respects its functional area hereby adds the following classes of selling to those specified in Section 2 (2) –

- (i) *To exempt the selling of hot food by touring Hot Food Vendors provided that they do not remain static for a period exceeding four hours at any one stop and provided that they do not trade within 100 metres of any commercial premises trading in hot food, between the hours of 20.00 and 9.00 hours*
- (ii) *To exempt the selling of ice-cream by touring ice-cream vendors which do not remain static for a period exceeding four hours at any stop.*

### **3. Fees**

*The Council hereby fixes the following fees in respect of casual trading licences –*

- (a) *Where the license is sought for one trading space on one specified day per week - €250.00 per annum.*
- (b) *For that trading space (at (a) above) for each additional day per week for which the license is granted - €125.00 per annum.*
- (c) *For each additional license sought by the same applicant for another trading space in the same casual trading area for one day per week - €125.00 per annum.*
- (d) *In respect of the license for the space specified at paragraph (c) immediately above for each additional day per week for which the license is sought and granted - €125.00 per annum.*
- (e) *Where the license is sought for an event in accordance with Section 4 (1) (a) (iii) of the Act - €32.00 per day.*

### **4. Restrictions on trading in a casual trading area**

A person engaged in casual trading in a casual trading area:

- (a) Shall only engage in casual trading at the trading space specified in the licence granted by the Council
- (b) Shall only engage in casual trading within the area of the trading space 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 trading space specified in the licence.
- (d) Shall only trade in the goods specified in the Licence.
- (e) Shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the trading space specified in the licence.
- (f) Shall not obstruct or cause to be obstructed the free passage through the casual trading area or any of the immediate approaches thereto.

(g) Shall not obstruct or cause to be obstructed the entrance to any premises in the vicinity of the casual trading area.

(h) 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.

(i) Shall not cause or suffer:-

(i) any fish to be trimmed, gutted or cleaned at or about his stall, or

(ii) any fowl, or feathered game to be plucked at or about his stall, or

(iii) any untrimmed vegetables or vegetables with clay, soil or dirt adhering to the roots thereof to be conveyed upon or exposed for sale on his stall.

## 5. **Foodstuffs**

Food, prepared or unprepared, shall not be displayed, stored or kept in any other manner at or in a stall save in accordance with applicable Food (Hygiene) Legislation and Regulations for the time being in force and the holder of a licence shall obtain any separate licence or permit required under such Regulations in that regard.

## 6. **Restrictions on vehicles in trading spaces**

(a) A person shall not park a vehicle in a casual trading area during trading hours unless such vehicle is for the time being in use for the purpose of casual trading and is wholly parked within the area of the trading space specified in the relevant Licence.

(b) A person shall remove such vehicle from the trading space specified in the Licence and from the casual trading area on each day upon which casual trading is permitted by the Licence not later than 30 minutes after the expiration of trading hours.

## 7. **Restrictions on vehicles in casual trading area for loading/unloading**

(a) A person shall not park a vehicle earlier than two hours prior to the commencement of trading hours in the casual trading area for the purpose of unloading goods or produce therefrom onto the trading space specified in the Licence.

(b) A person shall not park a vehicle for a period exceeding forty five minutes from the commencement of parking in the Casual Trading Area for the purpose of unloading goods or produce therefrom onto the trading space specified in the casual trading licence.

(c) A person shall not park a vehicle earlier than the expiration of trading hours in the casual trading area for the purpose of loading goods or produce thereon from the trading space specified in the Licence.

(d) A person shall not park a vehicle for a period exceeding thirty minutes from the commencement of parking in the Casual Trading Area for the purpose of loading goods or produce thereon from the trading space specified in the Licence.

**8. Restrictions on type and operation of stalls**

(a) A casual trader shall in the event that a vehicle is not parked in the relevant trading space under Bye-Law 6 (a) during trading hours provide at his own expense a moveable stall for the purposes of engaging in casual trading at the said space.

(b) A person shall remove the moveable stall specified in paragraph (a) of this Bye-Law from the trading space specified in the licence and from the casual trading area on each day upon which casual trading is permitted by the casual trading licence not later than thirty minutes after the expiration of trading hours.

(c) A person engaged in casual trading shall not use or cause to be used for the purpose of casual trading any stall, the dimensions of which exceed the defined space of the trading bay.

(d) No stall shall be of such weight or be so loaded as to be capable of transmitting a bearing pressure in excess of 7kg/mm.sq. to any of its supports to the surface on which it is placed.

(e) No stall shall exceed 2m in height.

**9. Music, noise etc.**

No broadcasting or speech or music from a mechanical amplification system shall take place from any stall or any vehicle and no loud playing of radios or music reproduction appliances shall take place at any stall.

**10. Authorised Officer/Garda Siochana**

A Casual Trader shall comply with all lawful requests and direction by an authorised officer or by a member of the Garda Siochana.

**11. Display of notice in casual trading area**

A person engaged in casual trading in a casual trading area:-

(a) shall display at the relevant trading space by a notice in the prescribed form, the number of the corresponding licence.

(b) the said notice displayed pursuant to paragraph (a) above -

(i) Shall be painted or inscribed, or printed and affixed on a durable material, and

(ii) Shall be so displayed in a conspicuous position so as to be clearly visible and easily legible to members of the public.

(c) Form No. 1 set out in the Schedule to these Bye-Laws shall be the prescribed form of the notice required to be displayed under paragraph (a) of this Bye-Law.

12. A Licence shall only be used by the holder or his nominated servant or agent who has been agreed in writing by the Council.
13. A person engaged in casual trading in a casual trading area shall keep the trading space, specified in the Licence in a clean and tidy condition and for that purpose shall:-
- (a) Cause the stall to be properly cleansed immediately before and after the sale of goods for the day and
  - (b) As often as is necessary and when specifically directed by the Council or its servants or agents cause all refuse arising from the trade or business to be placed in a suitable and sufficient receptacle to be provided by him in close connection with such stall;
  - (c) As often as is necessary cause the contents of any receptacle provided for the reception of refuse to be promptly removed, without creating a nuisance or obstruction, to a place outside the casual trading area or to such place within the casual trading area as may be appointed by the Council.

14. **Exclusion of liability**

- (a) The Council shall not be held responsible for any property belonging to any person whatsoever deposited or left in any part of a casual trading area, nor for any loss, damage or injury caused by the negligence of any trader, their agents, employees or customers.
- (b) A person engaged in casual trading shall indemnify the Council against any claim 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 servants or agents in and about the carrying on of casual trading.

15. **Casual trading at events**

A person engaged in casual trading pursuant to licence under Section 4 (1) (a) (iii) of the Act .

- (a) Shall display by a notice in the prescribed form at the place where the casual trading is carried on the number of the licence specified therein.
- (b) The notice displayed in accordance with paragraph (a) of this Bye-Law -
  - (i) Shall be painted or inscribed, or printed and affixed on a durable material, and
  - (ii) Shall be so displayed in a conspicuous position at the place where the casual trading is carried on so as to be clearly visible and easily legible to members of the public at such place.
- (c) Form No. 2 set out in the Schedule to these Bye-Laws shall be the prescribed form of the notice required to be displayed under this Bye-Law.

16. 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 Bye-Law, the Council may refuse to grant a person a licence.
17. Applications for licences shall be made on the prescribed form addressed to The Secretary, Donegal County Council, County House, Lifford, Co. Donegal and
- (a) An individual application shall be made for each licence.
  - (b) The Council reserves the right to grant or refuse a licence.
  - (c) Individual trading spaces shall be allocated by the Council by such methods that it may, at its discretion decide. This shall not exclude allocation by lot.
  - (d) If a trading space is not taken up for six successive trading days, the Council may, at its discretion, decide to revoke the licence and reallocate the space in question.
  - (e) Trading spaces shall not be exchanged without the prior consent of the Council in writing.
  - (f) The Council or an authorised officer may from day to day, permit any trading space which has already been allocated to be temporarily used by any other casual trader when not in actual use by the casual trader to whom it was allocated or where it has not been occupied by 10.00 a.m.
18. The allocation of a trading space by a licence shall not confer upon the trader any tenancy or right to occupy or transfer the said space.
19. The Donegal County Council Casual Trading Bye Laws 2003 are hereby revoked save and except Bye-Laws 2 and 3 thereof and the definition of “(the) Map” in Bye-Law 1 (a).
20. These Bye-Laws shall be known as the Donegal County Council (Casual Trading) General Bye-Laws, 2004 and shall come into operation on the \_\_\_31st\_\_\_ day of , \_\_\_MAY\_\_\_\_\_ 2004.
21. The Donegal County Council (Killybegs Designated Casual Trading Areas) Bye-Laws 2004 are hereby amended as follows –

The definition of the “the General Bye-Laws” in Bye-Law No. 1 is to be interpreted as meaning these Bye-Laws in place of the Donegal County Council (Casual Trading) Bye-Laws 2003).

Made this \_\_\_\_\_ day of \_\_\_\_\_ 2004

SEAL of Donegal County Council  
affixed hereto as authenticated by the  
signature of:

---

Nominated Officer

**SCHEDULE**

FORM NO. 1

Form of Notice required to be displayed at a Casual Trading Space in the  
Casual Trading Area.

**DONEGAL COUNTY COUNCIL**

**THE CASUAL TRADING ACT, 1995**

Donegal 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 on  
each day of the week specified below.

Days each week when trading may take place \_\_\_\_\_  
(insert the days specified in the license )

The Number of the Casual Trading Licence is \_\_\_\_\_  
(insert the number of the licence here)

The Casual Trading Licence expires on \_\_\_\_\_  
(insert the date upon which the Casual  
Trading Licence expires)

SIGNED: \_\_\_\_\_  
Donegal County Council



**FORM NO. 2**

**Form of Notice required to be displayed at an event or events specified in a Casual Trading Licence to which the public are admitted, whether subject to Or free of charge, or at or in the immediate vicinity of the place where and on the day on which the event takes place.**

---

**DONEGAL COUNTY COUNCIL**

**THE CASUAL TRADING ACT, 1995**

**CASUAL TRADING AT AN EVENT OR EVENTS**

Donegal County Council has granted a Casual Trading Licence under Section 4 of the Casual Trading Act, 1995 authorising casual trading at the event/events set out as follows:

Event(s) \_\_\_\_\_

\_\_\_\_\_  
(set out the event(s) and the location of such event(s))

Date of Event(s) \_\_\_\_\_

\_\_\_\_\_  
(set out date(s) upon which casual trading is authorised under the Casual Trading Licence)

The Number of the Casual Trading Licence is: \_\_\_\_\_  
(insert the number of the Licence)

SIGNED: \_\_\_\_\_  
**DONEGAL COUNTY COUNCIL**

