

**COMHAIRLE CONTAE FHINE GALL
(Fingal County Council)**

BYE-LAWS

made under

**THE CASUAL TRADING
ACT, 1995**

Bye-Laws made by the County Council of the County of Fingal on the 8th day of November, 1999.

PART 1

Definitions:

1. 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 the County Council of the County of Fingal.
"Casual Trading Area"	means an area listed in the First Schedule hereto and designated as a casual trading area.
"Licence"	means a casual trading licence issued by the Council under the Casual Trading Act, 1995 and for the time being in force.
"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. Casual Trading does not include – (i) Selling of daily or Sunday newspapers by newspaper vendors. (ii) Selling of ice cream by ice cream vendors provided that this activity does not occur within 100 metres of an existing permanent ice-cream vending outlet. (iii) Selling agricultural produce by the producer. (iv) Selling goods in any area comprising the seashores in Co. Fingal in respect of which Bye-Laws governing such seashores are in force pursuant to Part VII of the Local Government Act, 1994.
"Trading Place"	means a space in a designated area delineated by paint marking at pitch boundary.
"Licence Holder"	means a person to whom a licence has been issued or his servant or agent acting on his behalf.
"Authorised Officer"	means an officer of the Council or other person appointed by the Council for the purposes of the Act.

PART II

CASUAL TRADING AREA	2. Each of the lands described in the First Schedule hereto (referred to as Designated Sites A, B, C, D) is hereby designated as a casual trading area for the purposes of the Act.
LICENCE	3. An applicant for a licence shall furnish to the Council the information requested in the application form together with the appropriate fee, and such further information as the Council may request. If the applicant refuses to comply with these provisions the Council may refuse to grant the licence to the applicant.
LICENCE FEES	4. An applicant for a licence must pay the appropriate fee for the type of goods to be sold in the particular casual trading area as shown set out in the First 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 fees have been paid may be sold by the licence holder.
TRADING PLACE	5. A licence holder shall engage in casual trading only within the space allocated to him/her in a designated area. Such space shall be identified by means of a description in his/her licence and delineated by paint marking.
TIMES OF TRADING	6. A licence holder shall engage in casual trading only at the specified times and days shown on the licence.
DISPLAY OF LICENCE INSURANCE	7. A licence holder shall prominently display the number of the licence at his/her trading place in such a position as to be clearly visible and easily legible to members of the public at all times during trading hours. If so requested he/she shall produce the licence to any person at that place.
FOODSTUFFS	8. A licence holder licensed to casually trade in foodstuffs must comply with the requirements of the Environmental Health Officers in relation to the statutory control of food and Food Hygiene Regulations 1989.
LITTER	9. A licence holder shall provide, at his/her own expense, suitable receptacles that meet the requirements of the Council for the disposal of litter/waste and shall keep the trading place clean and

tidy at all times. The licence holder shall also ensure that any litter arising from his/her trading activity is removed from the vicinity up to a distance not exceeding 100 metres. All goods and stock shall be removed from the trading place at the end of each day's trading.

STALL

10. A licence holder shall only use a stall, vehicle, trailer or other like receptacle or structure for carrying/displaying goods which is approved by the Council, and shall remove same at the end of each day's trading. The Council may remove any stall or like receptacle found in a trading place outside of trading hours.

OBLIGATION TO OBEY DIRECTIONS

11. While occupying a trading place a licence holder must obey all lawful requests of an authorised officer or a member of the Garda Siochana.

OFFENCES

12. A person who contravenes a bye-law shall be guilty of an offence.

PENALTY

13. Every person who shall offend against any of the foregoing bye-laws shall be liable for every such offence on summary conviction to a fine not exceeding €1,270.

PUBLIC LIABILITY INSURANCE

14. A licence holder shall indemnify the Council and any person using the facility/service being provided against any liability arising out of the use of the facility/service in question. In this regard public liability insurance of €635,000 in the case of any one accident must be obtained and proof of same must be given by the applicant to the Council before a casual trading permit is granted.

HEALTH & SAFETY

15. A licence holder shall submit a copy of the current Health & Safety Statement held by him/her before a casual trading licence is granted.

COMMENCEMENT DATE

16. These Bye-Laws shall come into force on 8th November, 1999.

PART III

FIRST SCHEDULE

LANDS DESIGNATED AS CASUAL TRADING AREAS

Designated Site Area A

Site at Barnageeragh, Co. Fingal, as shown outlined in red on drawing No. ENV 238/5.

Designated Site Area B

Site at Fingal Burial Ground, Co. Fingal, as shown outlined in red on drawing No. ENV 81/28A.

Designated Site Area C

Site at Mulhuddart Burial Ground, Co. Fingal, as shown outlined in red on drawing No. ENV 238/11.

Designated Site Area D

Site at St. Fintan's Burial Ground, Sutton, Co. Fingal, as shown outlined in red on drawing No. ENV 300/2/1.

PART IV

SECOND SCHEDULE

LICENCE FEES (PER ANNUM)

Sites	A	B	C	D
Flowers	€300.00	€300.00	€300.00	€300.00
Fruit	€150.00	€150.00	€150.00	€150.00
Confectionery	€150.00	€150.00	€150.00	€150.00