

CASUAL TRADING ACT 1995

TOWN COUNCIL OF NAVAN

Section 6, Casual Trading Act, 1995
S.I. No. 267 of 1995
Dated 3rd October 1995

Casual Trading Bye-Laws, 2001

THE COUNCIL OF THE TOWN OF NAVAN, in pursuance of the powers conferred on it by section 6 of the Casual Trading Act, 1995, HEREBY MAKES the following Bye-Laws in respect of the area comprising THE TOWN OF NAVAN.

Definitions;

- (1) "The Council" means the Town Council of Navan.
- (2) "The Act" means the Casual Trading Act, 1995.
- (3) "Casual Trading" has the meaning given to it in Section 2 of the Act.
- (4) "Casual Trading Area" means the area designated for casual trading under Section 6 of the Act.
- (5) "Casual Trading Licence" means a license granted by the Council pursuant to Section 4 of the Act.
- (6) "Trading Bay or space" means each individual area numbered on the Schedule map attached to the Bye-Laws.
- (7) "Casual Trader" means any person or his assistant entitled to carry on trading pursuant to these Bye-Laws.

Restrictions;

Casual Trading shall not be carried on in any of the streets/roads in the Town of Navan named in the second schedule hereto.

Time Of Trading;

Casual Trading shall only be carried on in any of the streets named in the first schedule and only between the hours of 08.00 and 18.00 on Fridays or on any other days as determined by the Council.

- (1) These Bye-Laws may be cited as the Navan Town Council Casual Trading Bye-Laws, 2001.

- (2) Casual Trading shall only be carried on at the locations designated for that purpose in these Bye-Laws or at a specified event or events at such other location or locations as may be approved by the Council in a licence issued pursuant to Section 4 (1) (a) (iii) of the Act.
- (3) No Casual Trader shall be allowed or entitled to trade without first having obtained a licence from the Council.
- (4) A Casual Trader shall trade only within the trading bay or bays allocated to him/her for the period specified in the licence.
- (5) A Casual Trader shall trade only in the goods as specified in the relevant Casual Trading Licence.
- (6) No excessively loud broadcasting or speech or music from a mechanical amplification system shall take place from any trading bay or any vehicle and no excessively loud playing of radios or music reproduction appliances shall take place at any trading bay.
- (7) An application in writing for a Casual Trading Licence shall be lodged with the Council at least thirty days prior to the intended commencement date of trading. The issuing of a Casual Trading Licence by the Council shall be entirely discretionary and the Council shall notify any applicant in writing stating the reasons for refusal should the application be refused. Any applicant who is refused a Casual Trading Licence may appeal the decision to the Town Clerk, Navan Town Council, Town Hall, Navan giving full details of the grounds of the appeal.
- (8) A licence for casual trading will be effective for the period of one year subject to compliance by the Casual Trader with these Bye-Laws.
- (9) A register of Casual Traders Licences shall be compiled and retained by the Council.
- (10) In the event of there being a surplus of applications for licences, applicants will be placed on a waiting list from which future vacancies will be allocated.
- (11) A person engaging in casual trading shall display the Casual Trading Licence in such a position as to be clearly visible and easily legible to members of the public at the place of trading.
- (12) Each Casual Trader to whom a licence has been issued shall produce said licence to the Council or its agent, on demand.
- (13) A Casual Trading Licence is non-transferable and cannot be sold, let or sublet.
- (14) An applicant for a casual trading licence in a designated area shall pay a licence fee of £100.00 (127 Euros) per annum for trading on one day per week. In addition to this licence fee, a trading bay charge shall be payable to the Council in respect of each days trading---Trading bay charges shall be payable to the Council or its appointed agents either in advance or on the day of trading. The scale of charges shall be subject to review and revision as deemed necessary by the Council.

GENERAL CONDITIONS

- (1) The allocation of any trading bay shall be at the discretion of the Council and shall not confer upon the casual trader any tenancy or right to occupy or transfer said allocation.
- (2) The Council or its agent may from day to day permit any trading bay 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.
- (3) Each casual trader shall remove the portable stall and all goods from the designated casual trading area by 18.15hrs. on each designated trading day.
- (4) Each casual trader shall comply with all reasonable instructions given to him/her by the Council's Authorised Officer.
- (5) Each Casual Trader shall immediately vacate the designated area if so required, to enable the Council, its officers, servants or agents to carry out any of its statutory functions.
- (6) If any casual trader fails to comply with the reasonable instructions of the Council or its agents, the stall and goods may be immediately removed and stored by the Council or its agent, and the casual trader shall be liable for all costs incurred by the Council.
- (7) During the hours for casual trading as prescribed by the Council no vehicles or objects shall be parked in the designated casual trading area unless said vehicle or object is for the specific purpose of carrying on casual trading.
- (8) The Council shall not accept responsibility for any property belonging to any person which may be destroyed, damaged or stolen within the casual trading area; nor for any loss, damage or injury caused by the act, neglect or default of any person carrying on casual trading in the casual trading area or by their servants, agents or employees.
- (9) Each casual trader shall keep the Council indemnified against all damage, loss and injury of every description which may occur while the casual trader is on site.
- (10) Each casual trader shall carry on his/her business so as not to cause any damage to Council property and to make adequate compensation for any damage nevertheless caused.
- (11) Each casual trader shall keep their designated area clear and tidy and free of litter at all times and shall ensure that the area is left as such at the end of each trading period.
- (12) Each casual trader shall conduct his/her activities so as not to cause any inconvenience, annoyance or obstruction to any other casual trader.
- (13) Each casual trader shall ensure that no obstruction is caused or allowed to be caused to the owners of premises and their invitees in the area where casual trading may be carried on.
- (14) If a casual trader wishes to cease trading at the designated area within the period of the license, he/she shall notify the Council of the date of intended cesser not later than four weeks in advance and this licence shall cease immediately upon the expiration of the said date of intended cesser without any refund whatsoever to the Casual Trader.
- (15) Each casual trader shall comply with the provisions of any Bye-Laws/Regulations made by the Town Council of Navan from time to time for the control, regulation, supervision and administration of casual trading in the Town of Navan.
- (16) The issue of a Casual Trading Licence does not guarantee that the designated place shall be available at all times and no claim shall be made against Navan Town Council for compensation or otherwise for any period or periods for which it is not available.
- (17) A casual trader who fails to trade for more than four (4) consecutive trading days is liable to have his/her permit revoked. Likewise a casual trader who fails to trade for more

than five (5) trading days during the period of his licence is also liable to have his licence revoked.

- (18) A Casual Trader who fails to comply with any reasonable instructions of the Council or its agents, is liable to have his/her licence revoked.
- (19) A Casual Trader who fails to pay in full the trading bay charge referred to in Paragraph 14, shall be liable to have his/her licence revoked. Any arrears outstanding shall be recoverable as a simple contract debt in any court of competent jurisdiction.
- (20) A casual trader is not permitted to let or sublet his allocated trading bay.
- (21) In addition to these Bye-Laws, each casual trader shall abide by the terms of the Casual Trading Act, 1995.
- (22) Every person who shall offend against any of the foregoing Bye-Laws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000 (1,270 Euros).
- (23) These Bye-Laws are subject to review and revision and revocation by the Council as deemed necessary.
- (24) Any person engaged in Casual Trading in the sale of power tools and motorised implements to include saws, angle grinders, air compressors, welders, trimmers, generators and transformers shall not demonstrate such tools and implements in the Casual Trading Area.
- (25) These Bye-Laws shall come into operation on 1st May, 2002.

FIRST SCHEDULE

STREETS/ROADS WHERE CASUAL TRADING MAY BE CARRIED ON

An area within the Fairgreen bounded on the south by the railing of the Circular Road from the west side of the steps to a point 111.00 metres west of this point and bounded on the north east by the Infirmary wall between the west gable wall of the Sunnybank terrace, and a point 71 metres north east of this point towards Church Hill along the the Infirmary wall.

SECOND SCHEDULE

STREETS/ROADS WHERE CASUAL TRADING MAY NOT BE CARRIED OUT

All areas within the Town area of Navan with the exception of those listed in the First Schedule hereto.

PRESENT when the Common Seal of the Town Council
Was affixed hereto :-