

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

CASUAL TRADING BYE-LAWS FOR THE GALWAY COUNTY HEALTH DISTRICT

Contents

1. Bye-Laws Title
2. Commencement date
3. Definitions
4. Locations
5. Licence Requirement
6. Stall Type
7. Date, place and times of trading
8. Bay restrictions
9. Items for sale to conform with licence
10. Removal of goods, vehicles etc.
11. Obstruction of passages, approaches and regulation of access
12. Authorised Officers
13. Noise/nuisance
14. Display of Licence
15. Limitation of use of licence
16. Food Hygiene Regulations

-
17. Limitation on preparation of food for sale
 18. Cleaning and disposal of refuse
 19. Indemnification of Council against claim
 20. Licence fee
 21. Events licences
 22. Allocation of bays
 23. Non use of bays
 24. Cessation of use of licence
 25. Parking
 26. Offences

Schedule Part I
Part 2

COMHAIRLE CHONTAE NA GAILLIMHE

(Galway County Council)

CASUAL TRADING ACT 1995

Bye-Laws in relation to the Control, Regulation, Supervision and Administration of Casual Trading in the Galway County Health District

The Council of the County of Galway in pursuance of the powers conferred on it by Section 6 of the Casual Trading Act 1995, hereby makes the following Bye-Laws for the control, regulation, supervision and administration of Casual Trading in the County Health District of Galway.

1. These Bye-Laws may be cited as the Galway County Council Casual Trading Bye-Laws 1998.
2. These Bye-Laws shall come into operation on the 1st day of January, 1999, on which date the Casual Trading Bye-Laws 1997 will stand repealed.
3. In these Bye-Laws the following definitions shall apply:-

“The Act” means the Casual Trading Act 1995.

“The Council” means Galway County Council.

“Authorised Officer” means a person appointed under Section 10(1) of the Act to be an Authorised Officer.

“Casual Trading” has the meaning given to it in Section 2 of the Act.

“Casual Trading Area” means land standing designated by Bye-Laws under Section 6 of the Act as an area where Casual Trading may be carried on.

“Casual Trading Licence” means a licence granted under Section 4 of the Act.

“Vehicle” means and includes all means of conveyance (whether mechanically propelled or not) of person, of animals, market produce or any goods or articles.

“Trading Bay” means the approved trading space allocated by the Council.

“Casual Trader” means any person or his agent entitled to carry out casual trading pursuant to the Casual Trading Act 1995 and these Bye-Laws.

“Goods” shall include provisions, marketable commodities, articles, food, livestock, agricultural or horticultural produce and fish.

“Stall”, in addition to its ordinary meaning, shall include any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or booth or other stand, space or vehicle used for casual trading.

4. Casual Trading within the County Health District of Galway shall only be carried out at the locations designated for that purpose in the Schedule to these Bye-

Laws or for a specified event or events at such other locations, as may be approved by Galway County Council.

5. A person shall not engage in casual trading unless he/she holds a Casual Trading Licence from Galway County Council that is for the time being in force and the casual trading is in accordance with the licence.
6. The Council reserves the right to designate or approve the type of stall to be used under these Bye Laws and failure to comply with such designation or approval shall be an offence.
7. (a) Casual Trading shall only take place in a Casual Trading area and on the days and times specified in the licence and shall generally be between the hours of 9.00 am and 6.00 pm.

(b) Where the Casual Trading consists of the sale of food or drink for immediate consumption from a Stall (for the purpose of this section referred to as FastFood Trading), the hours of trading shall 10.30a.m. until such time as designated in the appropriate licence by the County Council, but such designated time not to be later than 12 midnight of the same day. The Council reserves the right to designate Casual Trading that comes within the definition of FastFood Trading.
8. A person engaged in Casual Trading shall be confined to the allotted bay at the designated Casual Trading area and such person shall not place or cause to be placed any goods or articles in such a way that they would be in or overhang an area other than the space allotted, nor shall any such person use or cause to be used any stall the dimensions of which exceed the defined space of the allotted bay.
9. No goods or articles other than those specified in the licence shall be offered for sale.
10. All goods, vehicles, stalls, structures and all other articles belonging to a Casual Trader or under his/her control shall be removed from the Casual Trading Areas immediately after the hours of trading specified in the licence. Any such items not so removed may be removed by the Council and the Casual Trader shall be liable to pay such charges as the Council may determine from time to time in respect of the removal and, if appropriate, storage and any such removal or storage shall be at the risk of the Casual Trader.
11. No person shall bring or convey to or from a bay in a casual trading area any goods belonging to him/her and of which he/she is in charge in such a manner as to obstruct the free passage through the area or any of the immediate approaches thereto for any longer time than is reasonably necessary for the loading/unloading of goods.

The Council reserves the right to regulate in any manner it deems appropriate, access to and from a casual trading area at all times and to prevent in any manner it deems appropriate all access to and from a casual trading area at all times outside the hours specified for casual trading.

12. A casual trader shall comply with all lawful requests and directions by an authorised officer or by a member of the Garda Siochana.
13. A person engaged in casual trading in a designated area shall not use a loud speaker, public address system, or engage in the loud playing of radios or music reproduction appliances, and shall not cause a nuisance or interference with other Stall Holders or to the public or to the owners of adjoining property.
14. A person engaging in Casual Trading in a designated area shall display the number of the casual trading licence relating to the trading in such a manner as may be determined by the Council and in such a position as to be clearly visible and easily legible to members of the public.
15. A casual trading licence shall only be used by the person to whom the licence is issued or any agent of such person.
16. Casual Traders involved in the sale or display of any foodstuffs, intended for human consumption shall comply fully with the provisions of the Food Hygiene Regulations 1950/89 and in particular, Casual Traders involved in the sale of meat or meat products or where food is prepared, cooked or heated for sale in a form ready for consumption, must hold a current Licence issued by Western Health Board and that such Licence is clearly and visibly displayed on their stall at all times.
17. A Casual Trader in charge of a stall shall not cause or suffer:-
 - (a) Any fish to be trimmed, gutted or cleaned at or about his/her stall.
 - (b) Any fowl, or feathered game to be plucked at or about his/her stall.
 - (c) Any untrimmed vegetables, or vegetables with clay, soil and dirt adhering to the root thereof to be conveyed upon or exposed for sale on or about his/her stall.
18. A Casual Trader in charge of a stall shall:-
 - (a) cause the stall and designated area to be properly cleaned immediately before and after the sale of goods for the day, and
 - (b) provide a suitable receptacle for refuse during any day on which the stall is used for the sale of goods and shall cause all refuse from his/her trade or business to be placed in the receptacle which must be kept at all times of trading within the allocated area, and

- (c) as often as is necessary cause the contents of any receptacle provided by him/her 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 shall be approved by the Council.
19. A person holding a licence shall indemnify the Council against any claim by any person whether an employee or servant or agent of the said person for damages for personal injuries, loss or damage caused by any act or omission of the said person, or his servants or agents, holding a licence in and about the carrying on of casual trading.
 20. An applicant for a Casual Trading Licence in a designated area shall pay a licence fee per bay, as set out in Part II of the Schedule to these Bye Laws.
 21. Galway County Council may issue casual trading licences allowing a person to engage in casual trading on specified day(s) at an event or events to which the public are admitted whether subject to or free of charge and at or in the immediate vicinity of the place where and on the day on which the event takes place. The fee for such licence shall be as set out in Part II of the Schedule to these Bye Laws.
 22. Trading Bays shall be allocated by the Council in such a manner and by such methods which at its discretion it may decide and include, should the Council deem it desirable to do so, allocation by drawing of lots.
 23. Where the Holder of a Casual Trading Licence to whom a trading bay has been allocated fails to exercise its right to trade on six successive permitted days, the Council may upon giving one weeks notice in writing to such a person deem the Casual Trading Licence at an end and if it deems desirable to do so may reallocate any trading bay, allocated to such Licence Holder, and shall not be liable to refund in whole or in part any licence fee paid in respect of such terminated licence.
 24. Where a licence holder wishes to cease trading at the designated place during the period of the validity of the licence, he/she shall notify the Council of the date of cessation not less than 4 weeks in advance and the licence shall cease immediately upon expiration of the date of intended cessation without any refund whatsoever being due to the licence holder.
 25. Parking shall be prohibited in Trading Bays on the days and times specified for Casual Trading save in the case of a vehicle or stall owned by a Licenced Casual Trader operating from his/her trading bay(s).
 26. A person who contravenes any of the conditions of a licence or any of these Bye-Laws shall be guilty of an offence.

Schedule to Galway County Council Casual Trading Bye Laws 1998

Part I - Areas

Town/ Village	Location	Designated Areas	Bay Size	Trading Days
Loughrea	Barrack St., between Church St. And Kelly's St. and shown outlined in red on Map No. 1 annexed hereto	11 bays - numbered 2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14	5m x 3m (Bays 2, 4, 6) 4m x 3m (Bays 7 - 10) 5m x 3m (Bays 11 - 14)	Thursday
	West Bridge between old Galway Road and Athenry Road and shown outlined in red on Map No. 2 annexed hereto	7 bays - numbered 1 - 7	5m x 3m	Thursday
Tuam	The Square and shown outlined in red on Map No. 3 annexed hereto	3 bays - numbered 1 - 3	5m x 3m	Wednesday Thursday, Friday Saturday
Gort	The Square and shown outlined in red on Map No. 4 annexed hereto	12 bays - numbered 1 - 12	5m x 3m	Friday
Dunmore	The Square (adjacent to monument) and shown outlined in red on Map No. 5 annexed hereto	2 bays - numbered 1 - 2	5m x 3m	Tuesday, Thursday, Friday Saturday
Headford	Bank Square and shown outlined in red on Map No. 6 annexed hereto	1 bay - numbered 1	5m x 3m	Thursday
Kinvara	The Square and shown outlined in red on Map No. 7 annexed hereto	1 bay - numbered 1	5m x 3m	Friday
Athenry	Market Square and shown outlined in red on Map No. 8 annexed hereto	4 bays - numbered 1 - 4	4m x 3.75m	Thursday, Friday
Portumna	Market Square and shown outlined in red on Map No. 9 annexed hereto	4 bays - numbered 1 - 4	5m x 3m	Wednesday Thursday, Friday Saturday
Clifden	Market St. and Main St. and shown in red on Map No. 10 annexed hereto	10 bays - numbered 1 - 10	5m x 3m (Bays 1 - 4, 7) 5.8m x 2m (Bays 5 & 6) 2m x 2m (Bays 8 - 10)	Friday
Mountbellew	The Square and shown outlined in red on Map No. 11 annexed hereto	35 bays - numbered 1 - 35	5m x 3m	Tuesday, Wednesday, Saturday
Glenamaddy	The Square and shown outlined in red on Map No. 12 annexed hereto	2 bays - numbered 1 - 2	5m x 3m	Tuesday

Schedule to Galway County Council Casual Trading ByeLaws 1998

Part II - Fees

Under these Bye Laws, with effect from 1st January, 1999 the fees in respect of Casual Trading Licences, where the trading takes place on one day per week or less frequently are:

Calf Trading (Vehicle not exceeding two bays)	-	£200 per annum €253.95
All Other Goods	-	£200 per annum
Bay Nos. 8, 9, 10, Clifden (Smaller Bays)	-	£150 per annum €190.46
Where trading takes place more frequently than one day per week.	-	additional £100 per €127 annum, for each additional days trading per week
Specified Events:-		
The Maam Cross-		£30 per day €38.09
October Big Fair		
Other Events		£20 per day €25.39

Made and adopted under the Common Seal of the Council of the County of Galway
this 13th day of November, 1998.


Chairman


Assistant County Manager


County Secretary