## **SOUTH DUBLIN COUNTY COUNCIL**

### **CASUAL TRADING BYE-LAWS**

made under the

**CASUAL TRADING ACT, 1995** 

## **Byelaws**

For the control, regulation, supervision, and administration of casual trading in the administrative area of South Dublin County Council

#### PART 1

LONG TITLE: The Mayor and Members of South Dublin County Council (hereinafter referred to as "The Council") in exercise of the powers vested in them by the provisions of The Casual Trading Act, 1995 and all other enabling statutory powers hereby make the following Byelaws for the control, regulation, supervision, and administration of casual trading in the administrative area of South Dublin County Council.

#### PRELIMINARY AND GENERAL

1. CITATION These Byelaws may be cited as the South Dublin County

Council Casual Trading Byelaws 2026.

2. AREA OF APPLICATION These Byelaws apply to the administrative area of South Dublin

County Council.

**3. COMMENCEMENT DATE** These Byelaws shall come into effect on the 1<sup>st</sup> day of January

2026

4. REVOCATION The South Dublin County Council Casual Trading Byelaws 2016

made by the Council at their meeting held on the 20<sup>th</sup> day of

June 2016 are hereby revoked as and from the

commencement date.

## **5. DEFINITIONS**

In these Byelaws, except where expressly stated to the contrary, the following words or phrases shall have the meanings hereby respectively given to them, that is to say:

"the Act"	means the Casual Trading Act, 1995 [number 19 of 1995]	
"the 1996 Regulations"	means the Casual Trading Act, 1995 (Forms) Regulations, 1996 [S.I. No. 146 of 1996]	
"the 2004 Regulations"	means the Casual Trading Act 1995 (Section 2(3)) Regulations 2004 [S.I. No. 191 of 2004]	
"the 2018 Regulations"	means the European Union (Casual Trading Act 1995) Regulations 2018 [S.I. No. 308 of 2018]	
"the Council"	means the County Council of the County of South Dublin.	
"Authorised Officer"	means an officer of the County Council or other person appointed by the County Council for the purposes of the Act.	
"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:	
	the selling of strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants and potatoes having loose skins, and which have been harvested prior to maturity between the 1 <sup>st</sup> of May and 30 <sup>th</sup> of September in any year. The 2004 Regulations exempt the selling of the products listed from the provisions of the Casual Trading Acts. The exemption is only applicable to the growers of the products concerned, their servants or agents.	
"Casual Trading Area"	means an area marked in red on the attached maps and listed in the First Schedule hereto, in a designated area delineated by markings at the boundary, where casual	

trading may be carried on. A Casual Trading Area shall not exceed the area delineated by markings.

"Event Trading" means licensed casual trading at an event or events

specified in the Licence or at/in the immediate vicinity of the place where and on the day or days on which the

event takes place.

"Licence" means a Casual Trading Licence granted under the Casual

Trading Act, 1995 and for the time being in force.

"Licence Holder" means a person to whom a Casual Trading Licence has

been issued to the licence holder's servant or agent acting

on the licence holder's behalf.

"Sell, Selling, Sale" means agreeing or offering to sell, or displaying for sale,

or inviting an offer to buy.

"Stall" includes, in addition to its ordinary meaning, any wheeled

or moveable stall, or box, barrow, cart, caravan, trailer or other vehicle or both or other stand or conveyance used

for Casual Trading.

"Vehicle" means and includes every means of conveyance, whether

mechanically propelled or not, of persons, produce or any

goods or article.

# PART 2

# **REGULATION**

6. CASUAL TRADING AREA	Each of the lands described in the First Schedule hereto is hereby designated as a Casual Trading Area for the purposes of the Act.
ANLA	The said designated areas are divided into categories marked A to E as shown in the First Schedule.
	Casual Trading shall only take place in accordance with the Casual Trading Act 1995 and these Byelaws.
	Casual Trading shall only take place at the locations designated for that purpose in the First Schedule and on the days and at the times specified in the Licence or for a specified event or events at such other locations as may be approved by the Council.
	Casual Trading shall take place only within the space allocated to the Licence Holder, identified by means of a description in their Licence and delineated by the Council.
	The allocation of a Casual Trading Area by the Council shall not confer upon the Licence Holder any tenancy or right to occupy or to transfer the said Casual Trading Area.
	Servants, agents, employees and/or family members of the Licence Holder shall have no right or entitlement to succeed to a Casual Trading Area.
	The Council may grant more than one Licence in respect of any one Casual Trading Area.
	In general, the Council will issue a Licence for only one Casual Trading Area to any individual applicant. However, consideration may be given to applications for more than one Casual Trading Area, subject to the allocation policy for the time being in force.
7. LICENCE	No person shall engage in Casual Trading unless they hold a Licence from the Council that is for the time being in force.
	A Licence shall be issued annually.

	The Licence shall indicate what goods may be sold and only such goods as shown on the Licence and for which the appropriate fee has been paid may be sold by the Licence Holder.	
	A Licence may not be rented or sold or transferred by the Licence Holder. Any Licence Holder found in breach of this condition shall have his/her Licence revoked.	
	An applicant for a Licence shall complete and submit to the Council an application in the form as prescribed in the Regulations and as set out in the Third Schedule and furnish to the Council the information requested in the application form together with the appropriate fee, and together with such further information as the Council may request, and if the person refuses to comply with these provisions the Council may refuse to grant a Licence to the applicant.	
	The Council reserves the right to grant or refuse or revoke Licence. The final decision regarding the granting of a Licence sharest with the Council.	
	Licence Holders shall be responsible for compliance with these Bye - Laws by their servants, agents or employees.	
8. LICENCE FEES	An applicant for a Licence must pay the appropriate fee for the type of goods to be sold in the category of the Casual Trading Area as shown set out in the First Schedule hereto.	
	Licence fees may be revised from time to time by executive order.	
9. DISPLAY OF LICENCE NUMBER	A Licence Holder shall prominently display the number of their Licence in such a position as to be always clearly visible and easily legible to members of the public during trading hours.	
	If so requested, the licence holder shall produce the Licence to any person at that place.	
10. SURRENDER OF LICENCE.	A Licence Holder may surrender their Licence to the Council prior to the expiry of the Licence period.	
	A Licence Holder who wishes to surrender their Licence must give a minimum of one month's notice to the Council.	

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	A person who surrenders a Licence may obtain a refund of that portion of the Licence fee equivalent to the unexpired term of the Licence, subject to a maximum refund of 50% of the total Licence fee. Where a Licence has been surrendered, the Council may issue a new Licence for the unexpired term of the surrendered Licence.
11. REVOKING OF LICENCE	The Council may at its discretion decide that a Licence Holder has lost their claim to a Casual Trading Area for the remainder of the year and/or their claim to a Licence for future years, if they have been found to have not engaged in Casual Trading at their Casual Trading Area for four (4) consecutive weeks. The Licence Holder will be given the opportunity to explain their absence prior to their Licence being revoked.  Before deciding to revoke a Licence, 21 days' notice giving particulars of the breach and of the Council's intention to revoke
	the Licence shall be sent to the Licence Holder.  The Council shall have regard to any written submissions made by the Licence Holder prior to deciding whether to revoke the Licence.  A Licence fee shall not be refunded in the event of a Licence being revoked.
12. STALL	A Licence Holder shall only use a stall, vehicle, trailer or other like receptacle or structure for carrying/displaying goods which is approved by an Authorised Officer of the Council and shall remove same at the end of each day's trading.  Stalls shall be maintained in a safe condition, and barriers shall be
	erected around all potential hazards.  No stall shall exceed 3. 5m in height, from ground level.
13. FOODSTUFFS	A Licence Holder licenced to casually trade in foodstuffs must be registered with the Health Services Executive (HSE) as a food business establishment and must comply with the requirements of the HSE Environmental Health Office and/or the Food Safety Authority of Ireland, as appropriate, in relation to the statutory control of food.

	A Licence Holder, if so requested, shall produce evidence of the registration of their food business with the HSE to any person at the place of Casual Trading.
14. LITTER	A Licence Holder shall provide, at their own expense, adequate and suitable litter receptacles, that meet the requirements of the Council, for the disposal of litter and shall, at all times, keep the Casual Trading Area and vicinity clean and tidy, in accordance with Section 15 of the Litter Pollution Act 1997, as amended.
	Litter shall not be allowed to accumulate in the vicinity of the Casual Trading Area during authorised Casual Trading hours and at the end of trading each day. The Casual Trading Area and the surrounding area up to a radius of 100m from eth Casual Trading Area, shall be cleaned and all litter removed and shown to be properly disposed of by the Licence Holder.
	Contravention of this provision of these Byelaws shall result in enforcement action being taken against the Licence Holder under the Litter Pollution Act 1997, as amended.
15. WASTE MANAGEMENT	Disposal of all wastes generated at each Casual Trading Area is the responsibility of the Licence Holder.
	Licence Holders shall ensure that all waste generated at the Casual Trading Area is segregated and disposed of appropriately and in accordance with the Waste Management Act 1996, as amended, and any relevant Regulations and Directives.
	Licence Holders shall maintain proof of disposal and associated receipts for all wastes generated at the Casual Trading area. These proofs shall be made available to Authorised Persons upon request.
	License Holders shall produce (where applicable) and have available for inspection on site, a food waste management plan in accordance with the Waste Management (Food Waste) Regulations 2009, as amended.

	Contravention of this provision of these Byelaws shall result in enforcement action being taken against the Licence Holder under the Waste Management Act 1996, as amended.
16. OBLIGATION TO OBEY DIRECTIONS	While occupying a Casual Trading Area, a Licence Holder must obey all lawful requests of an Authorised Officer or a member of the Garda Síochána.
17. INSURANCE	A Licence Holder shall indemnify the Council against all actions, claims or demands whatsoever by any person claiming damages for personal injuries, loss or damage caused by any act, neglect or default of such Licence Holder, their servants, agents or employees in and about the carrying on of such Casual Trading in the Casual Trading Area and every such Licence Holder shall be required by the Council to have in force at all times appropriate public liability insurance, ensuring against the aforesaid risks in a sum to be specified by the Council from time to time. The interest of the Council is to be noted on the face of such insurance policy and if at any time, the said policy is allowed to lapse or is rendered void, the Council shall be at liberty to revoke the Licence of such person forthwith.  A Licence Holder shall submit a copy of the current insurance policy held by them before a Licence is granted.
18. HEALTH AND SAFETY	A Licence Holder shall submit a copy of the current Health & Safety Statement held by them before a Licence is granted.
19. ESSENTIAL WORKS	A Licence Holder shall not interfere with or obstruct any officer, servant or agent of the Council or any other provider of public utilities engaged in the carrying out of any works of maintenance or improvement in any part of the Casual Trading Area, even when such work is carried out during authorised Casual Trading hours. The Council reserves the right to prohibit Casual Trading at any time, if exceptional circumstances arise which necessitate such prohibition. The Council will notify any affected Licence Holders in advance of such prohibition taking effect.

20. REVOCATION OF CASUAL TRADING AREA	The Council reserves the right to revoke or suspend, by executive order, the designation of a Casual Trading Area, for operational or other reasons.			
21. ALTERNATIVE CASUAL TRADING AREA	An existing Licence for a Casual Trading Area may be suspended by executive order to facilitate construction/development/maintenance of a roadway, footpath, cycle track or other infrastructure or on adjoining sites or for other operational reasons. Alternative Casual Trading Areas may be assigned by the Council to existing Licence Holders following consultation, subject to availability of existing designated Casual Trading Areas or a temporary alternative Casual Trading Area designated by executive order.			
22. PROVISION TO	The Council reserves the right to establish additional Casual			
TRIAL NEW	Trading Areas on a trial basis, by Chief Executive Order. These			
DESIGNATED CASUAL	Casual Trading areas may be added to the First Schedule			
TRADING AREAS	permanently, subject to demand, site specification, and approval			
23. SERVICE OF NOTICES	from the relevant Area Committee.			
25. SERVICE OF NOTICES	` ' '			
	the Act or these Byelaws shall be addressed to the person concerned and given in one of the following ways:			
	(a) By addressing it to the person by name and delivering it to the person			
	(b) By leaving it at the address at which the person ordinarily resides or at an address which has been furnished by the person to the Council			
	(c) By sending it by post in a prepaid registered letter, addressed			
	to the person at the address at which the person ordinarily resides or at an address which has been furnished by the person to the Council			
	(d) By sending it by ordinary post, addressed to the person at the address at which the person ordinarily resides or at an address which has been furnished by the person to the Council			
	(e) Where the address at which the person ordinarily resides			
	cannot be ascertained by reasonable inquiry and notice is required			
	to be given to the person in respect of any Casual Trading Area, by			
	delivering it to a person over the age of sixteen (16) years engaged in Casual Trading at that Casual Trading Area.			
	(2) Where the name of the person concerned cannot be ascertained by reasonable inquiry, a notice under the Act or these Byelaws may be addressed to "the occupier" or "person in charge".			

24. OFFENCES	A person who contravenes any provision of these Bye- Laws shall be guilty of an offence.		
25. PENALTY	Every person who shall offend against any provision of these Byelaws shall be liable for every such offence on summary conviction to a fine, in accordance with Section 14 of the Act.  The Council reserves the right to revoke a Licence for contravention of these Byelaws.		
26. TERMS AND CONDITIONS	<ol> <li>Licence Holders shall ensure that no obstruction is caused or allowed to be caused to owners or occupiers of premises and their invitees in the vicinity of the Casual Trading Area.</li> <li>No vehicle shall be parked in the Casual Trading Area during hours of trading unless the vehicle is associated with the Casual Trading being carried out and is parked within the Casual Trading Area described on the Licence for the time being in force.</li> </ol>		
	<ol> <li>The Council reserves the right to remove any goods, stall, vehicle, trailer or like receptacle or structure found in a Casual Trading Area outside of authorised times of Casual Trading.</li> <li>The Council shall not be responsible for any property, goods or equipment of any kind deposited or left in any part of the Casual Trading Area or any loss, damage or injury arising from the actions of the Licence Holder.</li> </ol>		
	<ul> <li>5. No advertising sign or structure shall be placed at or in the vicinity of a Casual Trading Area or above or in the vicinity of any stall.</li> <li>6. Casual Trading shall only take place at the Designated Casual Trading Area described, and, on the days, and at the times specified, in the Licence for the time being in force.</li> <li>7. A Licence shall issue only in respect of a specific Casual Trading Area and the licence holder engaging in Casual Trading shall do so only within the confines of the specific Casual Trading Area to which the Licence relates.</li> </ul>		

- 8. No goods or articles shall overhang a stall or be deposited on the ground, except within the Casual Trading Area.
- Any lighting system for the stall shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from vehicular and pedestrian traffic areas or adjoining residential properties.
- 10. Only approved connections for fuel or power supply shall be used.
- 11. Licence Holders shall not use a loudspeaker or other public address or amplification system at or in the vicinity of the Casual Trading Area.
- 12. Subject to Conditions 25(13), 25(14) and 25(15) below, no motor vehicles, vans, or trailers, other than those approved by the Council and specially designed and constructed for the purpose, shall be permitted within designated Casual Trading Areas during trading hours.
- 13. Before the commencement of casual trading, Licence Holders may park a vehicle in a Casual Trading Area for a period not exceeding 60 minutes for the sole purpose of unloading stalls, goods, produce and/or equipment from the vehicle to the stall.
- 14. Licence Holders may park a vehicle in a Casual Trading Area for a period not exceeding 60 minutes after the expiration of the authorised Casual Trading hours, for the sole purpose of unloading stalls, goods, produce and/or equipment from the stall specified in the Licence to the vehicle.
- 15. All stalls, goods, produce and/or equipment shall be removed from the Casual Trading Area no later than 60 minutes after the expiration of the authorised Casual Trading hours, at which time the Council may remove them, and the Licence Holder shall be liable for the cost of removal.
- 16. Except for Conditions 25(13), 25(14) and 25(15) above, a Licence Holder or any other person who parks a vehicle in a Casual Trading Area during authorised Casual Trading hours shall be guilty of an offence under these Byelaws.

- 17. Trading shall not be conducted in a manner that is likely to cause offence to any fellow Licence Holder, Authorised Officer, or any member of the public.
- 18. Only the licence holder their servants, agents or employees shall engage in Casual Trading at the location specified in the licence.
- 19. No goods other than those specified in the licence shall be sold.
- 20. A licence holder must always be able to produce a paper trail identifying the provenance of goods clearly identifying where stock came from.
- 21. The sale of counterfeit items is strictly prohibited.
- 22. All goods that are sold as "seconds" must be clearly identified as "seconds" at the point of sale. This licence may be revoked at any time if any condition of the licence has been or is being contravened.
- 23. A person engaged in Casual Trading shall not obstruct any business, premises, footpath, public road, or public right of way.

# 27. APPLICATION PROCESS

Incomplete application forms shall be invalidated and returned to applicant.

The acceptance of an application form by the Council does not guarantee the granting of a Licence.

#### **Casual Trading Licence**

Applications must be accompanied by the following documentation:

- Completed Application Form in the prescribed form as set out in the Third Schedule
- 2 passport photographs of the applicant
- Proof of identity Passport/drivers licence
- Copy of public liability insurance policy in the sum of €2.6 million
- In the case of Licences to sell food, evidence of registration with the HSE
- A photograph of the stall/unit to be used
- Valid tax clearance certificate
- Appropriate fee

#### **Event Casual Trading Licence**

All applications must be made by the organiser of the event 30 days in advance of date of event. Applications received outside of this timeframe may not be processed.

Applications must be accompanied by the following documentation:

- Completed Application Form in the prescribed form as set out in the Third Schedule
- Copy of public liability insurance policy in the sum of €2.6 million with the interest of the Council noted on the face of the policy
- Copy of Health and Safety Statement
- Copy of waste management plan
- Copy of traffic management plan, where appropriate
- Appropriate fee

#### 28. RENEWAL PROCESS

All Casual Trading Licences are renewed in January of each calendar year. Applications for renewal of Licence are posted to Licence Holder one month prior to the expiry of the Licence.

Incomplete renewal application forms shall be invalidated and returned to applicant.

The acceptance of a renewal application form by the Council does not guarantee the granting of a Licence.

Failure to submit a valid application for renewal of Licence fourteen (14) days in advance of expiration of current Licence shall result in the revocation of the Licence. The Council reserves the right to reallocate the Casual Trading Area.

#### 29. ALLOCATION POLICY

Favourable consideration will be given to established Licence Holders.

Vacant Casual Trading Areas will be allocated by lottery.

A licence will not be granted unless all the relevant information required in the application process is supplied.

A licence will not be granted unless the appropriate fee is paid.

The following documentation must be supplied within 30 days of receipt of offer:

<ul> <li>Copy of public liability insurance policy in the sum of €2.6 million with the interest of the Council noted on the face of the policy</li> </ul>
Copy of Health and Safety Statement

## FIRST SCHEDULE - DESIGNATED CASUAL TRADING AREAS

	Goods	Current Fees €	
Category A – Flowers	Small graveside ornaments.  Maximum height 15 inches.		
Esker Cemetery	Flowers	€500	
Bohernabreena Cemetery	Flowers	€500	
Newcastle Cemetery	Flowers	€500	
Category B – Mobile Food Outlets			
Western Industrial Estate	Food	€760	
Killinarden Ring Road	Food	€760	
<u>Viewing Point at Killakee</u>	Food	€760	
Category C – Markets			
	Farmers Markets / General Markets	€50	
Category D – Car Parks within Public Parks			
Tymon Park – Wellington entrance	Ice Cream/Confectionery	€10,000	
Tymon Park – Tymon North entrance	Ice Cream/Confectionery	€5,000	
Tymon Park – Limekiln entrance	Ice Cream/Confectionery Tea/Coffee	€5,000	
Corkagh Park – St. John's entrance	Ice Cream/Confectionery	€10,000	
Corkagh Park – Camac Valley entrance	Ice Cream/Confectionery	€10,000	
Griffeen Valley Park - Lucan Newlands Road entrance	Ice Cream/Confectionery	€5,000	
Dodder Valley Park – Firhouse Road	Tea/Coffee/Confectionery	€2,500	
Griffeen Valley Park - Hayden's Lane entrance	Tea/Coffee/Confectionery	€2,500	
Viewing Point at Killakee	Tea/Coffee/Confectionery	€2,000	
Category E – Seasonal Trading /Events Locations may be determined by executive decision by South Dublin County Council			
and a second second	Christmas Trees	€200	
	Village Festivals/Summer Fetes/Christmas Fairs	€50	

# **SECOND SCHEDULE – MAPS**

Location	Map No
SDCC Casual Trading Sites	DTA-001
Esker Cemetery	DTA-002
Bohernabreena Cemetery	DTA-003
Newcastle Cemetery	DTA-004
Western Industrial Estate	DTA-005
Killinarden Ring Road	DTA-006
Viewing Point at Killakee	DTA-007
Griffeen Valley Park – Haydens Lane	DTA-008
entrance	
Tymon Park – Wellington entrance	DTA-009
Tymon Park – Tymon North entrance	DTA-010
Tymon Park – Limekiln entrance	DTA-011
Corkagh Park – Camac Valley entrance	DTA-012
Corkagh Park –St. John's entrance	DTA-013
Griffeen Valley Park – Lucan, Newlands	DTA-014
Road	
Dodder Valley Park – Firhouse Road	DTA-015

# THIRD SCHEDULE: APPLICATION FORM

# Casual Trading Act, 1995

(Please read the notes overleaf before completing this form)

# PLEASE COMPLETE IN BLOCK CAPITALS

1.	Name of Applicant		
2.	Full Postal Address		
3.	Telephone Number		
	Email		
4.	Occupation		
5. (a)	PPS number (in the case of an individual)		
5. (b)	Tax Reference No. (in the case of a company)		
6.	If the application is in the name of a company, the Company Registration Number, as supplied by the Companies Registration Office		
7.	First date on which it is intended to engage in casual trading		
8.	Description of the goods to be sold		
If you we	ere a holder of a previous Casual Trading Li	cence, please quote the	e following:
Li	cence Number:	Expiry Date:	
To South	Dublin County Council		
I DECLAR	E –		
with 2. that	I have not been convicted of two or mo nin three years prior to the date on which I the foregoing particulars are correct, and d under byelaw by South Dublin County Co	intend to commence call enclose payment of €_	nsual trading being the fee
Signatu	ire	Date	

Section 4(11) of the Casual Trading Act, 1995, provides that the local authority concerned shall notify the Minister for Social Protection of the name and address of a person to whom a casual trading licence was granted and the conditions of the licence and

Section 4(2A) of the Casual Trading Act, 1995 (inserted by Section 141 of the Finance Act, 1996 (No.9 of 1996)) provides that the local authority concerned shall notify the Revenue Commissioners of the name, address, and tax reference number of a person to whom a casual trading licence was granted and the conditions of the licence.

Section 13 of the Casual Trading Act, 1995, also provides that a local authority may establish and maintain the Register of Casual Trading Licences on computer. In such circumstances, personal data kept in the register is subject to the requirements of the Data Protection Act, 2018 and the General Data Protection Regulation (GDPR)

These Byelaws shall o	come into effect on the	day of	20XX
Dated this	day of	20XX	
	·		
Present when the Common Seal of South Dublin County Council was affixed hereto:			
MAYOR / DEPUTY MAYOR / NOMINATED EMPLOYEE			
OF SOUTH DUBLIN COUNTY COUNCIL			