COMHAIRLE CHONTAE CHILL DARA
KILDARE COUNTY COUNCIL

CASUAL TRADING BYE-LAWS 2025

Municipal District of Athy

Made under

THE CASUAL TRADING ACT, 1995

Approved under Section 6 of the Casual Trading Act 1995 (as amended), by the elected members of the Athy Municipal District at their statutory meeting of 20th October 2025

BYE-LAWS IN RELATION TO CONTROL, REGULATION, SUPERVISION AND DESIGNATION OF CASUAL TRADING

Kildare County Council Municipal District of Athy in pursuance of the powers conferred on it under the Local Government Act, 2001, Local Government Act, 2001 (Bye-Laws) Regulations, 2006, Local Government Reform Act 2014 (Section 131A(1)(a) and Schedule 14 A Part 1) provides that the making of Bye-Laws in relation to the control, regulation, supervision and administration of Casual Trading, being a reserved function conferred under Section 6 of the Casual Trading Act 1995, is a reserved function that is performed, in respect of each municipal district, by the municipal district members concerned. The Municipal District, in the interests of the common good, hereby make the following Bye-Laws for Casual Trading.

1. PRELIMINARY

These Bye-Laws may be cited as “Casual Trading Bye-Laws 2025 for the Municipal District of Athy”.

These Bye-Laws apply to the administrative area of the Municipal District of Athy in the functional area of Kildare County Council.

2. **COMMENCEMENT DATE:** These Bye-Laws shall come into operation on November 18th, 2025.

3. **REVOCATION**: The Market Bye-laws, adopted by Athy Urban District Council in July 1907, are hereby revoked as and from the commencement date of November 18th, 2025.

4. INTERPRETATION

In these Bye-Laws save where the context otherwise applies: -

“The Act” means the Casual Trading Act, 1995.

“Allotted Pitch” means the trading bay or Pitch allotted in a Casual Trading Licence to an individual trader;

References to an “authorisation” mean a casual trading licence issued under the Casual Trading Act, 1995;

“Authorised Officer” means any person appointed by Kildare County Council under Section 10 of the Act to be an Authorised Officer for the purposes of that Act;

“Casual Trader” means any person or his nominated agent, authorised to carry out Casual Trading pursuant to The Casual Trading Act, 1995 and these Bye-Laws;

“Casual Trading” has the meaning assigned to it in Section 2 of the Act;
“Casual Trading Area” means the land standing designated in these Bye-Laws made under Section 6 of The Act as an area where Casual Trading may be carried on;

“Casual Trading Licence” means a licence granted by the Council pursuant to Section 4 of the Act;

“Competent authority” shall be construed as “local authority” in accordance with Regulation 4(c) of the 2018 Regulations;

“The Council” means the Council of the County of Kildare

“The District” means the Municipal District of Athy

“Pitch Vehicle” means and includes a mechanically propelled vehicle from which a trader may sell or store their produce;

“Sell, Selling or Sale” includes agreeing to offer to sell or displaying for sale or inviting an offer to buy;

“Stall” shall, in addition to its ordinary meaning, include any wheeled or moveable stall or box, barrow, cart, caravan or other vehicle or booth or other stand or conveyance used for Casual Trading;

“Vehicle” means and includes every means of conveyance, whether mechanically propelled or not, of persons, market produce or any goods or articles;

“Goods” shall include all provisions or marketable commodities/services.

5. DESIGNATION OF CASUAL TRADING AREAS

6. The Council hereby designates the land specified and described in the First Schedule hereto as a place where casual trading may be carried out for the purposes of these bye-laws (“the Casual Trading Area”).

7. Casual Trading shall only be carried out in the locations designated for that purpose in First Schedule to these Bye-Laws (“the Casual Trading Area”). Where required, an allotted pitch within the Casual Trading Area may be delineated by paint marking, signage or other suitable means as may be determined by Kildare County Council.

8. To manage demand and ensure a diversity of goods traded, ordinarily only one Allotted Pitch per Casual Trading Area will be allocated to a licence applicant.

9. The Council shall apply the terms of its Casual Trading Selection Policy to allocate traders who are granted a licence to trade to their Allotted Pitch in the Casual Trading Area.

10. EXEMPTIONS

Christmas-holiday related trees, garlands, wreaths and associated Christmas-holiday specific arts and crafts and other natural Christmas-holiday products, during the period of the month of December only.

Proposed traders for the above Christmas-related products must contact the Casual Trading Section in writing, in advance of any proposed trading. Exempted traders are required to have due regard for public safety in the placement and operation of their trading vehicle or stall and to follow lawful instructions in this regard.

11. ALTERNATIVE TRADING PLACES

12. An existing licence for a trading place may be temporarily suspended by Executive Order to facilitate Public Realm Developments, construction, development and/or maintenance of a roadway, footpath or other infrastructure or adjoining sites or for other operational reasons. As appropriate, alternative trading places may be assigned by the Council to existing licence holders following consultation, subject to availability for the duration of the works.

13. The Council shall notify the traders in writing, with reasonable notice, in advance of such developments.

14. Where alternative designated trading places cannot be identified, the licence fee paid by the trader shall be refunded on a pro-rata basis for the period that trading is not possible.

15. Valid applications for licences in alternative designated trading areas under Casual Trading Bye Laws in other Municipal Districts will, subject to availability of space and compliance with the Council's Casual Trading Selection Policy, be given favourable treatment where an existing trader has been temporarily displaced due to public realm developments.

16. PUBLIC REALM DEVELOPMENTS

17. The Council reserves the right to make alterations to designated Casual Trading areas that may be required as a result of new Public Realm developments in town and village centres, or other public lands, in consultation with existing traders.

18. TRADING HOURS

19. Casual Trading by a casual trader pursuant to a license will only be permitted to take place at the Casual Trading Area as specified below.

Designated Areas	Designated Days and Times
Emily Square, Athy*	Tuesday, 07:00am-14:30pm
Emily Square, Athy*	Saturday, Sunday and Bank Holiday Mondays 08:00-17:00pm
Barrow Quay, Athy	Tuesday 07:00am-14:30pm
Edmund Rice Square, Athy	Saturday 09:00am-15:00pm

Casual trading licences shall not be granted for casual trading at the locations indicated, during the period of Festivals and Special Events. Please note articles 23 and 85 below.

**The inclusion of the area of public road on the R417, immediately east of Emily Square, as indicated on Map in Schedule 1, as a designated Casual Trading location, for intended storage of trading vehicle, is subject to a temporary road closure, without prejudice, under Section 75 of the Roads Act, 1993 and related notices under Section 75 of the Roads Act, 1993.*

*** Delivery Area shown on Map in Schedule 1, in blue colour on west-side of Emily Square is for trader set up only, and to be vacated within 30minutes of the start of the designated time of trading for Emily Square.*

20. The Council reserves the right to prohibit Casual Trading on any trading day, or part thereof, in the event that exceptional circumstances arise which necessitate such prohibition or where festivals exist (the particulars of which, where known, will be provided at the time of application). The Council where possible will notify any affected licence holders in advance of any such prohibition taking effect.

21. No stall shall be established or set up earlier than 30 minutes before the trading hours specified in these bye-laws. No stall shall remain in the casual trading area for longer than 30 minutes after the end of the said hours.

22. Casual Trading shall only take place at the times and days specified in the licence

23. Subject to consultation with the Council and written agreement therefrom, trading will be permitted outside of the designated days and/or hours in the following circumstances:

a. Christmas week.
b. Easter Week.
c. St. Patricks Day.

24. PRODUCE TO BE SOLD

25. The goods proposed to be traded shall be set out in detail in the licence application.

26. The Council shall apply the terms of its Casual Trading Selection Policy to determine goods to be sold (and goods to be sold must comply only with those listed in the licence, where granted). The Casual Trading Selection Policy is available here.

27. Traders shall not engage in the sale of counterfeit, illegal, dangerous or noxious goods, products or substances.

28. LICENCING REQUIREMENTS

29. A person shall not engage in Casual Trading unless he/she is or is a servant or agent acting for such a person who holds a Casual Trading Licence that is for the time being in force and the Casual Trading is in accordance with these bye laws and with the licence. A person engaged in Casual Trading in the Casual Trading Area:

a) Shall only engage in Casual Trading at the Allotted Pitch and during the trading hours specified in the Casual Trading Licence granted by the Council.

b) Shall only trade in the goods as specified in the Casual Trading licence and the determination of the specified goods to be sold and the combination and diversity of goods to be sold in a Casual Trading Area will be made by the Chief Executive or his/her nominee at the time of the granting of the individual licences, in accordance with the terms of the Council's Casual Trading Selection Policy;

c) Shall not conduct sales or casual trading in a manner that causes or is likely to cause nuisance or disturbance or offence to other casual traders or members of the public;

d) Shall not deposit, cause or permit any goods, produce or articles to be deposited on any land except inside the Allotted Pitch specified in the Casual Trading Licence;

e) Shall not obstruct or cause to be obstructed free passage through the Casual Trading Area or any of the immediate approaches thereto, including to persons with reduced mobility;

f) Shall not obstruct or cause to be obstructed in any way access and the entrance to any premises in the vicinity of the Casual Trading Area;

g) Shall not obstruct or cause to be obstructed in any way a public road (including any footpath) or public right of way and the public utilities and infrastructure thereon;

h) Shall not obstruct or impede or assist a person to obstruct the Council or its servants or agents 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 trading hours;

i) Shall not sell counterfeit or illegal goods, products or substances and if convicted in court the licence shall be revoked;

j) Shall use for sale/ trading purposes a stall of a type approved of by the Council and shall remove same at the end of each day's trading as permitted by the Casual Trading Licence;

k) Shall ensure that goods that are sold as "seconds" are clearly identified as "seconds" at the point of sale;

30. A person carrying on Casual Trading at the Allotted Pitch specified in the Casual Trading Licence, shall display by a notice in the prescribed form the number of the Casual Trading Licence.

(a) The notice displayed pursuant to this Bye-Law shall be painted or inscribed or printed and affixed on a durable material, and

(b) shall be so displayed in a conspicuous position at the place where the casual trading is carried on as to be clearly visible and easily legible to members of the public at such place.

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

31. A Casual Trading Licence shall only be used by the person to whom the licence was issued or by such agent of such person as agreed in writing by the Council.

FOOD HYGIENE, PUBLIC HEALTH AND ANIMAL WELFARE

32. Food, prepared or unprepared, shall not be made available for sale, displayed, stored or kept in any other manner except in accordance with the Food Hygiene Regulations 1950 – 1989, the European Communities (Official Control of Foodstuffs) Regulations 1998 and the European Communities (Hygiene of Foodstuffs) Regulations 2000, or any other regulations for the time being in force or any further regulations that may be made in that regard.

33. A licence holder, where trading in food, shall comply with the requirements of the Health Service Executive (HSE) Environmental Health Office and the Food Safety Authority of Ireland and, if so requested by an Authorised Officer, shall produce evidence, where applicable, of the registration of the licence holder with the HSE.

34. Smoking or vaping by traders shall be prohibited in Allotted Pitches where food is being prepared.

35. All safety, public health related requirements to be complied with at the time being in force and any other regulations that may be made in the interest of public health heretofore.

36. Traders shall comply with any lawful instructions related to such public health matters as directed by An Garda Síochána.

37. Where applicable, traders shall demonstrate, by provision of current, relevant documentation and through their conduct of trading, their compliance with the Animal Health and Welfare (Sale or Supply of Pet Animals) Regulations 2019 and Animal Health and Welfare Act 2013, or any amended or successor legislation or regulations thereto.

PARKING RESTRICTIONS WITHIN CASUAL TRADING AREA

38. **(a)** A person shall not park a vehicle in the Casual Trading Area during allocated trading hours. Exceptions to this article may be agreed by the Council at its discretion and in writing by the relevant Authorised Officer.

(b) Where an exception under (a) above is agreed, a licensed trader shall not park a vehicle in the Casual Trading Area during trading hours unless

such vehicle is being used for Casual Trading and is wholly parked within the area of the Allotted Pitch specified in the Casual Trading Licence.

(c) A Licensed Trader shall remove such vehicle from the Allotted Pitch specified in the Casual Trading Licence and from the Casual Trading Area on each day upon which Casual Trading is permitted by the Casual Trading Licence not later than 30 minutes after the expiration of trading hours.

(d) A Licensed Trader shall not park a vehicle earlier for a period exceeding 30 minutes from the commencement of parking in the Casual Trading area for the purposes of unloading goods or produce onto the casual trading Pitch specified in the Casual Trading Licence.

RESPONSIBLE PITCH OPERATION AND MAINTENANCE INCLUDING HEALTH AND SAFETY AND WASTE MANAGEMENT

39. The type of Stall used by a person engaged in Casual Trading must be approved by the Council and the dimensions of same shall not exceed the defined size of the Allotted Pitch.

40. Stalls used must be of safe, anchored and robust construction (Max. 2.5metres) in height from ground level) and suitably equipped for the particular service which it proposes to provide. Materials covering stalls muse be clean, safe and tightly secured to the frame. The stall shall be maintained in a safe condition at all times and barriers shall be erected around all potential hazards. The casual trader can only display goods within the boundary of his/her stall and therefore goods shall not obstruct free passage through the Casual Trading Area. No stall shall be of such weight that it damages the surface upon which it is placed or exceed 2.5 metres in height.

41. The trader must, where required, provide a statement to give assurance to the Council that the structure is safe.

42. The Council shall not be responsible for any loss, damage or injury caused by the negligence of any casual trader, his/her agents, employees or customers.

43. Trading shall be confined to the Allotted Pitch at the designated Casual Trading Area and no goods shall over hang a Stall or be deposited on the ground except in the Allotted Pitch and no Stall shall exceed 2.5 metres in height without prior agreement of the Council.

44. The Council reserves the right to change and alter the internal layout of the Casual Trading Areas at any time.

45. A person carrying on Casual Trading in the Casual Trading Area shall ensure that the Allotted Pitch, specified in the Casual Trading Licence remains unaltered and undamaged as a consequence of their Casual Trading. Any damage caused to the Allotted Pitch will have to be reinstated to the satisfaction of the Council, if damaged.

46. No broadcasting or speech from a mechanical or electronic 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, save with the express written permission of Kildare County Council.

47. All generators, used in conjunction with Casual Trading Stalls, shall conform to the following requirements in terms of Kildare County Council's Environmental Regulations and the current Kildare County Council County Development Plan:

The installation or operational noise shall not give rise to sound pressure levels (LAeq 15 minutes) measured at *noise sensitive locations which exceed the following limits:

(i) 55 dB(A) between the hours of 0800 and 1800 Monday to Friday inclusive (excluding bank holidays) or
(ii) 45 dB(A) at any other time, and
(iii) There shall be no clearly audible tonal component or impulsive component in the noise emission from the development at any *noise sensitive location.

Note: *Noise sensitive location:
Any dwelling house, hotel or hostel, health building, educational establishment, place of worship or entertainment, or any other facility or area of high amenity which for its proper enjoyment requires the absence of noise at nuisance levels.

48. A person carrying on Casual Trading in the Casual Trading Area shall, keep the Allotted Pitch, specified in the Casual Trading Licence in a clean and tidy condition and shall leave the Casual Trading Area clean and tidy and safe and in the same manner as before casual trading took place and for that purpose shall;

(a) Cause the Stall to be properly cleansed immediately before and after the sale of goods for the day,

(b) Cause the Casual Trading Area to be kept free of litter arising from the Casual Trading business as approved by licence,

(c) The removal of waste generated at each Casual Trading Area is the responsibility of the licence holder and licence holders shall ensure that all waste generated at the Casual Trading Area is disposed of

appropriately and in accordance with the Waste Management Act 1996, as amended and any relevant Regulations and EU Directives and any Bye-laws made therefrom and to satisfaction of the Council.

(d) Contraventions of the Litter and Waste Management provisions of these byelaws shall result in enforcement action being taken against the Licence Holder under the Waste Management Act 1996, (as amended) or under the Litter Pollution Act 1997 (as amended), where applicable.

(e) A suitable receptacle for refuse, must be provided by the licence holder and must be kept at all times of trading within the trading place. The licence holder shall not use public bins for the depositing of waste generated by their trading.

(f) Where applicable, licence holders shall provide a 3-bin system for their waste. Food Waste, Dry Recyclable Waste and General Waste shall all be segregated, stored and disposed of separately by the License Holder to an appropriate waste facility. In the case where a Licence holder uses cooking oil, waste cooking oils shall be disposed of separately by the License Holder to an appropriate waste facility.
Applicants should familiarise themselves with these requirements in advance of commencing trading by consulting https://www.mywaste.ie/ or consult the Council's Environment section.

(g) Licence Holders shall, on request by an Authorised Officer, produce evidence of method of disposal of waste generated at the Casual Trading Area,

(h) Litter must not be allowed to accumulate in the vicinity of the Allotted Pitch during casual trading hours and at the end of trading the Casual Trading Area must be cleaned up and all refuse removed and shown to be properly disposed of by the licence holder. Each trader shall also clean their trading pitch as often as is necessary or when directed by Kildare County Council, its employees or agent, during the day on which the stall is in use for the sale of goods.

(i) The provision or sale of any single use plastic product will be prohibited; this includes bottles, cutlery, containers, single use sachets, plates, straws, etc. Compostable or reusable alternatives must be used instead of single use plastic. Food waste bin(s) should clearly state that the plates, cups, etc are compostable and can be placed in the bin, to be provided by the trader.
The use of compostable or reusable alternatives to plastic bags is encouraged. Where a retailer provides plastic bags to customers, they

must charge a 22c cost per plastic bag and pay this onward to the Revenue Commissioners (who, in this regard, collect a levy on behalf of the Department of Communications, Climate Action and Environment.)

(j) No advertising sign or structure shall be placed at or in the vicinity of a Casual Trading Pitch or above or in the vicinity of a stall.

49. The Council shall not be held responsible for any property belonging to any person whatsoever deposited or left in any part of the Casual Trading nor for any loss, damage or injury caused by the negligence of any trader, their agents, employees or customers.

50. The Council reserves the right to remove Stalls found on the designated Casual Trading Area after trading hours and/or goods or other articles left outside the Allotted Pitch at any time.

INSURANCES

51. A person carrying on Casual Trading in the Casual Trading Area shall indemnify the Council against all action, claims or demands whatsoever by any person claiming damages for personal injuries, loss or damage caused by any act, neglect or default of such Casual Trader, his servants, or employees in and about the carrying on of such Casual Trading in the Casual Trading Area and every such Casual Trader shall be required by the Council to have in force at all times an appropriate Public Liability Insurance with an Insurance Company to be approved by the Council insuring against the aforesaid risks in a minimum sum of €6,350,000 for any one incident. The interest of the Council is to be noted on the face of such policy of insurance 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 Casual Trading Licence of such person forthwith.

52. FAILURE TO TRADE

53. Where a licence is awarded the applicant shall commence trading not later than 60 days from the date the licence is awarded. Failure to commence within this period will result in revocation of the licence. This will result in the licence for that Allotted Pitch becoming available to interested parties to make an application. The applicant will be given the opportunity to explain their absence in writing prior to any decision regarding revocation of the licence.

54. A Casual Trader who fails to trade, on one or more days, for eight consecutive weeks is liable to have his/her licence revoked. The Council may, at its discretion, serve notice on the licence holder that his/her licence has been revoked for the

remainder of the licence period, and arrange to reallocate the Pitch in question, subject to an application. The holder will be given the opportunity to explain their absence in writing prior to any decision regarding revocation of the licence.

55. ALLOTTED PITCH

56. The allocation of a trading Pitch by a licence shall not confer upon the trader any tenancy, right to occupy or transfer the said Allotted Pitch. In addition, no individual has a right to succeed to a Pitch.

57. Allotted Pitches shall not be exchanged without the prior consent of the Council in writing and shall not be sublet.

58. The Council or its servants or agents may from day to day, permit any trading Pitch which has already been allocated to be temporarily used by any other licensed Casual Trader when not in actual use by the Casual Trader to whom it was allocated or where it has not been occupied within ninety minutes of commencement of the trading hours

59. Licences are not transferable, but consideration may be given in exceptional circumstances (i.e. in the event of either death or long-term illness of the licence holder) to the transfer of a licence on a Casual Trading pitch to an agent/assistant who is a family member subject to the following conditions:
That the family member has been the registered agent of the licence holder.

DURATION OF LICENCE

60. A licence, unless previously revoked, shall continue in force for a period of twelve (12) months from the date of issue of same or such lesser period as specified in the Licence and shall then expire. Licences are renewable on an annual basis and must be renewed 60 days prior to expiration.

61. Casual Trading Licences are issued annually. Applicants must reapply for a licence on an annual basis no later than 60 days before expiration.

62. COMPLIANCE WITH LICENCE, BYE LAWS AND PENALTIES

63. The Council may revoke a Casual Trading Licence if the person to whom it was granted is convicted of any offence committed in relation to the importation, possession or sale of goods while holder of a Casual Trading Licence or an offence under the Act.

64. With the exception of Article 70, infringements of the Bye-Laws and/or related conditions of a Licence shall be treated as follows:
(i) 1st Infringement – 1st written warning (warning valid for up to 6months)
(ii) 2nd Infringement – 2nd written warning (warning valid for up to 6months and may include a fine or suspension of trading for a period).
(iii) 3rd Infringement - total revocation and non-renewal of licence
Revocation shall last for 1 year from the date of notice of the 3rd infringement.

65. Casual traders/licence holders shall not conduct trading in a manner that causes or is likely to cause offence. The below violations by the holders of a Casual Trading Licence issued by Kildare County Council will be classed as misconduct for the purposes of invoking procedures outlined at Article 72 of these Bye-Laws
(i) Verbal abuse/ bullying/ harassment
(ii) Non-verbal abuse/ bullying /harassment
(iii) Physical abuse/ bullying /harassment
(iv) Coercion
(v) Intrusion, menacing behaviour
(vi) Intimidation of any sort
(vii)Aggression

66. Persons who engage in such conduct may be subject to the following penalties:
(a) Immediate eviction from the Casual Trading Area
(b) Suspension and/or revocation of a casual trading licence
(c) Further penalties pursuant to Section 14 of the Act
Revocation shall last for 1 year from the date of notice of the misconduct.

67. A person who contravenes any of the Bye-Laws shall be guilty of an offence under sub section (12) of Section 6 of the Act and shall be liable to such penalties as specified in Section 14 of the Act.

68. Any fees paid to the Council for a Trading Licence shall be non-refundable in the event of a revocation of a Licence pursuant to these Bye-Laws.

69. Complaints regarding compliance by the trader with their licence and the bye laws may be made to customerservice@kildarecoco.ie or in writing to Kildare County Council, Devoy Park, Naas, Co Kildare W91 X77F.

70. AUTHORISED OFFICER

71. The Council may appoint an any of its officers or other persons to be an Authorised Officer or Officers for the purposes of managing and controlling the Casual Trading Area and exercising powers pursuant to section 10 of the Act.

72. A Casual Trader shall comply with the lawful requests and directions by an Authorised Officer or by a member of An Garda Síochána.

73. An Authorised Officer appointed by the Council or a member of An Garda Síochána may:

(a) enter, inspect and examine any place where he/she has reasonable cause to believe that Casual Trading is being engaged;

(b) require any person whom he/she has reasonable cause to believe to be engaging in Casual Trading:

(i) to produce, if it is not being displayed, a Casual Trading Licence authorising such trading and to permit the Authorised Officer or member of An Garda Síochána to examine the Licence, and

(ii) If the licence is not immediately produced, or if it is not being displayed, and the individual engaged in trading fails to provide their name and address to the authorised officer or to a member of An Garda Síochána, then—if that individual is acting on behalf of another person—the name and address of that other person must also be provided.

(c) make such examination and inquiry as may be necessary to ascertain whether the provisions of The Act or of these Bye-Laws are being complied with;

(d) require any person whom he/she has reasonable cause to believe to be engaging in Casual Trading in contravention of the Act to give such information as is in his/her power to give as to the ownership of any goods being sold in the course of such trading;

(e) require any persons to whom he/ she has reasonable cause to believe to be engaging in casual trading in contravention of the Act to produce to him/ her any documents, books or records relating to such trading in his power, possession or control and give to him/ her such information as he/ she may request in relation to entries in those documents, books or records and examine, copy or take extracts from any such document, book or record.

74. A person shall not obstruct or interfere with, or give false information to the Authorised Officer or member of An Garda Síochána in the performance of functions under these Bye-Laws and the Act.

SERVICE OF NOTICES

75. Where a notice in relation to any provision of these Bye-Laws is required to be served on or given to a person, it shall be addressed to him or her and shall be served on or given to him or her in one of the following ways: -

(a) where it is addressed to him or her by name, by delivering it to him or her;

(b) by leaving it at the address or sending it by post by registered letter at which he or she ordinarily resides or, to the address most recently received by The Council from the Casual Trader for correspondence purposes or, in a case in which an address for services has been furnished, at that address;

(c) where the address at which he or she ordinarily resides cannot be ascertained by reasonable inquiry and the notice or copy is so required or authorised to be given or served in respect of any Allotted Pitch by delivering it to some person over the ages of 16 years employed, or otherwise engaged in connection with the carrying out of the Casual Trading to which the notice related, on the allotted pitch or by affixing it in a conspicuous place on or near the allotted pitch**.**

For the purposes of this section, a company registered under the Companies Acts, 1963 to 2006, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every incorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

76. LICENCE FEES AND REFUNDS

77. The Council shall operate the Casual Trading Bye Laws on a not for profit basis, with fees applicable to the licence based upon the administrative costs of regulating casual trading. Fees will vary based upon the size of the pitch.

78. The appropriate annual fee as set out in the Second Schedule of these Bye-Laws shall be payable to The Council in advance of the issue of a Casual Trading Licence for each Casual Trading Pitch to be allocated to a trader in a Casual Trading Area.

79. A fee as set out in the Second Schedule of these Bye-Laws shall be payable to the Council in advance with an application for the grant of a Casual Trading Licence.

80. A licence holder may surrender his/her licence to the County Council at any time prior to the expiry of the licence period by giving written notice of their intention of not less than 28 days prior to the proposed surrender date. A person who surrenders a licence may obtain a refund of that portion of the licence fee equivalent to the unexpired term of licence, subject to a maximum refund of 50%

of the total fee. Where a licence has been surrendered, the County Council may issue a new licence for the unexpired term of the surrendered licence.

81. A licence fee will be refunded where it is shown that any profits from casual trading in one of the designated pitches are used for charitable purposes or for other purposes from which evidence provides that no private profit is derived, and that no remuneration, emolument, gain or profit will accrue to the seller or his servants or agents therefrom. In such circumstances a licence is to be applied and paid for. Refunds will be issued on submission of evidence, including but not limited to a charitable status certificate, garda permit, proof of payment to a registered charity or other evidence to be approved by KCC. Refund claims must be made within six months.

82. The Council, subject to public consultation, reserve the right to conduct an annual review of the fees applicable. Where an annual review has not taken place, the Council shall not later than five years from the coming into operation of the Bye Laws conduct a review of fees.

83. These fees shall be non-refundable in the event of revocation of a licence by the decision of Kildare County Council due to a breach in licence conditions.

84. SPECIAL EVENT LICENCES

85. A casual trading licence may be issued to a person carrying on casual trading at an event, or events specified in the 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 in which an event takes place. Such licence will prescribe the location for trading and will be subject to the regulation and conditions as specified by the Council and shall determine the extent of casual trading at any event or events.

Kildare County Council Municipal District of Athy reserves the right to pause casual trading licences if a special event is scheduled e.g. Town or Village Festival Event, Taster Events, Christmas Markets or other special events such as the Athy Food Hub.

86. GENERAL

87. The bye laws may be amended by resolution of the Council following a public consultation process incorporating public advertisement and submission of representations, set out in the Act.

88. These bye-laws shall be known as the “Casual Trading Bye-Laws xxxx for the Municipal District of Athy” and shall come into effect on such date as the Municipal District may order.

Made and adopted this 20th day of October 2025.

In witness whereof the Common Seal of the Kildare County Council was affixed hereto.

_____

Chief Executive

_____

Nominated Member

FIRST SCHEDULE

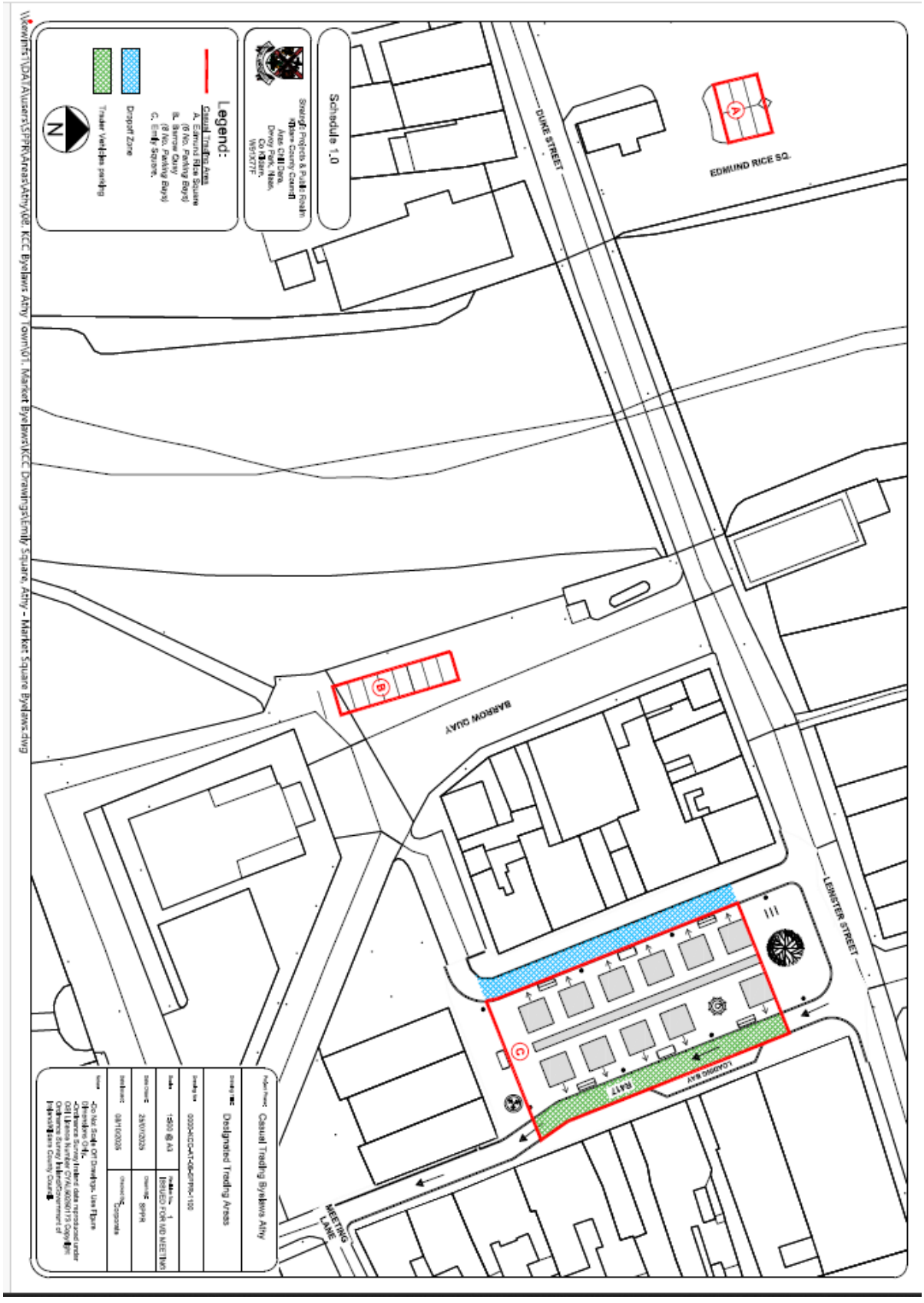
DESIGNATED CASUAL TRADING AREAS

Designated Areas	Designated Days and Times	Pitches
Emily Square, Athy	Tuesday, 07:00am-14:30pm Saturday, Sunday and Bank Holiday Mondays 08:00-17:00pm	Layout and number of pitches will be determined subject to demand. Vehicles shall not trade on the area in drawing titled "Designated Trading Areas" indicated in the area hatched blue.
Barrow Quay, Athy	Tuesday 07:00am-14:30pm	Layout and number of pitches will be determined subject to demand. Designated trading area - pitches may be used with/without vehicles.
Edmund Rice Square, Athy	Saturday 09:00am-15:00pm	Up to 2 trading pitches, vehicle included.

**The inclusion of the area of public road on the R417, immediately east of Emily Square, as indicated on Map in Schedule 1, as a designated Casual Trading location, for intended storage of trading vehicle, is indicated subject to a temporary road closure, without prejudice, under Section 75 of the Roads Act, 1993 and related notices under Section 75 of the Roads Act, 1993.*

*** Delivery Area shown drawing titled "Designated Trading Area" (hatched blue) on west-side of Emily Square is for trader set up only, and to be vacated within 30minutes of the start of the designated time of trading for Emily Square.*

First Schedule – Plan of Athy Proposed Designated Trading Areas



SECOND SCHEDULE

FEES

The fees for a Casual Trading Licence shall be as follows:

(1) In locations designated as Casual Trading Areas and described in the first Schedule to these bye-laws a fee per annum shall be payable for each Casual Trading Pitch allocated as follows:

Up to 3m long x 3m depth	€100 annual fee for each Pitch inclusive of space for pitch vehicle, *where permitted*.
Between 3m long up to 6m long x 3m depth	€200 annual fee for each Pitch inclusive of space for pitch vehicle, *where permitted*.
Between 6m long up to 9m long x 3m depth	€300 annual fee for each Pitch inclusive of space for pitch vehicle, *where permitted*.

(2) The annual fees may be subject of annual review in accordance with the provisions of Article 88 of these bye-laws.

(3) The fee for an Event Licence shall be €50 per day in respect of the particular event.

THIRD SCHEDULE

FORM NO. 1

Form of Notice required to be displayed at a

Casual Trading Pitch in the Casual Trading Area

KILDARE COUNTY COUNCIL

THE CASUAL TRADING ACT, 1995

Casual Trading Bye-Laws, 2025 for the Municipal District of Athy

Traders Name: _____

Kildare County Council has granted a Casual Trading Licence under Section 4 of The Casual Trading Act, 1995 authorising Casual Trading at this Casual Trading Pitch.

The Number of the Casual Trading Licence is _____
(insert the Number of the Licence)

This licence is for trading at _____only.

The Casual Trading Licence expires on _____.
(insert the date upon which the Casual Trading Licence expires)

Signed: _____
Kildare County Council

FOURTH SCHEDULE

FORM NO. 2

KILDARE COUNTY COUNCIL

CASUAL TRADING ACT, 1995

Casual Trading Bye-Laws, 2025 for the Municipal District of Athy

CASUAL TRADING LICENCE NO. _____

Kildare County Council hereby grants to:

_____

_____

a licence to engage in Casual Trading for the purpose of selling the following goods:

_____

_____

in Trading Pitch Number _____ in the Casual Trading Area in

(ref: Map _____) on _____ subject to full

compliance with the Casual Trading Bye-Laws, 2025 for the Municipal District of Athy and the following Special Conditions

_____

_____

This licence comes into force on the _____

And unless otherwise withdrawn will expire on the _____

Signed: _____ **Date:**_____

Administrative Officer