



Comhairle Contae Mhuineacháin
Monaghan County Council

COMHAIRLE CHONTAE MHUINEACHÁIN

MONAGHAN COUNTY COUNCIL

THE MUNICIPAL DISTRICT OF MONAGHAN

CASUAL TRADING (CONTROL AND DESIGNATION) BYE-LAWS 2025

**Made pursuant to the Casual Trading Act 1995 (as amended) and all other
enabling statutory powers**

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PART 1

1. Casual Trading (Control and Designation) Bye-Laws 2025

- 1.1. The Members of the Municipal District of Monaghan, Monaghan County Council (hereinafter referred to as “**the Council**”), in exercise of the powers vested in them by the provisions of, *inter alia*, s.6 of the Casual Trading Act 1995 (as amended) and all other enabling statutory powers, including the provisions of the Local Government Act 2001 (as amended), hereby make the following Bye-Laws in relation to the administration, control, regulation, and supervision of Casual Trading for the administrative and functional area of the Municipal District of Monaghan.
- 1.2. The provisions of these Bye-Laws include such incidental, subsidiary and ancillary provisions as the Council considers necessary and expedient for the purposes of same.
- 1.3. For the purposes of the within Bye-Laws, in deciding to designate land as a Casual Trading Area, in accordance with s.6 of the Casual Trading Act 1995 (as amended), the Council has had regard to, *inter alia*: the proper planning and development of its functional area (*including the preservation and improvement of the amenities thereof*); the Development Plan for its functional area; the traffic likely to be generated by the casual trading in the casual trading area; and to all other matters that it considers relevant to its decision.
- 1.4. The within Bye-Laws have been made pursuant to and in accordance with the provisions of the Casual Trading Act 1995 (as amended).
- 1.5. The within Bye-Laws have had regard to relevant Ministerial Guidelines issued by the relevant Minister for the purposes of s.6 of the Casual Trading Act 1995 (as amended).

2. Citation

- 2.1. These Bye-Laws may be cited as the Casual Trading (Control and Designation) Bye-Laws 2025.

3. Area of Application

- 3.1. These Bye-Laws apply to the administrative and functional area of the Council – the Municipal District of Monaghan.

4. Commencement Date

- 4.1. These Bye-Laws shall come into effect on the [Date to be confirmed] of [Month to be confirmed] 2025.

5. Revocation

- 5.1. Save as insofar as the transitional provisions set out hereinafter (*at Section 6*) may apply, the Monaghan Town Council Casual Trading (Control and Description) Bye-Laws 2008 are hereby revoked as and from the Commencement Date of these Bye-Laws.
- 5.2. Save as insofar as the transitional provisions set out hereinafter (*at Section 6*) may apply, the Monaghan Town Council Casual Trading (Control and Description) Bye-Laws 2012 are hereby revoked as and from the Commencement Date of these Bye-Laws.
- 5.3. Save as insofar as the transitional provisions set out hereinafter (*at Section 6*) may apply, for the avoidance of doubt, all previous Bye-Laws made under and pursuant to s.6 of the Casual Trading Act 1995 (as amended) are hereby revoked.

6. Transitional

- 6.1. Upon the commencement of these Bye-laws, any existing valid Casual Trading Licence granted under any previous Casual Trading Bye-Laws (*made pursuant to s.6 of the Casual Trading Act 1995 (as amended)*), insofar as same relates to a Casual Trading Area under the within Byelaws, shall be deemed to be a valid Casual Trading Licence for the purpose of the within Bye-Laws for the remainder of the period specified in the said existing valid Casual Trading Licence.
- 6.2. Upon the commencement of these Bye-laws, any existing valid Casual Trading Licence granted under any previous Casual Trading Bye-Laws (*made pursuant to s.6 of the Casual Trading Act 1995 (as amended)*), insofar as same relates to a Casual Trading Area not provided for under these Bye-Laws but provided for under the previous Bye-Laws, shall continue to be valid and shall be governed by the previous Bye-Laws up until the expiration of the said Casual Trading Licence.

7. Interpretation

7.1. In these Bye-Laws, the following terms are prescribed the following meanings:

“the 1995 Act” means the Casual Trading Act 1995 (as amended, including as amended by, *inter alia*, the European Union (Casual Trading Act 1995) Regulations 2018).

“the Council” means the Municipal District of Monaghan, Monaghan County Council having its offices at County Offices, The Glen, Monaghan, in the County of Monaghan.

“Casual Trading” as defined by s.2 of the 1995 Act, means selling goods at a place (including a public road) to which the public have access as of right or any other place that is a Casual Trading Area as defined by the Act.

“Casual Trading Licence” means a licence granted by the Council under the provisions of the 1995 Act and these Bye-Laws.

“Casual Trading Area” means the land designated by these Bye-Laws as a place where Casual Trading may be carried on – with such land being outlined in red and hatched in green on the attached maps at Schedule 1 of these Bye-Laws.

“Trading Place” means any one space in a Casual Trading Area that shall not exceed an area of 50 square meters – with such space(s) numbered and hatched in green on the plan(s) for the Casual Trading Areas contained at Schedule 2 hereto.

“Stall” includes any wheeled or moveable stall or booth, barrow, cart, caravan or other vehicle (whether mechanically propelled

or not), or other stand or conveyance used for the purpose of Casual Trading in a Casual Trading Area.

“Licence Holder” means a person to whom a Casual Trading Licence has been issued (including the servants, agents, assistants and employees of the said person/Licence Holder).

“Goods” shall include all provisions or marketable commodities.

This definition is without prejudice to the provisions of statutes or instruments made under statute or of any other laws governing the sale of goods by a person while the person is the holder of a casual trading licence.

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

“Authorised Officer” means an employee of Monaghan County Council or other person appointed by the Council for the purposes of the 1995 Act.

“Forms Regulations” means the Casual Trading Act 1995 (Forms) Regulations 1996.

7.2. Unless the context otherwise requires, a word or expression that is used in these Bye-Laws and is also used in the 1995 Act shall have the same meaning in these Bye-Laws as it has in the 1995 Act.

PART 2

8. Designation of Area(s) for the purposes of Casual Trading & Trading Places

8.1. The Council hereby designates each of the following areas as a Casual Trading Area:

- (i) The area situated at the Upper Courthouse Carpark – as outlined in red and hatched in green on Map 1 of Schedule 1 of these Bye-Laws.

This area shall comprise the Trading Places, which are delineated and identified by an assigned number on Map 1 of Schedule 1.

- (ii) The area situated in front of the Courthouse at Church Square as outlined in red and hatched in green on Map 2 of Schedule 1 of these Bye-Laws.

This area shall comprise the Trading Places, which are delineated and identified by an assigned number on Map 2 of Schedule 1.

9. Casual Trading Licence(s) for Casual Trading Areas

9.1. An applicant for a Casual Trading Licence in respect of a Trading Place in a Casual Trading Area shall:

- (i) Complete the required application form (*as per the Forms Regulations*);
- (ii) Submit the required supporting documentation as so specified in the application form or as may be required by the Council for the purposes of processing the said application;
- (iii) Pay the appropriate annual Casual Trading Licence fee to the Council – which fee is set out in Schedule 2 of these Bye-Laws.
- (iv) The type of goods or products sold by the Licence Holder must be approved by the Council.

- 9.2. An application for a Casual Trading Licence should be made on or before the 30th November of the year preceding the year in respect of which the Casual Trading Licence is applied for.

Whilst applications may be made after the 30th November, this may, depending on the demand and availability, result in applications made before the 30th November obtaining preference – in accordance with the excess demand provisions set out hereinafter.

- 9.3. The Casual Trading Licence shall specify the Trading Place within the Casual Trading Area to which the Casual Trading Licence applies.

- 9.4. The Casual Trading Licence shall indicate what goods may be sold and only such goods as shown on the Casual Trading Licence and for which the appropriate licence fee has been paid may be sold by the Licence Holder.

- 9.5. Subject to the express terms of the Casual Trading Licence, Casual Trading may only take place in a designated Trading Place on the following days of the week, during the following hours/times:

The area situated at the Upper Courthouse Carpark (Per Map 1, Schedule 1)	
Day	Hours for Casual Trading
Monday	
Tuesday	
Wednesday	18:00hours – 01:30hours on following morning
Thursday	18:00hours – 01:30hours on following morning
Friday	18:00hours – 01:30hours on following morning
Saturday	18:00hours – 01:30hours on following morning
Sunday	18:00hours – 01:30hours on following morning

The area situated in front of the Courthouse at Church Square (Per Map 2, Schedule 1)	
Day	Hours for Casual Trading
Friday	10:00hours – 14:00hours

- 9.6. A Licence Holder shall only engage in Casual Trading in the Casual Trading Area at the days and times specified on the Casual Trading Licence and in accordance with the terms/conditions of the said Casual Trading Licence.

9.7. Unless expressly provided for in the Casual Trading Licence, a Casual Trading Licence granted in respect of a Trading Place in a Casual Trading Area under this Section shall be subject to the General Provisions in relation to Casual Trading set out in Section 11 of these Bye-Laws.

10. Event Casual Trading Licence

10.1. In respect of any area within the Municipal District of Monaghan, for the purposes of a special event or festival, an application may be made to the Council for an Event Casual Trading Licence.

10.2. An application for an Event Casual Trading Licence shall be made to the Council no later than 30 days prior to the event.

10.3. An applicant for an Event Casual Trading Licence shall:

- (i) Complete the required application form (as per the Forms Regulations).
- (ii) Submit the required supporting documentation as so specified in the application form or as may be required by the Council for the purposes of processing the said application.
- (iii) Pay the appropriate Licence fee to the Council – which fee is set out in Schedule 2 of these Bye-Laws.
- (iv) The type of goods or products sold by the Licence Holder of an Event Casual Trading Licence must be approved by the Council.

10.4. The Event Casual Trading Licence shall specify the area to which it applies.

10.5. The Event Casual Trading Licence shall specify the time(s), day(s) and location(s) in respect of which the special event or festival shall be permitted to operate in the specified area – with such time(s), day(s) and location(s) of operation to be agreed by the Council and recorded in the Event Casual Trading Licence.

10.6. The Event Casual Trading Licence shall indicate what goods may be sold and only such goods as shown on the said Licence and for which

the appropriate licence fee has been paid may be sold by the Licence Holder.

- 10.7.** If the event to which the Event Casual Trading Licence does not proceed or the Event Casual Trading Licence is refused, the Council will refund the application fee paid.
- 10.8.** Unless expressly provided for in the Event Casual Trading Licence, an Event Casual Trading Licence granted under this Section shall be subject to the General Provisions set out in Section 11 of these Bye-Laws.

11. General Provisions in relation to Casual Trading

- 11.1.** Casual Trading shall only be carried on in Trading Places in a Casual Trading Area pursuant to a valid Casual Trading Licence, or pursuant to the terms of a valid Event Casual Trading Licence, issued in accordance with these Bye-Laws.
- 11.2.** A person applying to the Council for a Casual Trading Licence or an Event Casual Trading Licence must pay the appropriate fee to the Council before the commencement of Casual Trading. The Council reserves the right to amend or waive the fee for not for profit operators (including charities).
- 11.3.** A person engaging in Casual Trading in a Casual Trading Area shall display the Casual Trading Licence (or an Event Casual Trading Licence as the case may be) in such a position as to be clearly visible and easily legible to members of the public at the Casual Trading Area and Trading Place.
- 11.4.** A Casual Trading Licence (or an Event Casual Trading Licence as the case may be) may not be rented or sold or transferred by the Licence Holder.
- 11.5.** A Licence Holder shall be responsible for compliance with these Bye-Laws by their servants, agents, assistants and employees.
- 11.6.** A Casual Trading Licence (or an Event Casual Trading Licence as the case may be) shall only be used by the Licence Holder to whom it was issued.

- 11.7.** A Licence Holder shall not use or cause to be used for the purpose of Casual Trading in a Casual Trading Area any stall with dimensions which exceed the dimensions of a Trading Place.
- 11.8.** The allocation of a Trading Place shall not confer upon the Licence Holder any tenancy or right to occupy or transfer the said Trading Place.
- 11.9.** A Licence Holder engaging in Casual Trading in the Casual Trading Area shall only occupy the Trading Place allotted to them in accordance with the terms of the Casual Trading Licence (or an Event Casual Trading Licence as the case may be) issued to them, and which Trading Place shall be identified by means of a description in the Casual Trading Licence issued to them.
- 11.10.** A Licence Holder engaging in Casual Trading within the Casual Trading Area shall comply with any lawful direction given by the Council, an Authorised Officer thereof, or by any member of An Garda Síochana in relation to the Casual Trading being carried out.
- 11.11.** The Council reserves the right to reallocate a Trading Place in the Casual Trading Area on a particular trading day should the regular Licence Holder be absent.
- 11.12.** A person engaging in Casual Trading within the Casual Trading Area shall, on demand, supply their name and address and shall produce forthwith a Casual Trading Licence (or an Event Casual Trading Licence as the case may be) to an Authorised Officer of the Council or a member of the Garda Síochana if so requested.
- 11.13.** No vehicle, other than a vehicle that is being used as a casual trading stall, shall be parked in the Casual Trading Area during the period on any day on which Casual Trading is being carried out. A Licence Holder may bring vehicles onto the Casual Trading Area for the purpose of loading/unloading goods and/or setting up/dismantling stalls but must remove vehicles from the Casual Trading Area while trading is in progress.
- 11.14.** A Licence Holder in charge of a stall in a Trading Place shall not cause any goods to overhang the sides of the stall or deposit, or cause to be deposited any goods or articles on the road, street, footpath or any ground except in the portion of the street, road, footpath or ground immediately beneath such stall and, in the case of goods or articles, in a suitable covering or receptacle.

- 11.15.** No goods other than those specified in the Casual Trading Licence shall be sold by the Licence Holder in the Casual Trading Area.
- 11.16.** A Licence Holder must remove all stalls and all other articles from the Casual Trading Place and Casual Trading Area after the hours of trading specified on the Casual Trading Licence (or an Event Casual Trading Licence as the case may be). All stalls, articles and other such items shall be removed no later than one hour after trading ceases on any given day.
- 11.17.** A Licence Holder trading in a Casual Trading Area shall not be permitted to use a loudspeaker or public address system and shall refrain from causing nuisance or disturbance.
- 11.18.** A Licence Holder shall ensure that no obstruction is caused or allowed to be caused to the owners or occupiers of premises and their invitees in the vicinity of the Casual Trading Area(s).
- 11.19.** The Council reserves the right to remove stalls, goods or articles found on the designated Casual Trading Area(s) after trading hours and/or goods or other articles left outside the Trading Place at any time, with no liability accepted by the Council for any resulting loss or damage. Any costs incurred by the Council in the removal of such stall(s), goods or articles shall be recoverable by the Council from the Licence Holder as a simple contract debt.
- 11.20.** No Licence Holder or any other person shall interfere with or obstruct any Authorised Officer, or officer, servant or agent of the Council engaged in the carrying out of any works of maintenance on any part of the Casual Trading Area, even where such work is carried out during trading hours.
- 11.21.** The Council shall not be responsible for any property belonging to any person wherever deposited or left in any part of the Casual Trading Area, nor for any loss, damage or injury caused by the negligence of any licence holder, their agents, employers or customers.
- 11.22.** The Council may grant more than one Casual Trading Licence in respect of one trading place within a Casual Trading Area, provided no conflict arises in relation to the terms of same.
- 11.23.** The issue of a Casual Trading Licence (or an Event Casual Trading Licence as the case may be) for a Trading Place may be temporarily

suspended by executive order to facilitate construction/development/maintenance of a roadway, footpath or other infrastructure on the Casual Trading Area or on adjoining sites or for other operational reasons.

- 11.24.** A Licence Holder shall indemnify the Council against all actions, claims and 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 a Casual Trading area. Every Licence Holder shall be required by the Council to have in force at all times appropriate public liability insurance, insuring against the aforesaid risks in a sum to be specified by the Council. 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 Casual trading Licence forthwith.
- 11.25.** The Licence Holder shall submit a copy of the current insurance policy held by them before a Casual Trading Licence is granted.
- 11.26.** Servants, agents, assistants, employees and/or family members of the Licence Holder shall have no right or entitlement to succeed to a Casual Trading Area.
- 11.27.** It shall be the responsibility of each Licence Holder to ensure, in addition to the terms and conditions of their Casual Trading Licence, in respect of the goods being sold and casual trading occurring, compliance with any and all provisions of statutes or instruments made under statute or of any other laws governing the sale of goods by a person while the person is the holder of a casual trading licence.
- 11.28.** A Licence Holder may surrender their Casual Trading 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. A person who surrenders a Casual Trading Licence may obtain a refund of that portion of the Licence fee equivalent to the unexpired term of the licence, subject to the maximum refund of 50% of the total Licence fee. Where a Casual Trading Licence has been surrendered, the Council may issue a new Licence for the unexpired term of the surrendered Licence.

12. Excess Demand for Casual Trading Licence

- 12.1.** Having regard to the desire to ensure a viable Casual Trading Area, which encourages new traders and new products which complement the existing traders and town businesses, in the event that there is excessive demand for Casual Trading Licences for a Casual Trading Area, the following procedures may apply in this order (*depending on the level of demand*):
- (a) Preference will be given to those traders, including existing traders, who apply on or before the 30th November for a Casual Trading Licence for the forthcoming year;
 - (b) Preference will be given to traders selling fresh fruit and vegetables;
 - (c) Preference will be given to ensuring a sufficient level of diversity in respect of goods sold in the Casual Trading Area to ensure the viability of same;
 - (d) Allocation of Trading Places by drawing of lots.

13. Revocation of a Casual Trading Licence

- 13.1.** A Casual Trading Licence (or an Events Casual Trading Licence as the case may be) may be revoked at any time if any term/condition of the said Casual Trading Licence has been or is being or will be contravened.
- 13.2.** Before deciding to revoke a Casual Trading Licence (or an Events Casual Trading Licence as the case may be), the Council will provide 21 days' written notice to the Licence Holder outlining the Council's intention to do so and the reasons for same.
- 13.3.** The Licence Holder may make written representations to the Council within the said 21-day notice period, which the Council shall have regard to in deciding to revoke a Casual Trading Licence (or an Events Casual Trading Licence as the case may be).
- 13.4.** A Casual Trading Licence fee shall not be refundable in the event of a Licence being revoked.

14. Litter

- 14.1.** A Licence Holder carrying on casual trading shall keep their Trading Place and the Casual Trading Area in a clean and tidy condition.
- 14.2.** A suitable receptacle for refuse, agreed with the Council, must be provided by the Licence Holder and must be kept at all times of trading within the trading place.
- 14.3.** Litter must not be allowed to accumulate in the vicinity of the Trading Place during casual trading hours and at the end of each trading day, the Trading Place must be cleaned up and all refuse removed and properly disposed of by the Licence Holder.
- 14.4.** Each Licence Holder shall be responsible for the management of all wastes arising from their trading and associated activities and shall remove all waste generated from their business or trade. All waste removed by traders from the Casual Trading Area shall be disposed of in a manner which complies with the Waste Management Acts. Any Licence Holder found to be in breach of this Bye-Law shall be liable to prosecution under the Litter Pollution Acts and shall be liable to have their Casual Trading Licence revoked.
- 14.5.** Each Licence Holder who sells food or drink for immediate consumption shall comply with s.15 of the Litter Pollution Act 1997 in that suitable waste receptacles shall be provided to prevent the creation of litter, and the trader shall ensure that any litter caused by the operation of the outlet is removed from the vicinity within a reasonable timeframe.

15. Offences and Penalties

- 15.1.** Person(s) guilty of an offence under the Act shall be liable, upon conviction, for the penalties set out in s.14 of the 1995 Act.
- 15.2.** It is an offence to contravene these Bye-Laws.
- 15.3.** It is an offence for a person to contravene the conditions of a Casual Trading Licence.

**Made and adopted under the Common Seal of
Monaghan County Council, the Municipal District of Monaghan on this the
[Date] of [Month] 2025.**

Municipal District Cathaoirleach

Director of Services

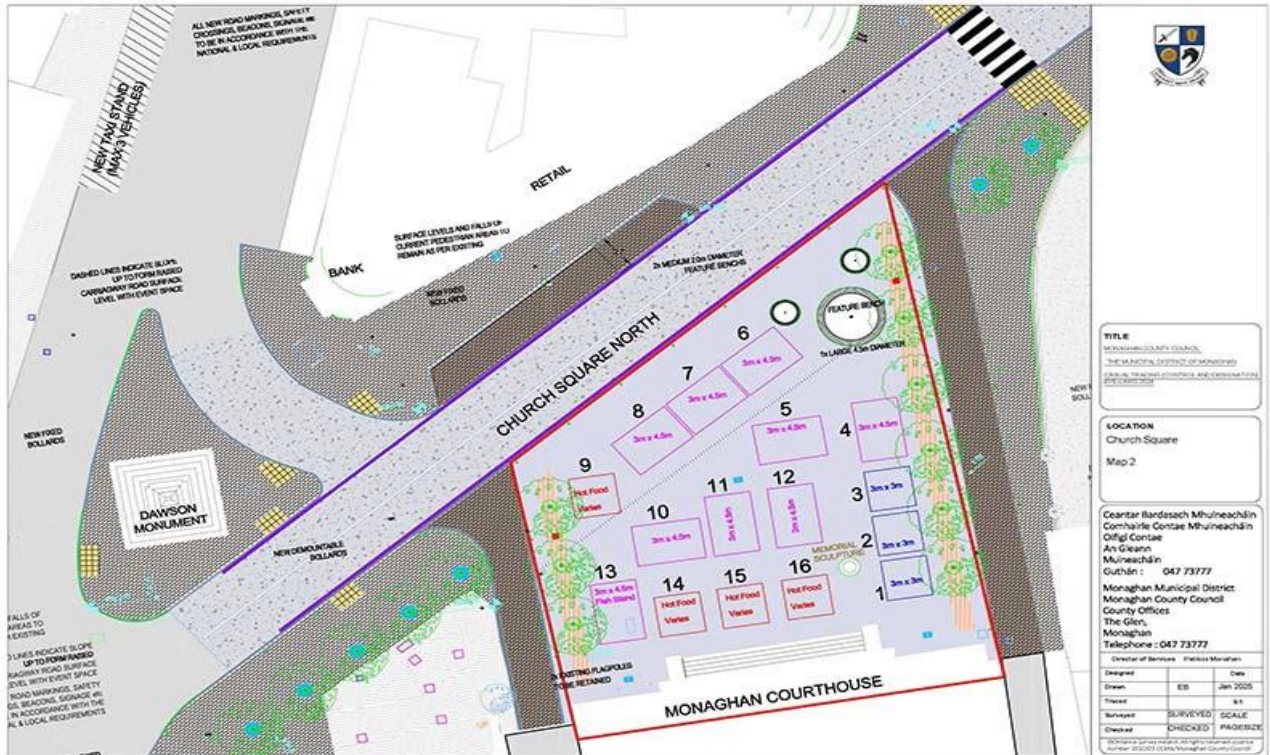
Municipal District Coordinator

Schedule 1 Casual Trading Area(s) & Associated Trading Places Maps

Map 1 - Upper Courthouse Carpark



Map 2 – Church Square



Schedule 2
Casual Trading Licence Fees

Casual Trading Areas situated at the Upper Courthouse Carpark – located behind the Courthouse, townland of Roosky, Monaghan (as more particularly defined by Section 8.1(i) of these Bye-Laws) Casual Trading Licence Fee	
Licence issued for 2 days or more per week. Per Annum	€2,000.00
Licence issued for 2 days or more per week. Per 3 Months	€500.00
Licence issued for 1 day Per Annum	€1,500.00
Licence issued for 1 day Per 3 Months	€375.00

Casual Trading Areas situated in front of the Courthouse at Church Square, Townland of Roosky, Monaghan – known as the Monaghan Farmers’ Market (as more particularly defined by Section 8.1(ii) of these Bye-Laws) Casual Trading Licence Fee	
Per Annum	€200.00

Event Casual Trading Licence Fees	
Per Day	€100.00