

# Street Trading Act, 1926

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*Number 15 of 1926.*

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## **STREET TRADING ACT, 1926.**

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## STREET TRADING ACT, 1926.

AN ACT TO REGULATE STREET-TRADING IN THE COUNTY BOROUGH OF DUBLIN AND ALSO IN SUCH OTHER COUNTY BOROUGHES AND URBAN COUNTY DISTRICTS AS MAY ADOPT THE ACT. [13th April, 1926.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

Definitions.

**1.**—In this Act—

the word “street” includes any highway, whether a thorough-fare or not, and any footway adjoining a street, and references to a street include references to any part of a street;

the expression “street-trading” means the selling of goods by retail in a street to passers-by and includes the offering, exposing, and carrying of goods for such sale, and the expression “street-trader” shall be construed accordingly;

the expression “stall-trading” means and includes any form of street-trading which is declared by this Act to be authorised by a street-trader's stall-licence granted under this Act, and the expression “stall-trader” shall be construed accordingly;

the word “goods” includes wares, merchandise, and other articles of any kind whatsoever;

the word “prescribed” means prescribed by regulations made under this Act;

the expression “the Commissioner” means the Commissioner of the *Gárda Síochána*;

the expression “the Corporation” means the Council of the County Borough of Dublin and includes any person in whom the powers and duties of the Council are for the time being vested;

the expression “the City of Dublin” means the county borough of Dublin.

Prohibition of unauthorised street-trading.

**2.**—(1) Subject to the exceptions hereinafter mentioned, it shall not be lawful for any person after the commencement of this Act to sell or offer, expose, or carry for sale any goods of any description in any street in the City of Dublin without holding a street-trader's certificate granted to him under this Act and then in force or to engage in any form of stall-trading in any street in the City of Dublin without holding (in addition to such street-trader's certificate) a street-traders stall licence granted to him under this Act and then in force.

(2) After the commencement of this Act it shall not be lawful for any person holding a street-trader's certificate granted under this Act and not holding a street-trader's stall licence granted under this Act to sell or offer, expose, or carry for sale any goods of any description in any street in the City of Dublin otherwise than in accordance in all respects with such certificate and any enactment or regulation referred to therein.



(3) After the commencement of this Act it shall not be lawful for any person holding both a street-trader's certificate and a street-trader's stall licence granted under this Act to engage in any form of street-trading (except stall-trading) in the City of Dublin otherwise than in accordance in all respects with such certificate and any enactment or regulation referred to therein or to engage in stall-trading in any street in the City of Dublin otherwise than in accordance in all respects (whether as to time, manner, place, or otherwise) with such licence and any enactment, regulation, or bye-law referred to therein.

(4) Every person who after the commencement of this Act sells or offers, exposes, or carries for sale any goods in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding in the case of a first offence five pounds or in the case of a second or any subsequent offence ten pounds.

(5) This section shall not apply to—

(a) a person bona-fide and lawfully employed as assistant to a street-trader authorised by this Act to have an assistant in respect of anything done by him as such assistant which he is authorised by this Act so to do; or

(b) a person who sells goods or offers, exposes or carries goods for sale only to persons in, at, or immediately outside the house or other place in which they reside and who does not sell any goods, or offer, expose, or carry any goods for sale to passers-by in the street; or

(c) a person who sells goods or offers, exposes, or carries goods for sale in any lawful public market or fair.

Street-traders  
certificates.

**3.**—(1) Upon the application to the Commissioner of any person and (save as hereinafter mentioned) the payment by such person to the Commissioner of a fee of five shillings, the Commissioner if he is satisfied that such person is a fit and proper person to have a street-trader's certificate, may subject to the provisions of this section grant to such person a street-trader's certificate under and in accordance with this Act.

(2) Every street-trader's certificate granted under this Act shall be in the prescribed form and shall operate and be expressed to authorise the person to whom the same is granted to sell, and to offer, expose, and carry for sale in any street in the City of Dublin any goods of any description actually carried by him either directly in his hands or by means of a tray, bag, basket, or other like receptacle not exceeding the prescribed limits of size, but subject to the provisions of this Act and the regulations made thereunder.

(3) Every street-trader's certificate granted under this section shall, unless previously revoked, remain in force for one year only from the grant thereof.



(4) No fee shall be payable in respect of the grant of a street-trader's certificate under this Act to a person who at the time of the grant of such certificate is under the age of sixteen years but no such certificate shall be granted to any such person unless at the time of such grant he so complies or has so complied with the Employment of Children Act, 1903, and the bye-laws made by the Corporation thereunder that he would, if this Act had not been passed, be entitled to carry on street-trading within the meaning of that Act in the City of Dublin.

(5) The holding by a person under the age of sixteen years of a street-trader's certificate granted under this Act shall not exempt such person from the obligation to fulfil and observe all bye-laws made by the Corporation under the Employment of Children Act, 1903.

(6) All fees received by the Commissioner under this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance shall direct.

Street-traders'  
stall licences.

**4.—**(1) Upon application to the Corporation by a person who is the holder of a street-trader's certificate granted under this Act and then in force and the payment by such person to the Corporation of a fee of five shillings, the Corporation may grant to such person a street-trader's stall licence under and in accordance with this Act.

(2) Every street-trader's stall licence granted under this Act shall be in the prescribed form and shall either—

(a) be expressed and in such case shall operate to authorise the person to whom the same is granted to offer, expose, and carry for sale and to sell on a wheeled and movable stall, barrow, cart, or other vehicle any goods of any description whatever or of the description specified in the licence in any street in the City of Dublin but subject to the provisions of this Act and the bye-laws and regulations made thereunder and in particular subject to any bye-law or regulation prohibiting stall-trading in particular streets, or

(b) be expressed and in such case shall operate to authorise the person to whom the same is granted to offer, expose and carry for sale and to sell on a stall, booth, or other stand any goods of the description specified in the licence in a specified street in the City of Dublin and either in any part of such street or in a particular part thereof, or at a particular place therein but subject to the provisions of this Act and the bye-laws and regulations made thereunder.

(3) Every street-trader's stall licence granted under this Act shall remain in force so long as the street-trader's certificate granted under this Act to the holder of such licence and held by him when such licence was granted to him remains in force and shall expire or terminate upon the expiration, revocation, or other termination of such certificate.

(4) All fees received by the Corporation under this section shall be paid into the fund applicable to the purposes of the Public Health (Ireland) Act, 1878.



Street-traders' assistants.

**5.**—A street-trader holding a stall licence granted under this Act may employ one or more persons, but not more than the maximum number fixed by bye-laws made under this Act, to assist him in the carrying on of his trade under such licence, and every person bona fide and lawfully employed as an assistant by any such street-trader may do for and on behalf and in the name of such street-trader any act or thing which such street-trader might by virtue of such licence lawfully do himself.

Power to Corporation to make bye-laws.

**6.**—(1) The Corporation may make bye-laws for all or any of the following purposes, that is to say:—

- (a) prohibiting stall-trading or any particular class of stall-trading in any specified street in the City of Dublin;
- (b) prescribing the times during which stall-trading may be carried on in any specified street either generally or in regard to any specified description of goods;
- (c) limiting the size and regulating the character of the vehicles and stands which may be used for stall-trading either generally or in any specified street or for any specified description of goods;
- (d) regulating and restricting the mode of conducting stall-trading either generally or in any particular description of goods with a view to preventing the accumulation or facilitating the removal of refuse;
- (e) ensuring the cleanliness of vehicles and stands used for stall-trading in any article intended for human food or drink and the cleanliness of the receptacles and utensils on such vehicles and stands;
- (f) prohibiting the carrying or handling in the seller's hands without a protective container or wrapper of goods or any particular class of goods intended for human food or drink offered for sale on stall-trader's vehicles or stands;
- (g) fixing the maximum number of assistants which may be employed at any one time by stall-traders or by any particular class of stall-traders;
- (h) any matter or thing referred to in this Act as being or to be appointed or provided by the bye-laws.

(2) Sections 219 to 223 of the Public Health (Ireland) Act, 1878 , shall apply to all bye-laws made by the Corporation under this section.

(3) The Minister for Local Government and Public Health may cause a local inquiry to be held for the purposes of this section, and sections 209 , 210 , 212 , and 213 of the Public Health (Ireland) Act, 1878 , shall apply accordingly.



Revocation of certificates and licences. **7.**—(1) Whenever the holder of a street-trader's certificate granted under this Act is convicted of an offence under this Act or any section thereof or any regulation or bye-law made under this Act or of any crime or other offence which in the opinion of the Court renders such holder unfit to continue to hold such certificate, the Court by or before whom such holder is so convicted may when imposing sentence revoke such certificate.

(2) When a street-trader's certificate granted under this Act is revoked by a court under this section, the registrar, clerk, or other principal officer of the court shall communicate the fact of such revocation to the Commissioner and to the Corporation.

(3) If and so long as a street-trader holding a street-trader's certificate granted under this Act is under the age of sixteen years, such street-trader's certificate shall automatically terminate upon such street-trader becoming, under the Employment of Children Act, 1903 or the bye-laws made thereunder by the Corporation, disentitled to carry on street-trading within the meaning of that Act in the City of Dublin.

Registers of certificates and licences. **8.**—The Commissioner and the Corporation shall respectively keep such registers in such forms and shall enter therein such particulars of all grants by them respectively under this Act of street-traders' certificates and street-traders' stall licences and of revocations of such certificates and licences respectively as shall be prescribed by regulations made by the Minister for Justice under this Act.

Powers of Garda Síochána. **9.**—(1) Any member of the Garda Síochána may demand from any person whom he observes to be engaged in street-trading other than stall-trading in the City of Dublin the production of his street-trader's certificate granted to him under this Act and if such person fails or refuses to produce such certificate accordingly or to permit such member of the Garda Síochána to read and examine the same he shall be guilty of an offence under this section.

(2) Any member of the Garda Síochána may demand from any person whom he observes to be engaged or believes to engage in stall-trading in the City of Dublin all or any of the following things, that is to say:—

- (a) the production of his street-trader's certificate granted under this Act,
- (b) the production of his street-trader's stall licence granted under this Act,
- (c) the number of assistants employed by him in such stall-trading,
- (d) the names and addresses of all (if any) assistants so employed by him,

and if such person fails or refuses to produce such certificate or licence accordingly or to permit such member of the Garda Síochána to read and examine the same or fails or refuses to give such number or any such name or address accordingly he shall, unless he claims to be an assistant to a stall-trader, be guilty of an offence under this section.



(3) If any person to whom such demand as is mentioned in the next foregoing sub-section is made claims in response to such demand to be an assistant to a stall-trader he shall furnish to the member of the *Gárda Síochána* making the demand his own name and address and the name and address of the stall-trader whose assistant he claims to be and if he fails or refuses to give such names and addresses or any of them or gives any name or address which is false or misleading he shall be guilty of an offence under this section.

(4) If any person of whom such demand as is mentioned in the foregoing sub-sections of this section is duly made under this section by a member of the *Gárda Síochána* fails or refuses to comply with such demand in accordance with the foregoing provisions of this section such person may be arrested and all goods which he is selling or offering, exposing, or carrying for sale and the receptacle, vehicle, or stand on or in which he is exposing or carrying such goods and all utensils, boxes, and other articles (including money) thereon and any draught animal attached thereto may be seized by the said or any other member of the *Gárda Síochána* without a warrant.

(5) Any person found guilty by a court of summary jurisdiction of an offence under this section shall be liable to a fine not exceeding five pounds.

Further powers  
of *Gárda*  
*Síochána*.

**10.**—(1) Any member of the *Gárda Síochána* may without warrant arrest any person whom he believes to be selling or offering, exposing, or carrying for sale any goods in contravention of this Act or any regulation or bye-law made thereunder and may also without warrant seize and remove all goods which such person is at the time of his arrest selling or offering, exposing, or carrying for sale.

(2) If any member of the *Gárda Síochána* finds any person engaged in stall-trading in any description of goods in any street or at any time in or at which stall-trading in that description of goods is prohibited by bye-laws or regulations made under this Act he may (in addition to or in lieu of exercising any other powers conferred on him by this Act) require such person to remove himself and his goods from that particular street or from the streets generally and if such requisition is not complied with may without warrant arrest such person and seize and remove all goods which such person is then selling or offering, exposing, or carrying for sale.

(3) All references in this section to goods or to goods being sold, offered, exposed, or carried for sale shall be deemed to include the receptacle, vehicle, or stand in or on which the goods are exposed or carried and all utensils, boxes, and other articles (including money) which are on or in such receptacle, vehicle, or stand for the purposes of the trading and any draught animal kept for the purpose of moving the vehicle or stand.



Disposal of goods seized by the *Gárda Síochána*. **11.**—(1) Whenever any goods are seized and removed under this Act by a member of the *Gárda Síochána* the Commissioner may in the case of perishable goods not less than twelve hours and in the case of any other goods not less than three days after the seizure cause the goods to be sold and shall out of the proceeds of such sale defray all expenses incurred in the seizure, removal, storage, and sale of the goods and shall pay the surplus of such proceeds to the person who at the time of the seizure was the owner of the goods.

(2) Whenever any such goods as aforesaid include any article intended for human food or drink and such article is at any time before the sale thereof under this section unfit in the opinion of the Commissioner for human consumption, the Commissioner may cause such article to be destroyed.

(3) If before any such goods as aforesaid are sold under this section, any person satisfies the Commissioner that he is the owner of such goods and pays to the Commissioner all expenses incurred in the seizure, removal, storage, and any intended or attempted sale of the goods, the Commissioner shall hand over such goods to such person.

(4) All references in this section to goods shall be deemed to include every receptacle, vehicle, stand, utensil, article, and animal seized and removed with the goods.

Exemption of street-traders in certain cases. **12.**—(1) In any proceedings brought under any enactment now in force against a holder of a street-trader's certificate or of such certificate and a street-trader's stall licence granted under this Act for obstructing any highway or the traffic thereon or for infringing any market right or brought under the Markets and Fairs Clauses Act, 1847, it shall be a good defence to prove that the act charged against such holder was done by him in the course of the lawful carrying on of his business as a street-trader under and in accordance with the said certificate or the said certificate and licence held by him.

(2) In any proceedings under the Pedlars Act, 1871, or the Hawkers Act, 1888, it shall be a sufficient defence for the person against whom the proceedings are brought to show that at the time he committed the act in respect of which the proceedings are brought he held either a street-trader's certificate or such certificate and a street-trader's stall licence granted to him under this Act and then in force and that the said act was by virtue of this Act authorised by such certificate or licence, or that at the time he committed the said act he was an assistant to a street-trader holding a stall licence granted under this Act and then in force and that he was by virtue of this Act authorised to do and did do the said act as such assistant.

Power to Minister to make regulations. **13.**—The Minister for Justice may by order make regulations for all or any of the following purposes, that is to say:—

- (a) prescribing the form of street-traders' certificates to be granted under this Act;
- (b) prescribing the form of street-traders' stall licences to be granted under this Act;





- (c) prescribing the limits of size of the receptacles in which holders of street-traders' certificates may carry the goods in which they trade;
- (d) prescribing the form of the registers to be kept by the Commissioner and the Corporation respectively pursuant to this Act and the matters to be entered in such registers respectively;
- (e) prohibiting street-trading or any particular class of street-trading or stall-trading or any particular class of stall-trading in any specified street in the City of Dublin;
- (f) prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

Adoption of this Act in boroughs and urban districts. **14.**—(1) The council of any county borough (other than the County Borough of Dublin) or of any urban county district may by resolution passed after such notice as is hereinafter mentioned adopt this Act, and upon the coming into operation as hereinafter provided of such resolution this Act shall apply to such borough or urban district subject to the following modifications, that is to say:—

- (i) references to the City of Dublin shall be construed as references to the borough or urban district of the council by whom the resolution was passed,
- (ii) references to the Corporation shall be construed as references to that council,
- (iii) references to the Commissioner shall be construed as references to the principal officer of the *Gárda Síochána* in that borough or urban district.

(2) The council of any county borough or of any urban county district which has duly adopted this Act under this section may at any time thereafter by resolution passed after such notice as is hereinafter mentioned rescind the adoption of this Act, and upon the coming into operation as hereinafter provided of such resolution this Act shall cease to apply to such borough or urban district.

(3) A resolution under this section adopting or rescinding the adoption of this Act shall not be of any force or effect unless not less than one month's notice of the meeting at which the resolution is passed and of the intention to propose the resolution thereat has been given to every member of the council and been published by advertisement in at least two newspapers circulating in the borough or urban district.

(4) Notice of the passing of a resolution under this section adopting or rescinding the adoption of this Act shall within one month after such passing be sent to the Minister for Justice and the Minister for Local Government and Public Health and be published in at least two newspapers circulating in the borough or urban district and the resolution shall come into operation on such day (not being less than one month after the first publication of such notice) as shall be specified in the resolution.



(5) The production of a copy of a newspaper in which notice of the passing of a resolution under this section is published shall until the contrary is proved be evidence that the resolution mentioned in such notice was duly passed in accordance with this section.

Expenses.

**15.**—(1) All expenses incurred by the Minister for Justice in carrying this Act into execution shall to such extent as may be sanctioned by the Minister for Finance be paid out of moneys to be provided by the Oireachtas.

(2) All expenses incurred by the Corporation in carrying this Act into execution shall be defrayed out of the rate or fund applicable to the purposes of the Public Health (Ireland) Act, 1878 .

Short title and

**16.**—(1) This Act may be cited as the Street-Trading Act, 1926.

Commencement.

(2) This Act shall come into operation immediately on the expiration of three months from the passing thereof.

