



AN BILLE UM THRADAIL OCAIDEACH, 1979

OCCASIONAL TRADING BILL, 1979

EXPLANATORY MEMORANDUM

The purpose of the Bill is to provide for the control and regulation of occasional trading and to provide for connected matters.

As a result of representations made to the Minister for Industry, Commerce and Energy, that the operations of certain types of traders resulted in unfair competition with established traders the Minister requested the Restrictive Practices Commission in December, 1975 to carry out a study under Section 12 of the Restrictive Practices Act, 1972 and to report to him on the nature and extent of:

- (a) roadside trading as carried out in rural areas,
- (b) similar types of trading carried out in towns to which the Street Trading Act, 1926 does not apply and in towns where the existence of special charters prohibits the operation of that Act, and
- (c) sales from temporary retail outlets such as hotels, dance halls and temporary shops,

with particular reference to the effect of these types of trading on competition and fair trading and whether they operate against the common good or are not in accordance with the principles of social justice".

The Commission reported in July, 1976 (Prl. 5735) and insofar as the study dealt with sales from temporary retail outlets—which the Occasional Trading Bill, 1979 proposes to regulate—the Commission concluded:

"we accept . . . that there are particular risks to the consumer in such sales and that they tend to have a severe, if temporary, effect on local retailers of the goods concerned.

Summary of the Bill.

Section 1 contains the standard provisions for defining terms recurring in the text of the Bill.

Section 2 defines the term "occasional trading" as selling goods by retail at a premises or a place (not being a public road or other place to which the public have access as of right) of which the person so selling has been in occupation for a continuous period of less than 3 months ending on the date of such selling. This section also provides for the exclusion of certain forms of retail selling from the definition.

Section 3 provides that a person shall not engage in occasional trading unless he is, or is the servant or agent acting as such of, a person who holds an occasional trading permit for the time being in force and the occasional trading is in accordance with the permit. *Subsection (3) of Section 3* provides that a person will not need a permit if he makes a statutory declaration of his intent to remain trading at the one premises or place for longer than 3 months.

Section 4 provides for the granting by the Minister of occasional trading permits, the fees payable by the applicants, and determination by the Minister of the conditions attaching to the granting of such permits. It also provides for the circumstances in which the Minister may refuse to grant or may revoke an occasional trading permit; for the refund of permit fees in certain circumstances; and it empowers the Minister to vary by regulation the amounts of the fees specified and to fix different fees in respect of different classes of persons.

Section 5 provides that an occasional trader shall display a permit at or near the place where he is trading.

Section 6 provides that it shall be an offence to give false information to the Minister in relation to an application for a permit.

Section 7 provides that an advertisement of occasional trading shall contain the number of the permit and the name and address of the person to whom it was granted.

Section 8 provides for the appointment of authorised officers for the purposes of the Act and specifies the powers of such officers.

Section 9 provides for maximum penalties for offences under the Act and the jurisdiction of the Courts in relation to such offences.

Section 10 provides for offences under the Act committed by bodies corporate.

Sections 11, 12 and 13 contain the standard provisions for the laying of regulations made under the Act before each House of the Oireachtas; defraying of expenses incurred by the Minister in connection with the administration of the Act; the short-title and commencement of the Act.

*An Roinn Tionscail, Tráchtála agus Fuinnimh,
Deireadh Fómhair, 1979.*