

Dated this 8<sup>th</sup> day of May 2009

905-89/02-HK

**BYE-LAWS**  
**DOWN DISTRICT COUNCIL**  
**MARKETS**

Ciaran Quigley  
Director of Legal Services  
City Hall  
Belfast  
BT1 5GS

Engrossed: 4/3/2009

**Made by Down District Council: 8<sup>th</sup> May 2009**  
**Confirmed by the Department of Agriculture and Rural Development: 7<sup>th</sup> October**  
**2009**  
**In operation on and from: 7<sup>th</sup> November 2009**

Bye-laws made the 8<sup>th</sup> day of May 2009 by DOWN DISTRICT COUNCIL pursuant to the provisions of section 103 of the Public Health (Ireland) Act 1878 and Part VI of the Local Government Act (Northern Ireland) 1972.

### **Definitions**

1. In these bye-laws:-

‘the Council means Down District Council.

‘goods’ include provisions, commodities and articles brought into the market for the purpose of sale.

‘licensed trader’ means a person holding a trading permit.

‘the market’ means that part of Market Street Car Park, Downpatrick, and the Upper Square, Castlewellan, provided by the Council for the holding of public weekly markets and the expressions ‘the market place’ and ‘the limits of the market’ shall be construed accordingly.

‘the market hours’ mean those hours as shall be determined from time to time by the Council as being the hours during which the market shall be open.

‘the Markets Officer’ means the person appointed by the Council to exercise general management, supervision and control of the market, and includes his/her duly authorised representatives.

‘pitch’ means the space allocated to a licensed trader by the Council pursuant to a trading permit.

‘sell’ and ‘sale’ include exposing and exposure for sale.

‘stall’ includes any stand, booth, table or other structure from which a licensed trader operates.

‘trading permit’ means a licence or permit issued by the Council to a licensed trader and pursuant to which he/she is authorised to sell goods or services at the market.

‘vehicle’ includes any mechanically propelled vehicle (other than an invalid carriage) and any cycle, cart or trailer.

### **Application**

2. These bye-laws shall have effect with respect to the market.
3. Nothing in these bye-laws shall prevent the Council from entering into an agreement in respect of the use of the market pursuant to which an act is permitted which would otherwise be prohibited.

### **Market Times**

4. The market shall be open during the market hours, which shall be indicated in a notice to be displayed at the market by the Council.
5. A licensed trader shall not: -
  - (1) offer for sale any goods or services outside the hours that the market is open;
  - (2) cause or permit any stall or goods to be brought into the market more than one hour before the market is open, except with the prior consent of the Markets Officer;
  - (3) cause or permit any stall or goods to remain in the market more than one hour after the market is closed, except with the prior consent of the Markets Officer.

## **Vehicles**

6. (1) No vehicle shall be brought into, or driven within the limits of the market.
- (2) This bye-law shall not apply to:-
  - (a) any fire brigade, ambulance, police or security forces vehicle being used for official duties; or
  - (b) any vehicle brought into the market with the consent of the Markets Officer.

## **Obstructions**

7. No person shall deposit or permit to be deposited in the market (except at a stall in respect of which he/she holds a trading permit) any goods or any receptacle for goods, or any packaging, for longer than is reasonably necessary for the loading and unloading of goods at the stall.
8. No goods nor any receptacle for goods shall be placed in or on any stall in the market so as to project beyond the limits of the stall.
9. No part of any roof or canopy of a stall shall be less than 6ft. 6 in. from the ground.
10. No goods shall be hung or displayed at a stall in such a manner as to be likely to cause danger to persons at the market.
11. No person shall willfully obstruct, disturb or hinder the Markets Officer in the performance of his/her duties, or any other person lawfully visiting the market.
12. No person shall place any goods or any other item on any part of the market place except in a pitch allocated to him/her by the Council under a trading permit or any additional area that may be designated by the Markets Officer.

### **Trading Permits**

13. No person shall apply for a trading permit unless he/she is over the age of 16 years.
14. A licensed trader shall be provided by the Council with a trading permit, which he/she shall produce for inspection when so required by the Markets Officer at any reasonable time.
15. A licensed trader shall not deface a trading permit, or lend or transfer, or purport to assign a trading permit to any other person.
16. No person shall erect any stall or occupy any pitch at the market unless authorised to do so pursuant to a trading permit.
17. No person, other than a licensed trader, shall sell or advertise for sale any goods or services within the limits of the market during the market hours.
18. A licensed trader shall not offer for sale any goods or services which he is not licensed to sell pursuant to the terms of his/her trading permit.

### **Regulation of Traders**

19. A licensed trader shall ensure that a notice in a form designated by the Council setting out his/her full name (including any trading name) is displayed at his stall in a prominent and legible manner.
20. A licensed trader shall: -
  - (1) cause the stall to be properly cleansed before and after the sale of goods for the day, and as often as may be necessary during the day;
  - (2) as often as is necessary cause all refuse from the stall, and all refuse arising from the loading or unloading of goods required in connection with the use of the stall to be removed, without creating a nuisance or obstruction.
  - (3) comply with the relevant statutory provisions relating to goods for sale.

21. No person shall ring any bell or blow any horn or use any other noisy instrument or any amplifier or loudspeaker to attract the attention or custom of any person to any sale or any goods intended for sale.
22. No person shall, except by way of authorised sale, distribute or attempt to distribute to the public in the market place any leaflets, handbills, cards, pamphlets, booklets or other literature.
23. Every person who shall use any water tap in the market place shall cause the same to be properly turned off after he/she shall have finished using such tap.
24. A licensed trader shall not use any gas or electricity operated heater in the market, unless with the prior consent of the Markets Officer.
25. A licensed trader shall comply forthwith with any instruction given to him/her by the Markets Officer to cease playing any music or displaying any article or emblem which the Markets Officer considers to be sectarian or offensive and which he/she considers to contravene the Council's policies in relation to a neutral trading environment.

#### **General Provisions**

26. No person shall light a fire in any part of the market.
27. No person shall willfully or improperly soil, defile, damage or destroy any part of the market or any ornamental trees, shrubs or other plants therein, or any of the fittings or apparatus provided by the Council in connection with the holding of the market.

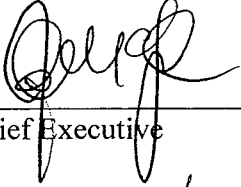
#### **Citation**

29. These bye-laws may be cited as the Down District Council (Regulation of Markets) Bye-Laws 2009.

**PRESENT** when the Official Seal of  
**DOWN DISTRICT COUNCIL** was  
affixed hereto: -

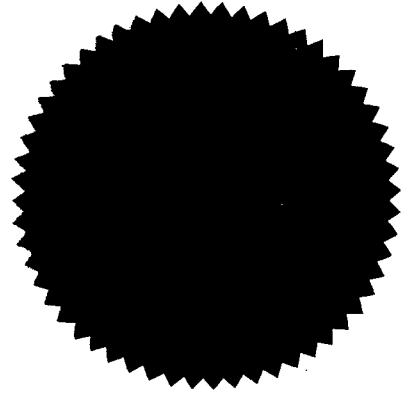


Chairman



Chief Executive

Date: 1/5/09



The foregoing bye-laws are hereby confirmed by the Department of Agriculture and Rural  
Department this 7<sup>th</sup> day of October 2009 in accordance with the provisions of  
section 91 of the Local Government Act (NI) 1972.

**SEALED** with the Official Seal of the  
**DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT** in the  
presence of: -

