



An Roinn Post, Fiontar agus Nuálaíochta

Department of Jobs, Enterprise and Innovation

OCCASIONAL TRADING ACT, 1979

Explanatory Memorandum

*The purpose of this memorandum is to outline in layman's language the main provisions of the Act. **It is not a legal interpretation of the Act**, which may be purchased at the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2 or through any bookseller. Requests for further information may be made to the Department of Jobs, Enterprise and Employment.*

1. **“Occasional Trading”** means selling goods by retail at a premises or 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 three months ending on the date of such selling.
2. **Occasional Trading does not include the following types of trading: -**
 - (a) selling goods by auction (other than by Dutch auction) by the holder of a licence or permit for the time being in force under the Auctioneers and House Agents Acts, 1947 to 1973;
 - (b) selling at a trade, commercial, agricultural or industrial fair or show that is held wholly or mainly for a purpose other than the selling of good;
 - (c) a farmer or market gardener selling his own produce – livestock, vegetables, flowers, fruit or other crops;
 - (d) door-to-door selling;
 - (e) selling by or on behalf of the State or a Minister of the Government;
 - (f) a person selling sweets, chocolate, confectionary, cooked foods, **other than those cooked at the place of sale**, fruit non-alcoholic drinks or favours from a tray, basket, trolley or other similar device at or immediately beside a place where a football match, race meeting or any other event is taking place whether or not the public have to pay to attend;
 - (g) selling of ice-cream, newspapers, periodicals, magazines or other printed matter or pious or religious objects;
 - (h) selling of fish;
 - (i) selling in aid of charity or for some purpose from which no private profit is made e.g. famine-relief organisations, hospitals, organisation that help the poor, churches, mission societies, schools, sports clubs. **To avail of this exclusion the seller has to be able to show not merely that no private profit is derived but also that neither the seller nor any of his servants or agents are paid or get any profit from the sale;**
 - (j) selling of hand-crafted goods by the maker thereof or the spouse or child of such maker;
 - (k) selling of coins, medals, banknotes (within the meaning of the Forgery Act, 1913, as amended by the Currency and Central Banks Acts, 1927 to 1971) or tokens for coins.
3. Any person who proposes to engage in occasional trading is required to have an occasional trading permit which is granted by the Minister for Jobs, Enterprise and Employment. An application should be made to:

**Occasional Trading Licensing Section
Department of Jobs, Enterprise & Employment
Earlsfort Centre
Lower Hatch Street
Dublin 2**

Application forms may be obtained from the Department. The application must be made **at least 30 days** before the first day on which the applicant intends to start trading.

4. The fee for the permit is €63.49 plus €31.74 for the first day plus €31.74 for each additional day or part of a day's trading at each location. To facilitate persons who wish to trade permanently, the Act provides for the making of a statutory declaration that the intention is to occupy the premises or place for a period of more than three months. (A form for this purpose is available on request).
5. Conditions may be attached to a permit and the permit may be revoked if they are not observed. Furthermore, it is an offence to fail to comply with the conditions. The Act empowers the Minister to refuse to grant or to revoke a permit when a person commits offences connected with occasional trading.
6. **Advertisements relating to occasional trading should not be published unless there is an occasional trading permit in force. The Advertisement must contain the permit number and the name and address of the permit holder. Failure to comply with this regulation shall render the person carrying on or proposing to carry on the occasional trading to which the advertisement, guilty of an offence under Section 7(1) of the Act.**
7. **A person engaging in occasional trading must display his occasional trading permit so as to be clearly visible and easily legible to members of the public or the place where he or she trades.**
8. **It is an offence to give false information when applying for a permit; to alter or use a permit with intent to deceive; or to forge a permit.**
9. Authorised officers appointed by the Minister for Jobs, Enterprise and Employment enforce the Act. They have very wide powers to ask questions and to examine books and other records. Any person who fails, refuses or neglects to comply with a requirement of an authorised officer commits an offence.
10. A person found guilty of an offence under the Act is liable on conviction on indictment to a fine not exceeding €12697.38 together with, in the case of a continuing offence, a fine not exceeding €3634.87 for each day or part of a day the person continues to trade, or 6 months imprisonment, or both.