

CASUAL TRADING AND THE SERVICES DIRECTIVE

SUMMARY OF PROVISIONS OF DIRECTIVE

(This Table only highlights the more important requirements of the Directive. It is the responsibility of those covered by the Directive to ensure that they comply with all the requirements of the Directive)

BYE LAWS	TRADERS	LOCAL AUTHORITIES
WHAT HAS TO BE IN THE BYE LAWS	OBLIGATIONS	OBLIGATIONS
Criteria for the casual trading authorisation system must comply with the principles in Art. 10 (1) & (2).	Detailed information requirements required from traders [Art. 22 (1)].	There is a general obligation to examine and simplify procedures and formalities [Art. 5 (1)]
If a local authority has not designated casual trading areas licences must be granted for an indefinite period [Art. 11 (1)]	Traders must provide the information in Art. 22 (1) to the customer	All procedures and formalities must be capable of being done through a point of single contact and electronically [Art. 6 (1) (a) & Art. 8 (1)]
Where a local authority has designated casual trading areas this would suggest that there is a limit on numbers of licences [Art. 12 (1)]. In these circumstances licences can be for a limited period only and cannot be open to automatic renewal [Art. 12 (2)]. A selection process will have to be determined [Art. 12 (3)].	Traders can provide the information required in various ways [Art. 22 (2)]. However the information must be provided in a clear and unambiguous manner and before the contract is concluded [Art 22 (4)]. This means that for traders in this context the information must be available at the stall of the trader	General information on requirements has to be available through a point of single contact [Art. 7 (1)]. In effect local authorities will provide this information which will be linked electronically to Point of Single Contact.
Any fees charged for applications must be "reasonable and proportionate" [Art. 13 (2)].		

<p>A time period for the assessment of applications will have to be determined [Art. 13 (3)]. Failure to respond within this period results in the licence being granted by default [Art. 13 (4)].</p>		<p>Any decision to refuse or withdraw a licence must be reasoned and open to challenge in the courts [Art. 10 (6)].</p>
		<p>Local authorities must ensure that traders comply with the information requirements in Art. 22 (1).</p>
		<p>Local authorities while they can insist that traders have public liability insurance can no longer specify the level of cover [Art. 23 (1) & recital 99]</p>
		<p>Local authorities must ensure that traders supply them with contact details so that customers can make complaints. Also local authorities must ensure that traders respond to complaints [Art. 27 (1)]. It might be advisable for local authorities to make this provision a condition of a licence.</p>
		<p>Local authorities will have to be prepared for cross border cooperation under Chapter VI of the Directive.</p>