

STATUTORY INSTRUMENTS.

[S.I. No. 191 of 2004](#) .

CASUAL TRADING ACT 1995 (SECTION 2(3)) REGULATIONS 2004.

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CASUAL TRADING ACT 1995 (SECTION 2(3)) REGULATIONS 2004.

I, MARY HARNEY, Minister for Enterprise, Trade and Employment, in exercise of the powers conferred on me by section 2 (3) of [the Casual Trading Act 1995 \(No. 19 of 1995\)](#), as adapted by the Enterprise and Employment (Alteration of Name of Department and Title and Minister) Order 1997 ([S.I. No. 305 of 1997](#)), hereby make the following regulations:

1. These Regulations may be cited as [the Casual Trading Act 1995](#) (Section 2 (3)) Regulations 2004.
2. These Regulations come into operation on 1 May 2004.
3. In these Regulations “Act” means [the Casual Trading Act 1995 \(No. 19 of 1995\)](#).
4. For the purposes of the paragraph inserted in section 2(2) of the Act by Regulation 5 of these Regulations—
 - (a) “grower” means the producer of the product concerned specified in that paragraph;
 - (b) the following condition is specified in relation to subparagraph (ii) of that paragraph, namely that the servant or agent, on being requested to do so by an authorised officer appointed under section 10 of the Act acting in the exercise of the powers conferred by that section or a member of the Garda Síochána, shall produce to him or her documentary evidence to show that he or she is the servant or agent of the grower of the produce which he or she is selling.
5. Section 2(2) of the Act is amended—
 - (a) in paragraph (c), by substituting “therefrom,” for “therefrom.”, and
 - (b) by inserting after paragraph (c) the following:

“(d) selling, during the period 1 May to 30 September in any year, by—

 - (i) the grower (within the meaning assigned to that expression by [the Casual Trading Act 1995](#) (Section 2(3)) Regulations 2004),

or

- (ii) subject to the condition specified in relation to this subparagraph by those Regulations being satisfied, a servant or agent of the grower,

of one or more of the following fruits and vegetables, namely—

- (I) strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants,

and

- (II) potatoes having loose skins and which have been harvested prior to maturity.”.

6. Nothing in these Regulations affects bye-laws made by local authorities under section 2(4) of the Act.

GIVEN under my Official Seal, this 29th day of April 2004.

MARY HARNEY,

Minister for Enterprise, Trade and Employment.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations exempt from the provisions of [the Casual Trading Act 1995](#) the selling of strawberries, raspberries, blueberries, gooseberries, blackberries, loganberries, tayberries and currants and potatoes having loose skins and which have been harvested prior to maturity between the 1st May and 30th September in any year. The exemption is only applicable to growers of the products concerned, their servants or agents.