

Ceantar Bardasach Carraig Mhachaire Rois – Baile na Lorgan
Comhairle Contae Mhuineacháin



The Municipal District of Carrickmacross – Castleblayney
Monaghan County Council

STREET COLLECTIONS/BEGGING BYE-LAW 2016

Bye-Law made by Carrickmacross-Castleblayney Municipal District Council (herein after referred to as “The Council”) in exercise of the powers vested in it by Part 19 of the Local Government Act 2001 as amended by the Local Government Reform Act, 2014 in relation to the control and regulation of street collections/begging.

1. Title

This Bye-Law may be cited as the Carrickmacross-Castleblayney Municipal District Council Street Collection/Begging Bye-Law 2016.

2. Interpretation

Throughout the Bye-Law, unless the context otherwise requires, the following words and expressions have the meaning hereafter respectively assigned to them, that is to say:-

- (a) “the Act” means the Local Government Act 2001 as amended by the Local Government Reform Act, 2014.
- (b) “Council” means Carrickmacross-Castleblayney Municipal District Council
- (c) “McGrath Road” means that part of McGrath Road in the town of Castleblayney, Co. Monaghan as is set out on attached map and thereon bounded in red
- (d) “Begging” means requesting or soliciting money or goods from another person or other persons
- (e) “Street Collection” means the collection of money from the public in McGrath Road or by house to house visits or both in such place for the benefit (actual, alleged or implied) of a particular object, whether charitable or not charitable, and whether any badge, emblem or other token is or is not exchanged or offered in exchange for money so collected, but excludes the collecting of money in the ordinary course of trade or business, and a references to a collection include a references to an attempt to collect money and cognate words shall be construed accordingly
- (f) “Authorised Person” means a person authorised in writing by a Local Authority

3. Street Collection/Begging

It shall be unlawful for any person to beg or to conduct any street collection in McGrath Road, Castleblayney town (as per map attached).

Any person begging or conducting street collections in that area shall be guilty of an offence.

4. Offences

- (a) It shall be lawful for any authorised person or Member of An Garda Síochána to enforce this Bye-Law and to exclude or remove from McGrath Road, Castleblayney town any person committing any breach of the above Bye-Law and to take such other steps as authorised by law.
- (b) A person who contravenes a provision of this Bye-Law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,900.00.
- (c) Where a person is convicted of an offence referred to in paragraphs 3 and 4(b) and there is a continuation by him or her of the offence after his or her conviction he or she shall be guilty of a further offence on every day the continuation continues and on each such offence shall be liable on conviction to a fine of not exceeding 129 euro for each day on which the offence is so continued
- (d) A person who obstructs or impedes or refuses to comply with a request of a Member of An Garda Síochána or of an authorised person acting in the exercise of the functions conferred on an authorised person by these Bye-Laws shall be guilty of an offence.
- (e) Where an authorised person or a Member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under this Bye-Law, the authorised person or the Garda, as the case may be, may demand the name and address of such person and if this demand is refused or the person gives a name or address which is false or misleading, the person shall be guilty of an offence.
- (f) Where a Member of An Garda Síochána is of the opinion with reasonable cause that a person is committing or has committed an offence under this Bye-law that Member may arrest such person without warrant.
- (g) An offence under this Bye-Law may be prosecuted by the Council or by a Member of An Garda Síochána
- (h) Where an authorised person or a Member of An Garda Síochána is of the opinion that an offence is being committed or has been committed under this Bye-Law the authorised person or a Member of An Garda Síochána may serve such person with a notice, specifying fixed payment, in respect of a contravention. The amount of the fixed payment shall be €75. The period within which it must be paid in order to avoid prosecution shall be 21 days.
- (i) In any prosecution for an offence under these Bye-Laws it shall be presumed until the contrary is proven that the person alleged to have committed the offence was doing so other than in accordance with a licence, permit or authorisation (howsoever described) granted by or under an enactment

5. Commencement Date

This Bye-Law shall come into operation on the XXXX.

Cathaoirleach

Director of Services

Municipal District Co-Ordinator