

MUNICIPAL DISTRICT OF CARLOW

CARLOW TOWN PROHIBITION OF BEGGING BYE LAWS

2018

Made under Section 199 of the Local Government Act 2001 for the
Prohibition of begging in Carlow Town.

Contents

- 1. Definitions**
- 2. Begging in Carlow Town**
- 3. Enforcement and Penalties**
- 4. Fixed Payment Notice**
- 5. Saver**
- 6. Commencement Date**

1. Definitions:-

These Bye-Laws shall be cited as “Carlow Town Prohibition of Begging Bye-Laws 2018”.

In these Bye-Laws

- 1.1** “Carlow Town” means the land outlined in red on the map in the second schedule hereto.
- 1.2** “Council” means Municipal District of Carlow.
- 1.3** “Employees of the Council” shall include Litter Wardens, or other persons employed by and duly authorised by the Council.
- 1.4** “Authorised Person” means an Authorised Person within the meaning of Section 204 of the Local Government Act 2001.
- 1.5** “Begging” means requesting or soliciting money or goods from another person or persons, other than in accordance with a licence, permit or authorisation (howsoever described) granted by or under an enactment.
- 1.6** “Public Place” means:-
 - (a) Any public road and,
 - (b) Any street, road or other place to which the public have access whether as of right, or with permission and whether subject to, or free of charge.

2. Begging in Carlow Town

- 2.1** It shall be unlawful for any person or persons to beg in any public place in Carlow Town.
- 2.2** Any person begging in any public place in Carlow Town shall be guilty of an offence.

3. Enforcement and Penalties

- 3.1** It shall be lawful for any Authorised Person / a member of An Garda Síochána to enforce this Bye-Law and to exclude or remove any person committing any breach of the above Bye-Law and to take such other steps as authorised by law.
- 3.2** 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.
- 3.3** Where a person is convicted of an offence referred to in paragraph two 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 for each day on which the offence is so continued.

- 3.4 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.
- 3.5 Where a person whose name and address is requested of him/her, refuses or fails to give his/her name and address, or gives a name and address which is false or misleading he/she shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,500.
- 3.6 A persons shall not resist, wilfully obstruct, impede or refuse to comply with a request of an Authorised Person / a member of An Garda Síochána acting in the exercise of the functions conferred on an Authorised Person or on a member of An Garda Síochána by these Bye-Laws.
- 3.7 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.
- 3.8 An offence under this Bye-Law may be prosecuted by the Council or by a Member of An Garda Síochána.
- 3.9 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.
- 3.10 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.

4. Fixed Payment Notice

- 4.1 If an Authorised Person / a member of An Garda Síochána has reasonable grounds for believing that a person is committing a contravention or has committed a contravention of a provision of these Bye-Laws the Authorised Person / a member of An Garda Síochána may serve on the person a fixed payment notice in the general form as set out in the Schedule to these Bye-Laws. The amount of the fixed payment shall be €75.
- 4.2 Where a notice is served under Section 4.1 of these Bye-Laws a person to whom the notice applies may, during the period specified in the notice, make to the Council the payment specified in the notice, accompanied by the notice.

4.3 The Council shall receive the payment and issue a receipt for it and may retain the money so paid and no payment so received shall in any circumstances be recoverable by the person who made it, and a prosecution in respect of the alleged contravention will not be instituted during the period specified in the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of the alleged will be instituted.

4.4 A fixed payment shall be served in one of the following ways:-

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides;
- (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides;
- (d) if an address for the service of notices has been furnished by the person by leaving it at, or sending it by prepaid registered post addressed to the person to, that address.

5. Saver

Nothing in these Bye-Laws shall take away, abridge or limit any remedy existing for the time being by way of indictment or summarily, or shall interfere with the powers of An Garda Síochána or any Authority legally existing for preventing or punishing offences.

6. Commencement

The Bye-Laws shall come into force on the 1st December 2018

Seal Affixed: _____ **Chief Executive Officer/
Director of Services**

Seal Authenticated by: _____ **Nominated Officer**

_____ **Nominated Member**

Dated this _____ Day Of _____ 2018

First Schedule

FIXED PAYMENT NOTICE

NAME OF LOCAL AUTHORITY: **CARLOW COUNTY COUNCIL**

TO: Name: _____

Address: _____

It is alleged that you have contravened the provision of Bye-Laws made under Part 19 of the Local Government Act, 2001 entitled "Carlow Town Prohibition of Begging Bye-Laws 2018"

by

(in general terms specify nature of contravention) at

on _____

During this period of 21 days beginning on the date of this notice you may pay the sum of Euros, accompanied by this notice, at the offices of the Local Authority named in this notice located at Civic Offices, Tullow, Co. Carlow or County Hall, Athy Road, Carlow.

A prosecution in respect of the alleged contravention will be not instituted during the said period and if the sum of Euros is paid during this period, no prosecution will be instituted at any time.

Signed: _____

Date: _____

(Authorised Person)

IMPORTANT: Payment will be accepted at the offices of the Local Authority specified above and must be accompanied by this notice. Payment may be made by post. Cheques etc. should be made payable to Carlow County Council. A receipt will be given.

You are entitled to disregard this notice and defend the prosecution of the alleged contravention in Court.

Second Schedule

