

*These notes refer to the Tourism (Amendment) Act (Northern Ireland) 2011 (c.3) which received Royal Assent on 25 January 2011*

# Tourism (Amendment) Act (Northern Ireland) 2011

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 1 – Frequency of Statutory Inspections***

This Section amends Article 13 of the Tourism Order to require the statutory inspection of a tourist accommodation establishment to take place every four years. It also requires a subsequent statutory inspection to take place in the 48<sup>th</sup> calendar month following the date of issue of a certificate. A certificate is awarded to a tourist establishment upon completion of a satisfactory statutory inspection. The Section also enables the Department to substitute any other period for the four year period. This latter change is subject to approval by the Assembly as it involves amending primary legislation.

#### ***Section 2 – Statutory reviews of certified tourist establishments***

This Section inserts a new Article 14A into the Tourism Order to provide for statutory reviews between statutory inspections. These statutory reviews are to be instigated by NITB, at intervals decided by NITB. This is of particular importance in the first four years of the new system as NITB will need to inspect establishments in each of the first four years so as to put the current stock of tourist establishments onto four different cycles of statutory inspections.

Article 15 of the Tourism Order currently provides for revocation of a certificate on a statutory inspection. Article 15(1) is amended to extend these provisions to apply equally to revocation on a statutory review. The Section also inserts a new Article 17A to make provision for the revocation of a certificate if there is a failure to make the return when required to do so. It closely follows existing revocation procedures.

The remaining amendments in this Section apply Articles 18 (review) and 19 (appeal) of the Tourism Order to decisions to revoke under Article 17A. These provisions automatically apply to a decision to revoke under Article 15(1) as amended.

***Section 3 – Imposition of conditions on inspection other than statutory inspection***

This Section amends Article 16 of the Tourism Order and enables an officer of NITB to amend or add to the conditions of a certificate on an inspection other than a statutory inspection.

***Section 4 – Financial assistance to provide or improve tourist accommodation***

This Section permits NITB to grant assist tourist accommodation and provides for the transfer of certain assets and liabilities from Invest NI to NITB. As a consequence of this section 3(4) of the [Industrial Development Act \(Northern Ireland\) 2002 \(c. 1\)](#) is repealed.

***Section 5 – Appointment of chairman of Northern Ireland Tourist Board***

Schedule 1 to the Tourism Order provides that the Board of NITB shall consist of not more than 9 members and that the chairman of the Board shall be appointed by the Minister from among the Board members. This precludes the direct appointment of the chairman via external open competition. This Section amends Schedule 1 to the Tourism Order so that the Minister is no longer required to appoint the chairman from among the Board members.

***Section 6 – Short title and commencement***

This Section allows the Department to bring the various Sections of the Act into operation on a day or days to be appointed by commencement

***Schedule 1 – Transfer to the Tourist Board of certain assets and liabilities of Invest Northern Ireland***

This Schedule provides for the transfer of certain assets and liabilities from Invest NI to NITB and is a consequence of the amendment made to Article 11 by Section 4 of the Act which gives NITB the power to grant assist tourist accommodation.