

# **TOURISM (AMENDMENT) ACT**

## **(NORTHERN IRELAND) 2011**

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### **EXPLANATORY NOTES**

#### **INTRODUCTION**

1. These Explanatory Notes relate to the Tourism (Amendment) Act (Northern Ireland) 2011 which received Royal Assent on 25 January 2011. They have been prepared by the Department of Enterprise, Trade and Investment in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by the Assembly.
2. The notes need to be read in conjunction with the Act. They do not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section or Schedule does not seem to require any explanation or comment, none is given.

#### **BACKGROUND AND POLICY OBJECTIVES**

3. The Act makes a number of amendments to the Tourism (Northern Ireland) Order 1992 (“the Tourism Order”). These were generated from a number of sources including previous engagement with key stakeholders.
4. The Act introduces arrangements to reduce the frequency of Northern Ireland Tourist Board (“NITB”) statutory inspections of tourist accommodation from an annual basis to once every four years. The Act also makes provision for tourism accommodation providers to make a return to NITB in the years between statutory inspections. This will ensure that establishments continue to comply with the minimum standards required by legislation and thereby underpin the system of statutory inspections. These changes represent a positive reduction in the regulatory burden placed on tourist accommodation providers.
5. The Act makes provision for the transfer of responsibility for tourist accommodation grants from Invest NI to NITB. It also changes the mechanism whereby the chairman of NITB is appointed (this change facilitates the appointment of a chairman by external competition rather than from among the Board members).

## **CONSULTATION**

6. On 2 July 2009 the Department launched a 12 week public consultation on proposals for amending the Tourism Order. The consultation exercise was carried out using the Office of First and deputy First Minister Guidance on the issue of consultation documents and was issued to those on the list in that document. In addition, more than 2,000 tourism related individuals and organisations were consulted. Responses received were primarily from Local Authorities and the tourism industry.
7. The proposal to change the frequency of NITB statutory inspections of tourist accommodation from an annual basis to once every four years attracted 18 objections while the proposal to change the mechanism whereby the chairman of NITB is appointed met with unanimous approval.
8. The proposal to transfer responsibility for tourist accommodation grants from Invest NI was not included in the public consultation exercise referred to above. However this proposal was consulted on as part of a six week public consultation on the Independent Review of Economic Policy which commenced on 5 October 2009.

## **OVERVIEW**

9. The Act contains 6 Sections and 1 Schedule.

## **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.

## **HANSARD REPORTS**

The following table sets out the dates of the Hansard Reports for each stage of the Act's passage through the Assembly.

<b>STAGE</b>	<b>DATE</b>
Introduction to the Assembly	21 June 2010
Second Stage debate	29 June 2010
Committee Stage – evidence from the Northern Ireland Local Government Association	30 September 2010
Committee Stage – consideration of Sections 1-6, Schedule	14 October 2010
Committee's report on the Act – report number 13/10/11/R	5 November 2010
Consideration Stage in the Assembly	23 November 2010
Further Consideration Stage	6 December 2010
Final Stage	14 December 2010
Royal Assent	25 January 2011

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