Changes to legislation: *The Tourism (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

1992 No. 235

The Tourism (Northern Ireland) Order 1992

PART I

INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Tourism (Northern Ireland) Order 1992.

(2) This Order (except paragraph 4 of Schedule 3) shall come into operation on such day or days as the Head of the Department may by order appoint[F1].

(3) An order under paragraph (2) may make such transitional provision as appears to the Head of the Department to be necessary or expedient in connection with the provisions brought into operation by the order.

F1 fully exercised by SR 1992/129

Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954[F2] shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

"assist" includes assist financially;

"the Board" means the Northern Ireland Tourist Board;

"the Department" means the Department of Economic Development;

"directions" means directions issued under Article 5 and "direct" shall be construed accordingly;

"prescribed" means prescribed by regulations;

"provide" and "maintain", in relation to any amenity, facility or service, have the meanings assigned to them by section 147 of the Local Government Act (Northern Ireland) 1972[F3];

"statutory provision" has the meaning assigned to it by section 1(*f*) of the Interpretation Act (Northern Ireland) 1954[F4];

"tourist" means a visitor to Northern Ireland, a person spending his holiday in Northern Ireland or a person travelling for pleasure within Northern Ireland, and "tourism" shall be construed accordingly;

"tourist accommodation" means overnight sleeping accommodation for tourists provided by way of trade or business;

"tourist amenity" means an amenity, facility or service provided primarily for tourists, but does not include tourist accommodation.

(3) Any power of giving directions or making determinations conferred on the Department by any provision of this Order includes power to vary or revoke any directions or determinations given or made under that provision.

F2 1954 c. 33 (NI)
F3 1972 c. 9 (NI)
F4 1954 c. 33 (NI)

PART II

THE NORTHERN IRELAND TOURIST BOARD

The Northern Ireland Tourist Board

3.—(1) There shall continue to be a body called the Northern Ireland Tourist Board (in this Order referred to as "the Board").

(2) Schedule 1 shall have effect in relation to the Board.

Functions of the Board

4.—(1) The functions of the Board shall be—

(a) to encourage tourism;

(b) to encourage the provision and improvement of tourist accommodation and tourist amenities;

(c) to advise the Department generally on the formulation and implementation of its policy in relation to the development of tourism;

(d) such other functions as are conferred on the Board by or under this Order or any other statutory provision.

(2) Without prejudice to the generality of paragraph (1), in the exercise of its functions the Board may—

(a) provide advice and information about travelling to and holidays in Northern Ireland and publicise or advertise holidays in Northern Ireland;

(b) provide or assist any event which appears to the Board likely to encourage tourism;

(c) co#operate with persons or bodies training persons to do work wholly or mainly connected with tourism;

(d) establish or assist in establishing any body in connection with tourism;

(e) trade in any business associated with tourism;

(f) accept gifts and donations and undertake and execute any trusts which may lawfully be undertaken by the Board and may be conducive to its functions;

(g) make known the financial assistance which may be provided under this Order;

(h) make charges for services provided by it and for any certificate or approval granted by it for the purposes of any statutory provision other than this Order;

(i) carry out surveys and collect statistics and information relating to the tourist industry;

(j) generally assist in making Northern Ireland attractive to tourists;

(k) co#operate with or assist any other body or association carrying out activities falling within the functions of the Board.

(3) It shall be the duty of the Board to establish machinery for consulting, and to consult regularly with, bodies appearing to the Board to have an interest in matters falling within the functions of the Board.

(4) The power of the Board under section 19(1)(*a*)(iv) of the Interpretation Act (Northern Ireland) 1954[F5] to acquire, hold, dispose of or charge real property shall not be exercised without the approval of the Department and the Board shall not have power to carry out any building or other physical works on land except with the approval of the Department.

F5 1954 c. 33 (NI)

Directions to the Board

5.—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, issue to the Board—

(a) directions of a general or specific nature as to the exercise by the Board of its functions;

(b) directions as to any matter in relation to which the Department is authorised to issue directions by any other provision of this Order.

(2) The Department may direct the Board to exercise on behalf of the Department any function of the Department connected with or related to the development of tourism, not being a function conferred on the Department by this Order.

(3) Before issuing any directions under this Article the Department shall consult with the Board.

(4) It shall be the duty of the Board to comply with any directions issued to it under this Article.

Estimate of expenditure and income of the Board

6.—(1) The Board shall, on or before such date in each year as the Department may direct, submit to the Department, in such form and containing such particulars as the Department may direct, an estimate of its income and expenditure for the succeeding financial year.

(2) The Board may at any time submit a supplementary or revised estimate to the Department.

(3) The Department may approve an estimate submitted under paragraph (1) or a supplementary or revised estimate submitted under paragraph (2) either in whole or in part or subject to such modifications or conditions as the Department may think fit.

(4) The Board shall not incur expenditure otherwise than in accordance with an estimate or a supplementary or revised estimate approved under paragraph (3).

Financial provisions relating to the Board

7.—(1) The Department may in each financial year pay to the Board grants of such amount as the Department may determine towards the expenditure incurred or to be incurred by the Board in accordance with an estimate or a supplementary or revised estimate approved under Article 6(3).

(2) The Board may, in accordance with directions, establish reserve funds for such general or special purposes as the Board may think proper.

(3) The Board may borrow or raise money on such terms and on such security and for such purposes as the Department may direct.

(4) The Board may invest the moneys of the Board not immediately required for the purposes of the Board in or upon such investments or securities as the Department may direct.

Accounts and audit

8.—(1) The Board shall—

(a) keep, in such form as the Department may direct, proper accounts of all moneys received and of all moneys paid out by it;

(b) prepare and submit to the Comptroller and Auditor General for Northern Ireland and the Department, on or before such date in each year as the Department may direct, a statement of its accounts in respect of the financial year then last previously occurring, in such form and containing such information as the Department may direct.

(2) The Comptroller and Auditor General shall examine and certify the statement of accounts submitted to him by the Board.

(3) The Department shall lay before the Assembly a copy of the certified statement of accounts and of any report of the Comptroller and Auditor General thereon.

Annual report

9. The Board shall annually on such date and in such form as the Department may direct make to the Department a report on the activities of the Board during the preceding year and a copy of each such report shall be laid before the Assembly.

Power to dissolve the Board

10.—(1) The Department may by order made subject to affirmative resolution make provision for, or in connection with, the winding up and dissolution of the Board.

(2) An order under this Article may—

(a) provide for the transfer of the functions, assets and liabilities of the Board to any other body or person;

(b) contain such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision (including a provision in this Order)) as appear to the Department to be necessary or expedient for giving full effect to the provisions of the order.

PART III

FINANCIAL ASSISTANCE TO TOURIST INDUSTRY

Selective financial assistance

11.—(1) The Board may, in accordance with a scheme under this Article, provide financial assistance to any body or person where in its opinion—

(a) the financial assistance is likely to increase tourism and the revenue derived from tourism; and

(b) the form and amount of the financial assistance is reasonable having regard to all the circumstances; and

(c) the provision of such financial assistance will, or is likely to, achieve one or more of the following purposes, namely—

(i) to promote employment in the tourist industry,

(ii) to promote the development of an efficient and effective tourist industry,

(iii) to provide, or improve,[F6]. . . tourist amenities,

and is justified having regard to any of those purposes.

(2) The scheme under this Article shall be made by the Department with the approval of the Department of Finance and Personnel and the Department shall cause the scheme as for the time being in force to be published.

(3) Financial assistance under this Article shall be in one or more of the following forms, namely—

(a) a loan, whether secured or unsecured, and whether or not carrying interest or interest at a commercial rate;

(b) a grant;

(c) a guarantee to meet default on payment of a loan, or of interest on a loan; or

(d) the taking of an interest in property or in a body corporate,

and shall be given subject to such terms and conditions as may be specified in or determined in accordance with the scheme under this Article.

(4) Subject to paragraph (5), where any instalment of principal or interest or both principal and interest due on foot of any loan made under this Article is more than 31 days in arrear, additional interest at such rate as may be specified in or determined in accordance with the scheme under this Article shall, notwithstanding any statutory provision or rule of law to the contrary, be chargeable on that instalment as from the date on which it fell due and shall be recoverable therewith.

(5) The Board may, in such circumstances as may be specified in or determined in accordance with the scheme under this Article and with the consent of the Department, waive the payment of such additional interest as is mentioned in paragraph (4) or any part of such additional interest.

(6) Nothing in a scheme under this Article shall prejudice the power of the Department to issue directions to the Board which are not inconsistent with the scheme.

F6 2002 c. 1 (NI)

PART IV

REGULATION OF TOURIST ACCOMMODATION

The statutory categories of tourist establishment

12.—(1) For the purposes of this Part there shall be the following categories of tourist establishment, namely—

(a) hotels;

(b) guest houses;

(c) bed and breakfast establishments;

(d) self#catering establishments; [F7]. . .

(e) hostels.

[[F8](f) bunk house;

(g) campus accommodation; and

(h) guest accommodation.**]**

(2) The Department may by order made subject to affirmative resolution amend paragraph (1) as for the time being in force by—

(a) adding any category of tourist establishment to the list in that paragraph;

(b) deleting any category of tourist establishment from that list;

(c) amending any category of tourist establishment in that list.

(3) An order under paragraph (2) may make such amendments to the Licensing (Northern Ireland) Order**[**[F9] 1996**]** as appear to the Department to be necessary or expedient in consequence of the provisions of the order.

(4) A category of tourist establishment for the time being listed in paragraph (1) is referred to in this Part as a "statutory category".

(5) The Department shall, after consultation with the Board, by regulations prescribe, in relation to each statutory category of tourist establishment, the criteria to be met by an establishment to be eligible for allocation under this Part to that statutory category.

(6) Without prejudice to the generality of paragraph (5), the criteria to be met by an establishment to be eligible for allocation under this Part to a particular statutory category of tourist establishment may be prescribed under that paragraph by reference to—

(a) the general nature and character of the establishment;

(b) the nature, extent and standard of accommodation and services provided in the establishment; and

(c) such other matters as the Department thinks appropriate in relation to that statutory category.

(7) Different criteria may be prescribed under paragraph (5) in relation to different prescribed classes of establishment within a particular statutory category of tourist accommodation; and, in such a case, references in this Part to an establishment meeting the criteria prescribed under paragraph (5) in relation to a statutory category shall be construed as references to an establishment meeting the criteria prescribed under that paragraph in relation to the prescribed class of establishment within that statutory category to which that establishment belongs.

F7 Word in art. 12(1)(d) deleted (15.3.2011) by virtue of Categories of Tourist Establishment Order (Northern Ireland) 2011 (S.R. 2011/40), arts. 1(2), **2(2)**

F8 Art. 12(1)(f)-(h) inserted (15.3.2011) by Categories of Tourist Establishment Order (Northern Ireland) 2011 (S.R. 2011/40), arts. 1(2), **2(3)**

F9 1996 NI 22

Statutory inspection and certification of tourist establishments

13.—(1) The Board shall cause—

(a) each certified tourist establishment to be inspected by an officer of the Board on at least one occasion **[**[F10]in every period of 4 years**]**;

(b) an establishment in relation to which it receives an application under paragraph (2) or (3), to be inspected by an officer of the Board;

and an inspection under this paragraph is referred to in this Part as a "statutory inspection".

(2) The Department may by regulations make provision in relation to the statutory inspection under paragraph (1)(*b*) of establishments in respect of which no certificate under this Article is for the time being in force, and such regulations may in particular require the proprietor of any such establishment—

(a) to give to the Board the prescribed notice of his intention to provide tourist accommodation in that establishment;

(b) to apply to the Board in the prescribed form for a statutory inspection of the establishment to be conducted with a view to allocating that establishment to such particular statutory category as is specified in the application.

(3) The Department may by regulations make provision in relation to the statutory inspection under paragraph (1)(*b*) of a certified tourist establishment where the proprietor of that establishment applies to the Board in the prescribed form for a statutory inspection of the establishment to be conducted with a view to allocating that establishment to such particular statutory category as is specified in the application, being a category different from that to which the establishment is allocated by the certificate for the time being in force under this Article in relation to it.

(4) A statutory inspection of any certified tourist establishment under paragraph (1)(*a*) shall not be conducted less than **[**[F11]47 months**]** after the last previous such statutory inspection of that establishment.

(5) Where, on a statutory inspection of any establishment, it appears to an officer of the Board that the establishment meets the criteria prescribed under Article 12(5) in relation to the relevant statutory category of tourist establishment, he shall issue a certificate allocating that establishment to that category.

(6) In paragraph (5) "the relevant statutory category of tourist accommodation" in relation to an establishment means—

(a) in the case of a statutory inspection of that establishment under paragraph (1)(*a*), the statutory category specified in the certificate in force under this Article in relation to the establishment; and

(b) in the case of a statutory inspection of that establishment under paragraph (1)(*b*), the particular statutory category specified in the application for that inspection made under paragraph (2) or (3).

(7) A certificate issued under this Article—

(a) shall be in the prescribed form;

(b) shall contain a statement specifying—

(i) the establishment to which it relates;

(ii) the statutory category to which that establishment is allocated;

(iii) the name of the proprietor of that establishment;

(c) shall be signed by the officer of the Board who issues the certificate;

(d) shall, during the time it remains in force, be displayed in a prominent position at or near the principal entrance to the establishment to which it relates or at such other place in that establishment as the Board may require.

(8) A certificate under this Article shall be issued to the person specified in it as the proprietor of the establishment to which the certificate relates and, subject to paragraph (13), references in this Part to the proprietor of an establishment are, where a certificate under this Article is in force in relation to the establishment, references to the person so specified in that certificate.

(9) A certificate issued under this Article on the statutory inspection of an establishment shall, unless revoked by a notice under Article 15(1), 16(2) **[**[F12], 17(1) or 17A(1)**]**, remain in force until the date on which a certificate is issued under this Article in respect of that establishment on a subsequent statutory inspection of that establishment.

(10) Where the Board is satisfied that the certificate for the time being in force in respect of any tourist establishment has been lost or accidentally destroyed the Board may cause another certificate to be issued to replace that certificate.

(11) Where the proprietor of any certified tourist establishment fails to display, in accordance with paragraph (7)(*d*), the certificate for the time being in force in respect of that establishment, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(12) A certificate under this Article in respect of any establishment shall be issued—

(a) subject to the condition that, where a person (the "new proprietor") becomes the proprietor of the establishment in place of the person specified in the certificate as the proprietor, the Board shall immediately be notified of that fact and of the name of the new proprietor; and

(b) subject to such other conditions as the Board may notify in writing to the proprietor of that establishment at the time of, or within 14 days of, the issue of the certificate.

(13) Where the name of a person has been notified to the Board under paragraph (12)(*a*) as the new proprietor of an establishment, references in this Part to the proprietor shall be construed as references to that person.

[[F13](14) The Department may by order substitute for the period for the time being mentioned in paragraph (1)(a) such other period as is specified in the order.

(15) An order under paragraph (14)—

(a) shall not be made unless a draft of the order has been laid before, and approved by a resolution of, the Assembly; and

(b) may contain such incidental, consequential, supplementary or transitional provisions (including provisions modifying this Order) as the Department thinks necessary or expedient.**]**

F10 Words in art. 13(1)(a) substituted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 1(2)**, 6(4); S.R. 2011/106, **art. 2**

F11 Words in art. 13(4) substituted (12.4.2014) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 1(3)**, 6(3); S.R. 2011/106, **art. 2**

F12 Words in art. 13(9) substituted (11.4.2011) by virtue of Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(5)**, 6(4); S.R. 2011/106, **art. 2**

F13 Art. 13(14)(15) added (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 1(4)**, 6(4); S.R. 2011/106, **art. 2**

Requirements as to certification and description of tourist accommodation

14.—(1) A person shall not provide or offer to provide tourist accommodation in any establishment unless a certificate under Article 13 is in force in respect of that establishment.

(2) The proprietor of an establishment shall not describe or hold out, or permit any person to describe or hold out, that establishment as being within a statutory category of tourist accommodation unless there is in force in relation to that establishment a certificate under Article 13 allocating that establishment to that statutory category.

(3) A person who contravenes paragraph (1) or (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 6 months, or to both.

[[F14]**Statutory review of certified tourist establishments**

14A.—(1) The Board may, by notice in the prescribed form served on the proprietor of a certified tourist establishment, require the proprietor to submit to the Board before a specified date a return in the prescribed form—

(a) stating whether the proprietor continues to provide tourist accommodation in that establishment; and

(b) providing such other information in relation to that establishment as may be prescribed.

(2) The date specified in a notice under paragraph (1) must not be earlier than—

(a) 30 days after the date of service of the notice; and

(b) 11 months after—

(i) the date of the last previous statutory inspection of the establishment; or

(ii) if any notice has been served under paragraph (1) after the date of the last previous statutory inspection of the establishment, the date specified in that notice.

(3) Where a return is made under this Article, the Board shall cause the certification of the establishment under Article 13 to be reviewed in the light of the information contained in the return; and a review under this paragraph is referred to in this Part as a "statutory review".**]**

F14 Art. 14A inserted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(2)**, 6(4); S.R. 2011/106, **art. 2**

Revocation or refusal of certificate on statutory inspection

15.—[[F15](1) Where—

(a) on a statutory inspection of a certified tourist establishment under Article 13(1)(a), or

(b) on a statutory review of a certified tourist establishment under Article 14A(3),**]**

it appears to an officer of the Board that the establishment does not meet the criteria prescribed under Article 12(5) in relation to the statutory category specified in the certificate in force in relation to the establishment, the Board shall issue and serve on the proprietor of that establishment a notice revoking that certificate.

(2) Where on a statutory inspection of an establishment under Article 13(1)(*b*) it appears to an officer of the Board that the establishment does not meet the criteria prescribed under Article 12(5) in relation to the particular statutory category specified in the application for that inspection made under Article 13(2) or (3), the Board shall issue and serve on the proprietor of that establishment a notice refusing to allocate that establishment to that statutory category.

(3) A notice under paragraph (1) or (2)—

(a) shall be in the prescribed form;

(b) shall specify the criteria which the establishment does not meet and the reasons why it does not meet those criteria;

(c) shall draw the proprietor's attention to the effect of Articles 14, 18 and 19.

(4) In addition, a notice under paragraph (1) shall specify the date (not being less than 30 days from the date on which the notice is served) on which the certificate shall be revoked.

(5) A notice under paragraph (1) shall, unless rescinded under Article 18 or quashed under Article 19, have effect to revoke a certificate on the date specified in the notice in accordance with paragraph (4) notwithstanding that on that date a review of the issue of that notice is pending under Article 18 or an appeal against that notice is pending under Article 19.

F15 Words in art. 15(1) substituted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(3)**, 6(4); S.R. 2011/106, **art. 2**

Revocation of certificate on inspection other than statutory inspection

16.—(1) The Board may, in addition to any statutory inspection, cause a certified tourist establishment to be inspected by an officer of the Board at any time.

(2) Where on an inspection of a certified tourist establishment under this Article it appears to an officer of the Board that—

(a) the establishment does not meet the criteria prescribed under Article 12(5) in relation to the statutory category specified in the certificate in force in relation to that establishment; or

(b) any condition subject to which that certificate was issued has not been complied with,

the Board shall issue and serve on the proprietor of that establishment a notice revoking that certificate.

(3) A notice under paragraph (2)—

(a) shall be in the prescribed form;

(b) shall specify—

(i) in a case to which sub#paragraph (*a*) of paragraph (2) applies, the criteria with which the establishment does not comply and the reasons why it does not comply with those criteria;

(ii) in a case to which sub#paragraph (*b*) of that paragraph applies, the condition which has not been complied with;

(c) shall specify the date (not being less than 30 days from the date on which the notice is served) on which the certificate shall be revoked;

(d) shall draw the proprietor's attention to the effect of Articles 14, 18 and 19.

(4) A notice under paragraph (2) shall, unless rescinded under Article 18 or quashed under Article 19, have effect to revoke a certificate on the date specified in the notice in accordance with paragraph (3)(*c*) notwithstanding that on that date a review of the issue of that notice is pending under Article 18 or an appeal against that notice is pending under Article 19.

[[F16](5) Where on an inspection of a certified tourist establishment under this Article it appears to an officer of the Board appropriate to do so, the officer may by notice served on the proprietor of the establishment amend or add to any conditions subject to which the certificate in respect of the establishment has been issued.

(6) Where such a notice is served the certificate shall have effect as from the time of service as if it had been issued subject to the amended or additional conditions.**]**

F16 Art. 16(5)(6) inserted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 3(2)**, 6(4); S.R. 2011/106, **art. 2**

Revocation of certificate following refusal of access to conduct inspection

17.—(1) Where a request in writing by the Board for access to any certified tourist establishment for the purpose of conducting a statutory inspection or an inspection under Article 16(1) is in the opinion of the Board unreasonably refused on at least two occasions during the currency of any certificate under Article 13, the Board may issue and serve on the proprietor of that establishment a notice revoking the certificate in force in relation to that establishment.

(2) A notice under paragraph (1)—

(a) shall be in the prescribed form;

(b) shall specify the date on which the certificate shall be revoked;

(c) shall draw the proprietor's attention to the effect of Article 14.

(3) The revocation by the Board of a certificate under this Article shall be final.

[F17Revocation of certificate following failure to submit return under Article 14A

17A.—(1) Where the proprietor of a certified tourist establishment fails to comply with a notice served on him under Article 14A(1), the Board shall issue and serve on the proprietor a notice revoking the certificate in force in relation to that establishment.

(2) A notice under paragraph (1)—

(a) shall be in the prescribed form;

(b) shall specify the date (not being less than 30 days from the date on which the notice is issued) on which the certificate shall be revoked;

(c) shall draw the proprietor's attention to the effect of Articles 14, 18 and 19.

(3) A notice under paragraph (1) shall, unless rescinded under Article 18 or quashed under Article 19, have effect to revoke a certificate on the date specified in the notice in accordance with paragraph (2)(b) notwithstanding that on that date a review of the issue of that notice is pending under Article 18 or an appeal against the notice is pending under Article 19.**]**

F17 Art. 17A inserted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(4)**, 6(4); S.R. 2011/106, **art. 2**

Review by Board of notice of revocation or refusal of certificate

18.—(1) Where a notice under Article 15(1) or (2) **[F18**, 16(2) or 17A(1)**]** is issued and served in respect of any establishment, the proprietor of that establishment may, by notice in accordance with paragraph (2), require the Board to review the issue of that notice.

(2) Notice under paragraph (1) shall be served on the Board within 7 days from the date on which the notice under Article 15(1) or (2) **[F18**, 16(2) or 17A(1)**]** is served on the proprietor.

(3) On a review under this Article, the proprietor shall have the right to be heard either in person or by his counsel or solicitor.

(4) On a review under this Article of the issue of a notice under Article 15(1) or (2), the Board may either—

(a) rescind that notice and cause a certificate in such form and subject to such conditions as the Board may direct to be issued in respect of the establishment in question; or

(b) confirm the issue of that notice.

(5) On a review under this Article of the issue of a notice under Article 16(2) **[F19**or 17A(1)**]**, the Board may either—

(a) rescind that notice; or

(b) confirm the issue of that notice.

F18 Words in art. 18(1)(2) substituted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(6)**, 6(4); S.R. 2011/106, **art. 2**

F19 Words in art. 18(5) inserted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(7)**, 6(4); S.R. 2011/106, **art. 2**

Appeal to county court against decision of Board

19.—(1) Where the issue of a notice under Article 15(1) or (2) **[**[F20], 16(2) or 17A(1)**]** in respect of any establishment is confirmed by the Board under Article 18, the proprietor of that establishment may, in accordance with county court rules, appeal against the notice to the county court[F21]....

(2) On an appeal under this Article against a notice under Article 15(1) or (2), the county court may either—

(a) allow the appeal, quash the notice and order the Board to cause a certificate in such form and subject to such conditions as the court may direct to be issued in respect of the establishment in question; or

(b) dismiss the appeal.

(3) On an appeal under this Article against a notice under Article 16(2) **[**[F22]or 17A(1)**]**, the county court may either—

(a) allow the appeal and quash the notice; or

(b) dismiss the appeal.

(4) The decision of the county court on an appeal under this Article shall be final.

F20 Words in art. 19(1) substituted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(8)**, 6(4); S.R. 2011/106, **art. 2**

F21 Words in art. 19(1) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 102, **Sch. 9 Pt. 1** (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

F22 Words in art. 19(3) inserted (11.4.2011) by Tourism (Amendment) Act (Northern Ireland) 2011 (c. 3), **ss. 2(9)**, 6(4); S.R. 2011/106, **art. 2**

Inspections—general provisions

20.—(1) There shall be payable to the Board by the proprietor of an establishment in respect of—

(a) a statutory inspection of that establishment; and

(b) any other inspection of that establishment conducted by an officer of the Board at the request of that proprietor,

such fee, or a fee calculated in such manner, as may be prescribed.

(2) In making regulations under this Article the Department shall ensure, so far as is practicable, that the fees payable in respect of the inspections mentioned in paragraph (1) shall be such as to produce an amount sufficient to meet the expenses of the Board in conducting those inspections.

(3) Where on any statutory or other inspection of any establishment it appears to an officer of the Board that a contravention of any statutory provision has taken, is taking or may have taken place on or in relation to that establishment, he may bring that matter to the attention of any body or person responsible for the enforcement of that statutory provision.

Classification or grading of certified tourist establishments

21.—(1) The Board may make, and from time to time revise, a scheme for the classification or grading by the Board of certified tourist establishments allocated under this Part to a particular statutory category of tourist establishment.

(2) A scheme under this Article shall—

(a) set out the criteria to be applied by the Board in classifying or grading any tourist establishment under the scheme;

(b) provide a right of appeal to a body constituted in accordance with the scheme for any person aggrieved by a decision of the Board as to the classification or grading of any tourist establishment under the scheme;

(c) be published, as for the time being in force, by the Board.

(3) Where a tourist establishment has been classified or graded under a scheme under this Article, the proprietor of that establishment shall not describe or hold out that establishment as being of a classification or grade other than that for the time being allotted to it under that scheme.

(4) The proprietor of a tourist establishment which has not been classified or graded under a scheme under this Article shall not describe or hold out that establishment as being of any classification or grade which could be allotted to an establishment under such a scheme.

(5) A person who contravenes paragraph (3) or (4) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Display of charges in certified tourist establishments

22.—(1) The Department may, after consultation with the Board, make regulations requiring the proprietor of any certified tourist establishment to display, in such manner and in such places in the establishment as may be prescribed, a copy, in such form as may be prescribed, of the scale of charges for the time being operative in respect of accommodation and other services provided in the establishment.

(2) Any person who fails to comply with regulations under this Article shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Supply of signs for certified tourist establishments

23.—(1) The Board may supply to the proprietor of any certified tourist establishment a sign suitable for display at that establishment.

(2) A sign supplied under paragraph (1) to the proprietor of a certified tourist establishment may be in such form and contain such information with respect to—

(a) the statutory category to which the establishment has been allocated under this Part;

(b) the classification or grading allotted to the establishment under a scheme under Article 21; and

(c) other matters relating to the establishment,

as the Board thinks proper.

(3) If the proprietor of any certified tourist establishment to whom a sign has been supplied by the Board under paragraph (1) fails to keep that sign displayed in a prominent position at or near the principal entrance to that establishment, he shall be guilty of an offence.

(4) Except with the consent in writing of the Board, the proprietor of a certified tourist establishment shall not display at that establishment any sign indicating the standard, classification or grading of that establishment other than a sign supplied under paragraph (1).

(5) A person who fails to comply with paragraph (4) shall be guilty of an offence.

(6) A person guilty of an offence under paragraph (3) or (5) shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Keeping of visitors register in certified tourist establishments

24.—(1) The proprietor of a certified tourist establishment shall cause to be kept a register (in this Article referred to as a "visitors register") of visitors using the sleeping accommodation provided at that establishment.

(2) A visitors register shall contain such particulars and be kept by such means as the Department after consultation with the Board may prescribe.

(3) Any person who fails to keep a visitors register in accordance with this Article and regulations thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 1 on the standard scale.

Exemption of establishments from this Part

25.—(1) In such cases as it thinks fit, the Board may, with the approval of the Department, issue a notice of exemption in respect of any establishment, and so long as the notice remains in force the provisions of this Part shall not apply in relation to that establishment.

(2) The Board may at any time, by further notice to the proprietor of an establishment, withdraw a notice of exemption issued in respect of that establishment under paragraph (1).

(3) This Part shall not apply to any aircraft, ship, train or motor vehicle in which sleeping accommodation is provided unless such aircraft, ship, train or motor vehicle is permanently affixed to, or moored in, or remains for over 3 months without leaving, any place.

Enforcement of this Part

26.—(1) It shall be the duty of the Board to enforce the provisions of this Part.

(2) Any offence under this Part may be prosecuted by or at the suit of the Board.

Art. 27 rep. by 1996 NI 22

Art. 27 rep. by 1996 NI 22

Regulations

28. Regulations under this Part shall be subject to negative resolution.

Interpretation of this Part

29.—(1) In this Part—

"certificate" means a certificate issued under Article 13;

"certified tourist establishment" means a tourist establishment in respect of which a certificate is for the time being in force;

"notice" means notice in writing;

"premises" includes any place and, in particular, includes any caravan or moveable structure;

"proprietor", in relation to a certified tourist establishment, shall be construed in accordance with Article 13(8) and (13);

"statutory category", in relation to tourist establishments, has the meaning assigned to it by Article 12(4);

"statutory inspection" has the meaning assigned to it by Article 13(1);

"tourist establishment" means premises on which tourist accommodation is provided.

(2) Where in any part of a tourist establishment there is provided tourist accommodation which is of a nature or character different from that provided in any other part or parts of that establishment, that part shall, if the Board so directs, be treated for the purposes of this Part as a separate tourist establishment.

PART V

FUNCTIONS OF DISTRICT COUNCILS IN RELATION TO TOURISM

Provision by district councils of tourist amenities

30.—(1) A district council may, after consultation with the Board, provide or assist any other body or person in the provision of any tourist amenity.

(2) A district council may acquire land otherwise than by agreement for the purposes of this Article.

(3) Where any tourist amenity is provided by a district council under this Article, it shall have power—

(a) generally to maintain the tourist amenity and any land on which it is provided and any ancillary amenities or facilities provided under sub#paragraph (*b*);

(b) to carry out such ancillary works and provide such ancillary amenities, facilities or services as are in the opinion of the council necessary or desirable for the better use and enjoyment of the tourist amenity, including (without prejudice to the foregoing) the power—

(i) to lay out and construct entrances, roads and footpaths and to erect walls and fences;

(ii) to provide sanitary and toilet facilities, shelters, seating, receptacles for litter and information signs;

(iii) to improve the appearance of the area in which the tourist amenity is provided by planting trees, shrubs or flowers or by laying out any part of the area as a garden or pleasure ground;

(c) to make byelaws for the purpose of regulating the use of the tourist amenity and preserving order within the area of the tourist amenity;

(d) to make such charges as it thinks fit in respect of the tourist amenity, including charges for admission to or the use of the amenity.

Transfer of tourist amenity or land to the National Trust

31.—(1) A district council may, with the consent of the Department of Finance and Personnel, transfer to the National Trust for Places of Historic Interest or Natural Beauty any tourist amenity provided or maintained by the council under Article 30 or land acquired by the council for the purposes of that Article.

(2) Stamp duty shall not be chargeable on any instrument executed for the purpose of effecting any transfer under paragraph (1).

(3) Section 96(5) of the Local Government Act (Northern Ireland) 1972[F23] shall not apply to any transfer of land under paragraph (1).

F23 1972 c. 9 (NI)

Power of district councils to advertise and promote tourism within its district

32.—(1) A district council may, either alone or in combination with any other body (including the Board)—

(a) advertise, or otherwise publicise, the advantages and amenities as a holiday, pleasure or health resort of the district of the council or any part thereof;

(b) organise or arrange entertainments or other activities which in the opinion of the council would promote or encourage the development of tourism in the district of the council or encourage persons residing elsewhere to visit within that district;

(c) assist any body or person organising or arranging such entertainments or other activities;

(d) provide advisory and information services in relation to tourist amenities and tourist accommodation within its district.

(2) A district council shall consult with the Board before exercising any powers conferred by this Article unless those powers are to be exercised in combination with the Board.

PART VI

TRANSITIONAL PROVISIONS AND REPEALS

Transitional provisions

33. The transitional provisions in Schedule 3 shall have effect.

Art. 34—Repeals

Changes to legislation:
The Tourism (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:
Whole provisions yet to be inserted into this Order (including any effects on those provisions):

– art. 11(1)(c)(iv) inserted by 2011 c. 3 (N.I.) s. 4(1)