

EXPLANATORY MEMORANDUM TO
Categories of Tourist Establishment (Statutory Criteria) (Amendment)
Regulations (Northern Ireland) 2009

S.R. 2009 No. 367

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment (DETI) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Article 12(5) and (6) of the Tourism (Northern Ireland) Order 1992 ("the Order") and is subject to the negative resolution procedure.

2. Purpose

- 2.1. These Regulations amend the Categories of Tourist Establishment (Statutory Criteria) Regulations (Northern Ireland) 1992. (S.R. 1992 No.149) ("the principal Regulations") by amending the criteria which must be met by an establishment in order for it to be eligible for allocation to one of the 5 categories of tourist establishments, namely - hotels, guest houses, bed and breakfasts, self-catering establishments and hostels.
- 2.2. A key aim in introducing the amendments set out in the new Regulations is to ease, where possible, the regulatory burden on tourist accommodation businesses, while ensuring that tourist accommodation in Northern Ireland continues to comply with basic requirements in terms of nature, character, extent and standard. This should facilitate the growth of the tourism sector in Northern Ireland.

3. Background

- 3.1. Article 12(1) of the Order created the above mentioned 5 categories of tourist establishment and the principal Regulations prescribed the criteria which must be met by an establishment in order for it to be eligible for inclusion in one of the 5 categories.
- 3.2. Regulation 2 of these Regulations makes amendments to Schedule 1 (criteria for hotels) to the principal Regulations. The main change concerns the reduction in dining area size required in hotels. The dining area size will now be based on the number of bedrooms rather than the number of visitors as previously. This takes into consideration the fact that hotels, on occasions, operate at less than full capacity (eg single visitors in double bedrooms). The requirement for a hotel to provide a lounge has been removed. In addition, a new provision requires that all new establishments certified as hotels under the Order must not have fewer than 15 double bedrooms all of which must be ensuite. Previously the requirement was for 75% of such rooms to be ensuite.
- 3.3. Regulation 4 of these Regulations makes miscellaneous amendments to Schedule 2 (criteria for guest houses) to the principal Regulations. A new provision is inserted that requires all new establishments certified as guest

houses under the Order to have not fewer than 3 double bedrooms all of which must be ensuite. The previous requirement was for 3 double bedrooms none of which had to be ensuite.

- 3.4. Regulation 6 of these Regulations makes miscellaneous amendments to Schedule 3 (criteria for bed and breakfast establishments) to the principal Regulations. A new provision is inserted which requires that all new establishments certified as bed and breakfast establishments, which contain bedrooms for visitors which do not have ensuite bathrooms, must provide one bathroom for every 6 visitors as well as providing one WC with wash hand basin for every 6 visitors. Previously the ratio for both bathrooms and WCs with wash hand basins was 1 for every 10 visitors
- 3.5. Regulation 8 of these Regulations makes miscellaneous amendments to Schedule 4 (criteria for self-catering establishments) to the principal Regulations. The main change relates to the insertion of a new provision requiring all new establishments certified as self-catering establishments to provide access to laundry facilities.
- 3.6. Regulation 10 of these Regulations makes miscellaneous amendments to Schedule 5 (criteria for hostels) to the principal Regulations. A new provision requires all new establishments certified as hostels to provide one shower for every 10 visitors and one WC for every 10 visitors. Previously the ratio for bathrooms was one for every 20 visitors and for WCs one for every 15 visitors.
- 3.7. Regulations 3, 5, 7, 9 and 11 are savings provisions which protect the position of the 5 categories of tourist establishment certified under the Order before the coming into operation of these Regulations.

4. Consultation

- 4.1. DETI and NITB undertook extensive informal consultation with relevant tourism bodies (eg the NI Hotels Federation, the NI Self-Catering Holiday Association and the NI Bed and Breakfast Partnership). The feedback received from these informal consultations was positive and was key to identifying the changes set out in these Regulations.
- 4.2. DETI then undertook a formal 3 month consultation which ended on 2 October 2009. This consultation issued to the statutory consultee list and also to all tourist accommodation businesses (some 2,000 establishments) and relevant industry bodies. DETI received nine responses to the consultation, the majority of which were in favour of the proposed changes. In particular, the NI Hotels Federation affirmed its support for the changes proposed to criteria for the hotel and guest house categories.

5. Equality Impact

- 5.1. An equality impact assessment has not been prepared as DETI has identified that the Regulations will not have any differential impact in terms of equality.

6. Regulatory Impact

- 6.1. A full Regulatory Impact Assessment has not been prepared as DETI has identified that the Regulations do not impose any additional costs on

business and do not impact on charities, social enterprise or voluntary bodies. Indeed DETI has sought to introduce changes aimed at deregulation, where possible, thus reducing the regulatory burden on tourism accommodation providers.

7. Financial Implications

7.1. There are no financial implications.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Regulations are deemed to comply with section 24 of the Northern Ireland Act 1998 and in particular to be compatible with Convention Rights and Community Law.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. There are no comparable Great Britain (GB) Regulations. Northern Ireland is unique within the United Kingdom in providing by statute that all overnight tourist accommodation is subject to compulsory certification and annual inspection. There is no similar legislative requirement in GB.

11. Additional Information

11.1. These Regulations will come into operation on 11th November 2009 and this will mean failing to comply with the 21 Day Rule in the Assembly. This failure to comply with the 21 Day Rule has been due to the need to bring the Regulations into operation to facilitate the operational needs of tourist accommodation businesses. DETI is aware from industry feedback that tourist accommodation businesses are keen to see the changes contained in these Regulations come into operation as soon as possible. There is also a pressing business need to have these changes come into operation by 11th November 2009 to facilitate private sector developments which can only operate fully in accordance with the criteria set out in the new Regulations.

11.2. In addition, DETI is aware of a tourist accommodation business which is currently operating at a reduced capacity in accordance with the requirements stipulated by the principal Regulations. This business will only be able to operate at full capacity once the revised Regulations come into operation. In order to facilitate these private sector businesses which comply with the new criteria set out in the new Regulations (but which are being held back by the criteria set out in the principal Regulations) DETI proposes not complying the 21 day rule by bringing these Regulations into operation on 11th November 2009.