

## **EXPLANATORY MEMORANDUM TO**

### **Tourist Establishments (Notices, Certificates and Forms) Regulations (Northern Ireland) 2011**

**S.R. 2011 No. 209**

#### **1. Introduction**

- 1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment) to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Articles 13(2)(a) and (b), 13(3), 13(7), 14A(1), 15(3), 16(3), 17(2) and 17A(2) of the Tourism (Northern Ireland) Order 1992 and is subject to the negative resolution procedure.

#### **2. Purpose**

- 2.1. It is proposed to revoke the current Notices, Certificates and Forms Regulations and replace them with a new set of Regulations which will set out all the notices, certificates and forms which will be used in the inspection and certification of tourist establishments. The current regulations are the Tourist Establishments (Notices, Certificates and Forms) Regulations (Northern Ireland) 1992.

#### **3. Background**

- 3.1. The Tourism (Northern Ireland) Order 1992 requires that tourist accommodation is inspected and certified by the Northern Ireland Tourist Board (NITB). The Tourism Order sets out the requirement for NITB inspections (frequency etc) and provides for underpinning Regulations. Regulations are used to define which categories of tourist accommodation are subject to inspection and the criteria to be met by establishments in these categories.
- 3.2. There are also Regulations which prescribe notices, certificates and forms for the purposes of inspection and certification of tourist establishments. As a result of the passing of the Tourism (Amendment) Act (Northern Ireland) 2011 (c.3), amending the Tourism (Northern Ireland) Order 1992, new provisions have been introduced relating to inspection and certification of tourist establishments which require the introduction of new forms.

#### **4. Consultation**

- 4.1. While no consultation took place relating specifically to the introduction of new forms consultation did take place on the new provisions inserted into the Tourism (Northern Ireland) Order 1992 by the Tourism (Amendment) Act (Northern Ireland) 2011.

#### **5. Equality Impact**

- 5.1. Equality aspects of the changes to the existing arrangements were considered by DETI. It was concluded that the changes proposed in the

Statutory Rule would not have any adverse impact on groups stipulated in Section 75 of the Northern Ireland Act 1998.

## **6. Regulatory Impact**

- 6.1. DETI considered the regulatory impact of the proposed Statutory Rule. Tourist accommodation providers will benefit because of the change from annual inspections to inspection once every 4 years thus leading to a decrease in the regulatory burden.

## **7. Financial Implications**

- 7.1. There are no financial implications associated with the Statutory Rule. The SR will revoke existing regulations which are already administered by NITB and replace them with a new set of regulations.

## **8. Section 24 of the Northern Ireland Act 1998**

- 8.1. The Department has considered the matter of Community Law and Convention Rights and is satisfied that there are no matters of concern.

## **9. EU Implications**

- 9.1. Not applicable.

## **10. Parity or Replicatory Measure**

- 10.1. The Statutory Rule is specific to Northern Ireland. 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. Not applicable.