



## Tourism (Amendment) Act (Northern Ireland) 2011

### 2011 CHAPTER 3

An Act to increase the period between statutory inspections of certified tourist establishments; to provide for reviews in respect of such establishments between statutory inspections; to confer power on the Northern Ireland Tourist Board to provide financial assistance for the provision or improvement of tourist accommodation; to amend the procedure for appointing the chairman of the Northern Ireland Tourist Board; and for connected purposes. [25th January 2011]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

VALID FROM 11/04/2011

#### **Frequency of statutory inspections**

1.—(1) Article 13 of the Tourism (Northern Ireland) Order 1992 (NI 3) (certified tourist establishments to be inspected on at least one occasion in each year) is amended as follows.

(2) In paragraph (1)(a) for “in each year” substitute “ in every period of 4 years ”.

(3) In paragraph (4) for “11 months” substitute “ 47 months ”.

(4) At the end add—

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“(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.”.

#### Commencement Information

- II** S. 1 fully in operation; s. 1 not in operation at Royal Assent see s. 6; s. 1(1), (2) and (4) in operation 11.4.2011 by S.R. 2011/106, art. 2; s. 1(3) in operation 12.4.2014 (3 years after the day appointed under s. 6(4) for the coming into operation of s. 1(2), in accordance with s. 6(3))

VALID FROM 11/04/2011

#### Statutory reviews of certified tourist establishments

2.—(1) The Tourism (Northern Ireland) Order 1992 (NI 3) is amended as follows.

(2) After Article 14 insert—

##### “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

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(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”.

(3) In Article 15(1) for the words from the beginning to “Article 13(1)(a)” substitute—

“(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),”.

(4) After Article 17 insert—

**“Revocation 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.”.

(5) In Article 13(9) for “or 17(1)” insert “, 17(1) or 17A(1) ”.

(6) In Article 18(1) and (2) for “or 16(2)” substitute “, 16(2) or 17A(1) ”.

(7) In Article 18(5) after “16(2)” insert “ or 17A(1) ”.

(8) In Article 19(1) for “or 16(2)” substitute “, 16(2) or 17A(1) ”.

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(9) In Article 19(3) after “16(2)” insert “ or 17A(1) ”.

VALID FROM 11/04/2011

### **Imposition of conditions on inspection other than statutory inspection**

**3.—**(1) Article 16 of the Tourism (Northern Ireland) Order 1992 (NI 3) (inspection other than statutory inspection) is amended as follows.

(2) At the end insert—

“(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.”.

### **Financial assistance to provide or improve tourist accommodation**

**4.—**(1) In the Tourism (Northern Ireland) Order 1992 (NI 3) in Article 11(1) (c) (purposes of financial assistance) after head (iii) insert—

“(iv) to provide or improve tourist accommodation,”.

(2) The Schedule (which provides for the transfer of certain assets and liabilities from Invest Northern Ireland to the Northern Ireland Tourist Board in consequence of subsection (1)) has effect.

(3) Section 3(4) of the Industrial Development Act (Northern Ireland) 2002 (c. 1) is repealed.

#### **Commencement Information**

**I2** S. 4 partly in operation; s. 4(2) in operation at 26.1.2011 see s. 6(2)(a)

### **Appointment of chairman of Northern Ireland Tourist Board**

**5** In Schedule 1 to the Tourism (Northern Ireland) Order 1992 (the Northern Ireland Tourist Board) for paragraph 3 (membership) substitute—

“**3.—**(1) The Board shall consist of—

(a) a chairman, and

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(b) not more than 8 other members,  
appointed by the Minister of Enterprise, Trade and Investment (“the Minister”).

(2) Appointments under sub-paragraph (1) shall be made from among persons who appear to the Minister to have experience in any field of activity which the Minister considers is relevant to the discharge of the functions of the Board.

(3) The Minister may appoint one or more of the members appointed under sub-paragraph (1)(b) as a deputy chairman.”.

### Short title and commencement

6.—(1) This Act may be cited as the Tourism (Amendment) Act (Northern Ireland) 2011.

(2) The following provisions of this Act come into operation on the day after Royal Assent—

- (a) section 4(2) and the Schedule;
- (b) section 5;
- (c) this section.

(3) Section 1(3) comes into operation 3 years after the day appointed under subsection (4) for the coming into operation of section 1(2).

(4) The remaining provisions of this Act come into operation on such day or days as the Department of Enterprise, Trade and Investment may by order appoint.

(5) An order under subsection (4) may contain such transitional provisions as that Department thinks necessary or expedient.

#### Subordinate Legislation Made

- P1 [S. 6\(4\)](#) power partly exercised: 11.4.2011 appointed for specified provisions by [S.R. 2011/106, art. 2](#)

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## SCHEDULE

### Transfer to the Tourist Board of certain assets and liabilities of Invest Northern Ireland

#### *Interpretation*

**1** In this Schedule—

“the appointed day” means the day appointed under section 6(4) for the coming into operation of section 4(1);

“the Board” means the Northern Ireland Tourist Board;

“the Department” means the Department of Enterprise, Trade and Investment;

“INI” means Invest Northern Ireland;

“the relevant functions” means the functions exercisable immediately before the appointed day by INI for the purposes of, or in connection with, providing financial assistance for the provision or improvement of tourist accommodation.

#### *Scheme to transfer assets and liabilities*

**2.**—(1) The Department may make a scheme for the transfer to the Board on the appointed day of any assets or liabilities to which INI is entitled or subject immediately before that day for the purposes of, or in connection with, the relevant functions.

(2) Before making a scheme under this paragraph, the Department shall consult INI and the Board.

(3) Sub-paragraph (1)—

(a) has effect in relation to assets or liabilities to which it applies in spite of any provision (of whatever nature) which would prevent or restrict the transfer of the assets or liabilities otherwise than under that sub-paragraph; but

(b) does not apply to rights and liabilities under a contract of employment.

#### *References to, and acts, etc. done by, or in relation to, INI*

**3.**—(1) The following sub-paragraphs apply in relation to assets and liabilities transferred by a scheme under paragraph 2.

(2) Unless the context otherwise requires, in any document any reference to INI shall, in relation to any time after the appointed day, be construed as a reference to the Board.

(3) The transfer does not affect the validity of anything done by, or in relation to, INI before the appointed day.

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(4) Anything which before the appointed day was done by or in relation to INI shall, if in effect immediately before that date, continue to have effect to the same extent and subject to the same provisions as if it had been done by, or in relation to, the Board.

(5) Anything (including any legal proceedings) in the process of being done by or in relation to INI immediately before the appointed day may be continued by or in relation to the Board.

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