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## STATUTORY INSTRUMENTS

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# 1992 No. 235

## The Tourism (Northern Ireland) Order 1992

### PART IV

#### REGULATION OF TOURIST ACCOMMODATION

##### **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 [<sup>F1</sup>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 [<sup>F2</sup>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

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**Changes to legislation:** *The Tourism (Northern Ireland) Order 1992, Section 13 is up to date with all changes known to be in force on or before 23 August 2023. 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*

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(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) [<sup>F3</sup>, 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.

[<sup>F4</sup>(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.]

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- F1** 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](#)
- F2** 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](#)
- F3** 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](#)
- F4** 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](#)

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**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\(1\)](#)