

## SCHEDULES

### SCHEDULE 3

Article 33.

#### TRANSITIONAL PROVISIONS

1. Section 9 of the Development of Tourist Traffic Act (Northern Ireland) 1948(1) shall, notwithstanding its repeal by this Order, continue to apply (and Article 8 shall accordingly not apply) in relation to the accounts of the Board for a financial year falling wholly or partly before the day on which Article 8 comes into operation.

2. Nothing in this Order shall affect the operation of—

- (a) section 29 of the Development of Tourist Traffic Act (Northern Ireland) 1948 in relation to a grant made under that section before its repeal by this Order;
- (b) section 33 of that Act in relation to a loan made under that section before its repeal by this Order; or
- (c) Article 3 of the Development of Tourist Traffic (Northern Ireland) Order 1972(2) in relation to a grant made under that Article before its repeal by this Order.

3.—(1) This paragraph applies to establishments which immediately before the appointed day are registered under Part II of the Development of Tourist Traffic Act (Northern Ireland) 1948 in the register of hotels, the register of guest houses, the register of boarding houses or the register of self-catering establishments maintained under that Part.

(2) The Board shall, as soon as practicable after the appointed day, cause each establishment to which this paragraph applies to be inspected by an officer of the Board.

(3) An inspection under sub-paragraph (2) shall be treated for the purposes of Part IV of this Order as if it were a statutory inspection under Article 13(1)(b) for which the proprietor had applied under Article 13(2); but references in that Part to the statutory category specified in the application for the inspection made under Article 13(2) shall, in relation to such inspection, be construed as references to the statutory category appearing to the officer of the Board concerned to be appropriate.

(4) Where the proprietor of an establishment is aggrieved by the decision of an officer of the Board on the inspection under sub-paragraph (2) to issue a certificate allocating the establishment to a particular statutory category, he may, by notice in accordance with sub-paragraph (5), require the Board to review that decision.

(5) Notice under sub-paragraph (4) shall be served on the Board within 7 days from the date on which the certificate is issued to the proprietor.

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

(7) On a review under this paragraph, the Board may either—

- (a) confirm the allocation of the establishment to the statutory category specified in the certificate; or

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(1) 1948 c. 4 (N.I.)

(2) 1972 NI 20

*Status: This is the original version (as it was originally made).*

- (b) cause the certificate to be amended, so as to allocate the establishment to a different statutory category.
  - (8) The decision of the Board on a review under this paragraph shall be final.
  - (9) Article 14 shall not apply in relation to an establishment to which this paragraph applies until—
    - (a) in a case where a certificate is issued in respect of the establishment on the inspection conducted under sub-paragraph (2), the date on which the certificate is issued to the proprietor;
    - (b) in a case where—
      - (i) on such inspection a notice is issued under Article 15(2), or
      - (ii) a request in writing by the Board for access to the establishment for the purpose of conducting the inspection under sub-paragraph (2) is in the opinion of the Board unreasonably refused,such date as the Board may specify in a notice under this sub-paragraph served on the proprietor, being a date not less than 30 days from the date on which the notice is served.
  - (10) Part II of the Development of Tourist Traffic Act (Northern Ireland) 1948 shall, notwithstanding anything in Article 34 and Schedule 4, continue to apply in relation to an establishment to which this paragraph applies until the day before the date on which, in accordance with sub-paragraph (9), Article 14 applies in relation to that establishment.
  - (11) The amendments to the Licensing (Northern Ireland) Order 1990 set out in Schedule 2 shall not have effect in relation to any establishment to which this paragraph applies and which is or contains licensed premises within the meaning of that Order until the date on which, in accordance with sub-paragraph (9), Article 14 applies in relation to that establishment.
  - (12) In this paragraph “the appointed day” means the day appointed for the coming into operation of Article 13.
- 4.** As from the date on which this Order is made—
- (a) Part II of the Development of Tourist Traffic Act (Northern Ireland) 1948 shall cease to apply in relation to restaurants (within the meaning of that Part);
  - (b) section 23A of that Act (which applies the said Part II to outside caterers) shall cease to have effect; and
  - (c) in the definition of “restaurant” in Article 2(2) of the Licensing (Northern Ireland) Order 1990(3) in paragraph (b), sub-paragraph (i) shall cease to have effect.
- 5.** References in Articles 30 and 31 to a tourist amenity provided by a district council under Article 30 shall be construed as including references to a tourist amenity provided under section 26 of the Development of Tourist Traffic Act (Northern Ireland) 1948 before 1st October 1973 and transferred to a council by an order under section 134 of the Local Government Act (Northern Ireland) 1972(4).

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(3) 1990 NI 6  
(4) 1972 c. 9 (N.I.)