

SCHEDULES

SCHEDULE 3

TRANSITIONAL PROVISIONS

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
- (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.

Changes to legislation: *The Tourism (Northern Ireland) Order 1992, Paragraph 3 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*

(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.

Sub-para. (11) rep. by 1996 NI 22

(12) In this paragraph “the appointed day” means the day appointed for the coming into operation of Article 13.

Changes to legislation:

The Tourism (Northern Ireland) Order 1992, Paragraph 3 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.

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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\(1\)](#)