EXPLANATORY MEMORANDUM TO

Categories of Tourist Establishment Order (Northern Ireland) 2011

S.R. 2011 No. 40

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 Article 12(2) of the Tourism (Northern Ireland) Order 1992 ("the Tourism Order") and is subject to the affirmative resolution procedure.

2. Purpose

2.1. This Order amends Article 12(1) of the Tourism Order 1992 by adding 3 new categories of tourist accommodation to the 5 categories already listed.

3. Background

3.1. The Tourism Order requires that tourist accommodation in Northern Ireland is inspected and certified by the Northern Ireland Tourist Board (NITB). At present the Tourism Order provides for 5 categories of tourist accommodation – Hotels, Guest Houses, Bed and Breakfast establishments, Self Catering establishments and Hostels. However, the changing nature of tourism and visitor expectations requires the current list to be extended to facilitate new types of accommodation.

3.2. The Statutory Rule adds 3 new categories of tourist establishment to the current list of categories of tourist establishment contained in Article 12(1) of the Tourism Order. The new categories are Bunk House, Campus Accommodation and Guest Accommodation.

3.3. As a consequence of the creation of these 3 new categories of tourist establishment a new set of Regulations will also be made setting out the detailed criteria for the 3 new categories. The introduction of these categories will facilitate tourist accommodation providers.

4. Consultation

4.1. The proposed regulations will be made under the Tourism Order, therefore there is no statutory obligation to consult. However, as new categories of tourist accommodation had not been introduced since the introduction of the Tourism Order in 1992, the Department took the decision to seek the views of the tourism industry in respect of what criteria should be included in the new categories.

4.2. Following consultation with the NITB and tourism stakeholders, DETI completed a formal consultation on 2 October 2009 on the changes proposed in the Statutory Rule. DETI received nine responses to the consultation, the majority of which were in favour of the proposed changes.

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 changes proposed in the Statutory Rule. The changes relate to existing legislation and no new regulatory burden is being proposed.

7. Financial Implications

7.1. There are no financial implications associated with the Statutory Rule. The SR will amend the Tourism Order by adding three new categories of tourist .accommodation to the existing five categories contained in Article 12(1) of the Tourism Order.

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. There are no EU implications associated with this Statutory Rule.

10. Parity or Replicatory Measure

10.1. There are no comparable Great Britain Regulations. 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.