EXPLANATORY MEMORANDUM TO

Statutory Inspection of Tourist Establishments (Fees) Regulations (Northern Ireland) 2011

S.R. 2011 No. 105

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 20(1)(a) of the Tourism (Northern Ireland) Order 1992 and is subject to the negative resolution procedure.

2. Purpose

2.1. The Tourism (Northern Ireland) Order 1992 requires that tourist accommodation is inspected and certified by NITB. The Tourism Order sets out the requirement for NITB inspections (frequency etc) and provides for underpinning Regulations. Regulations are used to define which categories of tourist accommodation are subject to inspection and the criteria to be met by establishments in these categories.

2.2. There are also Regulations which prescribe the fee payable to NITB by the proprietor of a tourist establishment in respect of a statutory inspection of that establishment. NITB is required to recover the costs associated with its statutory inspection of tourist accommodation. Fees for each current category are set out in the Statutory Inspection of Tourist Establishments (Fees) Regulations (Northern Ireland) 1992.

2.3. This Rule revokes the 1992 Fees Regulations and replaces them with this set of Regulations which will set out the fees payable for the current 5 categories and the 3 new categories being introduced by the Categories of Tourist Establishment Order (Northern Ireland) 2011 (S.R. 2011 No.40). The current categories are Hotels, Guest Houses, Bed and Breakfast establishments, Self-Catering establishments and Hostels. The new categories are Bunk House, Campus Accommodation and Guest Accommodation.

3. Background

3.1. DETI/NITB have carried out a review of the current fees structure to ensure full cost recovery. A new fees structure aimed at full cost recovery was subsequently agreed between DETI and NITB.

4. Consultation

4.1. There is no statutory requirement to consult on statutory inspection fees in respect of inspection of tourist accommodation. However the new fees structure was included in a consultation exercise on the statutory regulation of tourist accommodation in Northern Ireland.

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 proposed Statutory Rule. Tourist accommodation providers will benefit because of the change from annual inspections to inspection once every 4 years thus leading to a decrease in the regulatory burden. In the intervening years between statutory inspections a self assessment form will be completed.

7. Financial Implications

7.1. The Tourism Order requires that NITB charge a fee for certifying tourist establishments (certification) at a level sufficient to recover the full cost of delivering the service. This Statutory Rule will ensure that NITB achieve full cost recovery for certification. Reducing the frequency of statutory inspections will result in savings by tourist accommodation providers in respect of fees paid for these inspections.

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. Not applicable.

10. Parity or Replicatory Measure

10.1. There is no similar legislative requirement in GB.

11. Additional Information

11.1. [If no further information to be added state "Not applicable"]