
STATUTORY INSTRUMENTS

1992 No. 235 (N.I. 3)

The Tourism (Northern Ireland) Order 1992

- - - - - 11th February 1992

PART I
INTRODUCTORY

Title and commencement

1.—(1) This Order may be cited as the Tourism (Northern Ireland) Order 1992.

(2) This Order (except paragraph 4 of Schedule 3) shall come into operation on such day or days as the Head of the Department may by order appoint^{F1}.

(3) An order under paragraph (2) may make such transitional provision as appears to the Head of the Department to be necessary or expedient in connection with the provisions brought into operation by the order.

F1 fully exercised by SR 1992/129
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Interpretation

2.—(1) The Interpretation Act (Northern Ireland) 1954^{F2} shall apply to Article 1 and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(2) In this Order—

“assist” includes assist financially;

“the Board” means the Northern Ireland Tourist Board;

“the Department” means the Department of Economic Development;

“directions” means directions issued under Article 5 and “direct” shall be construed accordingly;

“prescribed” means prescribed by regulations;

“provide” and “maintain”, in relation to any amenity, facility or service, have the meanings assigned to them by section 147 of the Local Government Act (Northern Ireland) 1972^{F3};

“statutory provision” has the meaning assigned to it by section 1(f) of the Interpretation Act (Northern Ireland) 1954^{F4};

Changes to legislation: *The Tourism (Northern Ireland) Order 1992 is up to date with all changes known to be in force on or before 31 March 2022. 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*

“tourist” means a visitor to Northern Ireland, a person spending his holiday in Northern Ireland or a person travelling for pleasure within Northern Ireland, and “tourism” shall be construed accordingly;

“tourist accommodation” means overnight sleeping accommodation for tourists provided by way of trade or business;

“tourist amenity” means an amenity, facility or service provided primarily for tourists, but does not include tourist accommodation.

(3) Any power of giving directions or making determinations conferred on the Department by any provision of this Order includes power to vary or revoke any directions or determinations given or made under that provision.

F2 1954 c. 33 (NI)

F3 1972 c. 9 (NI)

F4 1954 c. 33 (NI)

PART II

THE NORTHERN IRELAND TOURIST BOARD

The Northern Ireland Tourist Board

3.—(1) There shall continue to be a body called the Northern Ireland Tourist Board (in this Order referred to as “the Board”).

(2) Schedule 1 shall have effect in relation to the Board.

Functions of the Board

4.—(1) The functions of the Board shall be—

- (a) to encourage tourism;
- (b) to encourage the provision and improvement of tourist accommodation and tourist amenities;
- (c) to advise the Department generally on the formulation and implementation of its policy in relation to the development of tourism;
- (d) such other functions as are conferred on the Board by or under this Order or any other statutory provision.

(2) Without prejudice to the generality of paragraph (1), in the exercise of its functions the Board may—

- (a) provide advice and information about travelling to and holidays in Northern Ireland and publicise or advertise holidays in Northern Ireland;
- (b) provide or assist any event which appears to the Board likely to encourage tourism;
- (c) co-operate with persons or bodies training persons to do work wholly or mainly connected with tourism;
- (d) establish or assist in establishing any body in connection with tourism;
- (e) trade in any business associated with tourism;
- (f) accept gifts and donations and undertake and execute any trusts which may lawfully be undertaken by the Board and may be conducive to its functions;

- (g) make known the financial assistance which may be provided under this Order;
- (h) make charges for services provided by it and for any certificate or approval granted by it for the purposes of any statutory provision other than this Order;
- (i) carry out surveys and collect statistics and information relating to the tourist industry;
- (j) generally assist in making Northern Ireland attractive to tourists;
- (k) cooperate with or assist any other body or association carrying out activities falling within the functions of the Board.

(3) It shall be the duty of the Board to establish machinery for consulting, and to consult regularly with, bodies appearing to the Board to have an interest in matters falling within the functions of the Board.

(4) The power of the Board under section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954^{F5} to acquire, hold, dispose of or charge real property shall not be exercised without the approval of the Department and the Board shall not have power to carry out any building or other physical works on land except with the approval of the Department.

F5 1954 c. 33 (NI)

Directions to the Board

5.—(1) The Department may, in accordance with arrangements approved by the Department of Finance and Personnel, issue to the Board—

- (a) directions of a general or specific nature as to the exercise by the Board of its functions;
- (b) directions as to any matter in relation to which the Department is authorised to issue directions by any other provision of this Order.

(2) The Department may direct the Board to exercise on behalf of the Department any function of the Department connected with or related to the development of tourism, not being a function conferred on the Department by this Order.

(3) Before issuing any directions under this Article the Department shall consult with the Board.

(4) It shall be the duty of the Board to comply with any directions issued to it under this Article.

Estimate of expenditure and income of the Board

6.—(1) The Board shall, on or before such date in each year as the Department may direct, submit to the Department, in such form and containing such particulars as the Department may direct, an estimate of its income and expenditure for the succeeding financial year.

(2) The Board may at any time submit a supplementary or revised estimate to the Department.

(3) The Department may approve an estimate submitted under paragraph (1) or a supplementary or revised estimate submitted under paragraph (2) either in whole or in part or subject to such modifications or conditions as the Department may think fit.

(4) The Board shall not incur expenditure otherwise than in accordance with an estimate or a supplementary or revised estimate approved under paragraph (3).

Financial provisions relating to the Board

7.—(1) The Department may in each financial year pay to the Board grants of such amount as the Department may determine towards the expenditure incurred or to be incurred by the Board in accordance with an estimate or a supplementary or revised estimate approved under Article 6(3).

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(2) The Board may, in accordance with directions, establish reserve funds for such general or special purposes as the Board may think proper.

(3) The Board may borrow or raise money on such terms and on such security and for such purposes as the Department may direct.

(4) The Board may invest the moneys of the Board not immediately required for the purposes of the Board in or upon such investments or securities as the Department may direct.

Accounts and audit

8.—(1) The Board shall—

- (a) keep, in such form as the Department may direct, proper accounts of all moneys received and of all moneys paid out by it;
- (b) prepare and submit to the Comptroller and Auditor General for Northern Ireland and the Department, on or before such date in each year as the Department may direct, a statement of its accounts in respect of the financial year then last previously occurring, in such form and containing such information as the Department may direct.

(2) The Comptroller and Auditor General shall examine and certify the statement of accounts submitted to him by the Board.

(3) The Department shall lay before the Assembly a copy of the certified statement of accounts and of any report of the Comptroller and Auditor General thereon.

Annual report

9. The Board shall annually on such date and in such form as the Department may direct make to the Department a report on the activities of the Board during the preceding year and a copy of each such report shall be laid before the Assembly.

Power to dissolve the Board

10.—(1) The Department may by order made subject to affirmative resolution make provision for, or in connection with, the winding up and dissolution of the Board.

(2) An order under this Article may—

- (a) provide for the transfer of the functions, assets and liabilities of the Board to any other body or person;
- (b) contain such incidental, consequential, transitional or supplementary provisions (including the amendment or repeal of any statutory provision (including a provision in this Order)) as appear to the Department to be necessary or expedient for giving full effect to the provisions of the order.

PART III

FINANCIAL ASSISTANCE TO TOURIST INDUSTRY

Selective financial assistance

11.—(1) The Board may, in accordance with a scheme under this Article, provide financial assistance to any body or person where in its opinion—

- (a) the financial assistance is likely to increase tourism and the revenue derived from tourism;
- and

- (b) the form and amount of the financial assistance is reasonable having regard to all the circumstances; and
- (c) the provision of such financial assistance will, or is likely to, achieve one or more of the following purposes, namely—
 - (i) to promote employment in the tourist industry,
 - (ii) to promote the development of an efficient and effective tourist industry,
 - (iii) to provide, or improve,^{F6} . . . tourist amenities,and is justified having regard to any of those purposes.

(2) The scheme under this Article shall be made by the Department with the approval of the Department of Finance and Personnel and the Department shall cause the scheme as for the time being in force to be published.

(3) Financial assistance under this Article shall be in one or more of the following forms, namely—

- (a) a loan, whether secured or unsecured, and whether or not carrying interest or interest at a commercial rate;
- (b) a grant;
- (c) a guarantee to meet default on payment of a loan, or of interest on a loan; or
- (d) the taking of an interest in property or in a body corporate,

and shall be given subject to such terms and conditions as may be specified in or determined in accordance with the scheme under this Article.

(4) Subject to paragraph (5), where any instalment of principal or interest or both principal and interest due on foot of any loan made under this Article is more than 31 days in arrear, additional interest at such rate as may be specified in or determined in accordance with the scheme under this Article shall, notwithstanding any statutory provision or rule of law to the contrary, be chargeable on that instalment as from the date on which it fell due and shall be recoverable therewith.

(5) The Board may, in such circumstances as may be specified in or determined in accordance with the scheme under this Article and with the consent of the Department, waive the payment of such additional interest as is mentioned in paragraph (4) or any part of such additional interest.

(6) Nothing in a scheme under this Article shall prejudice the power of the Department to issue directions to the Board which are not inconsistent with the scheme.

F6 2002 c. 1 (NI)

PART IV

REGULATION OF TOURIST ACCOMMODATION

The statutory categories of tourist establishment

12.—(1) For the purposes of this Part there shall be the following categories of tourist establishment, namely—

- (a) hotels;
- (b) guest houses;
- (c) bed and breakfast establishments;