

## SCHEDULES

### SCHEDULE 1 **N.I.**

Article 3(2).

#### THE NORTHERN IRELAND TOURIST BOARD

##### *Incorporation and status*

1. The Board shall be a body corporate to which, subject to the provisions of this Order, section 19 of the Interpretation Act (Northern Ireland) 1954<sup>F1</sup> shall apply.

**F1** [1954 c. 33 \(NI\)](#)

2. The Board shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and its property shall not be regarded as the property of, or property held on behalf of, the Crown.

##### *Membership*

[<sup>F2</sup>3.—(1) The Board shall consist of—

- (a) a chairman, and
- (b) not more than 8 other members,

appointed by the Minister of Enterprise, Trade and Investment (“the Minister”).

(2) Appointments under sub-paragraph (1) shall be made from among persons who appear to the Minister to have experience in any field of activity which the Minister considers is relevant to the discharge of the functions of the Board.

(3) The Minister may appoint one or more of the members appointed under sub-paragraph (1) (b) as a deputy chairman.]

**F2** [Sch. 1 para. 3 substituted \(26.1.2011\) by Tourism \(Amendment\) Act \(Northern Ireland\) 2011 \(c. 3\), ss. 5, 6\(2\)](#)

4.—(1) Subject to the following provisions of this paragraph, a member of the Board shall hold and vacate his office in accordance with the terms of his appointment.

(2) A member of the Board may at any time by notice in writing to the Head of the Department resign his office.

(3) The Head of the Department may at any time by notice in writing to a member of the Board remove him from office.

(4) Where a member becomes or ceases to be the chairman or a deputy chairman of the Board, the Head of the Department may vary the terms of his appointment.

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(5) A person shall, on ceasing to hold office as a member of the Board, be eligible for re# appointment.

5.—(1) The Board may pay to each member of the Board such remuneration and such allowances as the Department may determine.

(2) Where a member of the Board is in the employ of any other person, the Board may make to that other person, in consideration of the services of that member to the Board, such payments as the Department may determine.

### *Staff*

6. The Board may appoint such officers, on such terms as to remuneration and conditions of service, as the Department may determine.

7. The Board may, with the approval of the Department, provide and maintain a contributory scheme for the payment of superannuation allowances and death gratuities in respect of the retirement or death of persons employed by it.

### *Proceedings*

8. The Board shall by standing orders regulate the procedure to be observed at its meetings and those of the executive committee established under paragraph 11(1)( b) and the manner in which its business and the business of that committee is to be transacted.

9.—(1) A member who is in any way directly or indirectly interested in any matter which falls to be considered by the Board shall disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the meeting.

(2) Where such a disclosure is made by any member in relation to any matter, he shall not take part in any deliberation or decision of the Board with respect to the matter if the Board decides that the interest in question might prejudicially affect the member's consideration of the matter.

(3) For the purposes of this paragraph a notice given by a member at a meeting of the Board to the effect that he is a member of a specified body corporate or firm and is to be regarded as interested in any matter concerning the body or firm which falls to be considered by the Board after the date of the notice shall be a sufficient disclosure of his interest.

(4) A member need not attend in person at a meeting of the Board in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to secure that the disclosure is made by a notice which is taken into consideration and read at such a meeting.

10. The validity of any proceedings of the Board shall not be affected by any vacancy among the members or by any defect in the appointment of a member or by any failure to comply with the requirements of paragraph 9.

### *Committees*

11.—(1) In connection with the exercise of its functions the Board may establish—

- (a) advisory committees, to consider such matters as may be referred to those committees by the Board,
- (b) an executive committee, to exercise, on behalf of and in the name of the Board, such functions of the Board as may, in accordance with directions, be delegated to the committee by the Board.

(2) An advisory committee may contain members who are not members of the Board.

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(3) The procedure to be observed at meetings of an advisory committee and the manner in which its business is to be transacted shall be such as the committee may determine.

(4) The Board may pay to any members of an advisory committee who are not members of the Board such allowances, including compensation for loss of remunerative time, as the Department may determine.

(5) Paragraphs 9 and 10 apply to a committee of the Board as they apply to the Board.

#### *The seal*

12. The fixing of the seal of the Board shall be authenticated by the signatures of a member of the Board and of some other person authorised by the Board to act in that behalf.

#### *Execution of contracts and instruments not under seal*

13. Any contract or instrument which, if entered into or executed by an individual, would not require to be<sup>F3</sup> executed as a deed] may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board to act for that purpose.

F3 2005 NI 7

#### *Determinations of the Department under this Schedule*

14. A determination of the Department under this Schedule shall be made in accordance with arrangements approved by the Department of Finance and Personnel.

N.I.

*Schedule 2 rep. by 1996 NI 22*

### SCHEDULE 3 N.I.

Article 33.

#### TRANSITIONAL PROVISIONS

1. Section 9 of the Development of Tourist Traffic Act (Northern Ireland) 1948<sup>F4</sup> 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.

F4 1948 c. 4 (NI)

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

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- (c) Article 3 of the Development of Tourist Traffic (Northern Ireland) Order 1972<sup>F5</sup> in relation to a grant made under that Article before its repeal by this Order.

**F5** 1972 NI 20

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.

(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*

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(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<sup>F6</sup> in paragraph (b), sub#paragraph (i) shall cease to have effect.

**F6** [1990 NI 6](#)

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<sup>F7</sup>.

**F7** [1972 c. 9 \(NI\)](#)

N.I.

*Schedule 4— Repeals*

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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\(1\)](#)