

1993 No. 443

EDUCATION

**Maintained Schools (Equipment and Maintenance)
Regulations (Northern Ireland) 1993**

Made 11th November 1993

Coming into operation 1st January 1994

The Department of Education, in exercise of the powers conferred on it by Articles 8 and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(a) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Maintained Schools (Equipment and Maintenance) Regulations (Northern Ireland) 1993 and shall come into operation on 1st January 1994.

Revocations

2. The following regulations are hereby revoked—

Equipment Grants Regulations (Northern Ireland) 1973(b); and
Maintained Schools (Equipment and Maintenance) Regulations
(Northern Ireland) 1973(c).

Interpretation

3. In these Regulations—

“equipment” does not include articles provided by the board under Article 57 of the Order or the provision of which has been delegated to schools under a scheme framed under Article 46 of the Education Reform (Northern Ireland) Order 1989(d);

“maintenance work” does not include work delegated to schools under a scheme framed under Article 46 of the Education Reform (Northern Ireland) Order 1989;

“Order” means the Education and Libraries (Northern Ireland) Order 1986.

(a) S.I. 1986/594 (N.I. 3)

(b) S.R. & O. (N.I.) 1973 No. 377

(c) S.R. & O. (N.I.) 1973 No. 378

(d) S.I. 1989 No. 2406 (N.I. 20)

Board responsibilities

4.—(1) In carrying out its responsibilities under Article 8(1) of the Order the board shall—

(a) apply the same standards to all schools;

(b) take account of the period the premises are likely to remain in use and the likelihood of any building works being carried out to the premises.

(2) Subject to paragraph (1) the board shall provide such equipment as is necessary for the curriculum of the school.

(3) The equipment provided under paragraph (2) shall remain the property of the board and shall be used only for the purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1986(a).

Proposals from a school

5.—(1) The managers shall provide the board with proposals of maintenance work to be carried out or equipment to be provided in such form and at such times as the board may direct.

(2) If the board decides not to implement any proposal, or to implement it subject to modifications, the board shall consult the managers.

(3) After such consultation, the board shall inform the managers of its decision in writing.

(4) The board shall not carry out any works to the school premises except after consultation with the managers or a person acting on their behalf.

Exceptions

6.—(1) The board shall not be responsible for making good damage to the premises of a maintained school caused by the wrongful act of any person (other than an employee or agent of the board acting in the course of his employment or agency) unless the managers undertake or have undertaken all reasonable steps to recover compensataion from any person liable in respect of such wrongful act.

(2) Where any such damage is made good by the board, any compensation recovered by the managers or trustees in respect of that damage shall be paid to the board.

(3) The board shall not incur expenditure on the premises in connection with their use for non-school purposes except use within the scope of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1986.

Access by the board

7. The managers shall allow access to the school premises at all reasonable times to any officer authorised by the board and acting on its behalf in pursuit of its duties under Article 8 of the Order.

(a) S.I. 1986 No. 2232 (N.I. 25)

Repayments to the board

8. If within a period of five years of a board's incurring expenditure under Article 8 of the Order in respect of a maintained school, that school ceases to be a maintained school the whole, or such part of that expenditure as the board may determine, shall be repaid by the managers to the board.

Sealed with the Official Seal of the Department of Education on 11th November 1993.

(L.S.)

A. McVeigh

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations set out the responsibilities of education and library boards under Article 8 of the Education and Libraries (Northern Ireland) Order 1986 to maintain the premises of maintained schools and provide and replace equipment in those schools.

The Regulations—

- (a) define board responsibilities (regulation 4);
- (b) provide for the submission of proposals from maintained schools to boards (regulation 5(1));
- (c) define expenditure for which a board shall not be responsible (regulation 5(2));
- (d) provide a right of access to maintained school premises (regulation 7); and
- (e) indicate the circumstances under which a maintained school shall make repayments to a board (regulation 8).

The Regulations come into operation on 1st January 1994 and revoke the Equipment Grants Regulations (Northern Ireland) 1973 and the Maintained Schools (Equipment and Maintenance) Regulations (Northern Ireland) 1973.