

## EXPLANATORY NOTE

*(This note is not part of the Regulations but is intended to indicate their general purport.)*

These Regulations revoke Regulations made in 1957. Local education authorities are responsible for heating, lighting, cleaning and internal maintenance of voluntary primary, intermediate and special schools under statutory school (four and two) committees; they are required to pay a 65% contribution towards expenditure incurred on these items within approved estimates by managers of schools not under such committees.

The substance of the revoked Regulations has been preserved but there are new provisions which enable the local education authorities to determine whether estimates are reasonable, to withhold all or part of their contribution if school premises have not been properly maintained, and to enter premises for inspection purposes.

1962. No. 109

[C]

## EDUCATION

## External Maintenance Grants

REGULATIONS, DATED 8TH JUNE, 1962, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER THE EDUCATION ACTS (NORTHERN IRELAND), 1947 TO 1962.

The Ministry of Education in exercise of the powers conferred on it by Sub-section (2) of Section 106 and Section 112 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the External Maintenance Grants Regulations (Northern Ireland), 1962.

(2) These Regulations shall come into operation on 1st August, 1962.

(3) The External Maintenance Grants Regulations (Northern Ireland), 1957(a), are hereby revoked.

2. In these Regulations the following expressions have the meanings hereby assigned to them, that is to say:—

“the Act” means the Education Act (Northern Ireland), 1947;

“approved” means approved by the Ministry;

“school” means a primary, intermediate or special school, not being a school under the management of a local education authority;

“grant” means grant payable, pursuant to the provisions of Sub-section (2) of Section 106 of the Act, in respect of the external maintenance of a school;

“external maintenance” means such works as are necessary to maintain the exterior of the school premises in a satisfactory condition for the

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(a) S.R. & O. (N.I.) 1957, No. 206.

purpose of providing education for the pupils at the school and includes the maintenance of paved spaces, grass areas, hedges, fences and playing fields provided for the use of the pupils.

3. A payment on foot of grant under these Regulations shall not be made towards expenditure incurred without the prior approval of the Ministry on any external maintenance works costing more than £20 :

Provided that such expenditure may be admitted for grant at the discretion of the Ministry if the Ministry is satisfied

- (a) that delay in incurring the expenditure would have resulted in risk, danger, or hardship to pupils or have necessitated the closing of the whole or part of the school in respect of which the expenditure was incurred; or
- (b) that it was in the circumstances impracticable for the managers to obtain the prior approval of the Ministry or that it would have been unreasonable to require them to do so.

4.—(1) Applications for grant shall be made in such form at such time and with such particulars as the Ministry may require.

(2) Payment of grant shall be made to the managers in respect of approved expenditure on external maintenance works on application to the Ministry for such grant and on the production to the Ministry of satisfactory evidence that such expenditure has been incurred by the said managers.

5.—(1) As a condition for the payment of grant the Ministry may require managers to give an undertaking that in the event of the discontinuance of a school in respect of which grant is paid the said managers will repay to the Ministry the amount by which payments of grant during the year immediately preceding such discontinuance exceeded in the aggregate fifty pounds.

(2) On the discontinuance of a school the Ministry may withhold any grant then due in respect of expenditure incurred before discontinuance, notwithstanding that such expenditure had previously been approved for the purpose of these Regulations.

6. Where the managers incur expenditure on works which include other works in addition to external maintenance works in respect of which grant is payable, and apply for grant in respect of expenditure on such external maintenance works, the Ministry shall, if it is not satisfied that the particulars furnished by the managers show separately the expenditure properly attributable to external maintenance works, determine what amount of the expenditure involved shall be approved for grant and the decision of the Ministry thereon shall be final :

Provided that in any case where any part of the total expenditure involved falls to be met by a local education authority the Ministry shall consult the authority before making the determination.

7. In the event of the managers incurring expenditure which in the opinion of the Ministry is in excess of that necessary to maintain the school externally in a reasonable condition, grant shall be payable only on so much of the expenditure as the Ministry considers ought to have been incurred.

8. Where expenditure becomes necessary because of external damage caused to a school by the action of any person not acting with the permission

of, or under the control of, the managers and it appears that such expenditure or part thereof is recoverable from any person other than the managers, the Ministry shall not pay grant unless it is satisfied that the managers, having made all reasonable efforts to do so, have been unable to secure recovery of an amount which after the payment of any other sums properly payable out of the amount recovered is sufficient to meet the full cost of making good the external damage, and in that event the Ministry may pay grant in respect of the amount by which such expenditure on approved external maintenance works exceeds the net amount available to the managers for such works out of the amount so recovered.

9. Where as a direct result of the execution of external maintenance works any fittings, materials or other articles or substances are made available for disposal the Ministry may, in the event of the managers applying for grant, take into account the value of such fittings, materials, articles or substances in determining the amount of the expenditure on which grant may be paid.

10. The Ministry may refuse to pay grant in respect of expenditure incurred in making good damage where it is satisfied that such damage is directly attributable to:—

- (a) the neglect or default of the managers or of any person on the school premises under the control or with the permission of the managers; or
- (b) the use of the school premises or any part of the school premises for purposes other than approved educational purposes.

11.—(1) No grant shall be payable in respect of expenditure on external maintenance arising from damage resulting from fire or from any defect in or accident to, or accident caused by, a boiler installed on the school premises or any other risk in respect of which the Ministry has issued a direction.

(2) There shall be included in the expenditure in respect of which grant is payable a sum equal to half of any reasonable payment made by the managers in respect of insurance against such damage as in paragraph (1) aforesaid.

12. The Ministry may from time to time issue directions, either of a general character or for the purposes of any particular case in connection with any of the following matters relating to applications for, or payment of, grant—

- (a) the preparation of plans, specifications or estimates;
- (b) the invitation of offers or tenders for the execution of works;
- (c) the placing of contracts or orders for the execution of works;
- (d) the furnishing of information to the Ministry;
- (e) such other matters as appear to the Ministry necessary or desirable for the purposes of these Regulations.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 8th day of June, 1962, in the presence of

(L.S.)

*A. C. Williams,*  
Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 8th day of June, 1962, in the presence of

(L.S.)

*K. R. Shimeld,*  
Assistant Secretary.