

1968. No. 284

[C]

EDUCATION

Colleges of Education (Grant Conditions)

REGULATIONS, DATED 31ST DECEMBER 1968, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACTS (NORTHERN IRELAND) 1947 TO 1968.

The Ministry of Education in pursuance of the powers vested in it by Sections 59 and 112 of the Education Act (Northern Ireland) 1947(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Colleges of Education (Grant Conditions) Amending Regulations (Northern Ireland) 1968.

(2) These Regulations shall come into operation on 1st January 1969.

2. The existing Regulations hereby amended are the Training Colleges (Grant Conditions) Regulations 1956(b).

3. For Regulation 13 of the existing Regulations there shall be substituted the following Regulation:—

“13.—(1) (a) The Ministry may with the approval of the Ministry of Finance and subject to the provisions of this regulation pay to the trustees of a voluntary college for the purpose of—

(i) the provision of a new college or the alteration of an existing college;

(ii) the provision of equipment for a college;

grant equal to sixty-five per cent. or, where the trustees of the college have before the expenditure is incurred entered into an agreement with the Ministry, eighty per cent. of the expenditure incurred for such purpose by the trustees with the prior approval of the Ministry;

(b) without prejudice to the provisions of the foregoing sub-paragraph expenditure in respect of the replacement of equipment shall be met in such manner as the Ministry may approve.

(2) In paragraph (1) the expression “agreement” means an agreement between the trustees of a voluntary college and the Ministry conferring on the Minister the right to appoint after consultation with the trustees members to the governing body of the college amounting to not more than one-third of the total number of members of the governing body (including the members appointed by the Minister).

(3) Where the trustees of a voluntary college desire to terminate such agreement they shall give notice in writing to the Ministry specifying the date (being a date not earlier than two years from the date on which such notice is given) on which they desire the agreement to terminate. If on or before the date so specified the trustees repay to the Ministry an amount equal to the difference between the amount paid to them by way of grant

under this regulation whilst the agreement is in force and the amount which would have been paid to them if the agreement had not been in force, the agreement shall terminate on the date so specified. If the trustees have not repaid such amount by the date specified, the agreement shall remain in force until they repay the said amount and shall then terminate.

(4) Grant shall not be paid under this Regulation—

(a) unless the premises of the college are vested in approved trustees for an estate in fee simple or for such lesser estate as the Ministry may deem sufficient upon a trust irrevocable during the term of the said estate to maintain and carry on the college as a voluntary college; and

(b) unless the trustees provide or undertake to provide such additional sum of money as will when added to the grant be sufficient in the opinion of the Ministry to meet the total amount of the approved expenditure.

(5) The powers of the Ministry under this Regulation shall include power—

(a) to pay grant towards the purchase price or so much thereof as the Ministry may approve of any land or premises purchased for the erection of a new voluntary college or the extension of an existing college;

(b) to pay grant by such instalments as the Ministry may think proper;

(c) to determine that where a contract provides for payment by instalments, the date on which an instalment is paid under that contract shall be taken as the date on which expenditure of the amount of that instalment has been incurred; and

(d) to determine any question as to whether expenditure was incurred on or after any particular date.

(6) The Ministry may require that the trustees shall submit for its approval sketch plans, working drawings, specifications, tenders and furnish such other documents and information as the Ministry may specify with respect to any transaction or works in respect of which grant is sought.

(7) The trustees shall furnish or cause to be furnished to the Ministry all such receipts, Architect's certificates or other documents as the Ministry may require for the purpose of vouching the approved expenditure in respect of which grant is to be paid.

(8) In accepting payment of a grant the trustees and each of them shall be deemed to have entered into a covenant with the Ministry binding upon the trustees and their successors in title for the due performance and observance of the following conditions:—

(a) the college shall continue to be maintained and carried on as a voluntary college conducted in accordance with the provisions of these Regulations and any other Regulations of the Ministry applicable to such colleges; and

(b) the trustees shall insure and keep insured the college premises (including all buildings or erections thereon and all fixtures, fittings, and equipment therein) against loss or damage by fire and other such risks as the Ministry may from time to time in writing direct in some insurance office of repute for a sum equal to the full value thereof and shall from time to time upon request produce to the Ministry the policy of insurance for the time being in force and the

receipt for the last premium due thereunder and will whenever any loss or damage by fire or such other risks as aforesaid shall happen to the college premises or to the buildings or erections thereon or the fixtures, fittings, or equipment therein or any part thereof expend in the re-building or reinstating the same all or so much of the money received under such insurance as aforesaid as the Ministry may require; and

- (c) the college premises shall not be used for political meetings, or for the transaction of any political business or for any purposes connected directly or indirectly with parliamentary or local government elections otherwise than as polling booths on the requisition of the officer responsible under the enactments governing such elections; and
- (d) the college premises or the furniture, fittings or equipment thereof shall not be used otherwise than for the purposes of the Education Acts (Northern Ireland) 1947 to 1968, or the Youth Welfare, Physical Training and Recreation Act (Northern Ireland) 1962, or purposes ancillary thereto; and
- (e) without prejudice to the provisions of paragraph (3), in the event of a breach or contravention of the foregoing conditions or of any of them within a period of fifty years from the date of payment of the grant (or where the grant is payable by instalments from the date of payment of the first instalment) the trustees shall repay to the Ministry the full amount of the grant or such lesser amount as the Ministry having regard to the circumstances may determine which amount may be recovered by the Ministry as a civil debt due to it."

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 31st day of December 1968.

(L.S.)

J. M. Benn,
Secretary.

EXPLANATORY NOTE

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

The main purpose of the Amendment is to empower the Ministry to increase the rate of grant in respect of approved capital expenditure of voluntary colleges of education from 65% to 80% where by agreement the Minister is given the right to appoint not more than one-third of the governing body of the college.