

1973. No. 375

[C]

EDUCATION

Voluntary Primary, Intermediate and Special Schools Building Grants

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER ARTICLES 106 AND 125 OF THE EDUCATION AND LIBRARIES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Education (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 106 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf and with the approval of the Ministry of Finance hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1973.

(2) These Regulations shall come into operation on 1st October 1973.

(3) The Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1964(b) are hereby revoked.

Definitions

2. In these Regulations—

"boarding accommodation" includes approved residential accommodation for teaching and domestic staff as well as residential accommodation for pupils;

"Order" means the Education and Libraries (Northern Ireland) Order 1972;

"school" means a grant-aided primary, intermediate or special school not being a controlled school.

3.—(1) These Regulations shall apply to the payment of grants by the Ministry under Article 106 of the Order towards approved expenditure incurred on or in connection with the provision of a new school or the alteration of an existing school.

(2) Where approved expenditure has been incurred in connection with the proposed provision of a new school or the proposed alteration of an existing school and the project in connection with which such expenditure has been incurred is with the approval of the Ministry abandoned in favour of another project (hereinafter referred to as "the superseding project") approved for the purpose of grant under these Regulations, then the expenditure so incurred, or so much thereof as the Ministry may consider reasonable in the circumstances, may at the discretion of the Ministry be treated for the purposes of paragraph (1) of this Regulation as approved expenditure incurred in connection with the superseding project.

(a) S.I. 1972, No. 1263 (N.I. 12). (b) S.R. & O. (N.I.) 1964, No. 213; 1968, No. 75.

Application for grants

4.—(1) Save as provided in Regulation 10 applications for payment of grant shall be made by or on behalf of the trustees or other persons (in these Regulations called “the applicants”) in whom ownership of the school premises is, or is to be, vested and shall be in such form and contain such particulars and information as the Ministry may require.

(2) The applicants shall furnish, or cause to be furnished to the Ministry, such sketch plans, working drawings, specifications, estimates, tenders and other documents as the Ministry may require to be submitted for its approval or information.

Restrictions on payment of grants

5.—(1) A grant shall not be paid unless the applicants—

(a) provide or undertake to provide such additional sum as will when added to the grant be sufficient in the opinion of the Ministry to meet the total cost of the works proposed to be carried out; and

(b) satisfy the Ministry that the school premises are vested for ever or for an approved term of years and on such terms and conditions (including rent if any) as the Ministry may approve in trustees appointed with the approval of the Ministry for the purpose of maintaining and carrying on a school or for such other purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973(c) as the Ministry may approve.

(2) Without prejudice to paragraph (1) a grant for the provision of a new school shall not be paid unless the applicants satisfy the Ministry—

(a) that the school is needed to ensure adequate and suitable provision for the education of the pupils expected to attend and that the site is suitable for the purposes of the school; and

(b) that they have in accordance with Article 12(1) of the Order consulted the board for the area in which the school is to be established.

(3) Where it is necessary for the purposes of payment of grant under these Regulations for a document to be prepared vesting the school in the applicants, the document will be prepared by the Ministry’s Solicitor free of charge save for stamp duty or other statutory fees or for any expenditure incurred in obtaining proof of title or any necessary consent.

Conditions applicable where a grant has been paid

6.—(1) The applicants shall insure and keep insured the premises (including all buildings or erections thereon and all fixtures, fittings and equipment therein) against loss or damage by fire or flood and against such other risks as the Ministry may from time to time in writing direct in some insurance office of repute for a sum equal to the replacement value thereof; they shall also insure adequately against loss, damage and any accident caused by or related to a boiler installed on the premises.

(2) The applicants shall from time to time upon request produce to the Ministry any policy of insurance for the time being in force and the receipt for the last premium due thereunder and shall whenever any loss or damage by fire, flood or otherwise shall happen to the school premises or to the buildings or erections thereon or the fixtures, fittings or equipment therein, or any part thereof, expend in rebuilding or reinstating the same all or so much of the money received under such insurance as aforesaid as the Ministry may require.

(3) The premises or the furniture, fittings or equipment thereof shall not be used otherwise than for the purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973 and in particular, but without prejudice to the generality of the foregoing, they shall not be used for political meetings, or for the transaction of any political business; but nothing in this paragraph shall prevent the premises being used as polling booths for the purposes of parliamentary, Northern Ireland Assembly or local government elections or of section 1 of the Northern Ireland Constitution Act 1973(d) on the requisition of the officer responsible under the enactments governing such elections.

(4) The applicants shall maintain the premises (including all buildings or erections thereon and all fixtures, fittings and equipment therein) in a manner satisfactory to the Ministry and shall carry out or cause to be carried out such works of internal or external maintenance or take such other action as the Ministry may from time to time direct:

Provided that, if and so long as the school is a maintained school, this paragraph shall not apply so as to require the applicants to perform any duties which a board is required to perform in respect of the said school.

7. If within a period of fifty years from the completion of the works in respect of which a grant has been paid under Article 106 of the Order or the corresponding provision of any enactment repealed by the Order, or within such lesser period as the Ministry may in any particular case determine, the school ceases to be maintained and carried on as a school the full amount or such lesser amount as the Ministry may determine of the grant paid shall be repaid to the Ministry which amount may be recovered by the Ministry as a civil debt due to it.

Payment of grants

8.—(1) Subject as hereinafter provided, a payment on foot of a grant shall not be made towards expenditure incurred in the purchase of lands, premises or equipment without the prior approval of the Ministry or on works begun before the Ministry has signified its approval thereof or (except as provided by paragraph (3) with respect to payment of instalments) on works which have not been completed to the satisfaction of the Ministry:

Provided that expenditure incurred without the prior approval of the Ministry may be admitted for grant at the discretion of the Ministry either in full or to such extent as the Ministry considers reasonable in the circumstances.

(2) Expenditure on the carrying-out of works shall not, save in so far as the Ministry may otherwise approve, be treated as approved expenditure for the purposes of these Regulations unless incurred by acceptance of the lowest competitive tender received in response to public advertisement.

(3) The Ministry may pay grants by instalments, the first of which shall not be paid until at least one-tenth of the estimated cost of the work has been met by the applicants and the final instalment of grant shall not be paid until the work has been completed to the satisfaction of the Ministry and any defects liability period prescribed in the contract documents has expired.

(4) The applicants shall furnish or cause to be furnished to the Ministry all such receipts, architects' certificates or other documents as the Ministry may require for the purpose of vouching the approved expenditure towards which the grant is to be paid.

(5) On such vouching, payments on foot of the grant may be made to the applicants or to any manager or other person nominated by them whose receipt shall be a good discharge to the Ministry.

Loss or damage by fire, boiler, etc.

9.—(1) Grant shall not be paid in respect of expenditure incurred in making good loss or damage resulting from fire, flood or from any defect in or accident to, or accident caused by, a boiler installed on the premises or from any other risk in respect of which the Ministry has issued a direction under Regulation 6(1).

(2) Where after premises have suffered such loss or damage as is referred to in paragraph (1) works are carried out with the approval of the Ministry which result in alterations to the premises in addition or in lieu of the making good of such loss or damage, the expenditure on such works in respect of which grant is payable, shall be the approved cost of the works reduced by the estimated cost of making good such loss or damage.

(3) Where after premises have suffered such loss or damage as is referred to in paragraph (1) new premises are provided with the approval of the Ministry in lieu of the making good of such loss or damage, the expenditure on such works in respect of which grant is payable shall be the approved cost of the works reduced by the estimated cost of making good such loss or damage.

(4) For the purposes of this Regulation the estimated cost of making good loss or damage shall be the cost as estimated by or agreed by the Ministry.

Schools vested in the Ministry

10. These Regulations shall in their application to schools vested in the Ministry have effect subject to the following modifications:—

- (a) applications for grant shall be made by the manager of the school;
- (b) for Regulation 5(1)(a) the following Regulation shall be substituted:—

“5.—(1)(a) A grant shall not be paid under these Regulations unless the manager of the school provides or undertakes to provide such additional sum as will when added to the grant be sufficient in the opinion of the Ministry to meet the total cost of the work proposed to be carried out;”
- (c) in Regulation 6(1) and in Regulation 8 any reference to the applicants shall be deemed to be a reference to the manager of the school.

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 28th day of September 1973.

(L.S.)

T. R. Meharg,
Assistant Secretary.

The Ministry of Finance on behalf of the Secretary of State hereby approves the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 28th day of September 1973.

(L.S.)

David Clement,
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations prescribe the conditions under which grants may be made by the Ministry under the provisions of Article 106(1) of the Education and Libraries Order of 1972 for the provision of new, or the alteration of existing voluntary primary, intermediate and special schools. They revoke the Voluntary Primary, Intermediate and Special Schools Building Grant Regulations, 1964.