

1973. No. 378

[C]

EDUCATION**Maintained Schools (Equipment and Maintenance)**

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION UNDER ARTICLES 10 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 10 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Maintained Schools (Equipment and Maintenance) Regulations (Northern Ireland) 1973.

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

(3) The Maintained Schools (Maintenance) Regulations (Northern Ireland) 1968(b) and the Maintained Schools (Grants on Withdrawal) Regulations (Northern Ireland) 1968(c) are hereby revoked.

2. In these Regulations—

“board” means the education and library board established under Article 3 of the Order for the area in which the school is situated or such other board as the Ministry may determine;

“equipment” does not include articles provided by the board under Article 45 of the Order;

“managers” means the committee appointed for a maintained school under Part I of Schedule 5 of the Order;

“Order” means the Education and Libraries (Northern Ireland) Order 1972.

3.—(1) In carrying out its responsibility in respect of a maintained school under Article 10 of the Order the board shall apply the standard which it would apply if the school were a controlled school.

(2) Without prejudice to paragraph (1), in carrying out the said responsibility the board shall have regard to the period for which the premises are likely to remain in use and the likelihood of any building works being carried out to the said premises.

(3) Subject to paragraph (1) the board shall provide in a maintained school such equipment as is necessary for the approved curriculum of the school.

(4) Equipment provided by the board under the provisions of these Regulations shall remain the property of the board and shall not be used otherwise than for the purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973(d).

(a) S.I. 1972. No. 1263 (N.I. 12)
(b) S.R. & O. (N.I.) 1968, No. 168.

(c) S.R. & O. (N.I.) 1968, No. 179.
(d) S.I. 1973. No. 961 (N.I. 12).

4.—(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 to take all reasonable steps to recover compensation from any person liable in respect of such wrongful act and where, in such circumstances, the said damage is made good by the board any such compensation recovered by the trustees shall be paid by them to the board.

(2) Subject as hereinafter provided the board shall not be responsible for defraying expenditure incurred by reason of the use of the premises of a maintained school other than for school purposes:

Provided that the board may, if it thinks fit, accept responsibility for defraying expenditure incurred by reason of the use of the school premises for such purposes other than school purposes as it may approve, being purposes within the scope of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973.

5.—(1) In such manner and at such times as the board may direct the managers shall furnish or cause to be furnished to the board proposals as to the works of maintenance to be carried out at the maintained school, as to the equipment to be provided and as to such other matters, for which the board is responsible in respect of the school, as the board may direct or as the managers consider necessary.

(2) Subject to paragraphs (3) to (5) the board shall give effect to such proposals.

(3) If the board considers that it should not give effect to any such proposal, or should give effect to it subject to modifications, the board shall consult the managers in respect of the proposal.

(4) If, after such consultation, the board decides that it should not give effect to the proposal, or should give effect to it subject to modifications, the board shall so inform the managers.

(5) If the managers are not willing to accept the decision of the board in respect of such proposal, the managers shall refer the matter to the Ministry within one month of the board's decision being communicated to them and at the same time shall so inform the board, and the Ministry shall give such directions in respect of the carrying out of the said proposal as it considers necessary.

(6) The board shall not, in pursuance of its responsibility to the maintained school under Article 10 of the Order, carry out any works to the school premises except after consultation with the managers or a person acting on their behalf.

6. If within a period of five years of a board's incurring expenditure on the maintenance of a maintained school the school ceases to be carried on as a school the whole, or such part of that expenditure as the board may determine, shall be repaid by the managers to the board in accordance with the provisions of Article 10(3) of the Order.

7. The managers shall afford access to the school premises at all reasonable times to any officer authorised by the board and acting on its behalf in pursuance of its responsibility towards the school.

8. Where a school ceases, in accordance with the provisions of paragraph 4 of Schedule 5 of the Order, to be a maintained school the managers shall pay to the board such amounts as may be determined in accordance with paragraph 5(b) of that Schedule.

9. Equipment shall, on payment to the board by the managers of the amount required under Regulation 8 in respect of such equipment, cease to be the property of the board and shall be deemed to have been provided by the school but grant shall not be payable under the Equipment Grants Regulations 1973(e) in respect of such equipment.

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.

EXPLANATORY NOTE

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

These Regulations set out the duties of boards under Article 10 of the Education and Libraries Order of 1972 in respect of the maintenance and equipment of a maintained school. They revoke the Maintained Schools (Maintenance) Regulations 1968 and the Maintained Schools (Grants on Withdrawal) Regulations 1968.