1965. No. 160 **[C]**

EDUCATION

External Maintenance Grants

REGULATIONS, DATED 4TH AUGUST, 1965, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTIONS 106 AND 112 OF THE EDUCATION ACT (NORTHERN IRELAND) 1947(a).

The Ministry of Education (hereinafter referred to as "the Ministry") in exercise of the powers conferred on it by Sections 106(2) and 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:—

Citation and Commencement

1.—(1) These Regulations may be cited as the External Maintenance Grants Regulations (Northern Ireland) 1965.

(2) These Regulations shall come into operation on 1st October, 1965.

(3) The External Maintenance Grants Regulations (Northern Ireland) 1962(b) are hereby revoked.

Definitions

2. In these Regulations the following expressions shall 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 Section 106(2) 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 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.

Application for grant

3. Applications for grant shall be made in such form, at such time and with such particulars as the Ministry may require.

Conditions of payment of grant

4.—(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.

(a) 1947. c. 3. (b) S.R. & O. (N.I.) 1962, No. 109.

(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.

Expenditure towards which grant is payable

5. 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 of satisfactory evidence that such expenditure has been incurred by the said managers.

Payment of grant

6. Subject as hereinafter provided, a payment on foot of a grant under these Regulations shall not be made towards expenditure incurred without the prior approval of the Ministry on external maintenance works costing more than £50:

Provided that such expenditure 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.

7. 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:

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.

8. 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.

9. 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.

10. 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.

Restrictions on payment of grant

11. 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.

12.—(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.

General

13. 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 4th day of August, 1965, in the presence of

(L.S.) *J. M. Benn,*
Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 5th day of August, 1965, in the presence of

(L.S.) *R. R. Butler,*
Assistant Secretary.

EXPLANATORY NOTE

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

These Regulations revoke Regulations made in 1962. The Ministry may pay a 65% contribution towards expenditure incurred by managers of voluntary primary, intermediate and special schools for external maintenance of school premises. The Regulations prescribe the conditions of grant. The general provisions of the revoked Regulations have been retained but the layout has been altered and Regulation 6 of these Regulations has been brought into line with the provisions of Regulation 7(1) of the Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1964 (S.R. & O. (N.I.) 1964, No. 7) and Regulation 7(1) of the Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1964 (S.R. & O. (N.I.) 1964, No. 213).