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.

The Ministry of Finance hereby approves of the foregoing Regulations.

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.

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 65% capital grants are made by the Ministry by reason of Section 106(1) of the Education Act of 1947 for the provision of new, or the alteration of existing, voluntary primary, intermediate and special schools: they revoke Regulations made in 1957. The provisions of the revoked Regulations have been retained: additional provisions give the Ministry power to pay grant on expenditure incurred in connection with superseded projects and to issue directions about the maintenance of grant-aided premises.

1962. No. 108 **[C]**

EDUCATION

Heating, Lighting, Cleaning and Internal Maintenance Regulations

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

The Ministry of Education in exercise of the powers conferred on it by Sections 81 and 112 of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Heating, Lighting, Cleaning and Internal Maintenance Regulations (Northern Ireland), 1962.

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

(3) The Heating, Lighting, Cleaning and Internal Maintenance Regulations (Northern Ireland), 1957(a), are hereby revoked.

(a) S.R. & O. (N.I.) 1957, No. 205.

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;

"authority" means local education authority;

"contribution" means an annual contribution payable by the authority in accordance with Section 81 of the Act;

"internal maintenance" has the meaning assigned to it by Regulation 12;

"managers" means the managers of a school but does not include a school committee;

"school" means a voluntary primary school, a voluntary intermediate school or a special school under voluntary management;

"school committee" means a school committee appointed in accordance with the provisions of sub-section (2) of Section 81 of the Act;

"school premises" includes a pavilion or other building provided on a school playing field for the use of pupils, but in the case of a boarding school does not include so much of the school premises as is used wholly or mainly for boarding purposes.

3.—(1) The managers shall submit to the authority estimates of their proposed expenditure on the lighting, heating, cleaning and the internal maintenance of the school premises. Such estimates shall be in such form and in respect of such period, contain such particulars, and be submitted by such dates as the authority may from time to time determine.

(2) The authority shall approve such estimates unless in its opinion they or any items included in them are unreasonable.

(3) If in the opinion of the authority such estimates or any items included in them are unreasonable the authority shall approve the estimates after making such amendments therein as after considering any representations made by the managers the authority may determine.

(4) If the managers are aggrieved by any amendments in their estimates made by the authority under paragraph (3) they may within one month of the date on which the authority notifies them of the said amendments refer the question to the Ministry for decision in accordance with the provisions of Sub-section (6) of Section 81 of the Act.

4. If the authority is satisfied that owing to exceptional circumstances it is or was necessary for managers to incur expenditure for which provision was not made in the estimates approved by the authority under Regulation 3, it may approve such expenditure for the purpose of payment of a contribution, but save as provided in this Regulation no contribution shall be payable in respect of expenditure for which provision was not made in the estimates as approved by the authority.

5.—(1) The authority may require as a condition of payment of contribution in respect of any work of internal maintenance estimated by the managers or by the authority to cost more than £10 that its express approval to such work shall be obtained before the work is begun.

(2) The authority shall not pay a contribution in respect of works of internal maintenance which cost in the aggregate more than £25 in any year unless the managers of the school certify in writing that it is their intention to carry on the school as a school for not less than two years from the date on which the work is completed.

(3) Before an authority pays a contribution in respect of works of internal maintenance which cost more than £50, it may require as a condition of payment that the managers shall undertake to repay to it such contribution or such part thereof as it shall determine if within two years of payment of the contribution the school ceases to be carried on as a school, and if any contribution in respect of internal maintenance is outstanding at the time at which the school so ceases to be carried on, the authority may withhold payment of such contribution from the managers.

6.—(1) The following expenditure shall be excluded from the expenditure in respect of which a contribution is payable:—

(*a*) expenditure incurred by reason of the use of the school premises other than for educational purposes approved by the authority;

(*b*) expenditure incurred in making good internal damage to the school premises caused by or arising from the neglect or default of the managers or of any person acting with their express or implied permission or under their control;

(*c*) expenditure incurred in making good internal damage to the school premises caused by the wrongful act of any person not acting with the express or implied permission or under the control of the managers:

Provided that if the authority is satisfied that the managers have taken all reasonable steps to recover compensation from any person liable in respect of such wrongful act, the amount by which such expenditure exceeds the compensation recovered may, subject to the provisions of paragraph (1) of Regulation 7, be included in the expenditure in respect of which a contribution is payable.

(2) In the case of a school for which a school committee has been appointed, the authority shall be relieved of responsibility for heating, lighting and cleaning and the carrying out of internal maintenance to the extent to which, if the school had been a school for which a school committee has not been appointed, expenditure in respect of such heating, lighting and cleaning and carrying out of internal maintenance would have been excluded in accordance with the provisions of paragraph (1) from expenditure in respect of which a contribution is payable.

7.—(1) No contribution shall be payable in respect of expenditure on internal maintenance arising from damage caused by storm or by fire or by any defect in or accident to, or caused by, a boiler installed on the school premises, or any other risk in respect of which the Ministry has issued a direction, or in respect of any expenditure on the maintenance of such boiler other than expenditure required to make good fair wear and tear.

(2) There shall be included in the expenditure in respect of which a contribution 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.

8.—(1) It shall be a condition of payment of contribution that managers shall furnish to the authority such receipts or other documents as the authority may require for the purpose of vouching the expenditure in respect of which contribution is payable.

(2) It shall be a condition of payment of contribution that any works of internal maintenance in respect of which a contribution is payable shall have been executed to the satisfaction of the authority.

(3) Where the managers incur expenditure on works which include both works of internal maintenance and other works, it shall be a condition of payment of contribution that the managers shall furnish to the authority particulars sufficient to show separately the expenditure properly attributable to works of internal maintenance.

(4) All or some of the contribution payable towards expenditure incurred on the cleaning and heating of school premises may be withheld by the authority if it considers that the premises have not been kept in a hygienic and otherwise suitable condition during the period to which the expenditure relates.

9. The manager of a school shall employ a suitable person or persons to carry out such cleaning and other duties as are necessary to ensure that the school premises are kept in a hygienic and otherwise suitable condition:

Provided that if the managers are unable to secure the services of a suitable person or persons to carry out such duties in an efficient manner they may make such other arrangements as may be approved by the authority.

10. The managers of a school shall for the purposes of these Regulations grant access to the school premises at all reasonable times to a duly authorised officer of the authority.

11.—(1) In the case of a school for which a school committee has been appointed, the authority may by agreement with the school committee discharge its responsibility under Sub-section (2) of Section 81 of the Act either by supplying the requisite materials and services and carrying out works or by recouping to the school committee expenses incurred by the committee in supplying such materials and services and carrying out such works or by a combination of both methods.

(2) Where arrangements are made for the school committee to supply some or all of the requisite materials or services or to carry out works as provided in the foregoing paragraph, these Regulations shall apply to the school committee as they apply to managers and to recoupment by the authority to the school committee as they apply to a contribution.

12. For the purposes of these Regulations the expression "internal maintenance" means such works as are necessary to maintain the interior 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 fixtures, fittings, heating apparatus, desks, furniture and articles of like kind and appliances for instructional purposes but does not include any works of alteration, adaptation, enlargement or improvement of the school premises.

Sealed with the Official Seal of the Ministry of Education this 8th day of June, 1962.

(L.S.) *A. C. Williams,*
Secretary.