1968. No. 168 [C]

EDUCATION

Maintained Schools (Maintenance)

REGULATIONS, DATED 22ND JULY 1968, MADE BY THE MINISTRY OF EDUCATION UNDER THE EDUCATION ACT (NORTHERN IRELAND) 1947.

The Ministry of Education (hereinafter referred to as "the Ministry") in pursuance of the powers vested in it by sections 81 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 Maintained Schools (Maintenance) Regulations (Northern Ireland) 1968.

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

2. In these Regulations

"Act" means the Education Act (Northern Ireland) 1947;

"authority" means local education authority;

"equipment" does not include articles provided by the authority under section 47 of the Act;

"managers" means the committee appointed for a maintained school pursuant to a scheme framed under section 81 of the Act.

3. After 31st March 1969, the following Regulations shall not apply to a maintained school:—

(*a*) the Equipment Grants Regulations (Northern Ireland) 1948(**b**);

(*b*) the Equipment Grants Amending Regulations (Northern Ireland) 1953(**c**);

(*c*) the Heating, Lighting, Cleaning and Internal Maintenance Regulations (Northern Ireland) 1962(**d**);

(*d*) the External Maintenance Grants Regulations (Northern Ireland) 1965(**e**).

4.—(1) In carrying out its responsibility in respect of a maintained school under section 81 of the Act the authority shall apply the standard it would apply to the school if it were a school under the management of the authority.

(2) Without prejudice to paragraph (1), in carrying out the said responsibility the authority 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.

(**a**) 1947. c. 3.
(**b**) S.R. & O. (N.I.) 1948, No. 47.
(**c**) S.R. & O. (N.I.) 1953, No. 149.
(**d**) S.R. & O. (N.I.) 1962, No. 108.
(**e**) S.R. & O. (N.I.) 1965, No. 160.

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

(4) Equipment provided by the authority under the provisions of these Regulations shall remain the property of the authority and shall not be used otherwise than for the purposes of the Act or the Youth Welfare, Physical Training and Recreation Acts (Northern Ireland) 1938 to 1962(f), or purposes ancillary thereto.

5.—(1) The authority 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 authority acting in the course of his employment or agency) unless the trustees 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 authority any such compensation recovered by the trustees shall be paid by them to the authority.

(2) The authority 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 it 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 Act or the Youth Welfare, Physical Training and Recreation Acts (Northern Ireland) 1938 to 1962, or purposes ancillary thereto.

6.—(1) In such manner and at such times as the authority may direct, the managers shall furnish or cause to be furnished to the authority 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 authority is responsible in respect of the school as the authority may direct or as the managers consider necessary.

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

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

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

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

(6) The authority shall not, in pursuance of its responsibility to the maintained school under section 81 of the Act, carry out any works to the school premises except after consultation with the managers or a person acting on their behalf.

(f) 2 Geo. 6, c. 12 (N.I.); 1962. c. 2.

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

Sealed with the Official Seal of the Ministry of Education for Northern Ireland this 22nd day of July 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)

These Regulations, which come into effect on 1st April 1969, set out the duties of local education authorities under section 81 of the Education Act of 1947, as amended by section 9 of the Education (Amendment) Act of 1968, in respect of the maintenance and equipment of a maintained school.