1973. No. 379 [C]

EDUCATION

Voluntary Grammar 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 Grammar Schools Building Grant Regulations (Northern Ireland) 1973.

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

(3) The Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1968(b) are hereby revoked.

Definitions

2. In these Regulations—

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

"grant conditions" means the conditions specified in Regulation 6;

"Group A School" means a Group A voluntary school within the meaning of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973(c);

"Group A(i) School" means a Group A school the trustees or governing body of which have entered into an agreement with the Ministry under Schedule 6 of the Order;

"Group B School" means a Group B voluntary school within the meaning of the Secondary Schools (Grant Conditions) Regulations (Northern Ireland) 1973;

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

"school" means a voluntary grammar school.

Expenditure towards which grants are payable

3.—(1) These Regulations shall apply to the payment of grant 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:

(a) S.I. 1972, No. 1263 (N.I. 12).
(b) S.R. & O. (N.I.) 1968, No. 72.
(c) S.R. & O. (N.I.) 1973, No. 403.

Provided that the Ministry shall not pay grants in respect of a Group B school except where it is satisfied that the expenditure is incurred for the purpose of enabling the managers of the school to fulfil the duty laid upon them by Article 47 of the Order and the Regulations made thereunder to provide school meals for day pupils.

(2) When 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 or under the Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1968 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.

Application for grants

4.—(1) Applications for payment of grant shall be made by or on behalf of the trustees or other persons in whom the ownership of the school premises is or is to be vested (in these Regulations called "the applicants") 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 under the Regulations unless the applicants

(*a*) provide or undertake to provide such additional sums of money 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 fee simple or by virtue of a grant or lease in such trustees or other body of persons as may be approved by the Ministry in trust to maintain and carry on a school or for such other purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973(**d**) as the Ministry may approve; and

(*c*) have executed a written document in such form as the Ministry may approve containing an undertaking to perform and observe the grant conditions and each of them during the relevant period for which those conditions are applicable.

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

(*a*) satisfy the Ministry 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 purpose of the school;

(**d**) S.I. 1973, No. 961 (N.I. 12).

(*b*) satisfy the Ministry 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.

Conditions of payment of grants

6.—(1) In accepting payment of a grant the applicants and each of them shall be deemed to have entered into a covenant with the Ministry binding upon the applicants and their successors in title for the due performance and observance for the relevant period, of the following conditions (in these Regulations called "the grant conditions"):—

(*a*) Where the grant is made for the purposes of a Group A school, the school shall continue to be maintained and carried on as a Group A school;

(*b*) where the grant is made for the purposes of a Group B school, the school shall continue to be maintained and carried on as a grant-aided school and the accommodation in respect of which the grant is made shall be used for the provision of school meals for day pupils;

(*c*) without prejudice to sub-paragraph (*h*) where the grant is made for the purpose of a Group A(i) school, the school shall continue to be maintained and carried on as a Group A(i) school; provided that in the event of the termination for any reason of the agreement into which the applicants entered with the Ministry under Schedule 6 of the Order the applicants or their successors in title for the time being shall repay to the Ministry an amount equal to the difference between the sum actually paid under Article 106 of the Order or the corresponding provision of any enactment repealed by the Order in respect of expenditure on that school and the sum which would have been paid under that Article or corresponding provision if at the time the expenditure was incurred the school had been a Group A school but had not been a Group A(i) school;

(*d*) 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;

(*e*) 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 or flood or otherwise happens to the school premises or to the buildings or erections thereon or the fixtures, fittings or equipment therein, or any part thereof, expend in re-building or reinstating the same all or so much of the money received under such insurance as aforesaid as the Ministry may require;

(*f*) 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(e) on the requisition of the officer responsible under the enactments governing such elections;

(*g*) the applicants shall maintain the premises (including all buildings or erections thereon and all fixtures, fittings and equipment therein) in respect of which a grant has been paid 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;

(*h*) without prejudice to the proviso to sub-paragraph (*c*), in the event of a breach or contravention of the foregoing conditions or any of them the applicants or their successors in title for the time being shall repay to the Ministry the full amount of the grant or such lesser amount as the Ministry, having regard to the circumstances, may determine which amount may be recovered by the Ministry as a civil debt due to it.

(2) Where a grant relates solely to part of the premises of a school or where other special circumstances appear to the Ministry to be applicable the Ministry may direct that the grant conditions other than the condition referred to in sub-paragraph (*c*) of paragraph (1) shall attach to such portion of the premises as may be specified in the written document approved under Regulation 5(1)(*c*) for the purposes of the grant. Where any such direction is given by the Ministry paragraph (1) shall have effect as if references therein to the school premises were references to such specified portion thereof.

(3) In this Regulation "relevant period" means in relation to any grant a period of fifty years from the date of the payment of the grant (or where the grant is payable by instalments from the date of the payment of the first instalment) or such lesser period as the Ministry may, having regard to the circumstances, direct (which lesser period shall be specified in the written document approved by the Ministry under Regulation 5(1)(*c*)).

(4) Notwithstanding the provisions of paragraph (1) the Ministry may, if so requested within the relevant period, release the applicants or their successors in title from the grant conditions on the repayment by them of the full amount of the grant or such lesser amount as the Ministry, having regard to the circumstances, may determine.

Payments of grant

7.—(1) Subject as hereinafter provided, a payment on foot of a grant shall not be made towards expenditure incurred in the purchase of lands or premises 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 in the carrying-out of works shall not, save in so far as the Ministry may otherwise approve, be treated as approved expenditure unless incurred by acceptance of the lowest competitive tender received in response to public advertisement.

(e) 1973. c. 36.

(3) The Ministry may pay grant by instalments, the first of which shall not be paid until 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 document has expired.

(4) The applicants shall furnish or cause to be furnished to the Ministry all such receipts, architect's 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 shall 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.

8.—(1) Grant shall not be paid in respect of expenditure incurred in making good loss or 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 under Regulation 6(1)(*d*).

(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 school premises in addition to or in lieu of making good 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 school premises are provided with the approval of the Ministry in lieu of making good 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.

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 grammar schools. They revoke the Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1968.