1994 No. 12

EDUCATION

Colleges of Education (Grant Conditions) Regulations (Northern Ireland) 1994

Made	*17th January 1994*
Coming into operation . .	*7th February 1994*

The Department of Education, in exercise of the powers conferred on it by Articles 66(3), (4) and (5)(**a**) and 134(1)(**b**) of the Education and Libraries (Northern Ireland) Order 1986(**c**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Colleges of Education (Grant Conditions) Regulations (Northern Ireland) 1994 and shall come into operation on 7th February 1994.

Revocations

2. The following Regulations are hereby revoked:

Training Colleges (Grant Conditions) Regulations (Northern Ireland) 1956(**d**);

Colleges of Education (Grant Conditions) Amending Regulations (Northern Ireland) 1968(**e**);

Colleges of Education (Grant Conditions) Amending Regulations (Northern Ireland) 1969(**f**);

Colleges of Education (Grant Conditions) Amending Regulations (Northern Ireland) 1970(**g**);

Colleges of Education (Grant Conditions) Amendment Regulations (Northern Ireland) 1976(**h**).

Interpretation

3. In these Regulations—

"agreement" means an agreement made between the trustees of a college and the Department conferring upon the Department the right to

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(**a**) Article 66(4) to (11) was substituted by S.I. 1993/2810 (N.I. 12) Article 50(1) and Schedule 4 Part II
(**b**) As amended by S.I. 1993/2810 (N.I. 12) Article 50(1) and Schedule 4 Part II
(**c**) S.I. 1986/594 (N.I. 3)
(**d**) S.R. & O. (N.I.) 1956 No. 9 (p. 123)
(**e**) S.R. & O. (N.I.) 1968 No. 284
(**f**) S.R. & O. (N.I.) 1969 No. 160
(**g**) S.R. & O. (N.I.) 1970 No. 13
(**h**) S.R. 1976 No. 166

appoint, after consultation with the trustees, members to the Board of Governors of the college amounting to not more than one-third of the total number of members of the Board of Governors;

"college" means a college of education in respect of which grants are paid by the Department under Article 66(2) or (3) of the Order;

"premises" means premises in respect of which payment of grant has been or is to be made under these Regulations and includes land;

"replacement premises" in relation to a college means any premises which replace any existing premises of that or any other college;

"the Order" means the Education and Libraries (Northern Ireland) Order 1986.

Application for grant

4. An application for payment of grant in respect of approved expenditure incurred for the provision or alteration of the premises of a college or for the initial provision of equipment for such a college shall be made by the trustees in whom the ownership of the premises is, or is to be vested, and shall be in such form and contain such particulars and information as the Department may determine.

Amounts of grant

5.—(1) Where an agreement has been made the Department may, subject to these Regulations, pay grants to the trustees of a college in respect of approved expenditure incurred for—

(*a*) the provision of a new college; or

(*b*) the alteration of an existing college; or

(*c*) the initial provision of equipment for such new or existing college,

equal to eighty-five per cent of that expenditure.

(2) Where no agreement has been made, paragraph (1) shall have effect as if for the words "eighty-five per cent" there were substituted "sixty-five per cent".

(3) Without prejudice to the provisions of paragraphs (1) and (2) expenditure incurred for the replacement of equipment for a college shall be met in such manner as the Department may approve.

Grant conditions

6.—(1) No payments of grant shall be made to the trustees of a college under these Regulations unless—

(*a*) the premises are vested in approved trustees for an estate in fee simple or for such lesser estate as the Department shall deem sufficient upon trust irrevocable during the term of the said estate to maintain and carry on a college; and

(*b*) the trustees provide or undertake to provide such additional sum as will when added to the grant be sufficient in the opinion of the Department to meet the total amount of the approved expenditure.

(2) The Department may require that the trustees shall submit for its approval sketch plans, working drawings, specifications and tenders and furnish such other documents and information as the Department may specify with respect to any transactions or works in respect of which grant is sought.

(3) The trustees shall furnish or cause to be furnished to the Department all such receipts, architect's certificates or other documents as the Department may require for the purpose of vouching the approved expenditure in respect of which grant is to be paid.

(4) In accepting payment of a grant the trustees and each of them shall be deemed to have entered into a covenant with the Department binding upon the trustees and their successors in title for the due performance and observance of the following conditions so as to—

(*a*) insure and keep insured the premises against loss or damage by fire or flood and against such other risks as the Department may direct, in some insurance office of repute for a sum equal to the replacement value thereof; and insure adequately against loss, damage and any accident caused by, or related to a boiler installed on the premises;

(*b*) produce to the Department on request any policy of insurance for the time being in force and the receipt for the last premium due thereunder and, if any loss or damage by fire or flood or otherwise is caused to the premises or any part thereof, expend in re-building or reinstating such premises, all or so much of the money received under such policy of insurance as the Department may require.

(5) In the event of a breach of any of the conditions specified in this regulation the persons to whom grant was paid or their successors in title for the time being shall repay to the Department the full amount of grant or such lesser amount as the Department considers equitable.

Prohibition on use of the premises for political meetings etc

7. The trustees shall not cause or permit the premises to be used for political purposes, or for the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary Northern Ireland Assembly or Local Government elections or a poll pursuant to section 1 of the Northern Ireland Constitution Act 1973(**a**) except as polling booths on the requisition of the officer responsible under the enactments governing such elections or poll as the case may be; provided that this regulation shall not prevent the holding on the premises of meetings of college societies in accordance with arrangements approved by the Board of Governors of the college.

Payment of grant

8.—(1) Except as provided for in paragraphs (2) and (3) no payment of grant shall be made in respect of expenditure incurred for the provision or alteration of the premises of a college without the prior approval of the Department or where works in relation to those premises have not been completed to the satisfaction of the Department.

(**a**) 1973 c. 36