1993 No. 457

EDUCATION

Voluntary Schools Building Grant Regulations (Northern Ireland) 1993

Made . . . . . 22nd November 1993

Coming into operation . . 20th December 1993

The Department of Education in exercise of the powers conferred on it by Articles 116(1), (6) and (7) and 134(1) of the Education and Libraries (Northern Ireland) Order 1986(**a**) and of every other power enabling it in that behalf, and with the approval of the Department of Finance and Personnel, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Voluntary Schools Building Grant Regulations (Northern Ireland) 1993 and shall come into operation on 20th December 1993.

Revocations and savings

2.—(1) Subject to paragraph (2) the following Regulations are hereby revoked—

Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1973(**b**);

Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1973(**c**);

Voluntary Primary, Intermediate and Special Schools Building Grant (Amendment) Regulations (Northern Ireland) 1975(**d**);

Voluntary Grammar Schools Building Grant (Amendment) Regulations (Northern Ireland) 1975(**e**);

Voluntary Primary, Intermediate and Special Schools Building Grant (Amendment) Regulations (Northern Ireland) 1981(**f**); and

Voluntary Grammar Schools Building Grant (Amendment) Regulations (Northern Ireland) 1981(**g**).

(2) Regulation 6 of the Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1973 and regulation 6

(**a**) S.I. 1986/594; (N.I. 3) Article 116 was substituted by S.I. 1993/2810; (N.I. 12) Article 28
(**b**) S.R. & O. (N.I.) 1973 No. 375
(**c**) S.R. & O. (N.I.) 1973 No. 379
(**d**) S.R. 1975 No. 83
(**e**) S.R. 1975 No. 84
(**f**) S.R. 1981 No. 271
(**g**) S.R. 1981 No. 272

of the Voluntary Grammar Schools Building Grant Regulations (Northern Ireland) 1973 shall continue to apply in relation to any grant paid before the commencement of these Regulations.

Interpretation

3. In these Regulations—

''the applicants'' shall be construed in accordance with regulation 4;

''the Order'' means the Education and Libraries (Northern Ireland) Order 1986;

''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 school mean any premises which replace any existing premises of that or any other school;

''school'' means a voluntary school.

Applications for grant

4. Applications for payment of grant in respect of approved expenditure incurred for the provision or alteration of the premises of a school shall be made by or on behalf of the trustees or other persons in whom the ownership of the premises is, or is to be, vested (''the applicants'') and shall be in such form and contain such particulars and information as the Department may determine.

Grant conditions

5.—(1) The applicants shall perform and observe the following grant conditions so as to—

(*a*) satisfy the Department that the premises are vested on such approved terms and conditions in such trustees or other body as may be approved for the purpose of maintaining and carrying on a school;

(*b*) furnish such relevant documents as the Department may require for its approval or information;

(*c*) comply with any procedure for tendering for a contract as the Department may direct;

(*d*) provide the Department with such evidence as it may require for the purpose of verifying the expenditure towards which grant is claimed;

(*e*) maintain the premises in a satisfactory manner and carry out such maintenance work or take such other action as the Department may direct, except that in relation to a maintained school the applicants shall not be required to carry out any work which is the responsibility of an Education and Library Board under Article 8(1) of the Order;

(*f*) insure and keep insured the premises against loss or damage by fire or flood and against such other risks as the Department may in writing 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;

(*g*) 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; and

(*h*) sign an undertaking to perform and observe the grant conditions mentioned in sub-paragraphs (*a*) to (*g*).

(2) Where it is necessary for the purposes of payment of grant under these Regulations for a document to be prepared vesting the school in the applicants, the document shall be prepared by the Department free of charge save for stamp duty or other statutory fees or for any expenditure incurred in obtaining proof of title or any necessary consent.

(3) In the event of a breach of any of the grant conditions specified in paragraph (1) the applicants, 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.

Payment of grant

6.—(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 school 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.

(2) Where such expenditure has been incurred without the prior approval of the Department the payment of grant in respect of that expenditure may be reduced by such amount as the Department considers equitable in the circumstances.

(3) The Department may make payments of grant by instalments but the final instalment shall not be paid until all the work has been completed to the satisfaction of the Department and any defects liability period prescribed in any contract entered into by the applicants has expired.

Duty to pursue application for compensation under the Criminal Damage Compensation (Northern Ireland) Order 1977

7. Where the premises have been damaged in circumstances where compensation under the Criminal Damage Compensation (Northern Ireland) Order 1977(**a**) is likely to be payable the applicants shall take all reasonable steps to pursue an application under that Order and use any compensation paid (or such part thereof as the Department may require) for the purpose of reinstating the premises.

Prohibition on use of the premises for political meetings etc.

8. The applicants shall not cause or permit the premises to be used for any political meeting, the transaction of any political business or for any purpose

(a) S.I. No. 1247 (N.I. 14)

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 in accordance with the statutory provisions governing such elections or poll as the case may be.

Amounts payable to the Department in respect of school closures

9. Where any premises of a school in respect of which the Department has paid grant under Article 116(1) of the Order cease to be used for approved purposes of a grant-aided school there shall be payable to the Department by the persons to whom grant was paid or by their successors in title for the time being such sum as the Department considers equitable but not exceeding—

(*a*) in respect of grants paid prior to 9th August 1978 and within a period of 50 years (or such lesser period as the Department may in a particular case determine) following the completion of the works to which the payment related, either—

(i) the total amount of grant paid in respect of approved expenditure incurred for the provision or alteration of the premises; or

(ii) such proportion of the value of the premises as the proportion that the amount of grant was of the approved cost of the provision or alteration of the premises,

whichever is the lesser;

(*b*) in respect of grant paid at any time after 8th August 1978—

(i) such proportion of the value of the premises as the proportion that the amount of grant was of the approved cost of the provision or alteration of the premises; and

(ii) if the Department so determines, interest on that sum from the date on which the premises ceased to be used for approved purposes of a grant-aided school until the date of payment to the Department.

Amounts payable to the Department in respect of certain sites

10. Where any site in respect of which the Department has at any time after 8th August 1978 paid grant under Article 116(1) of the Order ceases in the opinion of the Department to be required for the purposes of a grant-aided school there shall be payable to the Department by the persons to whom the grant was paid or by their successors in title for the time being such sum as the Department considers equitable but not exceeding—

(*a*) such proportion of the value of the site as the proportion that the amount of grant was of the approved cost of the acquisition of the site; and

(*b*) if the Department so determines, interest on that sum from the date on which the site ceased to be so required until the date of payment to the Department.

(a) 1973 c. 36