Building and Alteration and Equipment Grants (Voluntary Grammar Schools)

REGULATIONS, DATED 4TH OCTOBER, 1948, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947.

1948. No. 283

The Ministry of Education (hereinafter referred to as "the Ministry") in exercise of the powers conferred upon it by Sub-section (3) of Section one hundred and six and by Section one hundred and twelve of the Education Act (Northern Ireland), 1947, (hereinafter referred to as "the Act") and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations :—

1.—(1) These Regulations may be cited as the Building and Alteration and Equipment Grants (Voluntary Grammar Schools) Regulations (Northern Ireland), 1948.

(2) These Regulations shall come into operation on the date thereof.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say —

"alterations" includes any improvements, enlargements and additions ;

"approved" means approved by the Ministry ;

"equipment" means the initial supply of such equipment as may be approved for a new school or an initial supply of such additional equipment as may be approved in the case of an alteration to an existing school ;

"grant" means grant payable pursuant to the provisions of Sub-section (3) of Section one hundred and six of the Act in respect of the provision and equipment of a new school or the alteration and equipment of an existing school ;

"managers" has the meaning assigned to that expression by Section one hundred and sixteen of the Act ;

"school" means a grammar school, not being an independent school or a school under the management of a local education authority, and includes the school premises.

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations as it applies to the interpretation of an Act of the Parliament of Northern Ireland.

3.—(1) Applicants for a grant for the provision of a new school shall satisfy the Ministry that they have consulted with the local education

authority for the area in which the school is to be established, in accordance with the provisions of Sub-section (2) of Section nine of the Act.

(2) Application for a grant shall be made on a form which may be obtained from the Ministry.

4.—(1) A grant for the provision of a new school shall not be sanctioned unless the Ministry is satisfied

(*a*) that the school is needed to ensure adequate and suitable provision for the education of pupils who may be expected to attend,

(*b*) that the site is suitable and satisfactory, and

(*c*) that a satisfactory fee farm grant or lease of the site can be executed.

(2) It shall be a condition of the grant that the managers shall undertake to provide a sum which in conjunction with the grant will be sufficient to meet the cost of the works executed in accordance with the plans and specifications approved by the Ministry.

(3) The grant may be paid in instalments, in which case the first instalment of the Ministry's grant shall not be paid until at least one tenth of the total cost of the work has been met by the managers.

5. It shall be a condition of the payment of grant under these Regulations that —

(*a*) in the case of the provision of a new school or the alteration of an existing school, if within a period of fifty years from the completion of the works for the purpose of which grant was made by the Ministry, or within such lesser period as the Ministry may in any particular case allow, the school ceases to be maintained and carried on as a grant-aided school, the said grant shall, unless the Ministry otherwise determines, be recoverable from any person in whom is vested for the time being the estate or interest in the school premises which was formerly held for the purpose thereof ;

(*b*) if within a period of 10 years from the time at which a grant was made towards the purchase of equipment under these Regulations, the school ceases to be maintained and carried on as a grant-aided school, the said grant shall be recoverable from the person or body of persons in whom the ownership of such equipment is vested for the time being.

6. The Ministry may in any particular case make a grant in respect of works of a temporary nature for the provision of a new school or the alteration of an existing school where it is satisfied that such temporary works are necessary and the provisions of these Regulations shall apply accordingly.

7. The Ministry may require that sketch plans, working drawings, specifications, estimates, tenders and contract documents shall be submitted for its approval.

8. It shall be a condition of grant that the works in respect of which a grant is to be made have been completed to the satisfaction of the Ministry.

9. The Ministry may make a grant in respect of expenditure incurred on equipment related to the provision of a new school or the alteration of an existing school subject to the condition that before such expenditure is incurred particulars of the equipment and of the estimated cost thereof shall have been submitted to and approved by the Ministry.

10. Unless the Ministry otherwise directs competitive tenders shall be obtained for all works and for all equipment and such tenders shall be obtained by public advertisement. The lowest tender shall be accepted unless the Ministry approves of the acceptance of a tender other than the lowest.

11. A grant shall not be made in respect of any works begun before the Ministry's approval has been given thereto.

12. It shall be a condition of the payment of any grant under these Regulations that the school shall be vested either in trustees appointed with the approval of the Ministry or in some body of persons approved by the Ministry for the purpose of maintaining and carrying on the school for a period of fifty years from the completion of the works for which the payment of grant was made by the Ministry, or for such lesser period as the Ministry may in any particular case allow.

13. The fee farm grant or lease of the site for a school to the trustees or body of persons approved by the Ministry shall be in a form approved by the Ministry and will be prepared by the Chief Crown Solicitor free of charge to the applicant for the grant save for stamp duty or other statutory fees, but all expenses incurred in obtaining proof of title or any necessary consent shall be borne by the applicant. The lease shall be for a term approved by the Ministry. Any such fee farm grant or lease may contain a provision charging the lands held for the purposes of the school in favour of the Ministry with the repayment of any grant made in accordance with these Regulations.

14. Where it is necessary to purchase a site for a new school, or additional land for an existing school, the purchase price or so much thereof as the Ministry may approve may be included in the expenditure on which the grant is payable.

15. A grant shall not be made under these Regulations in respect of expenditure incurred by the managers on works which, in the opinion of the Ministry, are works of internal or external maintenance.

16.—(1) Payment of grants will be made on the actual approved expenditure, and for that purpose the applicant will be required to produce to the Ministry Architect's certificates, vouchers and such other documentary evidence as it may require.

(2) The final instalment of the grant will not be paid until
(*a*) The Architect's certificate of completion has been received and the Ministry is satisfied that the school is ready for occupation, and
(*b*) the maintenance period prescribed in the contract documents has expired.

17. A school in respect of which a grant has been made under these Regulations shall not be used for political meetings, the transaction of any political business or for any purpose connected directly or indirectly with Parliamentary or Local Government elections except as polling booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

18. A school in respect of which a grant has been paid under these Regulations shall not be used for any purpose outside the scope of the Act or the Youth Welfare, Physical Training and Recreation Acts (Northern Ireland), 1938 to 1947.

19. In case of doubt or dispute as to the meaning and effect of any of these Regulations the decision of the Ministry thereon shall be final.

Sealed with the Official Seal of the Ministry of Education this fourth day of October, 1948, in the presence of

(L.S.) *R. S. Brownell,*
Secretary.

The Ministry of Finance hereby approves of the foregoing Regulations.

Sealed with the Official Seal of the Ministry of Finance this fourth day of October, 1948, in the presence of

(L.S.) *John I. Cook,*
Assistant Secretary.

Equipment Grants

REGULATIONS DATED 10TH MARCH, 1948, MADE BY THE MINISTRY OF EDUCATION WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER THE EDUCATION ACT (NORTHERN IRELAND), 1947.

1948. No. 47

The Ministry of Education in exercise of the powers conferred on it by subsection (2) of Section one hundred and six and Section one hundred and twelve of the Education Act (Northern Ireland), 1947, and of all other powers enabling it in that behalf, and with the approval of the Ministry of Finance, hereby makes the following Regulations :—