
STATUTORY INSTRUMENTS

1993 No. 2810

The Education and Libraries (Northern Ireland) Order 1993

PART IV

MISCELLANEOUS

Finance

Capital grants to, and management of, maintained schools and voluntary grammar schools

28.—(1) For Article 116 of the 1986 Order there shall be substituted the following Article—

“Building and equipment grants for voluntary schools

116.—(1) Subject to paragraph (2) and to regulations made with the approval of the Department of Finance and Personnel, the Department may pay to any person in respect of approved expenditure—

(a) incurred for the provision or alteration of the premises of a voluntary school, a sum equal to—

(i) that expenditure where, when that expenditure is approved, the school is—

(A) a maintained school in relation to which an agreement under paragraph 1 of Schedule 5 is in force; or

(B) a voluntary grammar school in relation to which an agreement under paragraph 1(1)(a) of Schedule 6 is in force;

(ii) eighty-five per cent. of that expenditure where, when that expenditure is approved, the school is—

(A) a maintained school not falling within head (i)(A); or

(B) a voluntary grammar school in relation to which an agreement under paragraph 1(1)(b) of Schedule 6 is in force;

(iii) sixty-five per cent. of that expenditure in any other case;

(b) incurred for the provision of equipment provided in connection with the provision or alteration of the premises of a voluntary grammar school, a sum equal to—

(i) that expenditure where, when that expenditure is approved, an agreement under paragraph 1(1)(a) of Schedule 6 is in force in relation to the school;

(ii) eighty-five per cent. of that expenditure where, when that expenditure is approved, an agreement under paragraph 1(1)(b) of Schedule 6 is in force in relation to the school;

(iii) sixty-five per cent. of that expenditure in any other case;

(c) incurred for the provision of equipment for a voluntary school other than a maintained school or a voluntary grammar school, a sum equal to sixty-five per cent. of that expenditure.

(2) No grant shall be paid under paragraph (1)(a)(iii) to a person in respect of expenditure incurred for the provision or alteration of any premises of a voluntary grammar school other than school meals premises.

(3) In paragraph (2) “schools meals premises” means premises used, or to be used, wholly or mainly for the carrying out of arrangements approved under Article 58(5) or (6).

(4) Where a contract entered into for the provision or alteration of the premises of a school provides for payment by instalments, the date on which an instalment is paid under the contract may, for the purposes of this Article, be taken as the date on which expenditure of the amount of that instalment has been incurred.

(5) For the purposes of this Article, any question as to the date on which any expenditure was incurred or approved shall be determined by the Department.

(6) Regulations under paragraph (1) may make provision for—

- (a) the repayment in such circumstances as are prescribed of the whole or part of any grant paid under this Article;
- (b) the reduction in such circumstances as are prescribed of the amount of grant which would otherwise be payable under this Article;
- (c) the payment to the Department by such person as may be prescribed of a sum where—
 - (i) any premises of a school in respect of which the Department has, at any time after 8th. August 1978, paid a grant under paragraph (1)(a), cease to be used for approved purposes of a grant-aided school; or
 - (ii) any site in respect of which the Department has, at any time after that date, paid a grant under paragraph (1)(a), ceases, in the opinion of the Department, to be required for the purposes of a grant-aided school.

(7) Without prejudice to the generality of paragraph (6), regulations under paragraph (1) may—

- (a) provide for any repayment, reduction or payment under the regulations to be of such amount as the Department considers equitable;
- (b) provide for any such repayment, reduction or payment not to exceed such amount as may be determined under or in accordance with the regulations;
- (c) provide for any amount determined as mentioned in sub-paragraph (b) to include an amount in respect of interest calculated in such manner as may be prescribed; and
- (d) apply to grants made before as well as after the coming into operation of Article 28 of the Education and Libraries (Northern Ireland) Order 1993.”.

(2) For Article 11 of the 1986 Order (management of voluntary schools) there shall be substituted the Article set out in Part I of Schedule 2.

(3) For Schedule 5 to the 1986 Order (management of maintained schools) there shall be substituted the Schedule set out in Part II of Schedule 2.

(4) For Schedule 6 to the 1986 Order (management of certain voluntary grammar schools) there shall be substituted the Schedule set out in Part III of Schedule 2.

(5) Where an agreement under paragraph 1 of Schedule 5 to the 1986 Order or paragraph 1(1)(a) of Schedule 6 to that Order comes into force in relation to a school at any time before the expiration of 3 months from the day on which this Article comes into operation, paragraph (1) of Article 116

of that Order shall have effect, in relation to any expenditure of a description mentioned in that paragraph which is approved in connection with the school in the period beginning on 4th November 1992 and ending on the coming into force of that agreement, as if that agreement had been in force when the expenditure was approved.

(6) Paragraph (5) does not apply to expenditure incurred under, or in connection with, a contract for the provision or alteration of the premises of a school or the provision of equipment for a school if any part of the expenditure under, or in connection with, that contract was approved before 4th November 1992.

(7) Any agreement in force immediately before the coming into operation of this Article in relation to a school under Schedule 6 to the 1986 Order shall—

- (a) if made, or having effect as if made, under paragraph 1(1) of that Schedule, continue to have effect as if made under paragraph 1(1)(b) of that Schedule, as substituted by this Article;
- (b) if made, or having effect as if made, under paragraph 1(2) of that Schedule, continue to have effect as if made under paragraph 2(1) of that Schedule, as substituted by this Article.