

1973. No. 376

[C]

EDUCATION

Heating, Lighting, Cleaning and Maintenance

REGULATIONS, DATED 28TH SEPTEMBER 1973, MADE BY THE MINISTRY OF EDUCATION UNDER ARTICLES 10 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 10 and 125 of the Education and Libraries (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Heating, Lighting, Cleaning and Maintenance Regulations (Northern Ireland) 1973.

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

(3) The Heating, Lighting, Cleaning and Internal Maintenance Regulations (Northern Ireland) 1962(b) and the External Maintenance Grants Regulations (Northern Ireland) 1965(c) are hereby revoked.

2. In these Regulations:—

"board" means the education and library board established under Article 3 of the Order for the area in which the school is situated or such other board as the Ministry may determine;

"contribution" means a contribution payable by a board in accordance with Article 10(2) of the Order;

"maintenance" means such works as are necessary to maintain the school premises in a satisfactory condition for the purpose of providing education for pupils at the school and includes the maintenance of paved spaces, grass areas, hedges, fences, playing fields (including pavilions and other buildings), fixtures, fittings, heating apparatus, desks, furniture and articles of like kind and appliances for instructional purposes but does not include any works of alteration, adaptation enlargement or improvement of the school premises;

"managers" means the person or body under whose control or management a school is placed;

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

"school" means a voluntary primary, intermediate or special school other than a maintained school;

"school premises" in the case of a boarding school does not include so much of the school premises as is used wholly or mainly for boarding purposes.

3. Subject to and in accordance with these Regulations a board shall pay to the managers of a school contributions amounting to sixty-five per cent of

(a) S.I. 1972, No. 1263 (N.I. 12).

(c) S.R. & O. (N.I.) 1965, No. 160.

(b) S.R. & O. (N.I.) 1962, No. 108.

the approved nett expenditure on heating, lighting, cleaning and internal and external maintenance of the school premises.

4. The board may from time to time issue directions, either of a general character or for the purposes of any particular case in connection with any of the following matters relating to applications for, or payment of, contribution:—

- (a) the preparation of plans, specifications and estimates;
- (b) the invitation of offers or tenders for the execution of works;
- (c) the placing of contracts or orders for the execution of works;
- (d) the furnishing of information to the board;
- (e) such other matters as appear to the board necessary or desirable for the purposes of these Regulations.

5.—(1) The managers shall submit to the board estimates of their proposed expenditure on the heating, lighting, cleaning and maintenance of the school premises.

(2) The board shall approve such estimates unless in its opinion they or any item included in them are unreasonable.

(3) If the board considers that such estimates or any items included in them are unreasonable it shall after consultation with the managers approve them subject to such amendments as it may determine.

6. If the board is satisfied that owing to exceptional circumstances it is or was necessary for the managers to incur expenditure for which provision was not made in the estimates approved by the board under Regulation 3, it may approve such expenditure for the purpose of payment of a contribution, but save as provided in this Regulation a board shall make no contribution in respect of expenditure for which provision was not made in the estimates as approved by the board.

7.—(1) The board may require as a condition of payment of a contribution in respect of any work of maintenance estimated by the managers or by the board to cost more than £50 that its express approval to such work shall be obtained before the work is begun.

(2) The board shall not pay a contribution in respect of works of maintenance which costs in the aggregate more than £75 in any year unless the managers of the school certify in writing that it is their intention to carry on the school as a school for not less than two years from the date on which the work is completed.

(3) If within a period of two years from the payment of a contribution in respect of works of maintenance which cost more than £150 the school ceases to be carried on as a school the managers shall repay the whole or such part of the contribution as the board may determine.

8. The following expenditure shall be excluded from the expenditure in respect of which a contribution is payable:—

- (a) expenditure incurred by reason of the use of the school premises other than for the purposes of the Order or of the Recreation and Youth Service (Northern Ireland) Order 1973(d);

- (b) expenditure incurred in making good damage to the school premises caused by or arising from the neglect or default of the managers or of any person acting with their express or implied permission or under their control;
- (c) expenditure incurred in making good damage to the school premises caused by the wrongful act of any person not acting with the express or implied permission or under the control of the managers:

Provided that if the board is satisfied that the managers have taken all reasonable steps to recover compensation from any person liable in respect of such wrongful act, the amount by which such expenditure exceeds the compensation recovered if any may, subject to the provisions of these Regulations, be included in the expenditure in respect of which a contribution is payable.

9.—(1) The board shall not pay a contribution in respect of expenditure on maintenance arising from damage caused by fire or flood or by any defect in or accident to, or caused by, a boiler installed on the school premises, or in respect of any expenditure on the maintenance of such boiler other than expenditure required to make good fair wear and tear, or any other risk in respect of which the Ministry has issued a direction under Regulation 6(1) of the Voluntary Primary, Intermediate and Special Schools Building Grant Regulations (Northern Ireland) 1973(e).

(2) There shall be included in the expenditure in respect of which a contribution is payable a sum equal to half of any reasonable payment made by the managers in respect of insurance against such damage as in paragraph (1) aforesaid.

10.—(1) It shall be a condition of payment of contribution that the managers shall furnish to the board such receipts or other documents as the board may require for the purpose of vouching the expenditure in respect of which contribution is payable.

(2) The board may withhold all or part of any contribution payable towards expenditure incurred under these Regulations if it considers that the premises have not been kept in a suitable and hygienic condition or that works of maintenance have not been executed in a satisfactory manner.

11. The managers of a school shall employ a suitable person or persons or make such other other arrangements as may be approved by the board for the purpose of carrying out such cleaning and other duties as are necessary to ensure that the school premises are kept in a hygienic and otherwise suitable condition.

12. The managers shall afford access to the school premises at all reasonable times to any officer authorised by the board and acting on its behalf for the purposes of these Regulations.

13. Where as a direct result of the execution of maintenance works any fittings, materials or other articles or substances are made available for disposal the board may, in the event of the managers applying for grant, take into account the value of such fittings, materials, articles or substances in determining the amount of the expenditure on which grant may be paid.

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.

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations set out the duties of boards under Article 10 of the Education and Libraries Order 1972 in respect of the heating, lighting, cleaning and internal and external maintenance of the premises of non-maintained voluntary primary, intermediate and special schools. They revoke the Heating, Lighting, Cleaning and Internal Maintenance Regulations 1962 and External Maintenance Grants Regulations 1965.

The substance of the revoked Regulations is retained but boards, and not the Ministry, now pay contribution in respect of works of external maintenance.