

**1989 No. 1453**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Teachers' Pay and Conditions)  
(Amendment) Order 1989**

<i>Made</i> - - - -	<i>7th August 1989</i>
<i>Laid before Parliament</i>	<i>10th August 1989</i>
<i>Coming into force</i>	<i>1st September 1989</i>

The Advisory Committee appointed under section 2(1) of the Teachers' Pay and Conditions Act 1987 (a) having reported to the Secretary of State in accordance with that section, the Secretary of State, in exercise of powers conferred by section 3(1), (3), (4) and (5) of the Act and after consulting in accordance with section 3(1) of the Act such associations of local education authorities, such bodies representing the interests of governors of voluntary schools and such organisations representing school teachers as appeared to him to be concerned, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Education (School Teachers' Pay and Conditions) (Amendment) Order 1989 and shall come into force on 1st September 1989.

**Application and effect**

2. This Order applies to all school teachers (as defined in the Teachers' Pay and Conditions Act 1987) in England and Wales and gives effect without any material modification to recommendations of the Advisory Committee.

**Amendment of School Teachers' Pay and Conditions Document 1989**

3.—(1) It is hereby directed that the provisions relating to remuneration set out in the Document published by Her Majesty's Stationery Office and entitled "School Teachers' Pay and Conditions Document 1989" (b) shall be amended in accordance with the following provisions of this article.

(2) In paragraph 1(1)—

(a) before the definition of "ordinary school" there shall be added—

“licensed teacher” means a teacher who has been granted a licence under the provisions of Schedule 4 to the Education (Teachers) Regulations 1989(c);”;

(b) in the definition of "qualified teacher", for "1982" there shall be substituted "1989"; and

(c) in the definition of "unqualified teacher" for "Schedule 4 to the Education (Teachers) Regulations 1982" there shall be substituted "Schedule 3 to the Education (Teachers) Regulations 1989".

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(a) 1987 c.1. Sections 3 and 7 have been amended by paragraphs 38 and 39 of Schedule 12 to the Education Reform Act 1988 (c.40). Section 3(5)(a) has been amended by S.I. 1988/2074.

(b) ISBN 0 11 270672 X.

(c) S.I. 1989/1319.

(3) Paragraph 8(2) shall be deleted and the following substituted—

“(2) Unqualified teachers whose employment is authorised under Schedule 3 to the Education (Teachers) Regulations 1989 shall be paid salary U1, U2, U3 or U4 or be placed on scale U5 in accordance with the following table—

<i>Employment Authorised Under</i>	<i>Salary or Scale Payable</i>
Paragraph 2(1)(a) of Schedule 3 to the Education (Teachers) Regulations 1989	U1
Paragraph 2(1)(b) of that Schedule	U2
Paragraph 1 of that Schedule	U3
Paragraph 4 of that Schedule	U4
Paragraph 3 of that Schedule	U5

(4) In paragraphs 9(1)(b), 16(1) and 21(1)(d)(v) for “Regulation 15 or 16 of the Education (Teachers) Regulations 1982” there shall be substituted “Regulation 15, 16 or 17 of the Education (Teachers) Regulations 1989”.

(5) In paragraph 13 for “paragraph 3 of Schedule 4 to the Education (Teachers) Regulations 1982” there shall be substituted “paragraph 4 of Schedule 3 to the Education (Teachers) Regulations 1989”.

(6) In paragraph 14—

(a) for the words “Where an unqualified teacher” there shall be substituted the words—

“(1) The relevant body may determine that a licensed teacher shall

(a) be paid and be eligible for allowances as a qualified teacher; or

(b) be paid any salary which an unqualified teacher could be paid, or be placed on scale U5, and be eligible for allowances as an unqualified teacher,

as they consider appropriate.

(2) Where the Secretary of State is considering the case of an unqualified teacher under paragraph 2(3) of Schedule 5 to the Education (Teachers) Regulations 1989 (which provides that the Education (Teachers) Regulations 1982<sup>(a)</sup> shall continue to have effect, but with the addition of a reference to the governing body of a grant-maintained school, with respect to that person until the Secretary of State has completed his consideration of the case) and the unqualified teacher—”;

(b) in sub-paragraph (a), after the words, “the authority” there shall be inserted the words “or governing body of a grant-maintained school”.

(7) There shall be substituted for paragraph 15 the following paragraph—

“15.—(1) A teacher who is awarded the status of a qualified teacher retrospectively under Schedule 5 to the Education (Teachers) Regulations 1989 shall be paid a lump sum of the amount specified in sub-paragraph (2) by any authority or governing body of a grant-maintained school by whom his remuneration has been paid since the date from which his qualified teacher status runs.

(2) That lump sum shall be equivalent to the difference (if any) between the remuneration he received and the remuneration he would have received from them as a qualified teacher.”

7th August 1989

*John MacGregor*  
Secretary of State for Education and Science

(a) S.I. 1982/106, to which there are amendments not relevant to this Order.

## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the School Teachers' Pay and Conditions Document 1989 to take account of the provisions of the Education (Teachers) Regulations 1989 and to give effect to recommendations of the Interim Advisory Committee on School Teachers' Pay and Conditions relating to licensed teachers and to the retrospective award of qualified teacher status which could not be implemented until those Regulations came into force. Both the Order and the Regulations come into force on 1st September 1989.

The Order applies to all school teachers (as defined in section 7(1) of the Teachers' Pay and Conditions Act 1987, amended to include teachers in grant-maintained schools by paragraph 39 of Schedule 12 to the Education Reform Act 1988).

The Order contains a statement that it gives effect without any material modification to recommendations of the Advisory Committee and consequently, by virtue of section 3(2) of the said Act of 1987, the Order is subject to annulment in pursuance of a resolution of either House of Parliament.

The retrospective effect of the Order as regards remuneration is authorised by section 3(5)(f) of the said Act of 1987.