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WELSH STATUTORY INSTRUMENTS

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**2023 No. 1125 (W. 196)**

**EDUCATION, WALES**

**The School Teachers' Incentive Payments (Wales) Order 2023**

*Made* - - - - 25 October 2023  
*Laid before Senedd Cymru* 27 October 2023  
*Coming into force* - - 17 November 2023

The Welsh Ministers, in exercise of the power conferred on them by section 123(4)(a) of the Education Act 2002(1), make the following Order.

**Title, coming into force, application and interpretation**

1.—(1) The title of this Order is the School Teachers' Incentive Payments (Wales) Order 2023 and it comes into force on 17 November 2023.

(2) This Order applies to school teachers in Wales.

(3) In this Order—

“local authority in Wales” (“*awdurdod lleol yng Nghymru*”) has the meaning given by section 579(1) of the Education Act 1996(2);

“school teacher” (“*athro neu athrawes ysgol*”) has the meaning given by section 122(3) to (6) of the Education Act 2002(3).

**Incentive payments to school teachers**

2. A lump sum payment made to a school teacher under the Welsh in Education Teacher Retention Bursary Scheme(4), by a local authority in Wales or the governing body of a school maintained by such an authority, is not to be treated as remuneration for the purpose of section 122(1) of the Education Act 2002.

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(1) 2002 c. 32. The functions of the Secretary of State were transferred to the Welsh Ministers by article 39(3) of the Welsh Ministers (Transfer of Functions) Order 2018 (S.I. 2018/644).

(2) “local authority in Wales” and other definitions were substituted for the definition of “local authority” by article 3(2)(b) of S.I. 2010/1158.

(3) Sub-sections (3) and (4) of section 122 were amended by article 5(1) of, and paragraph 11 of Part 1 of Schedule 2 to, S.I. 2010/1158.

(4) ISBN 978-1-83504-878-8.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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25 October 2023

*Jeremy Miles*  
Minister for Education and Welsh Language, one  
of the Welsh Ministers

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## EXPLANATORY NOTE

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

This Order provides that lump sum payments paid to school teachers in Wales under the Welsh in Education Teacher Retention Bursary are not treated as remuneration for the purpose of section 122(1) of the Education Act 2002 and so are not subject to the statutory pay framework and are not pensionable.

Guidance on the Welsh in Education Teacher Retention Bursary is published on the gov.wales website at <https://www.gov.wales/welsh-education-teacher-retention-bursary-guidance-applicants.html>.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Pedagogy, Early Career and Welsh Practitioners Branch, Pedagogy, Leadership and Professional Learning Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.