



# School Teachers' Pay and Conditions Act 1991

## 1991 CHAPTER 49

### [3] <sup>F1</sup>Special provisions as to schools in education action zones.

- (1) A pay and conditions order shall not apply to the statutory conditions of employment of the school teachers in a participating school the governing body of which—
  - (a) have, by notice to the Secretary of State, made an application for exemption; and
  - (b) pursuant to that application are for the time being exempted from subsections (6) and (7) of section 2 above by virtue of an order under subsection (4) below.
- (2) Before making an application under subsection (1) above, the governing body of the participating school concerned shall consult the school teachers employed at the school with respect to the proposed application.
- (3) A notice of application under subsection (1) above shall specify a date, at least three months after the date of the notice, with effect from which the governing body of the participating school concerned intend to make their own provision as to the statutory conditions of employment of the school teachers employed at the school.
- (4) On receipt of a notice of application under subsection (1) above the Secretary of State may, by statutory instrument, make an order—
  - (a) naming the school; and
  - (b) specifying, as the date with effect from which, by virtue of the order, subsections (6) and (7) of section 2 above are not to apply, the date specified in the notice of application or such other date as may be agreed between the governing body and the Secretary of State.
- (5) Where by virtue of an order under subsection (4) above a pay and conditions order ceases to apply in relation to any school, the statutory conditions of employment of the school teachers employed at the school shall be—
  - (a) such as may be determined by the governing body, or

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*Changes to legislation: School Teachers' Pay and Conditions Act 1991, Section 3 is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) so far as the governing body have not made any determination with respect to any such conditions of employment, those having effect under the order immediately before it ceased to apply;
- and (so far as necessary) the local education authority shall give effect to any such determination of the governing body.
- (6) In this section “participating school” means one of the schools for the time being included in an order under section 10(1) of the School Standards and Framework Act 1998 establishing an education action zone.]

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#### **Textual Amendments**

- F1** S. 3 substituted (1.9.1998) by 1998 c. 31, s.13 (with ss. 138(9), 144(6) and with saving in Sch. 32 Pt. II para. 7); S.I. 1998/2048, art.3

**Changes to legislation:**

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**Commencement Orders yet to be applied to the School Teachers' Pay and Conditions Act 1991**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/1115 art. 23](#) commences (2002 c. 32)
- [S.I. 2003/1667 art. 2-5](#) commences (2002 c. 32)