



# School Teachers' Pay and Conditions Act 1991

## 1991 CHAPTER 49

### 5 <sup>[F1]</sup>Interpretation, orders and application of provisions of Education Acts.]

#### (1) In this Act—

“contract of employment”, in relation to a school teacher, means the contract, whether a contract of service or for services, under which he performs his duties as teacher;

“pay and conditions order” has the meaning given by section 2(3) above;

“the review body” has the meaning given by section 1(1) above;

“school teacher” means, subject to subsection (2) below, a teacher employed by—

(a) a local education authority, or

(b) the governing body of a <sup>[F2]</sup>foundation, voluntary aided or foundation special] school,

in the provision of primary or secondary education;

<sup>F3</sup> . . .; and

“statutory conditions of employment” has (subject to subsection (3) below) the meaning given by section 1(2) above;

and <sup>[F4]</sup>where any other expression used in this Act is defined for the purposes of the <sup>M1</sup>Education Act 1996 or the School Standards and Framework Act 1998, it shall have the same meaning in this Act as in that Act.].

(2) A person employed as a teacher in an establishment maintained by a local authority in the exercise of a social services function is not a school teacher for the purposes of this Act.

(3) For the purposes of this Act, the Secretary of State may by order made by statutory instrument provide that, with effect from the date on which the order comes into force or such later date as may be specified in or determined under the order,—

(a) any payment or other benefit specified in the order is, or as the case may be is not, to be regarded as remuneration; or

**Changes to legislation:** School Teachers' Pay and Conditions Act 1991, Section 5 is up to date with all changes known to be in force on or before 25 May 2023. 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

- (b) any matter is, or as the case may be is not, to be regarded as falling within the professional duties or working time of school teachers.
- (4) An order under any provision of this Act may—
  - (a) make different provision for different cases, including different provision for different areas; and
  - (b) contain such incidental, supplemental or transitional provisions as the Secretary of State thinks fit.
- (5) In [<sup>F5</sup>sections 496 and 497 of the Education Act 1996] (powers of Secretary of State in relation to functions of certain bodies under that Act), any reference to that Act includes a reference to this Act.

#### Textual Amendments

- F1** S. 5 sidenote substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 28(3)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**
- F2** Words in s. 5(1) substituted (1.6.1999 for certain purposes and otherwise 1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 28(2)(a)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(2), **Sch. 2**; S.I. 1999/2323, art. 2(1), **Sch.1**
- F3** S. 5: definition of "school which has a delegated budget" omitted (1.4.1999) by virtue of S.I. 1999/638, **reg. 3**
- F4** Words in s. 5(1) substituted (1.6.1999 for certain purposes and otherwise 1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 28(2)(c)** (with ss. 138(9), 144(6)); S.I. 1999/1016, art. 2(2), **Sch. 2**; S.I. 1999/2323, art. 2(1), **Sch.1**
- F5** Words in s. 5(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37 Pt. I para. 101(4)(b)** (with ss. 1(4), 561, 562, Sch. 39)

#### Commencement Information

- I1** S. 5 wholly in force at 22.8.1991 see s. 6(5) and S.I. 1991/1874, **art. 2**

#### Marginal Citations

- M1** 1996 c. 56.

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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)