
STATUTORY INSTRUMENTS

2004 No. 2142

EDUCATION, ENGLAND AND WALES

**The Education (School Teachers' Pay
and Conditions) (No.2) Order 2004**

Made - - - - 13th August 2004
Laid before Parliament 20th August 2004
Coming into force - - 1st September 2004

Whereas the review body established under section 1 of the School Teachers' Pay and Conditions Act 1991(1) have made a report following the reference to them of certain matters;

And whereas the Secretary of State has consulted, in accordance with section 126 of the Education Act 2002(2) ("the Act"), such associations of local education authorities, such local education authorities, such bodies representing the interests of governing bodies of schools and such bodies representing the interests of teachers as appeared to him to be appropriate having regard to the contents of this Order;

Now, therefore the Secretary of State, in exercise of the powers conferred by sections 122(1), 123, 124 and 210(7) of the Act hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Education (School Teachers' Pay and Conditions)(No.2) Order 2004 and shall come into force on 1st September 2004.

Revocation

2. The Education (School Teachers' Pay and Conditions) (No.2) Order 2003(3), the Education (School Teachers' Pay and Conditions) (No.3) Order 2003(4) and the Education (School Teachers' Pay and Conditions) Order 2004(5) are hereby revoked.

(1) [1991 c. 49](#). Section 1 was repealed by section 215(2) of and Part 1 of Schedule 22 to the Education Act 2002 ([c. 32.](#)) but the review body continues to exist by virtue of section 119(1) of that Act.
(2) [2002 c. 32.](#)
(3) [S.I.2003/2169](#)
(4) [S.I. 2003/2640.](#)
(5) [S.I. 2004/658.](#)

School Teachers' Pay and Conditions

3.—(1) This Order applies to school teachers within the meaning of section 122 of the Act in England and Wales⁽⁶⁾.

(2) It is hereby directed that the provisions set out in section 2 of the document published by The Stationery Office Limited and entitled “School Teachers' Pay and Conditions Document 2004 and Guidance on School Teachers' Pay and Conditions”⁽⁷⁾ shall have effect from 1st September 2004, save for the provisions set out in Annex 6, part 1 of which shall have effect from 1st April 2005 and part 2 of which shall have effect from 1st September 2005.

13th August 2004

Stephen Twigg
Parliamentary Under Secretary of State,
Department for Education and Skills

⁽⁶⁾ In relation to Wales, regulation 6(2) of the Education Act 2002 (Transitional Provisions)(Wales) Regulations 2002 (S.I. [2002/3184](#)) provides that section 122(3)(d) of the Act does not apply until regulations under section 133 of the Act come into force.

⁽⁷⁾ ISBN 0-11-2711-634.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under sections 122(1), 123 and 124 of the Education Act 2002 (“the Act”), refers to a document entitled “School Teachers' Pay and Conditions Document 2004 and Guidance on School Teachers' Pay and Conditions” published by The Stationery Office Limited, which is obtainable from Government book shops and through booksellers. It can also be found on the internet at:

http://www.teachernet.gov.uk/management/payandperformance/pay/2004/Pay_Publication_2004/

It revokes the Orders that gave effect to and amended the School Teachers' Pay and Conditions Document 2003.

The Order applies to all school teachers within the meaning of section 122 of the Act in England and Wales. By virtue of section 122(2)(a) of the Act, the remuneration of school teachers to whom the Order applies is to be determined and paid to them in accordance with the pay scales and other provisions of section 2 of the document. By virtue of section 122(2)(b), the provisions set out in section 2 of the document relating to the conditions of employment of school teachers have effect as terms of the contracts of the employment of school teachers.

The Order directs that the provisions set out in section 2 of the document shall have effect from 1st September 2004 save for those provisions set out in part 1 of Annex 6 which shall have effect from 1st April 2005 and those set out in part 2 of Annex 6 which shall have effect from 1st September 2005.