

2005 No. 539

EDUCATION, ENGLAND AND WALES

**The Education (School Teachers' Pay and Conditions) Order
2005**

<i>Made</i> - - - -	<i>8th March 2005</i>
<i>Laid before Parliament</i>	<i>11th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

Whereas the review body established under section 1 of the School Teachers' Pay and Conditions Act 1991(a) 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(b) ("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:

1.—(1) This Order may be cited as the Education (School Teachers' Pay and Conditions) Order 2005 and shall come into force on 1st April 2005.

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

2. The School Teachers' Pay and Conditions Document 2004(c) is amended as follows—

(a) in paragraph 19.1 insert "Except in the case of a teacher to whom paragraph 20 applies," before "a post-threshold teacher".

(b) for paragraph 20.2 substitute—

"Subject to paragraphs 20.3 and 20.4, after 31st March 2005, the teacher shall be treated as if he had been placed at point U3 on the pay scale for post-threshold teachers and his salary shall be determined accordingly.";

(c) for paragraph 20.3 substitute—

"The teacher shall, in addition to his salary determined in accordance with paragraph 20.2, be paid a sum ("the safeguarded sum") equivalent to the difference between the value at 1st

(a) 1991 c.49; section 1 was repealed by section 215(2) of and Part 1 of Schedule 22 to the Education Act 2002 (c.32.)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.

(b) 2002 c.32.

(c) ISBN 0-11-2711-634; the Document was given legal effect by the Education (School Teachers' Pay and Conditions) (No.2) Order 2004 (S.I.2004/2142).

April 2004 of the point he was awarded under the 2003 Document and the value of point U3 for the area in which he served on 31st March 2005.”; and

(d) after paragraph 20.3 insert—

“**20.4** Payment of the safeguarded sum shall continue until either:

- (a) 31st March 2008; or
- (b) the teacher ceases to be a classroom teacher,

whichever is the earlier.”.

(e) paragraph 52.1 is amended as follows—

- (i) after “the sum of £33” insert “per year”;
- (ii) before “registration fee” insert “annual”; and
- (iii) omit “payable in the year 1st April 2004 to 31st March 2005”.

8th March 2005

Stephen Twigg
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends paragraphs 20 and 52.1 of the School Teachers' Pay and Conditions Document 2004 ("the 2004 Document") with effect from 1st April 2005.

Paragraph 20 makes transitional provision for post-threshold teachers in England and Wales who were awarded points 4 or 5 on the Upper Pay Spine under the School Teachers' Pay and Conditions Document 2003. These points were abolished by the 2004 Document. The amendment ensures that teachers affected by this change will be treated for all purposes as if they had been awarded point 3 on the Upper Pay Spine, and will therefore receive an inflation-related increase on 1st April in respect of that element of their pay, as well as receiving a safeguarded sum in respect of the additional value of the abolished points until 31st March 2008.

The amendment to paragraph 52.1 makes teachers' entitlement to a payment in respect of the registration fee of the General Teaching Councils for England and Wales an annual one.

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