



Education (Scotland) Act 1980

1980 CHAPTER 44

PART IV

TEACHERS

Remuneration of teachers

91 Committees to consider remuneration of teachers

- (1) The Secretary of State shall secure that, for the purpose of considering the remuneration payable to teachers by education authorities, there shall be one or more committees consisting of—
 - (a) a chairman appointed by the Secretary of State as being an independent person ;
 - (b) persons nominated from time to time by such bodies as may be determined by the Secretary of State, being bodies appearing to him to represent education authorities;
 - (c) persons nominated from time to time by such bodies as may be determined by the Secretary of State, being bodies appearing to him to represent teachers;
 - (d) one or more persons nominated from time to time by the Secretary of State to represent him.
- (2) The Secretary of State shall determine the number of persons to be nominated by the bodies mentioned in paragraphs (b) and (c) of subsection (1) above.
- (3) Subject to the following provisions of this section, the Secretary of State may from time to time vary or revoke any determination made by him under this section.
- (4) A determination of the Secretary of State whereby a body which is for the time being represented on a committee constituted under this section will cease to be so represented (except in a case where that body will have ceased to exist before the time when the determination is to take effect) shall not have effect unless it is embodied in an order made by the Secretary of State.

Status: This is the original version (as it was originally enacted).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

- (5) The power to make orders under this section shall be exercisable by statutory instrument; and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The Secretary of State, either at the time when a committee is constituted under this section or at any subsequent time, may give directions specifying the descriptions of teachers whose remuneration any such committee are to consider and the descriptions of such remuneration.

92 Review of remuneration by committees

- (1) It shall be the duty of each committee, whenever they think fit or are required by the Secretary of State to do so, to consider the relevant remuneration of teachers.
- (2) Where, in consequence of such consideration a committee agree on any recommendations with respect to the relevant remuneration of teachers, they shall transmit those recommendations to the Secretary of State.
- (3) Subject to the following provisions of this section, on the receipt of any recommendations of a committee under subsection (2) above the Secretary of State shall prepare a draft memorandum setting out the scales and other provisions required for determining the relevant remuneration of teachers, in the form in which, in his opinion, those scales and provisions should be so as to give effect to the recommendations of the committee.
- (4) Where the Secretary of State has prepared a draft memorandum under subsection (3) above, he shall consult the committee in question with respect to the draft and shall make such modifications of the draft as are requisite for giving effect to any representations made by the committee with respect thereto; and he shall then—
 - (a) arrange for a memorandum setting out the requisite scales and other provisions in the form of the draft, or in that form as modified under this subsection, as the case may be, to be published by Her Majesty's Stationery Office, and
 - (b) make an order referring to that memorandum and directing that the relevant remuneration of teachers shall be determined in accordance with the scales and other provisions set out in the memorandum.
- (5) If at the time when any recommendations of a committee are transmitted to the Secretary of State under subsection (2) above—
 - (a) an order made under subsection (4) above is in force with respect to the relevant remuneration of teachers, and
 - (b) it appears to the Secretary of State that effect could more conveniently be given to those recommendations by amending the scales and other provisions set out in the memorandum referred to in that order,
 the Secretary of State, instead of preparing a new draft memorandum under subsection (3) above, may prepare a draft order setting out the amendments of those scales and other provisions which, in his opinion, are requisite for giving effect to the recommendations.
- (6) Where the Secretary of State has prepared a draft order under subsection (5) above, he shall consult the committee in question with respect to the draft and shall make such modifications of the draft as are requisite for giving effect to any representations made by the committee with respect thereto; and the Secretary of State shall then make the

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

order in the form of the draft, or in that form as modified under this subsection, as the case may be.

- (7) In this section and in sections 93 and 94 of this Act " committee " means a committee constituted under section 91 of this Act, and " the relevant remuneration of teachers ", in relation to such a committee, means the remuneration which, in accordance with any directions under section 91(6) of this Act, which are for the time being in force, that committee are required to consider.

93 Provision for arbitration

- (1) The Secretary of State shall make arrangements whereby, in such circumstances and subject to such exceptions as may be provided by the arrangements, matters in respect of which agreement has not been reached in a committee after they have been considered by the committee in accordance with sections 91 and 92 of this Act may be referred to arbitration in such manner as may be so provided.
- (2) Before making any arrangements under the foregoing subsection in relation to a committee, the Secretary of State shall consult the bodies which are to be, or are, represented on the committee in accordance with any determination made by him in pursuance of subsection (1)(b) or (c) of section 91 of this Act which is for the time being in force.
- (3) Any such arrangements may include provision for the appointment of arbiters by the Advisory, Conciliation and Arbitration Service for the purposes of any reference under this section; and references in any such arrangements to the Minister of Labour shall be construed as references to the Service.
- (4) The Secretary of State may vary or revoke any arrangements made by him under subsection (1) above by new arrangements which shall be subject to subsection (2) above.

94 Action on recommendations of arbiters

- (1) Any recommendations of the arbiters, on a reference under section 93 of this Act with respect to any matters considered by a committee, shall be transmitted to the Secretary of State ; and, except where those recommendations do not propose any change in the relevant remuneration of teachers as it then exists and subject to subsection (2) below, subsections (3) to (6) of section 92 of this Act shall have effect in relation to the recommendations of the arbiters as if they were recommendations of that committee.
- (2) If, in any case where any recommendations of arbiters have been transmitted to the Secretary of State under subsection (1) above, each House of Parliament resolves that national economic circumstances require that effect should not be given to the recommendations, the provisions of section 92 of this Act referred to in subsection (1) above shall not have effect as mentioned in that subsection.
- (3) Where such a resolution has been passed by each House of Parliament, the Secretary of State, after consultation with the committee in question, shall determine what changes (if any) in the relevant remuneration of teachers as it then exists are appropriate in the circumstances, and, unless he determines that no such changes are appropriate, shall (subject to subsection (4) below) proceed in accordance with subsections (3) and (4) of section 92 of this Act, or (where applicable) in accordance with subsections (5) and

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

(6) of that section, as if the changes determined by him had been recommended by that committee under subsection (2) of that section.

- (4) Subsections (4) and (6) of section 92 of this Act, as applied by subsection (3) above, shall each have effect with the substitution, for the words from " shall make " to " giving effect to ", of the words "may, if he thinks fit, modify the draft in consequence of ".

95 Effect of orders as to remuneration

- (1) Where any order made under section 92(4) of this Act is for the time being in force, then, subject to subsection (2) below, remuneration to which the order applies shall be determined, and shall be paid to teachers by education authorities, in accordance with the scales and other provisions set out in the memorandum referred to in that order.
- (2) Where at any time while an order under section 92(4) of this Act (in this subsection referred to as " the principal order ") is in force, an order under subsection (6) of that section relating to remuneration to which the principal order applies (in this subsection referred to as " the amending order ") comes into force, then, at any time while the amending order is in force, remuneration to which the principal order applies shall be determined, and shall be paid to teachers by education authorities, in accordance with the scales and other provisions set out in the memorandum referred to in the principal order as amended by the amending order.
- (3) In this section any reference to subsection (4) or subsection (6) of section 92 of this Act includes a reference to that subsection as applied by section 94 of this Act.

96 Remuneration of teachers where scales do not apply

Where the scales and other provisions set out in a memorandum to which an order made under section 92, or that section as applied by section 94, of this Act refers do not apply to a teacher appointed by an education authority, the education authority may pay to that teacher such remuneration as they think fit.

97 Supplementary provisions as to orders relating to remuneration

- (1) Any power to make an order under section 92 of this Act shall be exercisable by statutory instrument.
- (2) Any order under that section may be made with retrospective effect to any date specified in the order, and the remuneration of teachers to whom the order applies shall be deemed to have been payable accordingly:

Provided that nothing in this subsection shall be construed authorising the remuneration of any teacher to be reduced retrospectively.

- (3) In this section any reference to an order made under section 92 of this Act includes a reference to an order made under that section as applied by section 94 of this Act.