



# Education Act 2002

## 2002 CHAPTER 32

### PART 8

#### TEACHERS

##### *Teachers' pay and conditions*

#### **123 Order under section 122: scope**

- (1) An order under section 122 may, in particular—
- (a) confer discretion on a local education authority or a governing body;
  - (b) confer a function (which may include the administration of a test or assessment, the exercise of a discretion or the exercise of a supervisory or appellate jurisdiction) on the Secretary of State or on a specified person who has agreed with the Secretary of State to perform that function;
  - (c) require a discretion or function conferred under paragraph (a) or (b) to be exercised having regard to guidance given by the Secretary of State or another specified person;
  - (d) make provision for the determination of a teacher's remuneration by reference to any matter including, in particular, his qualifications, experience, duties, aptitude or previous salary;
  - (e) make provision for a right of appeal specified by or determined in accordance with the order;
  - (f) limit the aggregate amount of an allowance, or of a number of allowances, payable to teachers in a school;
  - (g) set a lower or upper limit on the number or proportion of teachers in a school who are paid on a specified scale;
  - (h) set a lower or upper limit on the number or proportion of teachers in a school who are paid a specified allowance;
  - (i) provide for special provisions to apply in relation to a description of school specified by or determined in accordance with the order;

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*Status: This is the original version (as it was originally enacted).*

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- (j) provide for the determination of a question of the interpretation or application of a provision of the order.
- (2) Provision under subsection (1)(e) or (j) may—
- (a) confer jurisdiction on a court, tribunal, person or body;
  - (b) provide for a matter to be settled by agreement between, or in a manner agreed between, teachers and local education authorities or teachers and governing bodies.
- (3) An order under section 122 may make retrospective provision, but not so as to—
- (a) reduce remuneration in respect of a period wholly or partly before the making of the order, or
  - (b) alter a condition of employment to the detriment of a teacher in respect of a period wholly or partly before the making of the order.
- (4) The Secretary of State may by order provide—
- (a) that a payment or entitlement of a specified kind is or is not to be treated as remuneration for the purpose of section 122(1);
  - (b) that a specified matter is or is not to be treated for that purpose as relating to the professional duties of school teachers;
  - (c) that a specified matter is or is not to be treated for that purpose as relating to the working time of school teachers.