

Remuneration of Teachers Act 1965

1965 CHAPTER 3

An Act to make new provision for determining the remuneration of teachers; and for purposes connected therewith. [23rd March 1965]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Committees to consider remuneration of teachers.

1.—(1) The Secretary of State shall secure that, for the purpose of considering the remuneration payable to teachers by local 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*) one or more persons nominated from time to time by the Secretary of State to represent him, together with persons representing one or more bodies to which this paragraph applies;

(*c*) persons representing one or more bodies to which this paragraph applies.

(2) The bodies to which paragraph (*b*) of the preceding subsection applies are local education authorities, joint education committees, organisations appearing to the Secretary of State to represent local education authorities and organisations appearing to the Secretary of State to represent education committees; and the bodies to which paragraph (*c*) of that subsection applies are organisations appearing to the Secretary of State to represent teachers or particular descriptions of teachers.

(3) The Secretary of State shall determine which bodies to which paragraph (*b*) or paragraph (*c*) of subsection (1) of this section applies are to be represented on each committee constituted under this section, and the number of persons by whom

any such body is to be so represented, and (subject to the following provisions of this section) may from time to time vary or revoke any such determination.

(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.

(5) Any order under the last preceding subsection may be revoked by a subsequent order made by the Secretary of State.

(6) Any power to make orders under this section shall be exercisable by statutory instrument; and any statutory instrument containing an order under subsection (4) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Subject to any determination of the Secretary of State under this section, it shall be for each body to which any such determination relates to nominate from time to time the person or persons by whom it is to be represented on a committee constituted under this section.

(8) 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, or allocating, as between two or more such committees, the descriptions of remuneration which they are to consider respectively.

Review of remuneration by committees.

2.—(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 review the relevant remuneration of teachers as that remuneration exists (whether in pursuance of this Act or of any previous enactment or otherwise) at the time of the review.

(2) Where, in consequence of such a review, 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 the last preceding subsection the Secretary of State shall prepare a draft document, 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 document under the last preceding subsection, 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 document 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 document and directing that the relevant remuneration of teachers shall be determined in accordance with the scales and other provisions set out in the document.

(5) If at the time when any recommendations of a committee are transmitted to the Secretary of State under subsection (2) of this section—

(*a*) an order made under the last preceding subsection 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 document referred to in that order,

the Secretary of State, instead of preparing a new draft document under subsection (3) of this section, 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 the last preceding subsection, 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 order in the form of the draft, or in that form as modified under this subsection, as the case may be.

Provision for arbitration.

3.—(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 the preceding provisions of this Act may be referred to arbitration in such manner as may be so provided.

(2) Before making any arrangements under the preceding subsection in relation to a committee, the Secretary of State shall consult the bodies which are to be represented on the committee

in accordance with any determinations made by him under section 1 of this Act which are for the time being in force.

(3) Any such arrangements may include provision for the appointment of arbitrators by the Minister of Labour for the purposes of any reference under this section; and, where arbitrators are so appointed, that Minister may pay to the arbitrators such remuneration (whether by way of fees or otherwise) and such allowances as he may with the consent of the Treasury determine, and may provide accommodation or other facilities required for the purposes of any such reference.

1950 c. 27. (4) The Arbitration Act 1950 shall not apply to any reference under this section.

Action on recommendations of arbitrators.

4.—(1) Any recommendations of the arbitrators, on a reference under section 3 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, the provisions of subsections (3) to (6) of section 2 of this Act shall (subject to the next following subsection) have effect in relation to the recommendations of the arbitrators as if they were recommendations of that committee.

(2) If, in any case where any recommendations of arbitrators have been transmitted to the Secretary of State under the preceding subsection, each House of Parliament resolves that national economic circumstances require that effect should not be given to the recommendations, the provisions of section 2 of this Act referred to in the preceding subsection 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 are appropriate in the circumstances, and, unless he determines that no such changes are appropriate, shall (subject to the next following subsection) proceed in accordance with subsections (3) and (4) of section 2 of this Act, or (where applicable) in accordance with subsections (5) and (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 2 of this Act, as applied by the last preceding subsection, 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".

Effect of orders as to remuneration.

5.—(1) Where any order made under subsection (4) of section 2 of this Act is for the time being in force, then, subject to the next following subsection, remuneration to which the order

applies shall be determined, and shall be paid to teachers by local education authorities, in accordance with the scales and other provisions set out in the document referred to in that order.

(2) Where, at any time while an order under subsection (4) of section 2 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 local education authorities, in accordance with the scales and other provisions set out in the document 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 2 of this Act includes a reference to that subsection as applied by section 4 of this Act.

Financial provisions.

6. There shall be paid out of moneys provided by Parliament—

(*a*) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland;

(*b*) any increase in the sums payable out of moneys so provided under the said enactments in respect of general grants, being an increase arising from any increase in the expenditure relevant to the fixing of the aggregate amounts of those grants which is attributable to the provisions of this Act;

(*c*) any increase attributable to this Act in the sums payable out of moneys so provided under section 107 of the Education Act 1944 in respect of administrative expenses incurred by the Secretary of State; 1944 c. 31.

(*d*) any expenses of the Minister of Labour in pursuance of section 3 of this Act.

Supplementary provisions as to orders relating to remuneration, and repeals.

7.—(1) Any power to make orders under the provisions of sections 2 to 4 of this Act shall be exercisable by statutory instrument.

(2) Any order made under those provisions may be revoked by a subsequent order thereunder.

(3) Any order under those provisions 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 as authorising the remuneration of any teacher to be reduced retrospectively.

(4) Any order made under those provisions may include provision for revoking any order made under the Remuneration of Teachers Act 1963 which is for the time being in force.

1963 c. 20.

(5) Subject to the proviso to subsection (3) of this section, any order made under those provisions may contain such transsitional, supplementary and incidental provisions as the Secretary of State may consider necessary or expedient.

(6) Without prejudice to the operation of any order made (whether before or after the passing of this Act) under the Remuneration of Teachers Act 1963, section 89 of the Education Act 1944 is hereby repealed.

1944 c. 31.

(7) The Remuneration of Teachers Act 1963 is hereby repealed as from the earliest date on which no order made under that Act (whether before or after the passing of this Act) continues to have effect.

Interpretation.

8.—(1) In section 1 of this Act "education committee" means an education committee established by a local education authority or a joint education committee established by two or more local education authorities.

(2) In sections 2 to 4 of this Act "committee" means a committee constituted under section 1 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 1(8) of this Act which are for the time being in force, that committee are required to consider.

(3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

Short title, citation, construction and extent.

9.—(1) This Act may be cited as the Remuneration of Teachers Act 1965.

(2) The Education Acts 1944 to 1964 and this Act may be cited together as the Education Acts 1944 to 1965.

(3) This Act shall be construed as one with the Education Acts 1944 to 1964.

(4) This Act, except section 6 thereof, shall not extend to Scotland.

(5) This Act shall not extend to Northern Ireland.