STATUTORY INSTRUMENTS

1976 No. 1959 (S. 163)

EDUCATION, SCOTLAND

The Remuneration of Teachers (Scotland) Amendment Order 1976

Made - - - -	*17th November* 1976
Coming into Operation	*1st December* 1976

Whereas—

(1) under section 2(2) of the Remuneration of Teachers (Scotland) Act 1967(a) (hereinafter referred to as "the Act") the Scottish Teachers Salaries Committee (hereinafter referred to as "the Committee"), constituted under section 1 of the Act for the purpose of considering the remuneration of (*a*) teachers employed whole-time by education authorities in the provision of school education under the Education (Scotland) Acts 1939 to 1969 and duly qualified for appointment other than temporary appointment in terms of regulations for the time being in force under the said Acts; and (*b*) teachers employed whole-time by education authorities in the provision of further education under the said Acts, have transmitted to the Secretary of State recommendations agreed on by them with respect to the remuneration of teachers of the said descriptions;

(2) there is in force an order made under section 2 of the Act with respect to the remuneration of such teachers, namely, the Remuneration of Teachers (Scotland) Order 1976(b);

(3) it appears to the Secretary of State that effect can more conveniently be given to the said recommendations by amending by virtue of section 2(5) of the Act the scales and other provisions set out in the memorandum referred to in the said orders namely, the memorandum published by Her Majesty's Stationery Office under the title "SCOTTISH TEACHERS SALARIES MEMORANDUM 1976".

(4) under section 2(5) of the Act the Secretary of State has prepared a draft order setting out the amendments to the said memorandum which, in his opinion, are requisite for giving effect to the said recommendations; and

(5) the Secretary of State, as required by section 2(6) of the Act, has consulted the Committee with respect to the draft order.

Now therefore, the Secretary of State, in the exercise of the powers conferred on him by section 2(6) and section 8(3) of the Act and of all other powers enabling him in that behalf, hereby makes the following order—

Citation and commencement

1. This order may be cited as the Remuneration of Teachers (Scotland) Amendment Order 1976.

(a) 1967 c. 36.

(b) S.I. 1976/692 (1976 II, p. 1854).

2.—(1) This order shall come into operation on 1st December 1976 and, subject to paragraph 2 of this Article, shall have effect—

(*a*) for the purposes of Article 4 thereof, as from 1 April 1975;

(*b*) for the purposes of Article 5 thereof, as from 1 August 1975;

(*c*) for the purposes of Article 6 thereof, as from 1 April 1976;

(*d*) for the purposes of Article 7 thereof, as from 22 June 1976.

(2) Nothing in this order shall be construed as authorising the remuneration of any teacher to be reduced retrospectively.

Interpretation

3. In this order, "the Memorandum" means the Scottish Teachers Salaries Memorandum 1976, and the Interpretation Act 1889**(a)** shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Amendment of Memorandum with effect from 1st April 1975

4. The provisions set out in the Memorandum shall be amended in the following manner:—

(*a*) In Part II:

the entry under sub-paragraph (1) of paragraph 10 shall be deleted and the following entry substituted therefor:—

"An education authority may for the purposes of this Memorandum re-assess the length of service of a teacher if they consider that this has been miscalculated, and they shall with all convenient speed recalculate it at the request of the teacher."

(*b*) In Part A of Appendix II:

in line 1 of sub-paragraph (2) of paragraph 4 the words "exceed 29" shall be deleted and the words "are at least 30" substituted therefor.

(*c*) In Part B of Appendix II:

in line 2 of sub-paragraph (2) of paragraph 4 the words "exceed 394" shall be deleted and the words "are at least 395" substituted therefor.

(*d*) In Part A of Appendix VI:

In Column (2) of sub-paragraph (*d*) of serial number 23 the words "leading to presentation for the Scottish Certificate of Education" shall be deleted.

Amendment of Memorandum with effect from 1st August 1975

5. The provisions set out in the Memorandum, as amended by Article 4 of this order, shall be further amended in the following manner:—

(*a*) In Appendix II:

Part D shall be deleted and the following Part substituted therefor.

(a) 1889 c. 63.

"Part D

Teachers Employed wholly or mainly in a Special School or Special Class on 31 July 1975 and who on that Date were paid on Scale 2 and who Continued in such Employment from 1 August 1975

1. With effect from 1 August 1975, such teachers shall be transferred to Scale 1, and the addition of £111 described in paragraph 12(1) of this Memorandum shall cease to be paid.

The salary position for the year beginning 1 August 1975 shall be determined in the following manner:—

(1) determine the correct point on Scale 2 to which the teacher was entitled on 31st July 1975;

(2) teachers who, in accordance with the provisions of the Scottish Teachers Salaries Memorandum 1973, (as amended) would have been entitled to Scale 3 described in Appendix II to that Memorandum and who would have been entitled to an increment on Scale 2 on 1 August 1975 shall be transferred to Scale 1 as follows:—

Service Year on Scale 3 (1973 *Memorandum*) *by reference to sub-paragraph* (2) *above to which the teacher was or would have been entitled on* 23 *May* 1974	*Scale Point on Scale* 2 *by reference to sub-paragraph* (1) *above*	*Scale Point on Scale* 1 *from* 1 *August* 1975	*Basic annual salary rate from* 1 *August* 1975
Point	Point	Point	£
1	3	3	2,700
2	4	4	2,817
3	5	5	2,946
4	6	6	3,081
5	7	7	3,216
6	8	7	3,216
7	9	8	3,354
8	10	9	3,504
9	11	9	3,504
10	12	10	3,720
11	13	11	3,936
12 or more	14	12	4,149

(3) teachers who, in accordance with the provisions of the Scottish Teachers Salaries Memorandum 1973, (as amended) would have been entitled to Scale 4 described in Appendix II to that Memorandum and who would have been entitled to an increment on Scale 2 on 1 August 1975 shall be transferred to Scale 1 as follows:—

Service Year on Scale 4 (1973 Memorandum) by reference to sub-paragraph (3) above to which the teacher was or would have been entitled on 23 May 1974	*Scale Point on Scale 2 by reference to sub-paragraph (1) above*	*Scale Point on Scale 1 from 1 August 1975*	*Basic annual salary rate from 1 August 1975*
Point	Point	Point	£
1	1	3	2,700
2	2	3	2,700
3	3	3	2,700
4	4	3 plus ½ an increment	2,760
5	5	4 plus ½ an increment	2,862
6	6	5 augmented	2,964
7	7	5 plus ½ an increment	3,015
8	7	6	3,081
9	8	6 plus ½ an increment	3,150
10	9	7 plus ½ an increment	3,270
11	9	7 plus ½ an increment	3,270
12	10	8 augmented	3,384
13	11	8 plus ½ an increment	3,429
14	12	9 plus ½ an increment	3,612
15	13	10 augmented	3,759
16 or more	14	10 augmented	3,759

2. (1) The addition to basic scale of £111, described in paragraph 12(1) of this Memorandum, shall cease to be paid after 31 July 1975.

(2) Teachers who would not have been entitled to an increment on Scale 2 if they had remained on that Scale on 1 August 1975 shall be paid in the year beginning 1 August 1975 in accordance with the provisions of paragraphs (1) and (2) of the appendix to Circular STS/21 which was issued by the Scottish Teachers Salaries Committee on 27 October 1975.

3. With effect from 1 August 1976, the correct point on Scale 1 for such teachers shall be calculated in accordance with the provisions of this Memorandum, other than this part of this Appendix."

(*b*) In Part A of Appendix VII:

(i) in line 3 of sub-paragraph (1)(*c*) of paragraph 2 the word "less" shall be deleted and the word "greater" substituted therefor;

(ii) in line 2 of sub-paragraph (1) of paragraph 3 after the word "salary" there shall be inserted the words "which was not".

(*c*) In Part B of Appendix VII:

(i) in line 3 of sub-paragraph (1)(*c*) of paragraph 2 the word "less" shall be deleted and the word "greater" substituted therefor;

(ii) in line 2 of sub-paragraph (1) of paragraph 3 after the word "salary" there shall be inserted the words "which was not".

Amendment of Memorandum with effect from 1st April 1976

6. The provisions set out in the Memorandum, as amended by Articles 4 and 5 of this order, shall be further amended in the following manner:—

In Part D of Appendix I:

(i) in line 2 of note (*e*) to sub-paragraph (1) of paragraph 2 after the words "year ending 31st July 1975" there shall be inserted the words "or otherwise in accordance with the provisions of a Circular issued by the Scottish Teachers Salaries Committee";

(ii) in line 2 of note (*f*) to sub-paragraph (1) of paragraph 2 after the words "year ending 31st July 1975" there shall be inserted the words "or otherwise in accordance with the provisions of a Circular issued by the Scottish Teachers Salaries Committee";

(iii) in sub-paragraph (2) of paragraph 3 the number "6,079" shall be deleted and the number "6,069" substituted therefor.

Amendment of Memorandum with effect from 22nd June 1976

7. The provisions set out in the Memorandum, as amended by Articles 4, 5 and 6 of this order, shall be further amended in the following manner:—

In Appendix XI:

after paragraph 6 the following paragraphs shall be inserted:

"7. The advanced Certificate in the Education of Deaf and Partially Hearing Children awarded by the University of Bristol School of Education.

8. The Diploma in Special Education (Education of Deaf Children) awarded by the University of Birmingham."

Given under the Seal of the Secretary of State for Scotland.

J. B. Hume,
Under Secretary.

Scottish Education Department,
St. Andrew's House,
Edinburgh.
17th November 1976.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Scottish Teachers Salaries Memorandum 1976.

Article 4 introduces various amending provisions with effect from 1st April 1975.

Articles 5, 6 and 7 have effective dates of 1st August 1975, 1st April 1976 and 22nd June 1976 respectively for the introduction of other amending provisions.

Articles 4, 5, 6 and 7 of the Order have been given retrospective effect by virtue of the power in Section 8(3) of the Remuneration of Teachers (Scotland) Act 1967 but Article 2(2) provides that nothing in the Order shall be construed as authorising the remuneration of any teacher to be reduced retrospectively.

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