
STATUTORY INSTRUMENTS

1998 No. 218

**The Education (Modification of Enactments
Relating to Employment) Order 1998**

General modifications of employment enactments

3.—(1) In their application to governing bodies with delegated budgets, the enactments set out in the Schedule hereto shall have effect as if—

- (a) any reference (however expressed) to an employer, a person by whom employment is offered, or a principal included a reference to the governing body acting in the exercise of their employment powers and as if that governing body had at all material times been such an employer, person or principal;
 - (b) in relation to the exercise of the governing body's employment powers, employment by the local education authority at a school were employment by the governing body of that school;
 - (c) references to employees were references to employees at the school in question;
 - (d) references to dismissal by an employer included references to dismissal by the local education authority following notification of a determination by a governing body under paragraph 23(1) of Schedule 14 to the Act; and
 - (e) references to trade unions recognised by an employer were references to trade unions recognised by the local education authority or the governing body.
- (2) Nothing in paragraph (1) shall be taken as causing—
- (a) the governing body to meet the condition stated in section 96(2)(a) of the Employment Rights Act 1996(1); or
 - (b) the exemption in respect of an employer with fewer employees than is specified in section 7(1) of the Disability Discrimination Act 1995 to apply,

if it would not have done so but for the operation of that paragraph.