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STATUTORY INSTRUMENTS

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**1989 No. 901**

**The Education (Modification of Enactments  
Relating to Employment) Order 1989**

**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 or institution were employment by the governing body of that school or institution;
- (c) references to employees were references to employees at the school or institution 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 8(1) of Schedule 3 to, or section 148(6) of, 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 the governing body to meet the conditions stated in—

- (a) section 56A(1)(a) of the Employment Protection (Consolidation) Act 1978(1); or
- (b) section 2(3)(b) of the Employment Act 1980(2);

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

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(1) 1978 c. 44. Section 56A was inserted by section 12 of the Employment Act 1980 (c. 42).  
(2) 1980 c. 42.