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STATUTORY INSTRUMENTS

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**1999 No. 2256**

**The Education (Modification of Enactments  
Relating to Employment) Order 1999**

**General modifications of employment enactments**

**3.—(1)** In their application to governing bodies having a right to a delegated budget, the enactments set out in the Schedule 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 25(1) of Schedule 16 to the 1998 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 1996 Act; 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(1) to apply,

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

(3) The references to the Disability Discrimination Act 1995(2) in paragraph (2)(b) and in the Schedule shall not apply in respect of any act or omission occurring before 2nd March 1998.

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(1) Section 7(1) was amended by S.I.1998/2618.

(2) 1995 c. 50.