
STATUTORY INSTRUMENTS

2003 No. 1964

The Education (Modification of Enactments
Relating to Employment) (England) Order 2003

General modifications of employment enactments

3.—(1) In their application to a governing body having a right to a delegated budget, the enactments set out in the Schedule have effect as if—

- (a) any reference to an employer (however expressed) included a reference to the governing body acting in the exercise of its employment powers and as if that governing body had at all material times been such an employer;
- (b) in relation to the exercise of the governing body's employment powers, employment by the authority at a school were employment by the governing body of the 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 authority following notification of a determination by a governing body under regulation 18(1) of the 2003 Regulations; and
- (e) references to trade unions recognised by an employer were references to trade unions recognised by the authority or the governing body.

(2) Paragraph (1) does not cause 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 (without prejudice to whether it applies irrespective of that paragraph).

⁽¹⁾ 1995 c. 50. Section 7(1) is amended by S.I.1998/2618.