



# Education Reform Act 1988

## 1988 CHAPTER 40

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous provisions*

#### **221 Avoidance of certain contractual terms.**

[<sup>F1</sup>(1) This section applies to any contract made after 20th November 1987—

- (a) for purposes connected with a local authority's education functions, between the authority and a person employed by the authority; or
- (b) between a governing body of a foundation, voluntary aided or foundation special school and a person employed by the governing body,

other than a contract made in contemplation of the employee's pending dismissal by reason of redundancy.]

(2) In so far as a contract to which this section applies provides that the employee—

- (a) shall not be dismissed by reason of redundancy; or
- (b) if he is so dismissed, shall be paid a sum in excess of the sum which the employer is liable to pay him under [<sup>F2</sup>section 135 of the Employment Rights Act 1996],

the contract shall be void and of no effect.

(3) In this section—

“governing body”, in relation to an institution, includes a body corporate established for the purpose of conducting that institution;

<sup>F3</sup>

- (a) provides higher education or further education (or both); and
- (b) is either a designated assisted institution or an institution which is grant-aided or eligible to receive aid by way of grant.

---

**Changes to legislation:** Education Reform Act 1988, Section 221 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

---

---

#### Textual Amendments

- F1** S. 221(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 4(4)**
- F2** Words in s. 221(2)(b) substituted (22.8.1996) by 1996 c. 18, ss. 240, 243, **Sch. 1 para. 37(4)** (with ss. 191-195, 202).
- F3** Definition in s. 221(3) repealed (1. 4. 1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93, Sch. 8 Pt. I para. 52, **Sch. 9**; S.I. 1992/831, art. 2, **Sch. 3**.
- 

#### Modifications etc. (not altering text)

- C1** S. 221 applied (with modifications) (1.4.1994) by S.I. 1994/653, reg. 42(1), **Sch. Pt. I**.
- C2** S. 221 applied (with modifications) (9.5.1994) by S.I. 1994/1084, reg. 8(1), **Sch. Pt. I**.

**Changes to legislation:**

Education Reform Act 1988, Section 221 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 120(4A) inserted by [2022 asc 1 Sch. 4 para. 5\(2\)](#)
- s. 124A(9A)(9B) inserted by [2022 asc 1 s. 137\(3\)](#)
- s. 125(8)(9) inserted by [2022 asc 1 s. 138\(2\)](#)
- s. 128(1)(b)(iib) omitted by [2011 c. 21 Sch. 16 para. 8](#)
- s. 128(1)(b)(iia) omitted by [2015 c. 20 Sch. 14 para. 35](#)
- s. 128(1A)-(1C) inserted by [2022 asc 1 s. 139\(3\)](#)
- s. 128(7)-(10) inserted by [2022 asc 1 s. 139\(6\)](#)
- s. 232(4ZA)-(4ZC) inserted by [2022 asc 1 s. 138\(3\)\(b\)](#)