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STATUTORY INSTRUMENTS

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**2003 No. 1964**

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

**Applications to Employment Tribunals**

6.—(1) Without prejudice to articles 3 and 4, and notwithstanding any provision in the Employment Tribunals Act 1996<sup>(1)</sup> and any regulations made under section 1(1) of that Act, this article applies in respect of any application to an employment tribunal, and any proceedings pursuant to such an application, in relation to which by virtue of article 3 or 4 a governing body is to be treated as if it were an employer (however expressed).

(2) The application must be made, and the proceedings must be carried on, against that governing body.

(3) Notwithstanding paragraph (2), any decision, declaration, order, recommendation or award made in the course of such proceedings except in so far as it requires reinstatement or re-engagement has effect as if made against the authority.

(4) Where any application is made against a governing body under paragraph (2)—

- (a) the governing body must notify the authority within 14 days of receiving notification; and
- (b) the authority, on written application to the employment tribunal, is entitled to be made an additional party to the proceedings and to take part in the proceedings accordingly.

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(1) 1996 c. 17 is amended by the Arbitration Act 1996, the Employment Rights (Dispute Resolution) Act 1998, the National Minimum Wage Act 1998, the Social Services Act 1998, the Employment Relations Act 1999, the Tax Credits Act 1999, the Employment Act 2002, the Tax Credits Act 2002, S.I. 1998/1658, S.I. 1998/1833, S.I. 1999/678, S.I. 1999/3323, S.I. 2000/1299, S.I. 2000/1551, S.I. 2001/237, S.I. 2001/1107 and S.I. 2002/2034.