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STATUTORY INSTRUMENTS

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**1989 No. 901**

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

**Dismissals**

4. Without prejudice to the generality of article 3, where an employee employed at a school or institution with a governing body with a delegated budget is dismissed by the local education authority following notification of such a determination as if mentioned in article 3(1)(d) above—

- (a) section 53 of the Employment Protection (Consolidation) Act 1978(1) shall have effect as if the governing body had dismissed him and as if references to the employer's reasons for dismissing the employee were references to the reasons for which the governing body made their determination; and
- (b) Part V of the Employment Protection (Consolidation) Act 1978(2) shall have effect in relation to the dismissal as if the governing body had dismissed him, and the reason or principal reason for which the governing body did so had been the reason or principal reason for which they made their determination.

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(1) 1978 c. 44. Section 53(2) was amended by paragraph 4 of Schedule 2 to the Employment Act 1982 (c. 46).

(2) Subsections (5) to (7) of section 55 were substituted by paragraph 1 of Schedule 3 to the Employment Act 1982. Section 56 was amended by paragraph 11 of Schedule 1 to the Employment Act 1980 (c. 42), section 56A was inserted by section 12 of that Act, and section 57(3) was amended by section 6 of that Act. Section 58 was substituted by section 3 of the Employment Act 1982, and was amended by Schedules 3 and 4 to the Employment Act 1988 (c. 19). Section 59 was amended by paragraph 17 of Schedule 3 to the Employment Act 1982, and section 62 by section 9 of and Schedule 4 to that Act. Section 64 was amended by the Unfair Dismissal (Variation of Qualifying Period) Order 1985 (S.I. 1985/782), by paragraph 5 of Schedule 2 and paragraph 19 of Schedule 3 to the Employment Act 1982, and by section 3(1) of the Sex Discrimination Act 1986 (c. 59). Section 64A was inserted by section 8(1) of the Employment Act 1980 and amended by paragraph 20 of Schedule 3 to the Employment Act 1988. Section 66(1) was repealed and section 66(2) was amended by paragraph 13 of Schedule 1 to the Employment Act 1980. Section 67(3) was substituted by section 9(5) of the Employment Act 1982. Section 68(2) was amended by paragraph 21 of Schedule 3 to the Employment Act 1982, and subsections (2), (3) and (5) of section 71 were amended by section 5(1) of, and paragraph 22 of Schedule 3 and Schedule 4 to, that Act. Section 72 was substituted by section 5(2) of the Employment Act 1982, and section 72A inserted by section 6 of that Act. Section 73 was amended by section 9 of, and Schedule 2 to, the Employment Act 1980, by section 4 of, and paragraph 5 of Schedule 2 and Schedule 4 to, the Employment Act 1982, and by the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order 1988 (S.I. 1988/277). Section 74(3) was amended by paragraph 23 of Schedule 3 to the Employment Act 1982. Section 75(1) was amended by the Unfair Dismissal (Increase of Compensation Limit) Order 1986 (S.I. 1986/2284). Section 75A was inserted by section 5(3) of the Employment Act 1982, and subsections (1) and (2) were amended by the Unfair Dismissal (Increase of Limits of Basic and Special Awards) Order 1988 (S.I. 1988/277). Section 76A was inserted by section 7 of the Employment Act 1982. Section 77 was amended by section 8 of, and paragraph 24 of Schedule 3 and Schedule 4 to, the Employment Act 1982. Section 80(1) was amended by paragraph 30 of Schedule 1 to the Education Act 1980 (c. 20).