

DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 18th day of November 2019

BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) The Ascent Academies' Trust (the "**Company**") a charitable company incorporated in England and Wales with registered number 08098007, together, the "**Parties**".

INTRODUCTION

- A. The Parties entered into a supplemental funding agreement dated on or about 1 August 2012 (the "**SFA**") relating to the establishment, maintenance and funding of Barbara Priestman Academy (the "**Academy**") in accordance with the SFA.
- B. The Parties entered into a Deed of Variation dated 27 June 2014, which replaced the SFA with a new supplemental funding agreement for the Academy (the "**Existing SFA**").
- C. The Parties entered into a Deed of Variation and Termination dated 14 August 2015 which amended and re-stated the terms of the Existing SFA.
- D. The Parties entered into a Deed of variation dated 28 June 2017 which amended and re-stated the terms of the Existing SFA.
- E. The Parties now wish to vary and amend certain terms and conditions of the Existing SFA in accordance with the terms of this Deed.
- F. This Deed is supplemental to the Existing SFA.

1. INTERPRETATION

- 1.1 Words, expressions and interpretations used in this Deed shall, unless the context expressly requires otherwise, have the meaning given to them in, and shall be interpreted in accordance with, the Existing SFA.

2. VARIATION OF THE FUNDING AGREEMENT

- 2.1 The Parties agree that with effect from the date of this Deed the Existing SFA shall be amended as follows:

2.1.1 Page 3 of the Existing SFA is varied to read as follows:

"Planned number of places: 162"

"Address and title number of Land" The land at: (1) Meadowside, Sunderland, SR2 7QN being the land registered under title number

TY496947; and (2) Thornholme Road, Sunderland, SR2 7NA being part of the leasehold land out of the registered title being Thornhill Academy, with the leasehold title number TY549592, as demised by the relevant lease,

2.1.2 Clause 2.C of the Existing SFA is varied to read as follows:

"The planned number of places at the Academy is 162 places in the age range 11 – 19."

2.1.3 The definition of Land in clause 4 shall be amended to read as follows:

"Land" means the land at:

(1) Meadowside, Sunderland, SR2 7QN being the land registered under title number TY496947; and

(2) Thornholme Road, Sunderland, SR2 7NA being part of the leasehold land out of the registered title being Thornhill Academy, with the leasehold title number TY549592,

as demised by the relevant lease.

2.2 Except as varied by this Deed, the Existing SFA shall remain in full force and effect.

3. GOVERNING LAW AND JURISDICTION

3.1 This Deed, and any disputes or claims arising out of or in connection with it, its subject matter or formation (including non-contractual disputes or claims), shall be governed by and construed in accordance with English law.

3.2 The parties irrevocably agree that the English courts have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

4. COUNTERPARTS

4.1 This Deed may be executed in any number of counterparts and by the parties to it on separate counterparts, each of which when so executed and delivered shall be an original, but all the counterparts shall together constitute one and the same instrument.

IN WITNESS whereof this Deed has been executed by the parties hereto and is intended to be and is hereby delivered on the date first above written.

EXECUTED as a deed by affixing the corporate seal of the **Secretary of State for Education** authenticated by:-)
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Duly authorised by the Secretary of State for Education



EXECUTED as a deed by **The Ascent Academies' Trust** acting by:

Morgan
.....
Director

.....
Director/Secretary

IN THE PRESENCE OF:



*MICHAEL LITTLE
52 ATLESFORD MEWS
SUNDERLAND
SR2 9HT
CHARTERED ACCOUNTANT*

