

**DEED OF VARIATION OF FUNDING AGREEMENT
2021**

The Parties to this Deed are:

(1) **The Secretary of State for Education** of Sanctuary Buildings, Great Smith Street, London SW1P 3BT (the "**Secretary of State**");

- and -

(2) **The Holy Spirit Catholic Multi Academy Company**, a charitable company incorporated in England and Wales with registered company number 09432692 whose registered address is at Our Lady And St Joseph Catholic Academy Riversely Park, Coton Road, Nuneaton, Warwickshire CV11 5TY (the "**Company**").

together referred to as the "**Parties**".

INTRODUCTION

- A. The Parties have entered into a master funding agreement on 26th February 2015, a copy of which is contained in Schedule 1, (the "**Existing MFA**").
- B. The Parties have entered into a supplementary funding agreement in respect of St Anne's Catholic Primary School on 26th February 2015, a copy of which is contained in Schedule 2 (together the "**Existing St Anne's SFA**");
- C. The Parties have entered into a supplementary funding agreement in respect of St Benedict's Catholic Primary School on 26th February 2015, a copy of which is contained in Schedule 3 (the "**Existing St Benedict's SFA**");
- D. The Parties have entered into a supplementary funding agreement in respect of St Francis Catholic Primary School on 26th February 2015, a copy of which is contained in Schedule 4 (the "**Existing St Francis SFA**");
- E. The Parties have entered into a supplementary funding agreement in respect of Our Lady and St Joseph's Catholic Primary School on 26th February 2015 as varied by a Deed of Variation dated 23rd May 2017, a copy of which is contained in Schedule 5 (the "**Existing OL&SJ SFA**");
- F. The Parties have entered into a supplementary funding agreement in respect of St Thomas More Catholic School and Sixth Form College on 26th February 2015, a copy of which is contained in Schedule 6 (the "**Existing St Thomas More SFA**");
- G. The Parties have agreed to amend and re-state the terms of the Existing MFA, the Existing St Anne's SFA, the Existing St Benedict's SFA, the Existing St Francis SFA, the Existing OL&SJ SFA and the Existing St Thomas More SFA on the terms set out in this Deed.

LEGAL AGREEMENT

- 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 Amended Master Funding Agreement (as defined in clause 2 below).

2. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing MFA shall be amended and re-stated in the form of the Master Funding Agreement set out in Schedule 7 (the "**Amended Master Funding Agreement**"). For the avoidance of doubt, the Amended Master Funding Agreement does not terminate or suspend the Existing MFA but amends and re-states it.
3. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing St Anne's SFA shall be amended and re-stated in the form of the Amended St Anne's SFA set out in Schedule 8 (the "**Amended St Anne's SFA**"). For the avoidance of doubt, the Amended St Anne's SFA does not terminate or suspend the Existing St Anne's SFA but amends and re-states it.
4. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing St Benedict's SFA shall be amended and re-stated in the form of the Amended St Benedict's SFA set out in Schedule 9 (the "**Amended St Benedict's SFA**"). For the avoidance of doubt, the Amended St Benedict's SFA does not terminate or suspend the Existing St Benedict's SFA but amends and re-states it.
5. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing St Francis SFA shall be amended and re-stated in the form of the Amended St Francis SFA set out in Schedule 10 (the "**Amended St Francis SFA**"). For the avoidance of doubt, the Amended St Francis SFA does not terminate or suspend the Existing St Francis SFA but amends and re-states it.
6. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing OL&SJ SFA shall be amended and re-stated in the form of the Amended OL&SJ SFA set out in Schedule 11 (the "**Amended St OL&SJ SFA**"). For the avoidance of doubt, the Amended OL&SJ SFA does not terminate or suspend the Existing OL&SJ SFA but amends and re-states it.
7. The Secretary of State and the Company agree that with effect from the date of this Deed, the Existing St Thomas More SFA shall be amended and re-stated in the form of the Amended St Thomas More SFA set out in Schedule 12 (the "**Amended St Thomas More SFA**"). For the avoidance of doubt, the Amended St Thomas More SFA does not terminate or suspend the Existing St Thomas More SFA but amends and re-states it.

GOVERNING LAW AND JURISDICTION

8. This Deed, and any dispute or claim arising out of or in connection with it, its subject matter or formation (including non-contractual disputes or claims) shall be governed by and interpreted in accordance with the law of England and Wales.
9. The Parties irrevocably agree that the courts of England and Wales shall 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).

COUNTERPARTS

10. 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 last date listed below.

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

.....
Duly authorised by the Secretary of State for Education

Date.....

EXECUTED as a deed by **THE
HOLY SPIRIT CATHOLIC
MULTI ACADEMY COMPANY**
acting by:

.....
Director

Print name SINGAD SMITH.....

Date.....

Witnessed by Lisa McCord

Full name Lisa McCord

Address 102 Hincley Road, Nuneaton

Occupation Administration Manager.

Schedule 1

Existing MFA

Schedule 2

Existing St Anne's SFA

Schedule 3

Existing St Benedict's SFA

Schedule 4

Existing St Francis SFA

Schedule 5

Existing OL&SJ SFA

Schedule 6

Existing St Thomas More SFA

Schedule 7

Amended Master Funding Agreement

Schedule 8

Amended St Anne's SFA

Schedule 9

Amended St Benedict's SFA

Schedule 10

Amended St Francis SFA

Schedule 11

Amended OL&SJ SFA

Schedule 12

Amended St Thomas More SFA