

## DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 30 day of July 2024

### BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) South Lincolnshire Academies Trust, (the "**Company**") a charitable company incorporated in England and Wales with registered company number: 07559187, whose registered address is at Bourne Academy, Edinburgh Crescent Bourne, Bourne, Lincolnshire, PE10 9DT, together, the "**Parties**".

### INTRODUCTION

- A. The Parties entered into a funding agreement on 1 September 2012 in respect of the Cowley Academy. The funding agreement and supplemental funding agreement were subsequently amended by a deed of variation dated 21 October 2021 and a further deed of novation and variation dated 24 August 2022 which subsequently transferred The Thomas Cowley High School to the Company (the "**Funding Agreement**"), with such Funding Agreement relating to the establishment, maintenance and funding of the Academy in accordance with the Funding Agreement.
- B. The Parties now wish to vary and amend certain terms and conditions of the Funding Agreement in accordance with the terms of this Deed.
- C. This Deed is supplemental to the Funding Agreement.

### 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 Funding Agreement.

### 2. VARIATION OF THE FUNDING AGREEMENT

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

- 2.1.1 The definition of "Capacity number" on the Summary Sheet on page 4 of the Funding Agreement shall be amended and re-stated as follows:

"Capacity number: 650"

- 2.1.2 Clause 2.B shall be deleted entirely and shall be replaced with the following new clause 2.B:

2.B The planned capacity of the Academy is 650 and the age range is 11-16. For the avoidance of doubt, notwithstanding that an individual applicant's age might be outside the specified age range of the Academy, the Academy is not prevented from considering an application made by the child's Parent(s) in order to comply with the relevant paragraph of the Schools Admissions Code

(‘Admission of children outside their normal age group’), to request that the child be admitted to the school outside of the child’s normal age group. Where such request is agreed, the child should be educated in an existing year group. The Academy will be an all ability inclusive mixed sex school.”

2.2 Except as varied by this Deed, the Funding Agreement 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.

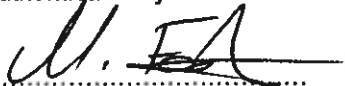
3.2 The parties irrevocably agree that the English courts have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Deed or its subject matter or formation (including non-contractual disputes or claims).

**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.

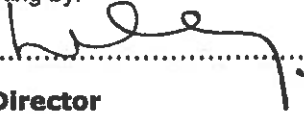
EXECUTED as a deed by affixing the corporate seal of The Secretary of State for Education authenticated by:- )  
)  
)



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



**EXECUTED** as a deed by  
South Lincolnshire Academies Trust  
acting by:

.....  


**Director**

In the presence of:

W  
I  
T  
N  
E  
S  
S

Sign



Name

SALLY ESUELBY

Address

SLAT, EDINBURGH CRESCENT, BOURNE PE10 9DT

Occupation

CFO