

THE ACADEMIES FOR CHARACTER AND EXCELLENCE

DEED OF VARIATION OF FUNDING AGREEMENTS

28th March **2023**

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 Academies for Character and Excellence**, a charitable company incorporated in England and Wales with registered company number 10098444 whose registered address is at Totnes St John's C of E Primary School, Pathfields, Totnes, TQ9 5TZ (the "**Company**").

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

INTRODUCTION

- A. The Parties have entered into a supplemental funding agreement in respect of the Brixham C of E Primary School on 27 August 2020, a copy of which is contained in Schedule 1 (the "**Existing Brixham C of E Primary School SFA**");
- B. The Parties have entered into a supplemental funding agreement in respect of the Collaton St Mary C of E Primary School on 31 October 2017, a copy of which is contained in Schedule 2 (the "**Existing Collaton St Mary C of E Primary School SFA**");
- C. The Parties have entered into a supplemental funding agreement in respect of the Galmpton C of E Primary School on 31 October 2017, a copy of which is contained in Schedule 3 (the "**Existing Galmpton C of E Primary School SFA**");
- D. The Parties have entered into a supplemental funding agreement in respect of the Shaldon Primary School on 17 May 2016, a copy of which is contained in Schedule 4 (the "**Existing Shaldon Primary School SFA**");
- E. The Parties have agreed to amend and re-state the terms of:
- the Existing Brixham C of E Primary School SFA;
 - the Existing Collaton St Mary C of E Primary School SFA;
 - the Existing Galmpton C of E Primary School SFA; and
 - the Existing Shaldon Primary School 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 Supplemental Funding Agreements (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**:

- Brixham C of E Primary School SFA;
- Collaton St Mary C of E Primary School SFA;
- Galmpton C of E Primary School SFA; and
- Shaldon Primary School SFA

shall be amended and re-stated in the form of the Amended:

- Brixham C of E Primary School SFA;
- Collaton St Mary C of E Primary School SFA;
- Galmpton C of E Primary School SFA; and
- Shaldon Primary School SFA

set out in Schedules 5-8. For the avoidance of doubt, the Amended SFAs do not terminate or suspend the Existing SFAs but amends and re-states them.

GOVERNING LAW AND JURISDICTION

3. 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.
4. 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

5. 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: -)
)
)



J. Hillier

 Duly authorised by the Secretary of State for Education
 Date *28th March 2023*


EXECUTED as a deed by **The Academies for Character and Excellence** acting by:



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Director

Print name..... Roger Willoughby

Date..... 27/03/23

Witnessed by 

Full name..... Lucy Milton

Address..... 52 Mulberry Close,

Paignton, Devon

TQ3 3GD

Occupation..... Executive Assistant