

DARWEN ACADEMY TRUST

DEED OF VARIATION OF FUNDING AGREEMENT

22nd May 2013

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) **Darwen Academy Trust**, a charitable company incorporated in England and Wales with registered company number 05670663 **whose registered address is at Darwen Aldridge Community Academy, Sudell Road, Darwen, BB3 3HD** and which was previously called (the "**Company**").

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

INTRODUCTION

- A. The Parties have entered into a funding agreement on 29 April 2008, a copy of which is contained in **Schedule 1** (the "**Existing Funding Agreement**").
- B. The Parties now wish to vary and amend the terms of the Existing Funding Agreement in accordance with the terms of 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 New 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 Funding Agreement shall be replaced in its entirety by the Master Funding Agreement contained in **Schedule 2** (the "**New Master Funding Agreement**").

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 22 day of May 2013.

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

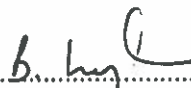


EXECUTED as a deed by Darwen Academy Trust acting by:


Director (signature)

Print name J POTTER

Witnessed by:


(signature)

Full name B. LOUGHRAN

