

DEED OF VARIATION TO THE FUNDING AGREEMENT

THIS DEED is made the 8th day of August 2023

BETWEEN

- 1) The Secretary of State for Education (the "**Secretary of State**"); and
- 2) The Romero Catholic Academy a charitable company incorporated in England and Wales with registered number 09702162 whose registered address is at Cardinal Wiseman Catholic School, Potters Green Road, Coventry CV2 2AJ (the "**Company**")

together, the "**Parties**".

INTRODUCTION

- A. The Parties entered into a funding agreement dated on or about 30th July 2015 (the "**Funding Agreement**") relating to the establishment, maintenance and funding of an Academy in accordance with the Funding Agreement.
- B. The Parties entered into a supplemental funding agreement on or about 30th July 2015 in respect of Cardinal Wiseman Catholic School and Language College, last updated on or about 5 April 2022 (the "**Updated Supplemental Funding Agreement**").
- C. The Parties now wish to vary and amend certain terms and conditions of the Updated Supplemental Funding Agreement in accordance with the terms of this Deed.
- D. This Deed is supplemental to the Funding Agreement and the Updated Supplemental 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 and/ or the Updated Supplemental Funding Agreement.

2. VARIATION OF THE UPDATED SUPPLEMENTAL FUNDING AGREEMENT

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

- (a) In the Summary Sheet on page 4, on the row entitled "Capacity number (of statutory school age places", the detail in the right hand column shall be deleted and replaced with the following:

1260

- (b) The text in Clause 2.B shall be deleted and replaced with the following text:

The planned capacity of the Academy is 1476 and the age range is 11-18 including a sixth form capacity of 216 places. 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 a 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 Updated Supplemental 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 :-)



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



EXECUTED as a deed by
The Romero Catholic Academy
acting by [REDACTED]

[REDACTED]
Director

In the presence of:

W Sign
I Name
T Address
N Occu
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[REDACTED]