

DEED OF VARIATION

The Parties to this Deed are:

- 1) The Secretary of State for Education (the “**Secretary of State**”); and
- and -
- 2) The Hills Academy, a charitable company incorporated in England and Wales, with registered number 08434199, having its registered office at The Hills Academy, Stancliffe Road, Bedford, MK41 9AT (the “**Academy**”),

together referred to as the “**Parties**”.

INTRODUCTION

- A. The Parties entered into a funding agreement dated 27 March 2013 (the “**Funding Agreement**”) relating to the establishment, maintenance and funding of an independent school known as The Hills Academy.
- B. The Parties now wish to vary and amend certain terms and conditions of the Funding Agreement and wish to record their agreement as to such variations/amendments to the Funding Agreement by this Deed.

LEGAL AGREEMENT

1. Any word or phrase used in this Deed shall, if that word or phrase is defined in the Funding Agreement, bear the meaning given to it in the Funding Agreement.
2. The Secretary of State and the Academy agree that with effect from the date of this Deed the Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
3. As varied by this Deed, the Funding Agreement shall remain in full force and effect.

GOVERNING LAW AND JURISDICTION

4. 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.

5. 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).

EXECUTED AND DELIVERED AS A DEED by the Parties on 17 November 2016

The Corporate Seal of the Secretary of State for Education hereunto affixed is authenticated by:

..... Sarah Aulich

Duly Authorised by the Secretary of State for Education



EXECUTED as a deed by

The Hills Academy acting by:

.....
Director

Print name CHRIS JONES

In the presence of:

Witness
Signature

Witness Full name STACIE BOURNE

Witness Address.....

Witness Occupation.....

SCHEDULE 1

Amendments to the Funding Agreement

1. Clause 17 of the Funding Agreement shall be replaced with:

"The age range of the Academy is 3 – 11, with a capacity of 420 in the age range 4 – 11. The Academy will be an all ability inclusive school whose requirements for:

- a) the admission of pupils to the Academy are set out in Annex B to this Agreement;
- b) the admission to the Academy of and support for pupils with SEN and with disabilities (for pupils who have had and who do not have statements of SEN) are set out in Annex C to this Agreement;
- c) pupil exclusions are set out in regulations made by virtue of section 51A of the Education Act 2002 (as may be amended from time to time, and includes any successor provisions)."

2. Clause 46(b) of the Funding Agreement shall be replaced with:

"the total number of pupils as measured in the School Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question is less than 90% of the planned final size of the Academy, which is 420, and has not at any previous time been 90% or more of that number."

