

DATED 3rd July 2017

THE SECRETARY OF STATE FOR EDUCATION (1)

And

CATHEDRAL SCHOOLS TRUST (2)

DEED OF VARIATION
relating to a Supplemental Funding Agreement
entered into by a Deed of Variation dated 28
January 2016

BETWEEN:

- (1) The Secretary of State for Education (“**Secretary of State**”); and
 - (2) Cathedral Schools Trust, a charitable company incorporated in England and Wales with registered number 06516626. (“**Company**”)
- together referred to as the “Parties”.

INTRODUCTION:

- (A) The Parties entered into a supplemental funding agreement by a deed of variation dated 28 January 2016 (“**Supplemental Funding Agreement**”) relating to the establishment, maintenance and funding of an academy known as Bristol Cathedral Choir School.
- (B) The Parties now wish to vary and amend the terms of the Supplemental Funding Agreement, with effect from 1 September 2017 (“**Effective Date**”), and wish to record their agreement as to such variations / amendments to the Supplemental Funding Agreement by this Deed with effect from the Effective Date.

IT IS AGREED as follows:

1. Words, expressions and interpretations used in this Deed shall, unless the content expressly requires otherwise, have the meaning given to them in, and shall be interpreted in accordance with, the Supplemental Funding Agreement.
2. The Secretary of State and the Company agree that with effect from the Effective Date the Supplemental Funding Agreement shall be amended in accordance with Schedule 1 to this Deed.
3. As varied by this Deed, the Supplemental Funding Agreement shall remain in full force and effect.
4. This Deed may be executed in any number of counterparts (but shall not be effective until each party has executed at least one counterpart), each of which,

when executed shall be an original and which together shall have the same effect as if each party had executed the same document.

5. This Agreement shall be governed by and interpreted in accordance with English law.

This document has been executed and delivered as a Deed on the date stated at the beginning of this Deed.

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



A handwritten signature in black ink, positioned above a horizontal dotted line. The signature is stylized and appears to be a cursive representation of a name.

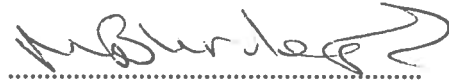
Duly Authorised by the Secretary of State for Education

Executed as a deed by Cathedral Schools Trust)

acting by)

a Director)

in the presence of:-


.....

Director

Witness

Signature:


.....

Witness Name

JOANNE ISOBEL ANTHONY OATES

Address:

Park House
.....

10 PARK STREET
.....

URSTA 3831 / BSI 3HX
.....

Occupation:

OFFICE MANAGER
.....

SCHEDULE 1 - Amendment of the Supplemental Funding Agreement

The Supplemental Funding Agreement shall be amended in the following ways:

1. That on page 6, clause no. 3.A to 3.F "option 1" is marked "not used" and clause no. 3.A to 3.F "option 2" is marked "applied".
2. Clauses 3.A to 3.F be replaced with the following clauses:
 - 3.A Subject to clause 3.C, the basis of the pupil number count for the purposes of determining GAG for Academy Financial Years 2017/18 and 2018/19 will be the Academy Trust's most recent estimate provided in accordance with clause 3.B.
 - 3.B The Secretary of State will, in advance of each Academy Financial Year for the Academy, request that the Academy Trust provides an estimate of the number of pupils on roll in the following September for the purposes of determining GAG for an Academy Financial Year. The Academy Trust must provide the requested estimate to the Secretary of State as soon as reasonably practicable.
 - 3.C Unless otherwise agreed between the parties during Academy Financial Year 2018/19, in Academy Financial Year 2019/20 and any subsequent Academy Financial Year, the basis of the pupil number count for the purpose of determining GAG will no longer be the estimate provided in accordance with clause 3.B, but in that and all following Academy Financial Years will be determined in accordance with clause 3.F.
 - 3.D For any Academy Financial Year in which GAG for the Academy has been calculated in accordance with clauses 3.A and 3.B, an adjustment may be made to the following Academy Financial Year's formula funding element of GAG for the Academy to recognise any variation from that estimate. The Secretary of State may for this purpose use the Census for the relevant month (determined at the Secretary of State's discretion) for the Academy Financial Year in question as a means of determining pupil numbers. The additional or clawed-back grant will be only the amount relevant to the number of pupils above or below that estimate.

3.E Not used

3.F Unless otherwise agreed between the parties during Academy Financial Year 2018/19, in Academy Financial Year 2019/20 and any subsequent Academy Financial Year, the basis of the pupil count for determining GAG will be:

- a) for pupils in Year 11 and below, the Schools Census which is used to fund maintained schools for the financial year overlapping with the Academy Financial Year in question; and
- b) for pupils in Year 12 and above, the formula which is in use at the time for maintained schools