

THE TENAX SCHOOLS TRUST

DEED OF VARIATION OF FUNDING AGREEMENT

28 February **2017**

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 Tenax Schools Trust (formerly the Bennett Memorial Diocesan Schools Trust), a charitable company incorporated in England and Wales with registered company number 07542155, whose registered office is at Bennett Memorial Diocesan School, Culverden Down, Tunbridge Wells, Kent TN4 9SH (the "Academy Trust ")**

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

INTRODUCTION

- A. **The Parties entered into a Funding Agreement for the purposes of a single academy trust then known as the Bennett Memorial Diocesan Schools Trust on 25th March 2011, a copy of which is contained in Schedule A ("the Original Funding Agreement")**
- B. **The Parties entered into a Master Funding Agreement on 27th October 2015 relating to the establishment, maintenance and funding of independent schools collectively as the Tenax Schools Trust a copy of which is contained in Schedule B ("the Existing MFA").**
- B. **The Parties entered into a Supplemental Funding Agreement in relation to Bennett Memorial Diocesan School on 27 October 2015; a Supplemental Funding Agreement in relation to Sir Henry Fermor Church of England Primary School on 23 March 2016; and a Supplemental Funding Agreement in relation to Brenchley and Matfield Church of England Primary School on 22 April 2016; copies of which are contained in Schedule C (the "Existing SFAs").**
- C. **The Parties have now agreed to amend and restate the terms of the Original Funding Agreement, the Existing MFA and the existing SFAs, 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 Amended Master Funding Agreement (as defined in clause 2 below).**

2. The Parties agree that with effect from the date of this Deed, the Original Funding Agreement and the Existing MFA shall be amended and restated in the form of a new agreement which shall consist of the terms of the Master Funding Agreement contained in Schedule D (the "Amended Master Funding Agreement")
3. The existing SFAs shall be amended and restated in the form of new agreements which shall consist of the terms of the respective corresponding Supplemental Funding Agreements contained in Schedule E (the "Amended Supplemental Funding Agreements").
4. As varied by this Deed the Original Funding Agreement, the Existing MFA and the existing SFAs shall remain in full force and effect.

GOVERNING LAW AND JURISDICTION

5. 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.
6. 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).

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:-)
)
)

A. J. M.

 Duly authorised by the Secretary of State for Education

Date..... *28 February 2017*



EXECUTED as a deed by The Tenax
Schools Trust acting by:

Ian Bauckham
.....

Director

Print name..... *IAN BAUCKHAM*

Date.....

Witness *Ian Bauckham*
Signature:

Witness *Catherine Stalley*
Name:

Witness *Lee Bolton Monier-Williams*
Address:
1, The Sanctuary, Westminster, SW1P 3JT

Witness *Solicitor*
Occupation

SCHEDULE A
THE TENAX SCHOOLS TRUST (formerly Bennett Memorial
Diocesan Schools Trust)
ORIGINAL FUNDING AGREEMENT

SCHEDULE B
THE TENAX SCHOOLS TRUST EXISTING MASTER FUNDING

SCHEDULE C
THE TENAX SCHOOLS TRUST
EXISTING SUPPLEMENTAL FUNDING AGREEMENTS FOR
BENNETT MEMORIAL DIOCESAN SCHOOL;
SIR HENRY FERMOR CHURCH OF ENGLAND PRIMARY SCHOOL;
BRENCHLEY AND MATFIELD CHURCH OF ENGLAND PRIMARY SCHOOL

SCHEDULE D
THE TENAX SCHOOLS TRUST
AMENDED MASTER FUNDING AGREEMENT

SCHEDULE E
THE TENAX SCHOOLS TRUST
AMENDED SUPPLEMENTAL FUNDING AGREEMENTS FOR:
BENNETT MEMORIAL DIOCESAN SCHOOL;
SIR HENRY FERMOR CHURCH OF ENGLAND PRIMARY SCHOOL;
BRENCHLEY AND MATFIELD CHURCH OF ENGLAND PRIMARY SCHOOL