

**LOCAL GOVERNMENT (CONTRACTS) ACT 1997**

**THIS CERTIFICATE** issued under section 3 of the Local Government (Contracts) Act 1997 (the "**1997 Act**") in respect of a Deed of Amendment and Restatement relating to investment under the Authority's BSF Programme (the "**BSF Variation**") between the London Borough of Tower Hamlets and TH Schools Limited Partnership. The BSF Variation amended and restated a project agreement dated 28 June 2002, as amended and restated by an amendment and restatement agreement dated 17 December 2004 and as further amended by an amendment agreement dated 4 March 2005, relating to the design, construction, financing and operation of accommodation at the Facilities (which expression shall have the meaning given to it in the Project Agreement) between (1) The London Borough of Tower Hamlets (the "**Authority**") and (2) TH Schools Limited Partnership (the "**Contractor**"), (the "**Project Agreement**").

**1. PERIOD OF CONTRACT (SECTION 3(2)(A) OF THE 1997 ACT)**

A period from the date of signature of the BSF Variation until the Expiry Date (as defined in the Project Agreement) unless terminated earlier in accordance with the terms of the Project Agreement.

**2. PURPOSE OF CONTRACT (SECTION 3(2)(B) OF THE 1997 ACT)**

2.1 The Contractor is to design, construct, finance and operate accommodation at the Facilities and provide certain services required at the Facilities to assist the Authority in the proper maintenance and efficient operation of the Facilities and in the effective provision of educational services at the Facilities, in accordance with its responsibility under the Education Acts (as defined in section 578 of the Education Act 1996).

2.2 On 21 January 2009, the Authority and Tower Hamlets LEP Limited (the "**LEP**") entered into a long term strategic partnering agreement under the Building Schools for the Future Programme ("**BSF**") to improve educational facilities and services in the Borough.

2.3 The Authority wishes to engage the LEP to provide BSF works at the Facilities.

2.4 The purpose of the BSF Variation is to vary the Project Agreement to permit the BSF works to be undertaken at the Facilities and to ensure that neither the Authority nor the Contractor is in a better or worse position under the Project Agreement as a result of the BSF works.

3. **CONTRACT TYPE (SECTION 3(2)(C) OF THE 1997 ACT)**

The BSF Variation falls within section 4(3) of the 1997 Act.

4. **POWERS TO ENTER INTO THE CONTRACT (SECTION 3(2)(D) OF THE 1997 ACT)**

The Authority has power to enter into the BSF Variation and the statutory provisions conferring the power are sections 13(1) and 14(1) of the Education Act 1996, section 22(1) of the School Standards and Framework Act 1998, section 1(1) of the 1997 Act, section 2 of the Local Government Act 2000 in so far as the BSF Variation promotes or improves the economic, social and environmental well-being of the Authority's area, section 122 and section 123 of the Local Government Act 1972 and in support of those powers section 111 of the Local Government Act 1972.

5. **COPIES OF CERTIFICATE (SECTION 3(2)(E) OF THE 1997 ACT, REGULATIONS 3 AND 4 OF THE LOCAL AUTHORITIES (CONTRACTS) REGULATIONS 1997)**

Copies of this Certificate are to be given to each of the Contractor, Sumitomo Mitsui Banking Corporation Europe Limited (as Security Agent for the Senior Creditors), Helaba Landesbank Hessen-Thuringen the monitoring officer of the Authority and the auditor of the Authority.

6. **MATTERS TO BE DEALT WITH IN THE CERTIFICATE (SECTION 3(2)(F) OF THE 1997 ACT; REGULATION 6 OF THE LOCAL AUTHORITIES (CONTRACTS) REGULATIONS 1997)**

The BSF Variation is structured so as to enable the Authority to discharge its relevant obligations in its capacity as local authority as set out in the Education Acts (as defined in section 578 of the Education Act 1996) and the School Standards and Framework Act 1998.

7. **REQUIREMENTS WITH RESPECT TO ISSUE OF CERTIFICATE (SECTION 3(2)(G) OF THE 1997 ACT)**

The Authority has complied or will comply with all requirements imposed by regulations with respect of certificates issued under Section 3(2) of the 1997 Act.

8. **CONSENT OF OTHER PARTIES TO CONTRACT (SECTION 3(4) OF THE 1997 ACT)**

The Contractor is the only other party to the Project Agreement and the BSF Variation and hereby consents to the issue of this Certificate (by clause [ ] of the BSF Variation).

Signature (section 3(3) of the 1997 Act, Regulation 7 of the Local Authorities (Contracts) Regulations 1997)

Signature: ..... Dated: .....

Full Name:.....

Position: .....

Copies to:

The Contractor

The Monitoring Officer of the Authority

The Auditor of the Authority

Sumitomo Mitsui Banking Corporation Europe Limited

Helaba Landesbank Hessen-Thuringen