



dated 11 JULY 2007

**London Borough of Lewisham
Brockley Housing PFI**

Certificate issued under the Local Government (Contracts) Act 1997

Brockley Housing PFI Funder Direct Agreement

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Certificate issued under the Local Government (Contracts) Act 1997

dated 11 JULY 2007

This certificate is given by The Mayor and Burgesses of the London Borough of Lewisham (the **Authority**) under Section 3 of the Local Government (Contracts) Act 1997 (the **Act**) in respect of a funder direct agreement dated 4 June 2007 (the **Direct Agreement**).

Parties

- (1) **The Authority,**
- (2) **Sumitomo Mitsui Banking Corporation Europe Limited (the Facility Agent),**
- (3) **Sumitomo Mitsui Banking Corporation Europe Limited (the Security Trustee), and**
- (4) **Regenter B3 Limited (the Contractor).**

1 Period of Agreement– s3(2)(a) of the Act

The Direct Agreement operates until all liabilities of the parties to a project agreement dated 4 June 2007 between the Authority (1) and the Contractor (2) (the **Project Agreement**) have been discharged in full.

2 Purpose of Agreement – s3(2)(b) of the Act

The purpose of the Direct Agreement is to give the Security Trustee “step-in” and other rights in relation to the Project Agreement in the event that the Authority would otherwise have the right to terminate the Project Agreement.

3 Agreement type – s3(2)(c) of the Act

The Direct Agreement falls within Section 4(4) of the Act.

4 Power to enter into the Agreement– s3(2)(d) of the Act

The Authority has power to enter into the Direct Agreement pursuant to Sections 9 and 27 of the Housing Act 1985, (as amended by the Regulatory Reform (Housing Management Agreements) Order 2003), Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000 and Section 1 of the Act.

5 Copies of certificate – s3(2)(e) of the Act

A copy of this certificate is to be given to each person to whom a copy is required to be given by the Local Authorities (Contracts) Regulations 1997 (as amended) (the **Regulations**) as follows:

- 5.1 Pursuant to Regulation 3 of the Regulations, to the Contractor, Facility Agent and the Security Trustee; and
- 5.2 Pursuant to Regulation 4 of the Regulations, to the monitoring officer and auditor of the Authority.

6 Matters to be dealt with in the Certificate – s3(2)(f) of the Act and Regulation 6 of the Regulations

The main relevant functions, the discharge of which the Direct Agreement is calculated to facilitate, or is conducive to or incidental to, are those conferred by Sections 9 and 27 of the Housing Act 1985 (as amended by the Regulatory Reform (Housing Management Agreements) Order 2003).

7 Requirements with respect to issue of Certificate – s3(2)(g) of the Act

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

8 Consent to other parties to the Agreement – s3(4) of the Act

The Contractor, Facility Agent and the Security Trustee are the only other parties to the Direct Agreement, and by Clause 78.2 of the Project Agreement, the Contractor has consented to the issue of this certificate and by Clause 21 of the Direct Agreement, the Security Trustee and Facility Agent has also consented to the issue of this certificate.

Signed this 11 day of JULY 2007



Name: Janet Senior, Executive Director for Resources

Being duly authorised by the Authority and being one of the statutory chief officers within the meaning given to that expression in Section 2(6) of the Local Government and Housing Act 1989.

The Mayor and Burgesses of
London Borough of Lewisham
Lewisham Town Hall
London SE13 4RU

Copies to:

The Contractor
The Facility Agent
The Security Trustee
The Authority's monitoring officer
The Authority's auditor