

PROCEDURE FOR APPOINTING THE SCOUT ASSOCIATION TRUST CORPORATION AS CUSTODIAN TRUSTEE

Role of the The Scout Association Trust Corporation (SATC)

SATC is a company created to hold title to land as a custodian trustee on behalf of scout units. SATC was created by and has a close relationship with The Scout Association (TSA), however, SATC is not owned or controlled by TSA and has its own separate board of directors. The purpose of SATC is to save scout units the burden of having to find and appoint individuals to hold title to land in their names. This allows scout units continuity and ease of administration as in almost all instances, the trustees of a scout unit will change.

As custodian trustee the SATC cannot and does not have any responsibility for the day-to-day management of a scout unit or its property (including making any substantive decisions in relation to the property), this remains the responsibility of the executive committee of a scout unit commonly referred to as the 'managing' or 'charity' trustees. Due to its limited role, SATC cannot be involved in the negotiations of any matters as this also remains the responsibility of the executive committee. Similarly, SATC cannot be responsible for compliance with any obligations such as covenants, and any liability arising from any breaches of such obligations. However, as SATC holds title to the property as custodian trustee, SATC is a signatory to any transactional documents such as leases and transfer deeds, and will ensure that any deeds and documents are compliant with charity law and that the best interests of scouting are upheld.

Appointing SATC

In order for SATC to hold title to a freehold property on behalf of a scout unit the matter must be placed before the SATC board of trustees for approval. This happens on the first Friday of each month. Before this can be done, we require the following:

(a) **Application Form**

The completed Trust Corporation application form and questionnaire that has been provided.

(b) **Letter of Request**

The completed letter of request which must be formatted and signed accordingly. The letter is necessary to confirm the scout unit's executive committee has passed a formal resolution to appoint SATC; and confirms that the executive committee of the scout unit agree that they will be responsible for the management of the property and compliance with any laws, regulations or covenants that affect the property.

Please return the completed hard copy of the application form and letter of request to the following address:

The Scout Association Trust Corporation
Gilwell Park
Chingford
London
E4 7QW

(c) Background information

This should comprise a brief background to the matter outlining any particular reasons why the property is being to SATC and why the unit has chosen SATC to hold the title as custodian trustee.

(d) Retirement of current trustees and appointment of SATC

The current trustees will be required to formally retire and appoint SATC in their place. This is done by way of Deed of Retirement and Appointment. A template has been provided, this must be formatted, signed where indicated and returned to us.

(e) Draft Transfer

Copy transfer deed with our standard clauses included (Further information in relation to standard clauses is provided below).

The information described at (a) and (c) can be sent by email to trust.corporation@scouts.org.uk clearly stating the group name and address of the property.

(f) Group Information Form

The completed group information form that has been provided.

SATC Administration Fee – payable by the Scout unit

Once the board has approved a request, the Scout unit will be required to pay an administration fee of £500 plus VAT (or £450 plus VAT if the Scout unit insures its premises through Scout Insurance Services). We will request the administration fee following approval from the board. Payment can be made by cheque or bank transfer. Cheques should be made payable to The Scout Association and bank details will be provided upon request.

The administration fee is payable each time the scout unit asks SATC to act as Custodian Trustee which includes any subsequent transactions that relate to the same property.

Surveyor and Legal Fees

The Scout Unit is responsible for any legal or surveyor fees that arise in respect of a matter.

Standard SATC Clauses

These must be included in the transfer deed and have been provided in a separate document.

Land Registry

Following completion of the matter you must register your ownership of the property must be registered at the Land Registry. We strongly suggest that you instruct a solicitor to do this for you as the process can be complicated (More information in relation to solicitors is provided below).

SDLT Form

If an SDLT form is required then this should be submitted by and on behalf of your Scout Unit as the beneficial owner.

Role of the Legal Department, Legal Advice and Representation

As well as acting as solicitor for TSA and SATC, we also provide general legal advice to members. Due to a potential conflict of interest, and the legal department's capacity, advice can only be general and more specific legal advice in relation to particular circumstances would have to be provided by a separate solicitor. In view of the charitable nature of The Scouts, and because the movement is largely run by volunteers, it would not be unusual for a solicitor to act for free on a pro bono basis. We would advise a unit to obtain legal advice and representation as these matters can be complicated and in some instances there is a degree of risk.

If you have any questions please do not hesitate to contact us otherwise, if you wish to appoint SATC, we look forward to receiving the necessary documents.