

**PROCEDURE FOR GRANTING A LEASE WHERE THE SCOUT ASSOCIATION  
TRUST CORPORATION HOLD THE TITLE AS CUSTODIAN TRUSTEE.**

**Lease or Underlease**

If a freehold or leasehold property is in the name of The Scout Association Trust Corporation (SATC) any subsequent lease must be granted by SATC as Landlord on behalf of the scout unit.

**Procedure**

In order for SATC to grant the lease, the matter must be placed before the SATC board of trustees for approval. This is done on the first Friday of each month. Before this can be done, we require the following:

(a) 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 direct SATC to grant a lease; and confirms that the executive committee of the scout unit agree that they will be responsible for compliance with the terms of the lease. A template has been provided and should be formatted accordingly.

Once the letter of request has been completed it should be returned to the following address:

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

(b) Background information

This should comprise brief background outlining any particular reason why the scout unit wants to direct SATC to grant a lease and should also provide details of the history of the matter up until now (this can be sent to us by email).

(c) Draft Lease

Copy draft lease with our standard clauses included (More information is provided below).

(d) Group Information Form

Completed group information form that has been provided.  
(The information described at (c) and (d) can be sent by email to [trust.corporation@scouts.org.uk](mailto:trust.corporation@scouts.org.uk) clearly stating the group name and address of the property)

### **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 £400 plus VAT. We will provide an invoice once board approval has been obtained. 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.

### **Designated Advisor and Legal Fees**

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

### **Obtaining a satisfactory Section 119 Report (formerly a Section 36 Report)**

In accordance with The Charities Act 2011, unless the other party is a similar charity to the scout unit, the grant of a lease considered a disposal of a charitable interest in land. The scout unit's executive committee (as the charity trustees) are therefore under a statutory duty to first obtain a section 119 report advising as to whether the lease is in the charity's best interests. This report is required by law regardless of the value of the lease or any other circumstances and must comply with The Charities (Dispositions of Land: Designated Advisers and Reports) Regulators 2023. The scout unit will need to instruct a Designated Advisor to produce the report and will be responsible for any Designated Advisor fees. The relevant requirements are attached and should be passed to the instructed Designated Advisor. Where they are unable to report on a point they must advise as to why they are unable to do so rather than remain silent on the point. Once the report has been finalised it must be sent to us for our review. We do not require the report prior to obtaining board approval, however, we must receive a copy of the report before we are able to complete the matter.

### **Standard SATC Clauses**

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

### **Land Registry**

If the lease is for a term greater than seven years it must be registered at the Land Registry. If this is your responsibility under the lease, we strongly recommend advise that you instruct a solicitor to do this for you as the process is 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. In respect of a the grant of a lease, lease we would strongly advise a scout unit to obtain legal advice and representation as 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 completed application form and letter of request.