

PROCEDURE FOR APPOINTING THE SCOUT ASSOCIATION TRUST CORPORATION AS CUSTODIAN TRUSTEE – TRANSFER OF BENEFICIAL INTEREST

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 throughout the course of a lease.

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. 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 the SATC

If a Scout unit wishes to transfer to another Scout unit, their beneficial interest in a property that is held on trust by SATC, the matter must be placed before the board of trustees. This is done by email on the first Friday of each month and will normally be processed within a matter of days. Unless any particular questions arise, the board of directors will approve the request. The overwhelming majority of requests are processed without the need for any further enquiries.

Before the matter is placed before the board we will require the following:

(a) Memorandum of Direction

The completed Memorandum of Direction which must be formatted and signed by the transferor Scout unit. The memorandum is necessary to confirm that the transferor's executive committee has passed a formal resolution to transfer the beneficial interest in the property.

Once the memorandum of direction has been completed please return the hard copies to the following address:

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

(b) Letter of Request

The completed Letter of Request which must be formatted and signed by the transferee confirms that the executive committee of the transferee accepts the benefit of the property and will be responsible for compliance with all obligations that previously belonged to the transferor.

Once the memorandum of direction has been completed please return the hard copies to the same address.

(c) Group Information Form

The completed group information form that has been provided for both the transferor and transferee Scout units.

(d) Landlord Consent

A letter or email from the Landlord confirming that the beneficial interest under the lease can be changed to a different Scout unit or that the terms of the lease allow this transfer (leasehold only)

The information described at (c) to (d) can be sent by email to a member of the Legal Team OR to 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 £150 plus VAT. We will request the administration fee as and when it becomes due. 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 and Guide units ask SATC to act as Custodian Trustee including lease renewals.

Surveyor and Legal Fees

The Scout and Guide units are responsible for any legal or surveyor fees that arise in respect of a matter.

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 new lease we would strongly 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 completed application form and letter of request.

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.

Land Registry

If the Scout Unit transferring property is noted on the land registry under proprietor alongside SATC then that Scout Unit has responsibility for updating the Land Register's records.