



## LEGAL SUPPORT POLICY

The Trust Corporation's in-house Property Lawyer is responsible for the administration of the Trust Corporation's property holding service and deals with enquiries relating to properties held by the Trust Corporation. Please use the Preliminary Legal Enquiry Form, which can be found on the Girlguiding website, if you have an enquiry relating to your guide property.

It is important to stress that our Property Lawyer acts for the Trust Corporation and does not act for individual guide units or members. The Trust Corporation holds over 600 guiding properties and, due to logistical and budget constraints, we can only offer general legal advice and it is necessary to set parameters for the level of legal support we can offer. This is to ensure that we offer a consistent and transparent service to all guide units.

In determining the extent to which legal support can be provided, we take into account the following:

- **Will the guide unit be taking on new or additional liabilities or obligations in respect of their property?**

All responsibility and liabilities relating to a guide property rest with the relevant guide unit and not the Trust Corporation. You may therefore need more detailed legal advice than the general advice that we can provide. In those cases, it is important that you instruct your own local solicitors to advise and negotiate for you to ensure that your unit's interests are adequately protected. This is particularly important if you are buying or taking a lease of a new guide property.

- **Will the guide unit receive any money or income from a proposed property transaction?**

This usually involves a sale of a guide property but can also include granting any rights over a guide property to a third party in return for payment. In those circumstances, we would expect the guide unit to instruct its own local solicitors to deal with the transaction and for all legal costs (including those of the Trust Corporation) to be covered out of the proceeds of sale or the payment received.

- **Would it be an appropriate and reasonable use of Girlguiding's resources and funds for the Trust Corporation to give legal advice on a matter?**

This is decided on a case by case basis and depends on factors including the level of legal work required, whether it is a legal matter or a commercial matter, whether it involves an organisation wide issue or whether it is a local property management issue.

Applying these principles, we set out below examples of circumstances where the Trust Corporation can and cannot provide assistance:

| What Legal Support can help with  | What Legal Support cannot help with  |
|---|--|
| ✓ Taking an <b>existing</b> guide property (whether freehold or leasehold) into trust with the Trust Corporation  | ✗ Buying a <b>new</b> guide property or taking a lease of a <b>new</b> guide property and dealing with the associated conveyancing and title investigation work. We will, however, liaise with your local solicitor to take the new property into trust with the Trust Corporation.  |
| ✓ Dealing with the Trust Corporation's formalities and advising on charity law requirements in connection with the sale of a guide property                             | ✗ Dealing with the conveyancing involved in the actual sale of the guide property  |
| ✓ Approving the form of lease on a renewal of a lease (provided that it is on substantially the same terms as the existing lease)                                       | ✗ Approaching your landlord for a new lease and agreeing new rent and terms. We can, however, refer guides to the Trust Corporation's retained surveyor for help with commercial negotiations  |
| ✓ Reviewing and advising on your title documents  | ✗ Advising on property management issues eg applying for planning permission or objecting to a planning application;<br><br>Advising on disputes with third parties (eg contractual disputes);<br><br>Some disputes, particularly boundary disputes, require local geographical knowledge and you may need to instruct a local solicitor or surveyor |
| ✓ Assisting with straightforward property documents which require the Trust Corporation to be a party, eg a surrender of a lease or a deed to vary the terms of a lease | ✗ Assisting with complicated property documents or with contracts which do not require the Trust Corporation to be a party (eg building contracts, service agreements etc)   |

Where we are not able to provide legal support, you should consider whether you need to instruct your own local solicitor (who should be experienced in dealing with non-residential properties). All guide units operate as independent branches of Girlguiding and own assets and incur liabilities in their own right. You should therefore anticipate and include, as far as possible, any necessary legal work in your unit's operating budget.