

From: [Chira Mutukwa](#)
To: [M25 Junction 10](#); M25j10@highwaysengland.co.uk
Cc: [Christine Donovan](#)
Subject: M25 Junction 10/A3 Wisley Interchange Improvement Scheme - Planning Inspectorate Reference: TR10030 (Heyswood Camp, Portsmouth Road, Cobham, KT11 1EN)
Date: 22 June 2020 12:32:34
Attachments: [Letter dated 22.06.2020.pdf](#)
[Official Copy \(Register\) - SY807040 \(1\).pdf](#)
[Trust Corp 1938 Declaration of Trust.pdf](#)

Dear Sirs,

Further to the above matter, please find attached the following:

1. A copy of our letter of even date;
2. A copy of the official copy of register of title: SY807040; and
3. A copy of the 1938 Trust Deed.

Please do not hesitate to contact me if you require further information or if you would like to arrange a call to discuss the content of the attached letter.

Kind regards,

Chira

Chira Mutukwa
Property Lawyer

Girlguiding
17-19 Buckingham Palace Road
London
SW1W 0PT

Tel : 02078346242 ext 2321

www.girlguiding.org.uk

Girlguiding is the leading charity for girls and young women in the UK. We build girls' confidence and raise their aspirations. We give them the chance to discover their full potential and encourage them to be a powerful force for good. We give them a space to have fun.



The Guide Association Trust Corporation
17-19 Buckingham Palace Road
London SW1W 0PT
T: 020 7834 6242
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22nd June 2020

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
Temple Quay
Bristol
BS1 6PN

By E-mail Only

Dear Sirs,

Scheme: M25 Junction 10/A3 Wisley Interchange Improvement Scheme - Ref: TR10030
Matter: Ownership of Heyswood Camp, Portsmouth Road, Cobham, KT11 1EN
(Property)

I write in regard to the above and in response to your enquiry relating to the ownership of the above Property.

As you will note from the attached official copy of register of title, title number: SY807040, The Guide Association Trust Corporation are noted as the proprietor of the above Property, in the Proprietorship Register. Please note that The Guide Association Trust Corporation holds the Property on trust for the Greater London West County Guides.

What is The Guide Association Trust Corporation (Trust Corporation)

The Guide Association Trust Corporation is a company limited by guarantee, incorporated under the Companies Act and registered under company number: 00333303 and a registered charity registered under charity registration number:306018. The Guide Association Trust Corporation is wholly owned by The Guide Association (Girlguiding). This body was incorporated to hold legal title for properties and investments on behalf of any Guide Unit (or joint Guide and Scout groups) in England, Wales and Northern Ireland. The Trust Corporation was licensed by the Lord Chancellor in 1937 to Act as a sole trustee enabling it to hold land/property and investments for Guide Units without the need to appoint a second Trustees thus the Trust Corporation is referred to as a “holding trustee”.

Please note that every Guide Unit is a charity and the law requires that all land of a charity should be held in the hands of the trustees thus in this case The Guide Association Trust Corporation hold the title for the above Property on trust for the Local Guides, the Greater London West County Guides. The owners are thus Greater London West County Guides.

The Powers of The Guide Association Trust Corporation together with limitations

Please note that when The Guide Association holds property on trust for a Guide Unit, such as in this case, its powers and responsibilities are derived from the attached 1938 Trust Deed.

It is important to note that The Guide Association Trust Corporation merely acts to hold legal title to property and investment on behalf of Guide Units or joint Guide and Scout groups. The Guide Association Trust Corporation is not responsible for the management or administration of the Property and has no decision-making powers in respect of the Property. This remains the responsibility of the local guide unit. Thus in this case, it is therefore imperative that Greater London West County Guides attend the hearing and make representation.

Please therefore confirm that you will allow Greater London West County Guides to continue representing the above case as the owners/ beneficiaries of the above Property.

Please do let me know if you would like to have a call to discuss the above.

Yours faithfully,

C.Mutukwa

Chira Mutukwa
Legal Department
Encl.

1. Office Copy Entries, title number:SY807040
2. 1938 Trust Deed

DATED 18TH JANUARY 1938

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put on .00
file

THE GUIDE
ASSOCIATION
TRUST
CORPORATION

DECLARATION
OF TRUST
(THE 1938 TRUST DEED)



THE GUIDE
ASSOCIATION
A registered charity

50p
stamp

THIS DECLARATION OF TRUST is made the Eighteenth day of January One thousand nine hundred and Thirty-eight by **THE GIRL GUIDES ASSOCIATION TRUST CORPORATION** a Company incorporated under the Companies Act 1929 and licensed by the Board of Trade pursuant to Section 18 of that Act having its registered office at 17/19 Buckingham Palace Road, London SW1 (hereinafter called "the Corporation")

WHEREAS:

1. Under its Memorandum of Association the Corporation is empowered to undertake accept execute perform and administer trusts or conditions affecting lands buildings hereditaments investments funds or other property whatsoever held or owned in trust or for the benefit or for any of the purposes or objects of The Girl Guides Association (an Association incorporated by Royal Charter hereinafter called "the Association") or any branch thereof or Company or local association of Girl Guides as therein mentioned and to undertake accept execute and administer any charitable trusts without remuneration and to acquire accept and hold as trustee nominee or agent of or for the said Association or any such branch Company or local association as aforesaid and to sell exchange or otherwise dispose of manage develop deal with and turn to account real and personal property of all kinds whatsoever and any interest therein subject as therein mentioned

2. The Corporation has been duly authorised by the Lord Chancellor by an Authorisation dated the Twenty-first day of December One thousand nine hundred and thirty seven to act as a Trust Corporation in relation to the charitable Trusts aforesaid

NOW THIS DEED WITNESSETH as follows:

1. **THE Corporation** will stand possessed of the proceeds of sale of any lands buildings and hereditaments whether freehold or leasehold that may be conveyed or assured to the Corporation upon trust for sale by or on behalf or at the direction or for the benefit of the Association or any branch thereof or by any trustee thereof by any deed expressed to be supplemental to these presents **UPON TRUST** (subject to any trusts powers or provisions contained in such Supplemental Deed) to apply the same and the income thereof and also the rents and profits thereof until sale and in the case of leaseholds after payment of the rent reserved in respect thereof for the general purposes and objects of and (subject as provided in Clause 3 hereof) to deal with the same as it shall from time to time be in writing directed by the Association or branch (as the case may be) by or on behalf or at the direction or for the benefit of which the same was so conveyed or assured

2. **THE Corporation** will stand possessed of any investments funds or other property (other than land) that may be transferred to or vested in it by or on behalf or at the direction or for the benefit of the Association or any branch as aforesaid or by any trustee thereof by or in pursuance of any document referring to these presents and the income (if any) arising therefrom **UPON TRUST** (subject to any trusts powers or provisions contained in such document) for the general purposes and objects of and (subject as provided in Clause 3 hereof) to deal with the same as it shall from time to time be in writing directed by the Association or branch (as the case may be) by or on behalf or at the direction or for the benefit of which the said investments funds and property were so transferred to or vested in the Corporation with power at any time and from time to time to sell call in and convert the same or any part thereof into money

3. **PROVIDED ALWAYS** and it is hereby declared that if in the opinion of the Corporation any direction given under Clause 1 or 2 hereof by any branch of the Association shall be contrary to the interests of that branch or to the principles or policy or rules of the Association the Corporation may disregard such direction and deal with the property therein referred to (subject to any further direction which may hereafter be given as aforesaid and which in the opinion of the Corporation is not contrary to such interests principles policy or rules) in such manner as the Corporation in its absolute and uncontrolled discretion shall consider to be for the benefit of the branch and not contrary to the principles policy or rules of the Association

4. **WITHOUT** prejudice to the generality of the provisions hereinbefore contained and any power conferred by Statute or otherwise it is hereby expressly declared that the Corporation under such direction as aforesaid shall have power at any time and from time to time to mortgage lease exchange or otherwise dispose of the trust property or any part thereof

5. **IT IS HEREBY EXPRESSLY DECLARED** that in respect of all trust property vested in the Corporation as aforesaid and the income thereof every part thereof shall (subject as aforesaid) be applicable for the general purposes aforesaid and that no distinction shall be made between capital and income and no part of such property shall be treated as an endowment

6. **WITHOUT** prejudice to any statutory or other rights of indemnity of the Corporation the Corporation shall be at liberty but shall not in any case be bound to pay or discharge out of the trust property or any part thereof and to reimburse itself all rates taxes expenses of repairs costs of insurance and other outgoings and expenses incurred in respect of the trust property or any part thereof or in or about the execution or purported execution of trusts or powers concerning the same

7. **IN** respect of any trust property conveyed or transferred or vested in the Corporation by or on behalf of or by the direction or for the benefit of any branch or by any trustee thereof the following provisions shall apply:

(A) If and when such branch shall be amalgamated with another branch or branches of the Association then for the purposes of these presents the unit thus formed shall be deemed to be such branch

(B) If the said branch shall be disbanded or otherwise cease to exist (except in the case of such an amalgamation as aforesaid) the Corporation shall hold the trust property UPON TRUST to be applied for the general purposes and objects of the Association as the Association may direct

8. IN these presents the term "branch" shall include any branch County Organisation Division District Local Association Company or Pack or other unit of the Association

9. (A) ANY conveyance transfer or other assurance direction or document executed or signed by the person or persons by whom the financial affairs of a branch are for the time being managed (whether duly authorised to manage the same or not) shall for all the purposes of these presents be deemed to be a conveyance transfer assurance direction or document executed or given by the branch and so that if and whilst the branch consist of more than two members they may act by resolution of the members present at a meeting thereof

(B) THE Corporation may act upon any direction in writing or resolution purporting to have been given or passed by the Association or a branch and certified by the person purporting to be Secretary or official representative thereof and shall not be concerned to enquire whether such direction or resolution was in fact duly given or passed or whether such person is in fact Secretary or such official representative as aforesaid and shall not be responsible for acting upon such direction or resolution or for any loss occasioned thereby

10. ANY Statement made in writing on behalf of the Corporation to the effect that any act or thing done by the Corporation is done under the direction of the Association or any particular branch thereof shall in favour of any purchaser mortgagee lessee or other person dealing with the Corporation be conclusive evidence of the fact and the concurrence of the Association or any branch thereof in any such act or thing shall not be necessary for the protection of such purchaser mortgagee lessee or other person

11. NO Trustee of these presents shall be liable for anything whatever except a breach of trust knowingly and wilfully committed by itself or himself

12. WHENEVER there shall be more than two Trustees hereof the majority of such Trustees shall be competent to execute and exercise all the trusts powers and discretions hereby vested in the Trustee or Trustees hereof generally and whenever there shall be more than four Trustees hereof investments may be taken and held in the names of any four of the Trustees

13. THE Statutory power of appointing new Trustees shall apply to these presents and either an individual or a corporation may be appointed to be a Trustee and if a corporation is so appointed it may be the sole Trustee and the number of Trustees may in that case (but in no other) be reduced to one

14. ANY Trustee for the time being hereunder (other than the Corporation) being a Solicitor or other person engaged in any profession or business shall be entitled to charge and be paid all usual professional or other charges for any business done by him or his firm in the premises whether in the ordinary course of his profession or business or not and although not of a nature requiring the employment of a Solicitor or other professional person

15. THE trusts hereinbefore declared shall continue in force during the following period that is to say the life of the survivor of the issue now in being of His late Majesty King George the Fifth and twenty years from the death of such survivor and such further time as the law may allow. And if the law does not allow the said trusts to continue after the expiration of the said period of twenty years the trust property shall at the expiration of that period be held IN TRUST for the Association

16. THESE presents may be referred to in any document as "The Girl Guides Association Trust Deed of 1938"

IN WITNESS WHEREOF the Girl Guides Association Trust Corporation has caused its Common Seal to be affixed hereto the day and year first above written

THE COMMON SEAL OF THE GIRL GUIDES ASSOCIATION TRUST CORPORATION was affixed hereto in the presence of:

(Signed) PERCY EVERETT

(Signed) JOAN MARSHAM
Members of the Board of Management

(Signed) KATHLEEN VAN BAERLE
Secretary

