

Llangoedmor Community Council
Dworek
Sarnau
Llandysul
SA44 6PX

YOUR REF
OUR REF 48805.001/MB/MB
REPLY TO Butler House
T 01372750109
E Mariam.Baraki@wellerslawgroup.com
DX Great Bookham 117527
DATE 24th August 2022

Dear Sue

Re: Advice on Land Ownership

Thank you for instructing us to provide advice in connection with the ownership of the land.

I have reviewed the timeline together with the enclosure. I note that the charity intended to transfer part of the land to the Community Council to provide a car park and toilets. I assume that the works to the toilets and car park have been carried out by the Community Council. It may also be that you have been managing both the car park and the toilets.

Unfortunately, based on the information and the documentation there do not appear to be any actual transfers. Without an actual transfer from the charity to the Community Council, it is almost impossible to argue that the land now belongs to the Community Council. Whilst I note that there was an intention to do so.

Further, the charity did not have the power to transfer or dispose of part of the land without the consent of the Charity Commission. There is nothing in the documents to suggest that consent was sought. As the land is a permanent endowment, the charity would need consent from the Charity Commission before disposal.

From a recent matter that I have dealt with, even where Charity Commission have provided consent to the disposal/transfer, if an actual transfer has not been undertaken and no funds have been exchanged, Charity Commission will not accept this.

For an effective transfer, valuation should have been sought, consultation of stakeholders carried out, application to Charity Commission to dispose/transfer land for the sum valued. At times a lower amount can be considered if the disposal is advantageous to the charity in some other way other than monetary value.



BUTLER HOUSE Guildford Rd, Great Bookham, Surrey KT23 4HB
EAST HORSLEY 6 Bishopsmead Parade, East Horsley, Surrey KT24 6SR
GREAT BOOKHAM 22a High St, Great Bookham, Surrey KT23 4AG
LONDON OFFICE 65 Leadenhall Street, London EC3A 2AD
REGISTERED OFFICE Tenison House, Tweedy Road, Bromley, Kent BR1 3NF
SEVENOAKS OFFICE 50-52 London Road Sevenoaks, Kent TN13 1AS
CHISLEHURST OFFICE 1A Bromley Lane, Chislehurst, Kent, BR7 6LH

T + 44 (0)1483 284 567 F +44 (0)1483 284 817
T + 44 (0)1483 284 567 F +44 (0)1483 284 817
T + 44 (0)1372 456 221 F +44 (0)1372 452 370
T + 44 (0)20 7481 2422 F +44 (0)20 7488 0562
T + 44 (0)20 8464 4242 F +44 (0)20 8464 6033
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T + 44 (0)20 8295 1989 F +44 (0)20 8295 1660

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It is arguable that even if an actual transfer was signed and submitted to Land Registry, the actual transfer might be ultra vires. The charity did not have the relevant consent needed, making the transfer voidable.

It is also arguable that the lease of 28th July 1947 is also ultra vires. Unless consent from Charity Commission was sought at the time.

In terms of moving forward, the Community Council can seek a lease for the toilet and car park from the charity. The lease can be at a peppercorn. However, before the grant of the lease, the charity will need to seek consent from the Charity Commission. The lease will enable the Community Council to continue managing and running the car park and toilet. It is however worth noting that the charity is not obliged to provide a lease. The car park and toilet belong to the charity as it sits on their land. Having said that, it may be beneficial to the charity to grant a lease to the Community Council. Especially if the charity has limited resources. The burden of managing and running a car park and toilets can be financially straining on a charity.

I note your comments in connection with the charity wishing to use the car park for the sole use of the hall if it is established that they own it. Unfortunately, there is nothing that can stop them from doing so. If they are struggling financially, a lease to the Community Council with a small yearly rent might be beneficial to them.

Therefore, if an application for consent to grant a long lease to the Community Council for peppercorn is made to the Charity Commission, I believe that it would be accepted.

I am sorry that the advice could not be more favourable. I have also sought Roger Taylor's views, who concurs with my advice.

If you have any further questions, please do not hesitate to contact me.

Yours sincerely



Mariam Baraki
Solicitor