

# Changing Your Trustee



1. The procedure for changing a trustee should be set out in the Constitution and Deed of Trust. In most cases, the Committee will need to pass a resolution requiring the existing trustee to retire and appoint a new trustee. It is not a normal requirement that any resolution need to be put to the members in General Meeting.
2. Six months' notice is normally required before the existing trustee is required to hand over to the new trustee. The retiring trustee normally require all outstanding fees to be paid and also will need any fees incurred in dealing with its retirement to be paid also.
3. The retiring trustee will require a deed of appointment of new trustee to be entered into which would include an indemnity in favour of the trustee for any claims that may have arisen during its trusteeship.
4. The retiring trustee needs to be satisfied that the new trustee will be suitable for complying with its fiduciary duties to the members. As John Hughes and Alex Radford are both practising solicitors and John is also a Notary Public and Alex is also a Spanish abogado these requirements are easily met.
5. It is not uncommon for a retiring trustee to try and oppose their retirement but if the terms of the Constitution and Deed of Trust are complied with ( and we can advise you on this) then there are no grounds to object to or delay the retirement and appointment of new trustees.