

26 March 2021

ADEQUATE REASONS TO REQUEST A REMOVAL OF A TRUSTEE- FLETCHER V MCNAIR

In the abovementioned court case, the question before the court was what would be a sufficient reason to apply for the removal of a co-trustee. The request usually arises when the relationship between trustees and beneficiaries sour. The court confirmed that the requirement would be that the relationship between the trustees should be of such a state that it jeopardises or endangers the proper administration of the trust and not mere animosity among trustees.

Furthermore, the court confirmed that it should be in the interest of the trust and the beneficiaries to remove the trustee. An example of sufficient circumstances would be when mutual respect and trust is lost between the trustees which results into the trust administration and management of assets being neglected. A mere relationship that turned sour is therefore not a sufficient reason for the removal of a trustee.