

# Deed of Appointment and/or Retirement of Trustees by Settlor

**SYBT DAR V01 0620**

## Important

This deed is only suitable where all parties to the deed are resident in the Republic of Ireland. You are strongly recommended to consult your own legal or tax adviser before completing and signing this deed.

Standard life has drafted this deed with due care and attention to reflect the law at February 2020. It cannot accept any responsibility for loss, damage or other claim which may arise from the use of this deed or the way in which you complete it. Standard Life cannot perform the function of a legal or tax adviser or guarantee that this deed will meet all of your specific requirements.

## Privacy notice

We collect, process and maintain customer personal information and apply safeguards to ensure that it is protected and used in accordance with data protection law. To read our Privacy Policy, visit [www.standardlife.ie/privacy](http://www.standardlife.ie/privacy)

## Part A - Date of Deed

This Deed is made on the  day of  20

## Part B - Settlers

First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>
First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>

Only insert the full name and address of the Settlers that are alive and have legal capacity. The full names of the persons who established the trust should be inserted at clause 1 on page 5.

**Part C - Current Trustees**

First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	

Please insert the full names and addresses of any trustees who are not the Settlers, are not the Retiring Trustees, and are not the Removed Trustees. The Retiring Trustees' details should be inserted at Part D. The Removed Trustees' details should be inserted at Part F.

**Part D - Retiring Trustees**

First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	

If appropriate, please insert the full names and addresses of the Retiring Trustees. The number of trustees following any retirement must not be less than two. It is usual to have between two and four trustees.

In the event that the Settlor wishes to retire as a trustee, please include their details here.

**Part D - Retiring Trustees continued**

First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	

If appropriate, please insert the full names and addresses of the Retiring Trustees. The number of trustees following any retirement must not be less than two. It is usual to have between two and four trustees.

In the event that the Settlor wishes to retire as a trustee, please include their details here.

**Part E - New Trustees**

Title	
First names (in full)	
Surname	
Address	
Date of birth (DD/MM/YYYY)	
Nationality	
Title	
First names (in full)	
Surname	
Address	
Date of birth (DD/MM/YYYY)	
Nationality	

If appropriate, please insert the full names and addresses of the New Trustees. Trustees must be 18 years of age or over and resident in the Republic of Ireland.

**Part E - New Trustees continued**

Title	<input type="text"/>
First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>
Date of birth (DD/MM/YYYY)	<input type="text"/>
Nationality	<input type="text"/>
Title	<input type="text"/>
First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>
Date of birth (DD/MM/YYYY)	<input type="text"/>
Nationality	<input type="text"/>

If appropriate, please insert the full names and addresses of the New Trustees. Trustees must be 18 years of age or over and resident in the Republic of Ireland.

**Part F - Removed Trustees**

First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>
First names (in full)	<input type="text"/>
Surname	<input type="text"/>
Address	<input type="text"/>

For legal reasons it is preferable for a trustee to retire and not be removed. A Trustee should only be removed where they are still alive but no longer have mental capacity. If appropriate, please insert the full names and addresses of the Removed Trustees.

**Part F - Removed Trustees continued**

First names (in full)	
Surname	
Address	
First names (in full)	
Surname	
Address	

For legal reasons it is preferable for a trustee to retire and not be removed. A Trustee should only be removed where they are still alive but no longer have mental capacity. If appropriate, please insert the full names and addresses of the Removed Trustees.

**Part G - Trust Property**

Policy number

Are there any other policies or assets held by the Trustees for this Trust?  Yes  No

If yes, give details

**Now this Deed witnesses** as follows:

**1. Definitions**

1.1 In this Trust:

**Current Trustees** means the person or persons named or described in Part C

**New Trustees** means the person or persons named or described in Part E

**Present Trustees** means

- (1) the Current Trustees;
- (2) the Settlor, if a trustee;
- (3) the Retiring Trustees; and
- (4) the Removed Trustees

**Removed Trustees** means the person or persons named or described in Part F

**Retiring Trustees** means the person or persons named or described in Part D

**Settlor** means the person or persons named in Part B

**Trust** means the trust established by the Trust Deed

**Trustees** means the trustees acting under the Trust Deed

**Trust Property** means the assets detailed in Part G

**Trust Deed** means the deed of trust by

Settlor 1 name

Settlor 2 name

Dated (DD/MM/YYYY)

Insert full names of Settlers and date of the original Trust.

1.2 Words importing the singular shall include the plural and vice versa. Words importing a gender include every gender.

## **2. Narrative**

- 2.1 This deed is supplemental to the Trust Deed.
- 2.2 The Present Trustees are Trustees of the Trust.
- 2.3 The Trust is governed by the law of the Republic of Ireland. The statutory power of appointment applies to the Trust and is exercisable by the Settlor or, where there are two Settlers, jointly and by the survivor of them under the terms of the Trust.
- 2.4 Where there are two Settlers and one Settlor has lost capacity, the other Settlor shall have sole power to appoint new and additional trustees under the terms of the Trust.
- 2.5 If Part D has been completed, the Retiring Trustees wish to resign or retire as Trustees.
- 2.6 If Part E has been completed, the Settlor wishes to appoint the New Trustees as Trustees of the Trust.
- 2.7 If Part F has been completed, the Settlor wishes to remove the Removed Trustees as Trustees of the Trust.
- 2.8 The property subject to the Trust Deed consists of the Trust Property.

## **3. Removal**

If Part F has been completed, the Settlor in exercise of the powers conferred on him by the Trust Deed and of all other powers (if any) HEREBY REMOVES the Removed Trustees as Trustees of the Trust, and the Continuing Trustees CONSENT to the release and discharge of the Removed Trustee from the Trust.

## **4. Appointment**

If Part E has been completed, the Settlers in exercise of the powers conferred on him by the Trust Deed and of all other powers (if any) HEREBY APPOINTS the New Trustee as Trustees of the Trust, to act jointly with any other Continuing Trustee for all the purposes of the Trust.

## **5. Retirement**

If Part D has been completed, the Retiring Trustee HEREBY RESIGNS OR RETIRES as a trustee of the Trust and the Continuing Trustees CONSENT to the release and discharge of the Retiring Trustees from the Trust.

## **6. Vesting declaration**

The Settlor and the Current Trustees HEREBY DECLARE that the Trust Property shall vest in the Continuing Trustees.

It is intended that the Trust Property shall forthwith be transferred into the names of the Continuing Trustees.

## **7. Acceptance of office**

If Part E has been completed, the New Trustees accept office as Trustees.

## **8. Acceptance of retirement**

If Part D has been completed, the Continuing Trustees accept intimation of the foregoing resignation or retirement.

## **9. Consent to retirement**

If Part D has been completed, the Settlor and any co-trustees of any Retiring Trustee who is not being replaced consent to the foregoing resignation and retirement.

## **10. Indemnity**

If Part D has been completed, the Continuing Trustees HEREBY JOINTLY AND SEVERALLY covenant with the Retiring Trustees and each of them that they the Continuing Trustees and each of them will at all times keep the Retiring Trustees and each of them and their respective personal representatives estates and effects indemnified from and against all claims and demands whatsoever for or in respect of any money which the Continuing Trustees shall or may be liable to pay as trustees or for and in respect of the Trust or any part thereof or any act, deed, matter or thing done or omitted to be done by the Continuing Trustees or any of them or in or about the execution of the Trust or in any ways relating to the premises. The aggregate liability of the Continuing Trustees under this clause shall be limited to the value of the Trust Property.

## **11. Choice of law**

This deed is governed by the law governing the Trust Deed.

**In witness whereof the parties have signed this deed on the day and year first above written**

Signed and delivered as a deed by the first Settlor

Settlor 1 signature
Full name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the second Settlor

Settlor 2 signature
Full name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

**Trustees' signatures**

Signed and delivered as a deed by the Trustee

Trustee signature
Trustee name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date*1
Place*2

In the presence of

Witness's signature
Witness's full name
Witness's address

\*1 Please add the date of signature. Once all parties have signed, the most recent date on which a person signs should be added to Part A.

\*2 Please add the place where the deed was signed, for example, Dublin.

All trustees (including the Retiring Trustees) must sign.

Please ensure that all of the above details have been correctly completed.

Witnesses should be independent and not someone already named in the trust or their spouse or civil partner.

**In witness whereof the parties have signed this deed on the day and year first above written continued**

**Trustees' signatures**

Signed and delivered as a deed by the Trustee

Trustee signature
Trustee name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

Signed and delivered as a deed by the Trustee

Signature
Full name
Date* <sup>1</sup>
Place* <sup>2</sup>

In the presence of

Witness's signature
Witness's full name
Witness's address

\*<sup>1</sup> Please add the date of signature. Once all parties have signed, the most recent date on which a person signs should be added to Part A.

\*<sup>2</sup> Please add the place where the deed was signed, for example, Dublin.

All trustees (including the Retiring Trustees) must sign.

Please ensure that all of the above details have been correctly completed.

Witnesses should be independent and not someone already named in the trust or their spouse or civil partner.



**Automatic exchange of information**

**Are any of the Settlers, Trustees or Beneficiary a resident for tax purposes outside the Republic of Ireland?**  Yes  No  
If yes, please give their names and details:

Name

Country

TIN

Country

TIN

If you are a trustee, are you a financial institution?  Yes  No

If yes, please provide your GIIN  .  .  .

Name

Country

TIN

Country

TIN

If you are a trustee, are you a financial institution?  Yes  No

If yes, please provide your GIIN  .  .  .

Name

Country

TIN

Country

TIN

If you are a trustee, are you a financial institution?  Yes  No

If yes, please provide your GIIN  .  .  .

If you need more information about tax residency, talk to your financial adviser. If you need more space to list them all and/or all their tax residences, please copy this page.

## Politically exposed persons

We are required to identify politically exposed persons (PEPs) under anti-money laundering regulations. If you are a PEP, or a close relative or close associate of a PEP, we must apply enhanced customer due diligence procedures. You may be required to provide additional information and documentation (such as your source of funds, wealth, and identity).

A PEP is an individual who is, or has at any time in the last 12 months held one of the following positions, in Ireland or abroad:

- head of a state or government, or a minister
- member of a parliament or similar legislative body
- member of the governing body of a political party
- member of a supreme court, constitutional court or other high-level judicial body
- member of a court of auditors or board of a central bank
- an ambassador, chargé d'affaires or high-ranking officer in the armed forces
- member of an administrative, management or supervisory body of a state-owned enterprise
- director, deputy director, or member of the board of (or person performing the equivalent function in relation to) an international organisation

Are you, or any other party to this application, now, or previously been a

- politically exposed person (PEP)
- close relative of a PEP, or
- close business associate of a PEP?

Yes  No

If yes, please give details.

Role* in policy	Role holder's name	Role holder's relationship to PEP	PEP	Position held by the PEP
<i>For example, trustee</i>	<i>Anne Murphy-Smith</i>	<i>daughter-in-law</i>	<i>Hugo Smith</i>	<i>Director, UK Post Office</i>

\*Settlor, beneficiary or trustee.

## What should accompany this trust deed?

Identification documents (certified copies\*) for each of the New Trustees.

Identification documents are one of each of the following:

- Proof of identity, for example,
  - Current passport
  - Current EU or UK driving licence
- Proof of address, for example
  - Recent bill (electricity, phone or gas)
  - Recent statement (bank or credit union)
  - Recent document from Revenue or Dept of Social Protection

If a corporate trustee is being appointed, verification and identification will be required for principal shareholders, directors and authorised signatories. For more information, see page 4 of the Additional declaration by company as policyowner (CD).

Identification documents (certified copies\*) for each of the Continuing Trustees\*\*

Current means not expired, and recent means issued in the last 6 months. If you don't have a particular document, talk to us or your financial adviser about alternatives.

\* To get certified copies of your documents, photocopy the originals, bring the originals and copies to a post office, bank, Garda station or qualified accountant/financial adviser. They'll check, stamp and sign each copy to certify it's a true copy of the original. Enclose those certified copies with this form.

\*\* These may be waived if we have up to date identification documents on file.

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