Patrick Terrance Varley

1 Churchill Walk

Goole

East Yorkshire

DN14 6HH

25th May 2018

Dear Mr. Varley

**RE: P Varley Pension Scheme**

Please find enclosed a Trustee Resolution which, amongst other matters, authorises your removal as a signatory to the Scheme bank account currently held with Bath Building Society, along with a deed of appointment and amendment appointing Workplace Pension Trustees Limited to the above Scheme and authorising the replacement of certain provisions of the Scheme.

The Trustees have noted, with alarm, your lack of communication over a number of important matters regarding the running of the Scheme, and would like to emphasise the importance of ensuring that these documents are signed and returned to us.

There are member Trustees awaiting benefit payments that are being stymied by your constant refusal to act on, or even acknowledge, requests requiring your urgent attention, and it is felt that alternatives must be sought so that, for instance, the Trustees aren’t reliant on your signature on bank instructions, to action these requests.

We would like to draw your attention to Section 36 of the Trustees Acts 1925:

*(1) Where a trustee, either original or substituted, and whether appointed by a court or otherwise, is dead, or remains out of the United Kingdom for more than twelve months, or desires to be discharged from all or any of the trusts or powers reposed in or conferred on him, or refuses or is unfit to act therein, or is incapable of acting therein, or is an infant, then, subject to the restrictions imposed by this Act on the number of trustees,—*

*(a) the person or persons nominated for the purpose of appointing new trustees by the instrument, if any, creating the trust; or*

*(b)if there is no such person, or no such person able and willing to act, then the surviving or continuing trustees or trustee for the time being, or the personal representatives of the last surviving or continuing trustee;*

*may, by writing, appoint one or more other persons (whether or not being the persons exercising the power) to be a trustee or trustees in the place of the trustee so deceased remaining out of the United Kingdom, desiring to be discharged, refusing, or being unfit or being incapable, or being an infant, as aforesaid.*

Please be advised that if the enclosed documents are not received, signed, by our offices at the above address within fourteen (14) days of the date of this letter, and owing to your continual refusal to respond to previous communications, the remaining Trustees will have little option but to consider your continuing silence as further evidence of your refusal to act in a way befitting a Trustee, and that they will have no viable alternative but to invoke Section 36 of the Trustees Act 1925 to remove you as a Trustee to the Scheme, before transferring your member benefits out to an alternative arrangement under Rule 12 of the Scheme Rules.

Yours sincerely,

**David Nicklin**

**Pension Practitioner**