







# Fiduciary Duty Responsibilities & Obligations of Trustees in Governance

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## Practice Areas

-  Dispute Resolution & Litigation
-  Retirement Benefits & Pensions
-  Commercial & Corporate Law

-  Property & Conveyancing
-  Employment & Labour Law
-  Data Protection & IP

# Fiduciary Duty

Obligation to act in the best interest of members.

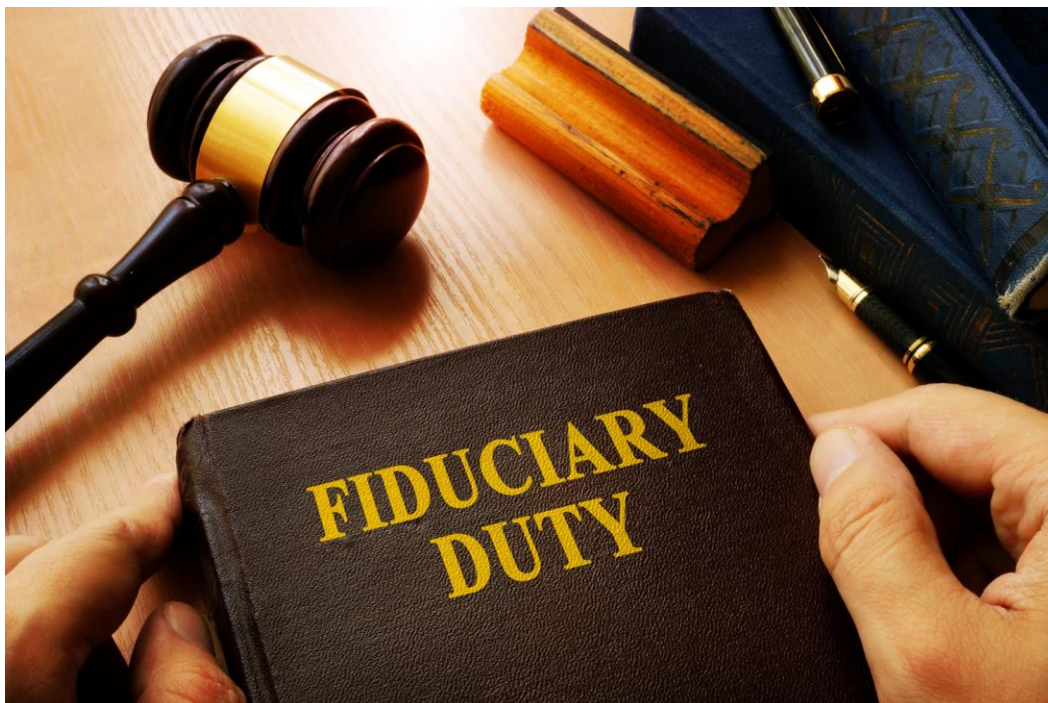


GOOD FAITH



CARE & LOYALTY




# History of Fiduciary Duty



Evolved from Roman law, "fiduciary duty" was adopted into common law to circumvent harsh feudal inheritance obligations.

Landowners transferred land to feoffees to hold for the benefit of heirs, allowing them to bypass the automatic vesting of land to the eldest son.

# Scheme Trustee as a Fiduciary

-  Trustees occupy a position of trust and confidence to manage assets.
-  Obligated to act in good faith, loyalty, and purely for the benefit of members.
-  **Guiding principles:** Act prudently, impartially, and in accordance with the Trust Deed.

# Trustee Liability



Failure to fulfil fiduciary duties results in loss of trust and legal liability.

Board of trustees is jointly and severally accountable for management of the scheme.

Accountability is one of the pillars of good governance under Article 10 of the Constitution.

## Conclusion

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Trustee liability is propelled by the fiduciary duty owed to members. Investment decisions must be made in the best interests of the Scheme.

**1 Corinthians 4:2 – Moreover, it is required of stewards that they be found trustworthy**



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