

# Intervention Archives - File Retention Policy

23 August 2022

## Categorisation of Files in IAD and Appropriate Retention Periods

1. No files will be destroyed in the first 12 months following the intervention.
2. No 'Property Purchase & Mortgage Files' will be destroyed in the first two years following the intervention as they are likely to contain 'registered deeds'.
3. Any files which contain documents of historical interest should be labelled as such on the electronic record in a searchable / reportable format.

<b>Matter Type</b>	<b>Includes</b>	<b>Retention Period</b>
Administration	Employment records Insurance Law Society / SRA correspondence Diaries Manuals Miscellaneous paperwork Tax records PAYE records Wages Trade invoices / creditors Ledgers Bank Statements	3 years from date of intervention or closure of the firm
Client and Office Accounts	Cheque Stubs Payment Slips Receipts Invoices Financial records	7 years from date of intervention or closure of the firm
Business	Company Formation Company Licences (inc Alcohol / Bar etc) Copyright / Patent / Trademark Partnership Formation Sale / Merger /	7 years from the date the matter was concluded or from the last correspondence on file



	Purchase Business Insolvency Investment Share Issue Business Agreements	
Divorce, Children Disputes & Ancillary Relief	Divorce Children Child Protection Court of Protection Custody / Contact (inc Grandparents) Injunctions Separation	21 years from the date the matter was concluded or from the last correspondence on file
Immigration	General Advice Tribunal Asylum Application for a Passport Citizenship / Nationalisation Work Permits	7 years from the date the matter was concluded or from the last correspondence on file
Leasehold and Tenancy	Lease Agreements Licence Agreements Variations Surrender Assignment Licence to Assign / Sublet / Underlet Licence for Alterations Tenancy Agreements	7 years from the date the matter was concluded or from the last correspondence on file
General Litigation	Civil Criminal Harassment Tribunals Personal Injury / RTAs Industrial Injury Medical Negligence Mental Health Act / Sections Prison Matters	7 years from the date the matter was concluded or from the last correspondence on file
Private Client	Non-litigation advice: General Advice that does not go to Litigation Employment / Pensions Personal Insolvency	7 years from the date the matter was concluded or from the last correspondence on file



	Tax	
	Tenancy Disputes	
	Property Maintenance	
	Housing Disrepair	
	Planning Permission	
	Powers of Attorney (but not Enduring / Lasting )	
	Change of Name	
	Complaint about a Solicitor / Law Society	
	Council Tax arrears	
	Debt	
	Defamation	
	Employment	
	Education Issues	
	Insurance Claim / Policy	
	Statutory Declaration	
	Purchase	
	Purchase of a Freehold	
	Purchase of a Long Leasehold	
	Mortgage / Remortgage	
Property Purchase & Mortgage Files	Deed of Postponement Mixed Property Purchase & Sale Deed of Easement / Covenant	7 years from the date the matter was concluded or from the last correspondence on file
	Default in repayment of Mortgage	
	Right to Buy	
	Transfer of Equity	
	Sale of Property	
Property Sale & Other Property Matters	Sale of a Freehold Sale of Long Leasehold General Property Advice	7 years from the date the matter was concluded or from the last correspondence on file
Trusts, Wills & Probate	Will Drafting Probate Trust Matters Lasting / Enduring Powers of Attorney	21 years from the date the matter was concluded or from the last correspondence on file



## Categorisation of Original Documents in IAD and Appropriate Retention Periods

1. Only original (and not copy or certified copy) documents can be Original Documents ("ODs").
2. All deeds and associated property documents for the same property should be amalgamated together and retained for either 2 years (registered titles) or 21 years (unregistered title) from the date of intervention. Although this may appear to be a short timeframe it is worth noting that letters will always be sent to the current occupiers of unregistered properties or land notifying them of the position and asking them for their urgent instructions. Retention timescales will also be highlighted in the letter. A retention period of 80 years will apply to unregistered titles where a contact address is not available. In relation to registered titles, most property documents will have already been incorporated into the title and therefore be redundant.
3. Commercial leases / tenancy agreements and associated documents should be retained for their duration plus 3 years.
4. All non property related ODs will be retained separately for 80 years.
5. Any ODs which are documents of historical interest should be labelled as such on the electronic record in a searchable / reportable format.
6. Documents clearly marked as having been deposited with solicitors for safe-keeping shall be treated in the same way as ODs and will be retained for 80 years.

<b>Original Document(s)</b>	<b>Retention Period</b>
<p><b>Property Deeds / Documents</b></p> <p>Official documents relating to ownership of property</p> <p>Including:</p> <ul style="list-style-type: none"> <li>• Deeds (Conveyances, Indentures etc)</li> <li>• Abstract / Epitome of Title</li> <li>• Transfer of Land (including TR1, TR2, TR4, TR5, TP1, TP2)</li> <li>• ASsent (including AS1, AS2, AS3)</li> <li>• Deed of Covenant</li> <li>• Grant of Easement</li> <li>• Declaration / Severance of Trust (relating to ownership of property)</li> <li>• Lease*</li> </ul>	<p>2 year retention from date of intervention for registered deeds and documents</p> <p>21 year retention from date of intervention for unregistered deeds and documents</p> <p>80 year retention from date of intervention for unregistered deeds and documents where no contact address is available</p>



- Assignment of Lease\*
- Mortgage Deed / Legal Charge
- Assignment of Mortgage / Charge
- Deed of Postponement
- Notice of Mortgage / Charge
- Redemption Certificate
- Discharge of Mortgage / Charge (including DS1, DS3)
- Indemnity Policy
- Guarantee Certificate
- NHBC Certificate
- Declaration of Occupancy

\*Only long leases (typically 60 years or more) reserving a nominal ground rent should be included in Property Deeds / Documents. Shorter commercial leases should be categorised as Lease Documents (see below).

Notes:

- If more than one of the above items are identified for the same property then they should be bundled together.
- If a deeds packet is uplifted then only limited sifting is necessary to assess whether the packet contains ODs which fall into one of the other OD categories (in which case they should be removed and retained separately).
- Only the following Property Deeds / Documents relating to registered properties need to be removed from a file and retained separately:
  - Declaration / Severance of Trust
  - Indemnity Policy

This is because the file itself will be retained for at least 7 years from completion and won't be destroyed until at least 2 years after the intervention.

**Lease Documents\***

Documents giving the tenant / lessee ownership of the property for a limited period subject to annual rent

Including:

Term of Lease plus 3 years

(subject to a minimum period of 3 years from the date of intervention)



- Lease
- Licence to Assign
- Deed of Assignment
- Licence to Sublet / Underlet
- Licence for Alterations
- Notice in relation to above

\*This category is intended for commercial leases (typically 25 years or less) usually reserving a non-nominal rent. Longer leases should be categorised as Property Deeds/Documents (see above).

Notes:

- If more than one of the above items are identified for the same property then they should be bundled together.
- If a lease packet is uplifted then only limited sifting is necessary to assess whether the packet contains ODs which fall into one of the other OD categories (in which case they should be removed and retained separately).
- Original lease documents vest in the tenant whereas counterpart / duplicate documents vest in the owner of the property.

### Tenancy Documents

Documents giving the tenant / lessee occupation of the property for a limited period subject to annual rent

Including:

- Tenancy Agreement
- Licence / Occupation Agreement
- House Share Agreement
- Severance of the above

Term of Tenancy plus 3 years

(subject to a minimum period of 3 years from the date of intervention)

Note:

- Original tenancy documents vest in the tenant whereas counterpart / duplicate documents vest in the owner of the property.

### Mortgage Deed / Legal Charge

2 year retention from date of intervention if registered



Official document giving lender legal right and interest in the property

80 year retention from date of intervention if unregistered

Including:

- Legal Mortgage
- Assignment of Mortgage / Charge
- Deed of Postponement
- Notice of Mortgage / Charge - Consent to Mortgage / Charge
- Declaration of Occupancy

Notes:

a) If uplifted as part of a deeds packet then to remain with those deeds as 'Property Deeds/Documents'.

b) Only unregistered documents need to be removed from a file and retained separately because the file itself will be retained for at least 7 years from completion and won't be destroyed until at least 2 years after the intervention.

### **Life Assurance / Mortgage of Life Policy**

Insurance policy which on death of policy holder will pay out a sum which will cover the outstanding value of the mortgage

80 years from the date of intervention.

Including:

- Assignment of Policy
- Notice of Assignment of Policy

### **Endowment Policy**

This combines a mortgage loan with life insurance, at the end of the term the policy should have generated enough income to cover the cost of the mortgage

80 years from the date of intervention.

### **Will / Codicil**

Codicil - a document which amends or clarifies a specific provision in a Will

80 years from the date of intervention.

Including:

- Deed of Family Arrangement



Not including:

- Grant of Probate
- Letters of Administration

### **Power of Attorney / Court of Protection Deputy**

Document granting authority for one person to act on behalf of another person either for a specific reason or to manage their affairs generally

80 years from the date of intervention.

Including:

- Lasting Power of Attorney
- Enduring Power of Attorney
- General Power of Attorney
- Court Order appointing Deputy

**Acquisition of Business / Goodwill** Taking over customers or trade from a successful business

80 years from the date of intervention.

Including:

- Purchase / Sale of Business Agreement
- Assignment of Goodwill

### **Deed of Partnership**

An agreement between people who want to jointly run a business

80 years from the date of intervention.

### **Retirement Policy**

Similar to a Partnership Deed but details the provisions for a business when one partner retires

80 years from the date of intervention.

### **Patents / Copyrights**

A document confirming exclusive rights to an invention, usually determining how things are made or work

80 years from the date of intervention.

Including:

- Assignments

### **Deed of Gift / Trust**

80 years from the date of intervention.





Including:

- Appointment of New Trustee(s)

**Statutory Declaration** An official declaration (statement of fact) which is signed by client and witness by solicitors

Including:

- Affidavit

80 years from the date of intervention.

Not including:

- Declaration of Solvency.

### **Change of Name Deed**

Legal document whereby a person changes their name

80 years from the date of intervention.

### **Marriage Certificate (foreign only)**

Including:

- Civil Partnership Certificates

80 years from the date of intervention.

### **Birth Certificate (foreign only)**

80 years from the date of intervention.

### **Passport (foreign only)**

80 years from the date of intervention.

### **Immigration Order**

Document showing immigration status known as leave to remain

80 years from the date of intervention.

### **Share Certificate / Bonds**

Official document confirming ownership of shares / investments

80 years from the date of intervention.

### **Grave Deeds**

Official document showing ownership of a Grave

80 years from the date of intervention.

**Personal Effects / Valuables Items / Documents clearly marked as having been deposited with solicitors for safe-keeping**

80 years from the date of intervention.