

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.

Matter Type	Includes	Retention Period
Administration	Employment records Insurance Law Society / SRA correspondence Diaries Manuals Miscellaneous paperwork Tax records PAYE records Wages Trade invoices / creditors	3 years from date of intervention or closure of the firm
Client and Office Accounts	Ledgers Bank Statements 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	7 years from the date the matter was concluded or from the last correspondence on file



	Partnership Formation Sale / Merger / 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	7 years from the date the matter was concluded or from the last correspondence on file



	<p>that does not go to Litigation Employment / Pensions Personal Insolvency 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</p>	
Property Purchase & Mortgage Files	<p>Purchase Purchase of a Freehold Purchase of a Long Leasehold Mortgage / Remortgage Deed of Postponement Mixed Property Purchase & Sale Deed of Easement / Covenant Default in repayment of Mortgage Right to Buy Transfer of Equity</p>	7 years from the date the matter was concluded or from the last correspondence on file
Property Sale & Other Property Matters	<p>Sale of Property Sale of a Freehold Sale of Long Leasehold</p>	7 years from the date the matter was concluded or from the last correspondence on file



	General Property Advice	
Trusts, Wills & Probate	Will Drafting Probate Trust Matters Lasting / Enduring Powers of Attorney Settlements Court of Protection	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.

Original Document(s)	Retention Period



Property Deeds / Documents	
Official documents relating to ownership of property	2 year retention from date of intervention for registered deeds and documents
Including:	21 year retention from date of intervention for unregistered deeds and documents
Deeds (Conveyances, Indentures etc)	80 year retention from date of intervention for unregistered deeds and documents where no contact address is available
Abstract / Epitome of Title	
Transfer of Land (including TR1, TR2, TR4, TR5, TP1, TP2)	
ASsent (including AS1, AS2, AS3)	
Deed of Covenant	
Grant of Easement	
Declaration / Severance of Trust (relating to ownership of property)	
Lease*	
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:	



<p>a. If more than one of the above items are identified for the same property then they should be bundled together.</p> <p>b. 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).</p> <p>c. Only the following Property Deeds / Documents relating to registered properties need to be removed from a file and retained separately:</p> <p>Declaration / Severance of Trust</p> <p>Indemnity Policy</p> <p>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.</p>	
<p>Lease Documents*</p> <p>Documents giving the tenant / lessee ownership of the property for a limited period subject to annual rent</p> <p>Including:</p> <p>Lease</p> <p>Licence to Assign</p> <p>Deed of Assignment</p> <p>Licence to Sublet / Underlet</p> <p>Licence for Alterations</p> <p>Notice in relation to above</p> <p>*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).</p>	<p>Term of Lease plus 3 years</p> <p>(subject to a minimum period of 3 years from the date of intervention)</p>



<p>Notes:</p> <p>a. If more than one of the above items are identified for the same property then they should be bundled together.</p> <p>b. 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).</p> <p>c. Original lease documents vest in the tenant whereas counterpart / duplicate documents vest in the owner of the property.</p>	
<p>Tenancy Documents</p> <p>Documents giving the tenant / lessee occupation of the property for a limited period subject to annual rent</p> <p>Including:</p> <p>Tenancy Agreement</p> <p>Licence / Occupation Agreement</p> <p>House Share Agreement</p> <p>Severance of the above</p> <p>Note:</p> <p>a) Original tenancy documents vest in the tenant whereas counterpart / duplicate documents vest in the owner of the property.</p>	<p>Term of Tenancy plus 3 years</p> <p>(subject to a minimum period of 3 years from the date of intervention)</p>
<p>Mortgage Deed / Legal Charge</p> <p>Official document giving lender legal right and interest in the property</p>	<p>2 year retention from date of intervention if registered</p>



<p>Including:</p> <p>Legal Mortgage</p> <p>Assignment of Mortgage / Charge</p> <p>Deed of Postponement</p> <p>Notice of Mortgage / Charge - Consent to Mortgage / Charge</p> <p>Declaration of Occupancy</p> <p>Notes:</p> <p>a) If uplifted as part of a deeds packet then to remain with those deeds as 'Property Deeds/Documents'.</p> <p>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.</p>	<p>80 year retention from date of intervention if unregistered</p>
<p>Life Assurance / Mortgage of Life Policy</p> <p>Insurance policy which on death of policy holder will pay out a sum which will cover the outstanding value of the mortgage</p> <p>Including:</p> <p>Assignment of Policy</p> <p>Notice of Assignment of Policy</p>	<p>80 years from the date of intervention.</p>
<p>Endowment Policy</p> <p>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</p>	<p>80 years from the date of intervention.</p>
<p>Will / Codicil</p>	<p>80 years from the date of intervention.</p>



<p>Codicil - a document which amends or clarifies a specific provision in a Will</p> <p>Including:</p> <p>Deed of Family Arrangement</p> <p><u>Not</u> including:</p> <p>Grant of Probate</p> <p>Letters of Administration</p>	
<p>Power of Attorney / Court of Protection Deputy</p> <p>Document granting authority for one person to act on behalf of another person either for a specific reason or to manage their affairs generally</p> <p>Including:</p> <p>Lasting Power of Attorney</p> <p>Enduring Power of Attorney</p> <p>General Power of Attorney</p> <p>Court Order appointing Deputy</p>	<p>80 years from the date of intervention.</p>
<p>Acquisition of Business / Goodwill</p> <p>Taking over customers or trade from a successful business</p> <p>Including:</p> <p>Purchase / Sale of Business Agreement</p> <p>Assignment of Goodwill</p>	<p>80 years from the date of intervention.</p>
<p>Deed of Partnership</p> <p>An agreement between people who want to jointly run a business</p>	<p>80 years from the date of intervention.</p>
	<p>80 years from the</p>



Retirement Policy Similar to a Partnership Deed but details the provisions for a business when one partner retires	date of intervention.
Patents / Copyrights A document confirming exclusive rights to an invention, usually determining how things are made or work Including: Assignments	80 years from the date of intervention.
Deed of Gift / Trust Including: Appointment of New Trustee(s)	80 years from the date of intervention.
Statutory Declaration An official declaration (statement of fact) which is signed by client and witness by solicitors Including: Affidavit <u>Not</u> including: Declaration of Solvency.	80 years from the date of intervention.
Change of Name Deed Legal document whereby a person changes their name	80 years from the date of intervention.
Marriage Certificate (foreign only) Including:	80 years from the date of intervention.



Civil Partnership Certificates	
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.