



Ministry
of Justice



HM Courts &
Tribunals Service

Upper Tribunal Lands Chamber Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed by staff employed in the Upper Tribunal Lands Chamber. It has been agreed following consultation with the Departmental Records Officer's (DRO) team in the Ministry of Justice.
2. As a public body, the MoJ takes its responsibilities for managing information seriously. These responsibilities include compliance with the Public Records Act 1958, General Data Protection Regulation (GDPR), the Data Protection Act 2018, Freedom of Information Act 2000 (FoIA) and amending legislation. The MoJ uses Records Retention and Disposition Schedules (RRDS) to manage its compliance with statutory obligations to identify what information and records we hold, how long we keep it and what should happen to these records at the end of that time.
3. The Chamber's work is governed by The Tribunal Procedure (Upper Tribunal) (Lands Chamber) Rules 2010 and supporting rules.

More about this schedule

4. Some of the records listed below are selected for permanent preservation and transfer to The National Archives (TNA). Specimen cases from 1938-1997 were transferred to TNA and can be found using the TNA classification number **LT 8**.¹ Other historic records from the Tribunal (and its predecessors) are held at TNA and further information about this is included in the footnotes.
5. This schedule is split into three tables:
 - a. Records unique to Upper Tribunal Lands Chamber.
 - b. Records held by various teams within HMCTS where a common retention and disposition policy is applied.
 - c. Records subject to MoJ's corporate retention policies

¹ To search TNA's catalogue (Discovery), go to: <http://discovery.nationalarchives.gov.uk/> and put quotation marks - "" around the classification number. To browse Discovery, go to: <http://discovery.nationalarchives.gov.uk/browse> and click on the first letter of the classification scheme. Staff wishing to access these records should contact the DRO's team for assistance.

6. If a Freedom of Information Act 2000 request or a subject access request under the General Data Protection Regulation and Data Protection Act 2018 is received, a hold must be put on the relevant records for at least **three months** after the request is resolved.²
7. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its work, the moratorium on the destruction of records of potential interest remains in place.
8. While the UK Covid-19 Inquiry continues its investigations, any records of potential interest to the Inquiry, as set out in published Terms of Reference, will be retained. Further information can be found at: <https://covid19.public-inquiry.uk/uk-covid-19-inquiry-terms-of-reference-2/>.
9. As part of its commitment to transparency, this schedule will be published on the MoJ's webpage: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>.

² See rows **11** and **12** for maximum retention period

The schedule

Table A: Unique records held by the Upper Tribunal Lands Chamber³

No.	Record type	Retention and disposition
1.	Law of Property Act 1925 cases ⁴	<p>Where a final order is made: Keep for one year from date of order and then destroy.</p> <p>Where a further appeal or costs assessment is received: Keep for one year from date of final decision and then destroy.</p> <p>Where a case is withdrawn or a consent order made: Keep for one year from date of last action and then destroy.</p>
2.	a) Reference cases including Determinations b) Appeals and applications from the first-tier tribunals c) Rating Appeals	<p>Cases that set precedent: Keep permanently in the Chamber.</p> <p>Cases that are sent to the Court of Appeal: Keep for three years from date of last action and then destroy.</p> <p>Where a case is determined by a Member: Keep for one year from date of determination and then destroy.</p> <p>Where a further appeal or costs assessment is received: Keep for one year from date of final decision and then destroy.</p> <p>Where a case is withdrawn or a consent order made: Keep for one year from date of last action and then destroy.</p>

³ This schedule applies to records can be in any format (paper, audio, digital) unless specifically stated

⁴ Case records from 1926-1995 were transferred to TNA and given the classification number **LT 3**

No.	Record type	Retention and disposition
3.	a) Rights of Light b) Absent Owner	Determinations: Keep permanently in the Chamber. All other documents: Keep for one year from date of determination and then destroy.

Table B: Records managed by a common retention and disposition policy across HMCTS (applies to more than one jurisdiction)

No.	Record type	Retention and disposition
4.	Tribunal Decisions ⁵	Keep permanently in the Chamber ⁶
5.	Tribunal Registers ⁷	Keep permanently in the Chamber
6.	Bundles	Keep for three months from final resolution of the case (including further appeals and cost assessments)
7.	Recordings of hearings	Keep for same period as for the case type (rows 1-3) and then destroy
8.	Records created as part of governance and assurance processes including: <ul style="list-style-type: none"> • Key Control Check Sheets (KCCS) • Standard Operating Controls (SOC) • Previous equivalents 	Destroy in line with the HMCTS Governance and Assurance RRDS ⁸

⁵ Decisions from 1950-1972 are held at TNA, classification number **LT 13**. Many decisions from 1999 onwards are published and can be found at: <https://landschamber.decisions.tribunals.gov.uk/Aspx/Default.aspx>.

⁶ Judges' clerks are now transferring judgments to The National Archives for publication at: https://caselaw.nationalarchives.gov.uk/judgments/advanced_search?court=ukut-lc

⁷ TNA holds the following registers: Law of Property Act 1925, 1926-1966 (**LT 4**); References, 1921-1969 (**LT 9**); General Claims, 1940-1962 (**LT 7**); Rating Appeals, 1950-1970 (**LT 11**) and Central Land Board, 1960-1970 (**LT 12**)

⁸ This RRDS is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

Table C: Records subject to MoJ's corporate retention policies

No.	Record type	Retention and disposition
9.	Paper copies of records that have been digitised	Keep for no longer than 30 days from date scanned and then destroy ⁹ .
10.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ¹⁰ guidance
11.	Responses to Subject Access Requests	Keep for nine months and then destroy.
12.	<p>Background information (held by business) for responses to information requests made under the Freedom of Information Act¹¹</p> <p>NB. See footnotes showing where the answers to these requests are held</p>	<p>Keep for one year and then review:</p> <ul style="list-style-type: none"> • Where operationally relevant, keep for another year and then repeat the process until the item is no longer needed. • Where no longer needed, destroy immediately.
13.	Business continuity plans (held by business)	Updated annually. Keep previous versions for three years and then destroy.
14.	Finance and risk management information	Keep for seven years and then destroy.
15.	All other types of record not specified above, including copies of records which are owned by other business areas ¹²	Keep for up to three years and destroy.

⁹ This allows for time to check that digital copies are usable before destruction

¹⁰ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

¹¹ The answers to these requests are held by Disclosure (see row 40 of the MoJ HQ schedule)

¹² If the business identifies record types which need a new retention period, they should contact the DRO's team.

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Signed: 14 September 2022

Replaces RRDS dated July 2015