



County Court, Family Court, Court of Protection and the District Registries of the High Court (HM Courts and Tribunals Service) Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed in the County Court, the Family Court, the Court of Protection and the District Registries of the High Court. It has been agreed following consultation between HM Courts and Tribunals Service (HMCTS) and 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, UK 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. This schedule covers the records for the different jurisdictions and courts that sit in county court buildings:
 - a. County court (civil)
 - b. Family court
 - c. Court of Protection
 - d. District Registries of the High Court
4. The work of the District Registries of the High Court and of the County Court (civil) is governed by the Civil Procedure Rules and supporting rules.
5. The Family Court's work is governed by the Family Procedure Rules and supporting rules.

6. The Court of Protection's work is governed by the Court of Protection Rules and supporting rules.

More about this schedule

7. Some of the Court of Protection's records are selected for permanent preservation and are transferred to The National Archives (TNA).
8. This schedule is split into five sections:
 - a. Unique records held for cases heard in the County Court (civil) and cases heard in the District Registry of the High Court
 - b. Unique records held by the Family Court¹
 - c. Unique records held by the Court of Protection
 - d. Records unique to HMCTS
 - e. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
9. 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
10. While the Independent Inquiry into Child Sexual Abuse (IICSA) continues its investigations, the moratorium on the destruction of records of potential interest to IICSA remains in place. All government departments and their associated bodies (in common with other public sector bodies) are required to comply with the moratorium. All business areas should apply the moratorium to any records covered by the following criteria:
 - a. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
 - b. the document types include, but are not limited to, correspondence, notes, emails, and case files, regardless of the format in which they are stored (digital, paper, CDs, etc)
 - c. for the purposes of this instruction, the word "children" relates to any person under the age of 18
 - d. further information about the moratorium is available on IICSA's website at: <https://www.iicsa.org.uk/news/chair-of-the-inquiry-issues-guidance-on-destruction-of-documents>.
11. While the Infected Blood Inquiry continues its investigations, the county court (civil) will comply with the moratorium on the destruction of records relevant to this Inquiry. Further information about the Inquiry's requirements can be found on its website: <https://www.infectedbloodinquiry.org.uk/evidence/>.
12. 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>.

¹ These retention periods are also applied to the records of cases heard in the Court of Appeal

² Where court staff do not know if the request has been resolved, please contact your KILO.

The schedule

The records described in this schedule are held in many different formats including, but not limited to, case management systems, emails, documents, images, paper files, and disks.

No.	Record type	Retention and disposition
1. Unique records held for cases heard in the County Court (civil) and cases heard in the District Registry of the High Court		
1.	Queen's Bench cases	Keep for three years from date of last entry and then destroy
2.	Chancery cases	Unless directed otherwise by a judge, keep for seven years from date of last entry and then destroy
3.	Admiralty cases	Keep for five years from date of last entry and then destroy
4.	a) Companies (winding-up) cases b) Companies act registers (petitions and winding-up)	Keep for 15 years from date of last entry and then destroy
5.	Judicial Review a) Administrative Court b) Upper Chamber Immigration and Asylum	a) Keep for three years from date of last action and then destroy b) Keep for five years from date of last action and then destroy
6.	a) Bankruptcy cases b) Partnership cases	Keep for 20 years from the date of the adjudication and then destroy.
7.	a) Insolvency (formerly Bankruptcy) petitions and Companies (winding-up) cases: <ul style="list-style-type: none"> • Dismissed • Withdrawn b) Statutory demands, applications to set aside	Keep for two years from date of last entry and then destroy.

No.	Record type	Retention and disposition
8.	Registers of petitions and receiving orders in bankruptcy	Keep for 20 years from date of last entry and then destroy
9.	Taxing officer's books (bankruptcy)	Keep for two years from date of last entry and then destroy.
10.	Voluntary arrangement cases	Keep for seven years from date of last entry and then destroy.
11.	Administration order files	Keep for three years from date paid or revoked and then destroy.
12.	Attachment of earnings files	Keep for three years from date paid or date dismissed and then destroy.
13.	a) Third Party Debt Order files b) Charging order files	Keep for three years from date of last entry and then destroy.
14.	Claims case files (including Certificates of judgment) <ul style="list-style-type: none"> • Where hearing stands adjourned generally • Judgment claim files other than where the hearing stands adjourned generally • Claim files that are not under a specific Act that go to trial or arbitration. • Personal injury cases following an award of provisional damages • All other claim files 	Keep for six years from the date of the judgment unless paid within one month or set aside ³
15.	Summary of Claims cases held on CaseMan	Keep for 75 months and then destroy
16.	Files relating to trusts and other equity proceedings	Keep for six years from date of last entry and then destroy.

³ Records are kept for the same period as for the Register of Judgments, Orders and Fines held by Registry Trust Ltd line with <https://www.trustonline.org.uk/>

No.	Record type	Retention and disposition
17.	Possession action cases	<ul style="list-style-type: none"> • Where a financial order is made keep for six years after date of last meaningful transaction and then destroy • Where there no financial order is made, keep for three years from date of last meaningful transaction and then destroy. • Suspended possession orders should be kept for six years and then destroyed (unless a judge directs otherwise) • Where a possession order is made, keep for three years and then destroy • Where a possession order is not made, keep for three years after date of last meaningful transaction and then destroy
18.	Court Funds cases	<p>Keep until the youngest named child identified in the order reaches the age of 18 years and the money has been paid out, and then close the case⁴.</p> <p>Keep for two years after closure and then destroy.</p>
19.	The Damages (Variation of Periodical Payments) Order 2005 cases ⁵	<p>Ensure that record is carefully marked to show:</p> <p>Either:</p> <ul style="list-style-type: none"> • Keep until the claimant's 100th birthday (if known to the court) <p>Or:</p> <ul style="list-style-type: none"> • Keep for the length of time specified in the court order <p>Or</p> <ul style="list-style-type: none"> • Keep until the death of the claimant (if the court is notified of this) <p>Otherwise:</p> <ul style="list-style-type: none"> • Keep for 100 years from the date that the case was opened.

⁴ In case of any query about the status of the fund, contact the Court Funds Office (CFO) before closing the case.

⁵ Can be viewed at: <http://www.legislation.gov.uk/ukSI/2005/841/made>

No.	Record type	Retention and disposition
20.	Landlord and tenant cases	Return the 'original' lease to the parties either at the end of the final hearing or with the final order. Keep for three years after date of last entry and then destroy.
21.	Order to Attend for Questioning files	Keep for two years from date of last entry and then destroy.
22.	a) Certificated Bailiff files b) Bond certificates	a) Keep for three years after date of last entry and then destroy b) Bond certificates that have run out and 'expired' can be destroyed with the file as per the retention policy. ⁶
23.	a) Bailiff and office receipt books b) Bailiff mileage records c) Bailiff daily record sheets	a) and b) Keep for seven years from date of last entry and then destroy c) Keep for two years from date of last entry and then destroy
24.	Warrants a) Warrants of execution, possession and delivery b) Outstanding warrant lists c) Warrant requests	a) Keep for two years from the date of the warrant and then destroy. b) Keep for one year from the date of last entry and then destroy. c) Keep for two years from the date of the request and then destroy.
25.	Orders of committal	Keep with the court record and destroy at the same time.
26.	Complaint / compensation (ex gratia) claims	Keep complaint cases where there has been no pay-out for three years and then destroy. Keep all other cases for five years and then destroy.
27.	Taxed bills of cost	Keep for one year from the date of last action and then destroy.

⁶ Bond certificates that are still current and 'live' at the point of file destruction, must be returned to the enforcement agents company. The bond should be returned with a letter explaining the file is being destroyed as per the court records retention policy and that the bond is therefore being returned for their safe keeping.

No.	Record type	Retention and disposition
2. Unique records held by the Family Court		
30.	Central index of decrees absolute	Held permanently in the Principal Registry (at the Central Family Court). ⁷
31.	a) Divorce and judicial separation b) Nullity cases c) Termination of Civil Partnership cases d) Divorce index cards e) Decree of presumption of death / dissolution (obsolete after 2014)	Keep the following ⁸ for 100 years from date of final order or resolution of any subsequent complaint: <ul style="list-style-type: none"> • petition (and any amended petition), • decree nisi or conditional order, • decree absolute or dissolution order • judicial separation orders • certificates of presumption of death / dissolution Keep all other papers for 18 years from date of final order or resolution and then destroy.
32.	Financial remedy cases (Applications and Orders)	Keep for 18 years from date of final order and then review: <ul style="list-style-type: none"> • If the final order concerns ongoing maintenance (e.g. for the life of the child or ex-spouse), keep the order for 100 years from date of final order • If there is no ongoing maintenance, destroy immediately • All other case papers should be destroyed
33.	Children Act cases including, but not limited to, Wardship and Guardianship of minors ⁹	Keep for 18 years from date of final order or resolution of any subsequent complaint, and then destroy.
34.	Parental orders under s.30 of the Human Fertilisation & Embryology Act	Keep for 100 years from the date of the last action and then destroy.
35.	Presumption of Death applications (High Court only)	Keep for three years from date of final order and then destroy.

⁷ In compliance with section 7.36(1) of the Family Procedure Rules 2010: http://www.justice.gov.uk/courts/procedure-rules/family/parts/part_07. The index holds the following information: Parties Names, Case number, Marriage Date, Decree Absolute Date and Court where the Decree Absolute was made

⁸ Some paper records created before 20 December 2010 are being sent to offsite storage. In such cases, these documents should be removed from the files before sending offsite.

⁹ Please note that these files can be sent to offsite storage after seven years.

No.	Record type	Retention and disposition
36.	Adoption cases	Keep for 100 years from the date of the last paper and then destroy.
37.	Declaration of Parentage Orders	Keep until the child is 25 years old and then destroy.
38.	Placement (where kept separately from the adoption record)	Keep for 18 years from date of final order or resolution of any subsequent complaint, and then destroy.
39.	Family law act cases	Keep for three years from the expiry date of the final order and then destroy.
40.	Files of proceedings under specified Acts, unless specifically referred to elsewhere in this schedule including, but not limited to: <ul style="list-style-type: none"> • Inheritance [Provision for Family & Dependents] Act • Matrimonial Causes Act • Married Woman's Property Act 	Keep for three years from date of final order or resolution of any subsequent complaint, and then destroy.
41.	a) Forced Marriage Protection Orders b) Female Genital Mutilation (FGM) Protection Orders	Keep for 18 years from date of final order or resolution of any subsequent complaint, and then destroy.
42.	Maintenance case records including, but not limited to: <ul style="list-style-type: none"> • Reciprocal Enforcement of Maintenance Orders (REMO) • UK Maintenance Enforcement (UKME) • Child Support Agency cases 	Keep for seven years after cessation of the final order. NB. If the cessation date of a REMO order is unclear then ask the Official Solicitor and Public Trustee REMO unit to contact the relevant national authority.
43.	Maintenance payments	Keep for seven years and then destroy
Obsolete records which continue to be retained		
44.	a) District Registry cause books b) District Registry index cards c) District Registry cash book	Keep for seven years from the date of the last entry and then destroy
45.	Divorce cause books Divorce cause cards	Keep for seven years from date of the last entry and then review: <ul style="list-style-type: none"> • Where required for operational purposes keep for a further seven years and then review again. Repeat until no longer needed • Where no longer required, destroy immediately.

No.	Record type	Retention and disposition
3. Unique records held by the Court of Protection		
46.	<p>All Court of Protection orders including but not limited to:</p> <ul style="list-style-type: none"> • Original EPAs • Copies of orders on Court of Protection files • Copies of orders on Deputy Files 	<p>Keep for 100 years from date of order and then destroy.</p> <p>Where original orders have been bound together (White Books), keep for 100 years from date of last order and then destroy.</p>
47.	<p>Enduring Power of Attorney (EPA) cases, records include:</p> <ul style="list-style-type: none"> • Applications to register an EPA (EP2PG) • Copy of the EPA document • Correspondence • Certificates of judgement <p>Cases where an objection is made may also include:</p> <ul style="list-style-type: none"> • Court orders and directions • Objection correspondence • Summary of hearing 	<p>Where a record is marked 'Do not destroy', keep until the Senior Judge directs that the record should be transferred to the DRO's team who will arrange for it to be sent to TNA. Where the Senior Judge decides that a record will not be sent to TNA, then the record will be permanently held by the Court.</p> <p>Original EPAs – see item 46 above</p> <p>All other records: Keep for seven years from date of last entry and then destroy.</p>
48.	<p>Court of Protection records (formerly known as Grey files) which can include:</p> <ul style="list-style-type: none"> • Copies of orders • Application documentation • Minute sheet • Section 49 Reports • Visit Reports • Correspondence • COP20A and COP 20B • Relate to applications made under the Mental Capacity Act only from 1 October 2007 	<p>Where a record is marked 'Do not destroy', keep until the Senior Judge directs that the record should be transferred to the DRO's team who will arrange for it to be sent to TNA. Where the Senior Judge decides that a record will not be sent to TNA, then the record will be permanently held by the Court.</p> <p>Copies of orders – see item 46 above</p> <p>All other records: Keep for seven years from date of last entry and then destroy.</p>

No.	Record type	Retention and disposition
49.	<p>Deputy Files¹⁰, records include:</p> <ul style="list-style-type: none"> • Annual receivership accounts • Requests for funds enquiries • Copies of Court Orders • Application forms • Minute sheets • Medical Reports • Visitor reports • Investment information • Correspondence 	<p>Copies of orders – see item 46 above</p> <p>All other records: Keep for seven years from date of last entry and then destroy.</p>
Obsolete records which continue to be retained		
50.	<p>Receivership Files - cases where the Public Trustee or Chief Executive of the Office of the Public Guardian acted as Receiver of the Last Resort</p> <ul style="list-style-type: none"> • Annual accounts • Requests for funds • Enquiries/correspondence • Copies of Court Orders • Application documents • Minute sheets • Medical Reports • Visitor reports • Investment information • Taxes / Bill payments 	<p>Keep for seven years from the date of last entry and then destroy</p>
4. Records unique to HMCTS		
51.	Paper copies of records that have been digitised	Keep paper copy until date of first hearing (Court of Protection) ¹¹ or for 30 days from date scanned. All scanned documents must be checked for accuracy before they are destroyed.
52.	Financial information held on Help with Fees database	Destroy in line with the Help with Fees RRDS

¹⁰ These are the legacy files in Nottingham on loan to the Public Guardian

¹¹ More detailed guidance for the Court of Protection can be found in the following guidance: Court of Protection: Disposal of hard copy documents after scanning to create the electronic file (E-File)

No.	Record type	Retention and disposition
53.	Financial and accounting records of the court including, but not limited to, District Registry Fees, Divorce fees, cash books, etc	Keep for seven years after closure and then destroy
54.	<p>Financial</p> <p>a) Fee books in bankruptcy and companies (winding up) proceedings</p> <p>b) All fee books and fee sheets</p> <p>c) Payable orders schedules</p> <p>d) Carbon-receipt sheets</p> <p>e) Copy bank paying-in slips</p> <p>f) Monthly statements of balance and related vouchers</p> <p>g) Copies of bills of sale and deeds of arrangement</p> <p>h) Deeds of arrangement index</p> <p>i) Bank reconciliation records</p> <p>j) Fee exemption/remission register</p> <p>k) Refund documentation (Refund Authorisation forms)</p> <p>l) Government Procurement Card (GPC) statements</p> <p>m) List of maintenance transactions</p> <p>n) Variations list and amendments list</p> <p>o) Maintenance write-off list</p> <p>p) Fee exemption/remission applications (approved)</p>	<p>For items a) - s), keep for seven years from date of last entry and then destroy</p> <p>p) Keep for the remainder of the financial year, then for a further two years, and then destroy</p>
55.	<p>a. BMS returns (statistics)</p> <p>b. Non-financial statistical information (reports, returns and statements)</p> <p>c. State of work returns</p> <p>d. Performance DATA quality checks and quality returns</p>	Keep for one year and then destroy
56.	<p>Records created as part of governance and assurance processes including:</p> <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 ¹²
57.	Judges' itinerary	Keep for one year from date of last entry and then destroy.

¹² Available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

No.	Record type	Retention and disposition
58.	All cause/hearing lists including the District Registrar's Cause List	Keep for one year and then destroy
59.	Logs for signing keys in and out	Keep for one year from date of last entry and then destroy
60.	Bundles	Court staff are required to retain and dispose those bundles that have been lodged at court for the specific use of the judge / court in accordance with HMCTS guidance issued on April 2019. (The court bundle) ¹³
61.	Recordings of hearings	Keep for six years from date of recording and then destroy
62.	Other correspondence (other than case related correspondence)	Keep for one year and then destroy
5. Records managed by an MoJ-wide common retention and disposition policy		
63.	HR information (held by line managers)	Destroy in line with the <i>What to keep</i> ¹⁴ guidance
64.	Business continuity plans (held by business)	Updated annually. Keep previous versions for three years and then destroy.
65.	Contracts (value up to £10,000): including, but not limited to: signed contracts, records of performance, meetings, complaints, changes to requirements, variations and extensions (up to £10,000)	Keep for six years after contract ends and then destroy. ¹⁵
66.	Finance and risk management information	Keep for seven years and then destroy.

¹³ It has been agreed between HMCTS, Bar Council and the Law Society that barristers/solicitors are responsible for removing their own bundles, (including witness bundles), as they are the Data Controllers of that information

¹⁴ *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

¹⁵ Limitation Act 1980 s.5 sets the time limit for actions founded on simple contracts (signed under hand) at six years

No.	Record type	Retention and disposition
67.	All other types of record not specified above, including copies of records which are owned by other business areas ¹⁶	Keep for up to three years and then destroy.

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Signed: 14 March 2022

Previously amended:

District Registry of the High Court and County Court: September 2017
 Court of Protection: July 2015

¹⁶ If the business identifies record types which need a new retention period, they should contact the DRO's team.