



Ministry
of Justice



HM Courts &
Tribunals Service

King's Bench (RCJ) HM Courts and Tribunals Service Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records that are created and managed by staff employed in the King's Bench (KB) Division of HM Courts and Tribunals Service (HMCTS). It has been agreed following consultation between the KB teams 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, 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 court's work is governed by the King's Remembrancer Act 1859¹, the Representation of the People Act 1983², the Civil Procedure Rules and supporting rules.

More about this schedule

4. This schedule covers the records held in the Central Office of the King's Bench Division, the King's Remembrancer's Department and the Election Petitions Office at the Royal Courts of Justice (RCJ). It consolidates and replaces three previous schedules³. The records of the remaining courts in the King's Bench Division are covered by the schedule for the Business and Property Court.

¹ Available at: <http://www.legislation.gov.uk/ukpga/Vict/22-23/21/contents>

² Available at: <http://www.legislation.gov.uk/ukpga/1983/2/contents>

³ The previous schedules were: King's Bench Division, King's Remembrancer's Department and Election Petitions Office.

5. Some of the records listed below are selected for permanent preservation under the Public Records Act⁴ and are transferred to The National Archives (TNA). To help you to locate any records that have already been transferred, we have included TNA's classification⁵ of these records.⁶
6. TNA has set out details of case files that will be accepted for permanent preservation in its **Operational Selection Policy 48**. These records are covered by **Section 5.5: Other significant cases**.⁷
7. Currently the age of the records being transferred to TNA is reducing from 30 years to 20 years.⁸
8. The DRO's team selects records for permanent preservation and transfer to TNA in line with the following process:
 - a. Records are reviewed by the DRO's team, following criteria set out in Annex A of TNA's *Best practice guide to appraising and selecting records for The National Archives*⁹.
 - b. Where records meet the criteria, they are prepared and then transferred to TNA.
 - c. Where records do not meet the criteria, they are destroyed.
 - d. The DRO makes the final decision about what is/is not transferred to TNA.
9. This schedule is split into six tables:
 - a. Records unique to the Central Office of the King's Bench Division.
 - b. Records unique to the King's Remembrancer's Department.
 - c. Records unique to the Election Petitions Office.
 - d. Records unique to the listing and associates team
 - e. Records unique to HMCTS but not held elsewhere in MoJ.
 - f. Records subject to MoJ's corporate retention policies
10. 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.
11. 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.
12. While the Infected Blood Inquiry continues its investigations, the King's Bench 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/>.

⁴ Public Records Act 1958 s.3(6)

⁵ 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.

⁶ KB staff should contact the Departmental Records Officer's team to discuss arrangements for accessing historic records.

⁷ This is summarised in the schedule below, but the full guidance can be seen at:

<http://www.nationalarchives.gov.uk/documents/information-management/osp48.pdf>.

⁸ The timetable governing the transition to the 20-year rule is set out in The Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2012: <http://www.legislation.gov.uk/uksi/2012/3028/contents/made>

⁹ This can be found at: <https://www.nationalarchives.gov.uk/documents/information-management/best-practice-guide-appraising-and-selecting.pdf>

13. 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/>.

14. 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>.

The schedule

Table A: Unique records held by the Central Office of the King's Bench Division

No.	Record type	TNA Classification	Retention and disposition
1.	Enrolment of Deeds Poll	J 18	All records are selected for permanent preservation. Keep for five years from date closed and then transfer to the DRO's team who will manage the transfer to TNA.
2.	King's Bench cases		Keep for three years from date case closed and then destroy
3.	a) Provisional Damage Cases / Orders b) Suspended warrants of committal		Keep for 75 years from date of the final order and then destroy.
4.	a) Registration of Bills of Sale b) Renewed Bills of Sale c) Assignments of book debts d) Registration of Foreign Judgments		Keep for six years after the registration of the latest Bill and then destroy. (Renewed Bills should be re-registered to start time running afresh.)

No.	Record type	TNA Classification	Retention and disposition
5.	Records of the Applications Master including urgent applications (formerly known as Practice Matters)		Keep for three years from the date case closed and then destroy

Table B: Unique records held by the King's Remembrancer's Department

No.	Record type	TNA Classification	Retention and disposition
6.	Presentation Rolls	E 191	All records are selected for permanent preservation. Keep for 10 years and then transfer to the DRO's team who will manage the transfer to TNA.
7.	Enrolments of Lord Chancellor's Oath of Office		Held permanently at the Court.
8.	Enrolments of Pyx proceedings and verdicts	E 189	Records from 1989- are held permanently at the Court. ¹⁰
9.	Enrolments on the memoranda rolls	E 159	All records are selected for permanent preservation. Keep until the roll is complete and then transfer to the DRO's team who will manage the transfer to TNA.
10.	Records of the Under Sheriffs		Continually reviewed and updated.

¹⁰ Records from 1558-1988 can be seen at TNA.

No.	Record type	TNA Classification	Retention and disposition
11.	Enclosure commissions, certificates and reports there under the Dean and New Forests Act 1808 and the setting out of various ports under the General Regulation of the Customs Act 1833	J 124	All records are selected for permanent preservation. Keep for 20 years and then transfer to the DRO's team who will manage the transfer to TNA.
12.	a) Estreats b) Papers relating to Estreats and proceedings		Keep for three years and then destroy
13.	a) Warrants Attorney of Lord Mayors, etc b) Warrants to account by Sheriffs of the City of London		Keep for one year from date of the warrant and then destroy

Table C: Unique records held by the Election Petitions Office

No.	Record type	TNA Classification	Retention and disposition
14.	Parliamentary and Municipal petitions including European Assembly Petitions and Orders	J104	All records are selected for permanent preservation. Keep for 10 years from date of order and then transfer to the DRO's team who will manage the transfer to TNA
15.	Registers of Parliamentary and Municipal petitions		Keep permanently at RCJ
16.	Applications to the High Court for relief including orders	J104	All records are selected for permanent preservation. Keep for 10 years from date case closed and then transfer to the DRO's team who will manage the transfer to TNA

Table D: Unique records held by the listing and associates' team

No.	Record type	TNA Classification	Retention and disposition
17.	Cause Lists	J97	Keep for three years and then destroy.
18.	a) Cause Books recording Interim Judge Applications Work b) Committal fines record c) Orders and payment schedules from district registries		a-b) Keep for five years and then destroy c) Keep for one year and then destroy
19.	Administration of Children's funds		Keep until the end of life (as notified by the Court Funds Office)
20.	a) Praecipes for Writs of Execution b) Applications for Searches, etc c) Administration of Widows' Funds d) Request for service of Foreign Process, requests for service abroad, and requests for taking of evidence here and abroad e) Orders and payment schedules from district registries		Keep for three years and then destroy
21.	Statistical forms		Keep for two years and then destroy
22.	Lists of jurors		Keep for three years and then destroy

Table E: Records managed by a common retention and disposition policy across HMCTS

No.	Record type	TNA Classification	Retention and disposition
23.	Correspondence (other than case related correspondence)		Keep for one year and then destroy

No.	Record type	TNA Classification	Retention and disposition
24.	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) ¹¹
25.	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

Table F: Records subject to MoJ’s corporate retention policies

No.	Record type	TNA Classification	Retention and disposition
26.	HR information (held by line managers)		Destroy in line with the <i>What to keep</i> ¹² guidance
27.	Business continuity plans (held by business)		Updated annually. Keep previous versions for three years and then destroy.
28.	Finance and risk management information		Keep for seven years and then destroy.

¹¹ 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

¹² *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules>

No.	Record type	TNA Classification	Retention and disposition
29.	All other types of record not specified above, including copies of records which are owned by other business areas ¹³		Keep for three years and then destroy.

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Signed: 26 October 2020

Amended to King's Bench Division 12 September 2022

Previously amended: September 2016 (Queen's Bench)
July 2015 (Queen's Remembrancer and Election Petitions Office)

¹³ If the business identifies record types which need a new retention period, they should contact the DRO's team.