Magistrates’ courts

Records Retention and Disposition Schedule

## Introduction

1. This schedule applies to the records that are created and managed in the Magistrates’ Courts. It has been drawn up following consultation between HM Courts and Tribunals Service (HMCTS) and staff working for the Departmental Records Officer (DRO) 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 work of Magistrates’ courts work is governed by the Criminal Procedure Rules and supporting legislation.

## More about this schedule

1. Some of the records listed below are selected for permanent preservation at a local place of deposit under the Public Records Act 1958 s.3(6) and Public Records Act 1958 s.4(2). Some records are, or have been, transferred to The National Archives (TNA). To locate any records that have already been transferred to TNA, we have included TNA’s classification[[1]](#footnote-1) of these records.[[2]](#footnote-2)

1. Currently the age of the records transferred to national and local archives is reducing from 30 to 20 years.
2. This schedule is split into three sections:
   1. Records unique to the work of the Magistrates’ Court
   2. Records unique to HMCTS
   3. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
3. 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.
4. 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:
   1. documents which contain or may contain content pertaining directly or indirectly to the sexual abuse of children or to child protection and care
   2. 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)
   3. for the purposes of this instruction, the word “children” relates to any person under the age of 18
   4. 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>.
5. 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

| No. | Record type | TNA Classification | Retention and disposition |
| --- | --- | --- | --- |
| 1. Unique records held by Magistrates’ courts | | | |
|  | **Court Registers**:  The content of a register is set out in the Criminal Procedure, Rule 5.4[[3]](#footnote-3)  **Liability order application lists marked up by the legal adviser**:  The content of a of register is set out in the Magistrates’ Court Rules 1981, Rule 66[[4]](#footnote-4) |  | **Permanent** preservation.  Retention period is changing.  To confirm which years’ registers should be transferred, check Schedule 2 of [The Public Records (Transfer to the Public Record Office) (Transitional and Saving Provisions) Order 2014](http://www.legislation.gov.uk/uksi/2014/3249/contents/made) |
|  | Application Register |  | Keep for **6 years** and then destroy. |
|  | **Cases** | | |
|  | Case documents |  | **Case Evidence**  (formerly the case file):  Retain for **3** **years** from the final disposal of the case and then destroy.  **Case Data**  (held in the case management system (Libra):  Retain for **6** **years** from the final disposal of the case and then destroy. |
|  | Pardons | HO 188 | **Permanent** preservation.  Keep for **20 years** and then transfer to the Departmental Records Officer’s team who will arrange the transfer to the TNA. |
|  | Rights of Entry warrants  Search warrants |  | Keep for **1 year** and then destroy. |
|  | MC100: Statement of Means Forms |  | Retain with case evidence.  Exceptions:  Destroy **immediately** in cases where:   * Defendant has been found not guilty. * Financial penalty has not been imposed * Case is legally cancelled |
|  | **Extradition**   1. Extradition Appeal cases 2003 2. Claims for damages 3. Extradition Act 2003 4. Part 1 Extradition files 5. Part 2 Extradition files 6. Extradition cases, pre-2003 |  | Keep for **7 years** from disposal and review:   * Where operationally relevant, keep for another seven years and then review. Repeat until no longer needed. * Where no longer needed, destroy. |
|  | **Finance** | | |
|  | Records of payments by credit card  Printout from the credit Card payment terminal |  | Keep for no longer than **6 months** and then destroy.  Destroy the three-digit security number **immediately** after processing. |
|  | Details of credit / debit cards |  | Destroy **immediately** after processing. |
|  | Returned or unexecuted fine enforcement warrants |  | Keep for **6 years** and then destroy. |
|  | Magistrates Expenses |  | Keep for **7 years** and then destroy. |
|  | * List Paid Fines. * Transfer Fine Orders. * Fixed Penalties. * Write-off List. * Fine Default Court Summons. * Amendments List. * Suspense List. * Cancelled Cheques: i.e. those returned to and retained by the court and replacement cheques issued to the same or a new payee * Dishonoured Cheques List. * Cash List   (Reports of payments in)   * Till Receipts. * Paying-in Books. * Bank Statements. * Presented Cheques List. * Cheques Printed List. * Unpresented Cheques List. * Bank List. * Daily balance documents * Cumulative Accounts: Summary * Movements, Control Totals * DAR (Debt Analysis Return) certificate of Assurance * Payments to Witness List. * List of Payments to Creditors * Register of transfer of fine orders (TFOs) * Bail deposits |  | Keep for **7 years** and then destroy. |
|  | **Administration** | | |
|  | Police National Computer (PNC) audit records |  | Keep for **15 months** and then destroy. |
|  | Searchlight audit records  E-Intel management audit records |  | Keep for **6 months** and then destroy. |
|  |  | | |
|  | **Records of family cases which are now the property of the family court** | | |
|  | Records of family cases heard in the Magistrates’ Court before the Family Court was set up |  | Refer to County Court RRDS[[5]](#footnote-5) |
| 2. Records managed by a common retention and disposition policy across HMCTS | | | |
|  | Correspondence (other than case related correspondence) |  | Keep for **1 year** and then destroy |
|  | Records created as part of governance and assurance processes including:   * Key Control Check Sheets (KCCS) * Standard Operating Controls (SOC) * Previous equivalents |  | Destroy in line with the HMCTS Governance and Assurance RRDS |
| 3. Records managed by a common retention and disposition policy | | | |
|  | HR information (held by line managers) |  | Destroy in line with the *What to keep*[[6]](#footnote-6) guidance |
|  | Paper copies of records that have been digitised |  | Destroy once scan has been verified |
|  | Business continuity plans |  | Updated annually. Keep previous versions for **three years** and then destroy. |
|  | Finance and risk management (including Government Procurement Card (GPC)) |  | Keep for **seven years** and then destroy. |
|  |  |  |  |
|  | All other types of record not specified above, including copies of records which are owned by other business areas |  | Keep for **three years** and then destroy. |

**If the business identifies record types which need a new retention period, they should**

**contact the MoJ Departmental Records Officer.**

Phillip Crowcroft

Deputy Departmental Records Officer   
Ministry of Justice   
102 Petty France   
London SW1H 9AJ

**Signed: 22 July 2020**

Date of original RRDS: July 1999

Previous update: July 2015

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. [↑](#footnote-ref-1)
2. Court staff should contact the Departmental Records Officer’s team to discuss arrangements for accessing historic records. [↑](#footnote-ref-2)
3. The Criminal Procedure Rules can be read at: <https://www.justice.gov.uk/courts/procedure-rules/criminal/rulesmenu-2015> [↑](#footnote-ref-3)
4. The Magistrates’ Court Rules 1981 can be read at: <http://www.legislation.gov.uk/uksi/1981/552/pdfs/uksi_19810552_en.pdf> [↑](#footnote-ref-4)
5. The retention policies for records of the family court are described in County Court RRDS which is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-5)
6. *What to keep* is available at: <https://www.gov.uk/government/publications/record-retention-and-disposition-schedules> [↑](#footnote-ref-6)