



Ministry
of Justice



HM Courts &
Tribunals Service

Administrative Court (RCJ) HM Courts and Tribunals Service Records Retention and Disposition Schedule

Introduction

1. This schedule applies to the records¹ that are created and managed by staff employed in the Administrative Court of HM Courts and Tribunals Service (HMCTS). It has been agreed following consultation between the Administrative Court and the Departmental Records Officer's (DRO) team in the Ministry of Justice (MoJ).
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 Civil Procedure Rules and Criminal Procedure Rules and supporting rules.

More about this schedule

4. This schedule covers the records held in the Administrative Court at the Royal Courts of Justice (RCJ).
5. Some of the records listed below are selected for permanent preservation under the Public Records Act² and are transferred to The National Archives (TNA). To help you to

¹ Records can be held in a variety of formats including, but not limited to, digital and paper.

² Public Records Act 1958 s.3(6)

locate any records that have already been transferred, we have included TNA's classification³ of these records.⁴

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**.⁵
7. Currently the age of the records being transferred to TNA is reducing from 30 years to 20 years.⁶
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*⁷.
 - 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 three sections:
 - a. Records unique to the Administrative Court.
 - b. Records unique to HMCTS but not held elsewhere in MoJ.
 - c. Records held by various teams within the MoJ and its associated bodies and where a common retention and disposition policy is applied.
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

³ 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.

⁴ QB staff should contact the Departmental Records Officer's team to discuss arrangements for accessing historic records.

⁵ 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>.

⁶ 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/ukxi/2012/3028/contents/made>

⁷ This can be found at: <https://www.nationalarchives.gov.uk/documents/information-management/best-practice-guide-appraising-and-selecting.pdf>

The schedule

A. Unique records held by the Administrative Court Office

No.	Record type	TNA Classification	Retention and disposition
1.	Administrative Court cases: a) Judicial review b) Appeals by way of case stated c) Appeals from inferior courts and tribunals (except Pensions Appeal Tribunal Papers and orders) d) Appeals and applications relating to planning matters e) Habeas Corpus f) Committal for contempt g) Drug Trafficking Act 1986 h) Criminal Justice Act 1988 i) Extradition Act 2003	a-f) J 160 g-i) Yet to be agreed	Keep for three years from last action and then review: <ul style="list-style-type: none"> Cases which a) set legal precedent, b) are long running or c) are considered as having special interest (e.g. receive a lot of media coverage), should be sent to the DRO's team to be considered for permanent preservation. All other cases should be destroyed.
2.	Prevention of Terrorism Act 2005	Yet to be agreed	All records are selected for permanent preservation. Keep for five years and then transfer to the DRO's team who will manage the transfer to TNA
3.	Judicial Oaths	KB 24	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
4.	Proceeds of Crime Act 2004		Keep for 75 years from end of case and then destroy

No.	Record type	TNA Classification	Retention and disposition
5.	Vexatious Litigant Orders		<p>Unless revoked by the Court, these orders remain in force indefinitely and are therefore retained indefinitely by the Administrative Court.⁸</p> <p>If revoked, keep for one year from date of decision and then destroy.⁹</p>

B. Records managed by a common retention and disposition policy across HMCTS

No.	Record type	TNA Classification	Retention and disposition
6.	Case Transcripts		Permanently retained in the Administrative Court ¹⁰
7.	Cause lists		Keep for three years and then destroy
8.	Correspondence (other than case related correspondence)		Keep for one year and then destroy

⁸ In compliance with section 42(2) of the Senior Courts Act 1981 (which can be read at: <https://www.legislation.gov.uk/ukpga/1981/54/section/42>)

⁹ Entry on the Vexatious Litigants List on gov.uk should be removed within two working weeks (<https://www.gov.uk/guidance/vexatious-litigants>)

¹⁰ Judgments from the Administrative Court are published by TNA at: https://caselaw.nationalarchives.gov.uk/judgments/advanced_search?court=ewhc/admin

No.	Record type	TNA Classification	Retention and disposition
9.	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
10.	Complaints		Keep for two years from date of last correspondence
11.	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

C. Records managed by a common retention and disposition policy

No.	Record type	TNA Classification	Retention and disposition
12.	HR information (held by line managers)		Destroy in line with the <i>What to keep</i> ¹² guidance
13.	Finance and risk management information		Keep for seven years and then destroy
14.	Business continuity plans		Updated annually. Keep previous versions for three 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
15.	All other types of record not specified above, including copies of records which are owned by other business areas ¹³		Keep for up to three years and then destroy.

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Signed: 22 July 2022

Previously amended: 4 December 2020

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