



Courts Act 2003

2003 CHAPTER 39

PART 3

MAGISTRATES' COURTS

Criminal jurisdiction and procedure

43 Summons or warrant for suspected offender

- (1) For section 1(1) of the 1980 Act (issue of summons to accused or warrant for his arrest), substitute—

“(1) On an information being laid before a justice of the peace that a person has, or is suspected of having, committed an offence, the justice may issue—

- (a) a summons directed to that person requiring him to appear before a magistrates' court to answer the information, or
- (b) a warrant to arrest that person and bring him before a magistrates' court.”

- (2) Omit section 1(2), (5) and (8) of the 1980 Act.

44 Trial of summary offences

For section 2 of the 1980 Act substitute—

“2 Trial of summary offences

- (1) A magistrates' court has jurisdiction to try any summary offence.
- (2) A magistrates' court has jurisdiction as examining justices over any offence committed by a person who appears or is brought before the court.
- (3) Subject to—
 - (a) sections 18 to 22, and

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(b) any other enactment (wherever contained) relating to the mode of trial of offences triable either way,
a magistrates' court has jurisdiction to try summarily any offence which is triable either way.

(4) A magistrates' court has jurisdiction, in the exercise of its powers under section 24, to try summarily an indictable offence.

(5) This section does not affect any jurisdiction over offences conferred on a magistrates' court by any enactment not contained in this Act.”

45 Power to make rulings at pre-trial hearings

(1) Schedule 3 contains amendments of the 1980 Act relating to rulings at pre-trial hearings in magistrates' courts.

(2) The amendments made by the Schedule apply in relation to pre-trial hearings beginning on or after the day on which it comes into force.

46 Power to transfer criminal cases

(1) After section 27 of the 1980 Act insert—

“Transfer of criminal proceedings

27A Power to transfer criminal proceedings

(1) Where a person appears or is brought before a magistrates' court—

(a) to be tried by the court for an offence, or

(b) for the court to inquire into the offence as examining justices,
the court may transfer the matter to another magistrates' court.

(2) The court may transfer the matter before or after beginning the trial or inquiry.

(3) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.

(4) The power of the court under this section to transfer any matter must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003.”

(2) Omit section 3B of the 1980 Act (transfer of trials of summary offences).

Civil jurisdiction and procedure

47 Jurisdiction to issue summons and deal with complaints

(1) For section 51 of the 1980 Act (issue of summons on complaint) substitute—

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“51 Issue of summons on complaint

Where a complaint relating to a person is made to a justice of the peace, the justice of the peace may issue a summons to the person requiring him to appear before a magistrates' court to answer to the complaint.”

(2) For section 52 of the 1980 Act (jurisdiction to deal with complaints) substitute—

“52 Jurisdiction to deal with complaints

(1) A magistrates' court has jurisdiction to hear any complaint.

(2) But subsection (1) is subject to provision made by any enactment.”

48 Power to transfer civil proceedings (other than family proceedings)

After section 57 of the 1980 Act insert—

“Transfer of civil proceedings (other than family proceedings)

57A Power to transfer civil proceedings (other than family proceedings)

(1) A magistrates' court may at any time, whether before or after beginning to hear a complaint, transfer the hearing to another magistrates' court.

(2) But if the court transfers the matter after it has begun to hear the evidence and the parties, the court to which the matter is transferred must begin hearing the evidence and the parties again.

(3) This section does not apply to family proceedings.

(4) The power of the court under this section to transfer a hearing must be exercised in accordance with any directions given under section 30(3) of the Courts Act 2003.”

Family proceedings courts and youth courts

^{F1}49 Family proceedings courts

^{F1}(1)

(2) Omit section 68 of the 1980 Act (combined family panels for two or more petty sessions areas).

Textual Amendments

F1 S. 49(1) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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50 Youth courts

(1) For section 45 of the 1933 Act (constitution of youth courts) substitute—

“45 Youth courts

- (1) Magistrates' courts—
 - (a) constituted in accordance with this section or section 66 of the Courts Act 2003 (judges having powers of District Judges (Magistrates' Courts)), and
 - (b) sitting for the purpose of—
 - (i) hearing any charge against a child or young person, or
 - (ii) exercising any other jurisdiction conferred on youth courts by or under this or any other Act,

are to be known as youth courts.
 - (2) A justice of the peace is not qualified to sit as a member of a youth court for the purpose of dealing with any proceedings unless he has an authorisation extending to the proceedings.
 - (3) He has an authorisation extending to the proceedings only if he has been authorised by the Lord Chancellor or a person acting on his behalf to sit as a member of a youth court to deal with—
 - (a) proceedings of that description, or
 - (b) all proceedings dealt with by youth courts.
 - (4) The Lord Chancellor may by rules make provision about—
 - (a) the grant and revocation of authorisations,
 - (b) the appointment of chairmen of youth courts, and
 - (c) the composition of youth courts.
 - (5) Rules under subsection (4) may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules.
 - (6) Rules under subsection (4) may be made only after consultation with the Criminal Procedure Rule Committee.
 - (7) Rules under subsection (4) are to be made by statutory instrument.
 - (8) A statutory instrument containing rules under subsection (4) is subject to annulment in pursuance of a resolution of either House of Parliament.”
- (2) Omit Schedule 2 to the 1933 Act (constitution of youth courts).
- (3) Omit section 146 of the 1980 Act (rules relating to youth court panels and the composition of youth courts).
- (4) “The 1933 Act” means the Children and Young Persons Act 1933 (c. 12).

Modifications etc. (not altering text)

- C1** S. 50(2)(3) amendment to earlier commencing SI 2007/2706 (8.12.2010) by [The Courts Act 2003](#) (Commencement No. 14) Order 2010 (S.I. 2010/2921), [art. 4](#)

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Commencement Information

- II** S. 50 fully in force; s. 50 not in force at Royal Assent, see s. 110(1)(2); s. 50(1)(4) in force at 1.4.2005 by [S.I. 2005/910](#), [art. 3\(r\)](#); s. 50(2)(3) in force at 5.9.2007 by [S.I. 2007/2706](#), [art. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 75(6) inserted by [2022 c. 35 Sch. 4 para. 3\(2\)](#)
- s. 76(2B) inserted by [2010 c. 26 Sch. 3 para. 14](#) (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- s. 81(6) inserted by [2022 c. 35 Sch. 4 para. 3\(3\)](#)
- s. 85EA(5) words substituted by [2022 c. 32 Sch. 11 para. 29](#)
- Sch. 5 para. 13(1)(ca) inserted by [2013 c. 22 s. 26\(3\)](#)

Commencement Orders yet to be applied to the Courts Act 2003

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2005/547 art. 2](#) commences ([2003 c. 39](#))