

*These notes refer to the Courts Act 2003 (c.39)
which received Royal Assent on 20 November 2003*

COURTS ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS: PART 3

Civil jurisdiction and procedure

Section 47: Jurisdiction to issue summons and deal with complaints

112. **Section 47** amends sections 51 and 52 of the MCA 1980. This changes the civil jurisdiction of magistrates' courts so that a complaint can be made to any justice of the peace. As with criminal proceedings, the justice may issue a summons directed to the person named in it to appear before a magistrates' court named in the summons.

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

113. **Section 48** inserts new section 57A into the MCA 1980. This will give magistrates' courts the power to transfer civil cases to other magistrates' courts at any stage of proceedings. This mirrors the power in section 46 for criminal cases. A similar provision is not considered necessary for family proceedings as the power to transfer such cases already exists, for example under the Children (Allocation of Proceedings) Order 1991 and the Family Proceedings Courts (Children Act 1989) Rules 1991.