



Challenges to legality based on court names, LJA titles, and alleged errors in process in magistrates' courts

Date: August 2025



The professional body for
lawyers who advise magistrates



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Introduction

Recently (2025) we have seen a rise in pseudo-legal challenges to proceedings on the basis that because the name of the court or the local justice area on the summons or requisition is wrong, the proceedings are invalid.

This is not a valid challenge. It is based on a misunderstanding of what a magistrates' court is, and some invented technicalities (such as a requirement that courts must have official names). However it wastes court time to no effect and generates a steady stream of futile requests under the Freedom of Information Act.

For that reason, JCS is issuing this guidance to assist legal advisers when advising justices, litigants in person and administrative colleagues. It is recorded information and can be shared in answer to FOIA requests and routine correspondence.

Summary

Jurisdiction of Magistrates

- Historically, magistrates' jurisdiction was limited to their commission area (Summary Jurisdiction Act 1848).
- The **Courts Act 2003** created a **single commission area for England and Wales**, removing territorial restrictions.
- Magistrates can now deal with **any case from anywhere in England and Wales**.
- Enforcement proceedings are usually based on local justice area. However courts, fines officers, and legal advisers can freely transfer fines between areas, and justices can sit on cases for any local justice area.

Definition of Magistrates' Court

- Legally, a magistrates' court is defined by the **justices themselves**, not the court building.
- Justices can sit in **any magistrates' court building provided by HMCTS or in the same building as another court or tribunal**.

Local Justice Areas

- Relevant to **assignment of people and cases**, not jurisdiction to hear cases.
- Magistrates can act in **any local justice area**, subject to **arrangements by the Lord Chief Justice**.
- Deployment is managed by **Heads of Legal Operations** and their staff, and **bench chairs**.

Summonses and Requisitions

- Governed by **Criminal Procedure Rules** (criminal) and **Magistrates' Courts Rules 1981** (civil).
- Must include the elements required by the rule (e.g. offence, address of court office, prosecutor), but **no signature is required**.
- Extra elements (e.g. name of local justice area, case numbers) are **mere surplusage** and **do not vitiate the summons or requisition**. *A fortiori* their **absence** does not vitiate.

Errors in Summonses

- **Defects do not invalidate proceedings** (MCA s.123(1)).
- Jurisdiction is based on the **information/charge/complaint**, not the summons or requisition.
- Case law confirms that **failure to comply with rules** - specifically the rules about the form of summonses - **never ousts jurisdiction**.

Court names

- Court names have **no legal significance**.

- Standard court names and codes were introduced to support computerisation of the criminal justice system. They **do not create legal entities**.

The law

Jurisdiction

Magistrates are appointed to a 'commission.' From medieval times, magistrates could only deal with matters which arose in their commission area. This was given statutory effect in the Summary Jurisdiction Act 1848 and remained the case in the Act's successor acts until 2005, when the Courts Act 2003 was commenced.

Before then, section 1 of the Magistrates' Courts Act 1980 (MCA, successor to the Summary Jurisdiction Act) provided that a justice had jurisdiction in criminal proceedings to deal with a summary offence committed or suspected to have been committed within their commission area. Section 52 of the Act gave justices jurisdiction to deal with complaints which related to anything done within their commission area. These provisions therefore restricted justices dealing with summary only offences and civil proceedings to their commission area. Note that even at this point, justices' jurisdiction was not limited to a *court*, but to a commission area, which might have had more than one courthouse within it.

However, the Courts Act 2003 created a single commission area for England and Wales. It therefore amended the Magistrates' Courts Act 1980. Thereafter, all territorial restrictions were removed from section 1 relating to criminal proceedings, while in civil proceedings, section 52 now states "a magistrates' court has jurisdiction to deal with any complaint".

In relation to proceedings not governed by the MCA (for example warrants of entry, or highway stopping up orders), there is usually no territorial restriction. If there is, it will be stated in the statutory provision creating the proceedings.

Enforcement proceedings for fines and other sentences are mostly restricted to a specific local justice area. However courts, including legal advisers, can transfer fines between local justice areas and justices can sit as justices for any local justice area¹. The upshot is that any magistrates' court can deal with any case from anywhere within England and Wales and the surrounding sea.

Courts and justices

In relation to proceedings under the MCA (i.e. criminal proceedings, civil proceedings, and fines enforcement) a 'magistrates' court' simply means the

¹ Practice direction under s 30 Courts Act 2003, see below. See also [Cross LJA Protocol - HMCTS Intranet](#).

‘justice/s’ exercising their powers’². So legally a magistrates’ court is the justices, and wherever the justices are, there is the court.

Where a court (sc. justices) can physically sit is determined by the Lord Chancellor³. The latest direction under s. 30 states that a magistrates’ court may sit at “any premises provided for the purpose of carrying out magistrates’ court business by HMCTS, and any place where the Crown Court, the County Court, a Family Court or a Tribunal may sit”.

Since all justices, and therefore all courthouses, can deal with any case, there must be some regulation of about which cases go where. This is done by directions by the Lord Chancellor under the Courts Act 2003 s 30⁴. This sets out where prosecutors and complainants should normally bring their cases, but it has no bearing on the justices’ jurisdiction. The directions can always be overridden by the judiciary or senior justices’ legal advisers for good reason.

Thus, a court building is not (legally) the court, the justices are. And the location of the court, i.e. the court building, is immaterial. The justices can sit in any courthouse or tribunal building.

Court names

This means there is no magic in the name of the physical court. It has no legal significance, it is merely the place where the court, i.e. the justices, perform their duties.

Standard court names were established for criminal justice purposes by the CJS Data Standards Forum to support the computerisation of the criminal justice system. Data Standards assign a name and numerical code to each place where magistrates’ courts sit⁵. This assignment has no effect to create a legal entity. It does however ensure that court locations are consistently described.

While the CJS data standards were devised for criminal proceedings, HMCTS uses them for civil proceedings as well⁶. However parties in civil proceedings are not bound by them. Local authorities in particular tend to use obsolete names. Since the legal entity is constituted by the justices, not the building, legally this does not matter, provided a summons complies with rule 98, in particular in clearly identifying the location of the hearing and the address of the court office.

² S 148 MCA.

³ s. 30 Courts Act 2003

⁴ See [jcs-news-cross-county-borders-guidance.docx](#), appendix 1

⁵ [Criminal justice system: data standards forum guidance - GOV.UK](#)

⁶ Until 2021 HMCTS used the same computer system (Libra) for criminal and civil cases, and the intention is that in future all criminal and civil cases will be handled on the Common Platform system.

Local justice areas

The significance of local justice areas is in the assignment of people and cases. They have no bearing on jurisdiction, which is based on the commission area. Courts Act 2003 s 10(3) states that:

“every lay justice is, by virtue of his office, capable of acting as such in any local justice area (whether or not he is assigned to it); but he may do so only in accordance with arrangements made by the Lord Chief Justice.”

These arrangements under section 10(3) are extremely elastic:

“The day-to-day deployment of individual magistrates between courthouses is the responsibility of the Justices’ Clerk (sc. Heads of Legal Operations and their senior staff), in liaison with bench chairs. This may include deployment of justices in local justice areas other than that to which they are assigned.”

In short, a magistrate can sit in any local justice area and deal with cases from any local justice area. There are more details in the [Cross-LJA Protocol](#).

The form of the summons or requisition

The form is determined by the Criminal Procedure Rules in relation to criminal summonses and requisitions, and the Magistrates’ Courts Rules 1981 in relation to civil summonses. These rules are quite spare.

Criminal summons and requisition

Rule 7.4 states that a summons or requisition must—

- (a) contain notice of when and where the defendant is required to attend the court;
- (b) specify each offence in respect of which it is issued;
- (c) in the case of a summons, identify
 - (i) the court that issued it, unless that is otherwise recorded by the court officer,
 - (ii) the court office for the court that issued it, and
 - (iii) the prosecutor, unless the prosecutor is a public authority; and
- (d) in the case of a requisition, identify the person under whose authority it is issued.

Civil summons

Rule 98 states that a summons must :

- (a) state the name and address of the complainant or informant;

- (b) contain notice of when and where the person is required to attend the court;
- (c) specify each information or complaint in respect of which it is issued⁷;
- (d) identify the name and address of the court office for the court that issued it.

More than one complaint(s) may be set out in one summons.

Beyond that there are no requisites: provided a summons or requisition contains the matters specified in the relevant rule, it is valid. This means that other items such as coats of arms, case numbers, advice on how to respond, etc are mere surplusage and do not affect the legality of the summons. *A fortiori*, the absence of items not listed in the rules, such as (wet ink) signatures, seals, fingerprints etc, do not affect legality. Rule 98(3) expressly states that that a summons need not bear a signature provided the court officer records the name of the issuant⁸.

Summons or requisition with errors

In any event, even if there are actual errors in the summons or requisition, the proceedings are still valid.

Firstly, MCA s 123(1) is uncompromisingly conclusive:

No objection shall be allowed to any information⁹ or complaint, or to any summons⁹ or warrant to procure the presence of the defendant, for any defect in it in substance or in form ...

Beyond that, the recent decisions of the High Court in *Barking and Dagenham London Borough Council v Argos Ltd and other cases*¹⁰ and *R (on the application of Chopstix Trading Ltd) v Luton Magistrates Court*¹¹ and the older case of *R v Brentford JJ ex p Catlin*¹² make it clear that failure to comply with a rule¹³ cannot oust jurisdiction. The court's jurisdiction is to deal with the information, charge, or complaint, not the summons or requisition, which is purely a mechanism to get the defendant to court. So, as the court stated in *Brentford JJ*, if a person appears on a summons or requisition, the proceedings are valid even if the summons was faulty.

⁷ Rule 98(1) allows the summons to contain more than one complaint.

⁸ This was inserted after it became clear that the mere absence of the requirement in the criminal rule was often insufficient to persuade litigants that a signature was not required.

⁹ CJA 2003 s 30(5) equates 'requisition' with 'summons' and 'written charge' with 'information'.

¹⁰ [2022] EWHC 1398 (Admin), [2023] 1 WLR 77

¹¹ [2022] EWHC 3141 (Admin)

¹² [1975] QB 455, [1975] 2 All ER 201, [1975] 2 WLR 506, 139 JP 516.

¹³ Specifically in *Argos* and *Chopstix*, the rule relating to summonses (Rule 7.4).

JCS

Justices' Legal Advisers' and Court Officers' Service, formerly the Justices' Clerks' Society
For lawyers who advise magistrates

Post Point 6.10,
102 Petty France,
London,
SW1H

jcs@justice.gov.uk

August 2025