



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

FIRST SECTION

CASE OF J.J. v. THE UNITED KINGDOM

(Application no. 31127/11)

JUDGMENT
(Striking out)

Art 37 § 1 (c) • Striking out applications • Friendly settlement • Continued examination not justified

STRASBOURG

27 February 2020

This judgment has become final under Article 44 § 2 of the Convention. It may be subject to editorial revision.

In the case of J.J. v. the United Kingdom,

The European Court of Human Rights (First Section), sitting as a Chamber composed of:

Ksenija Turković, *President*,

Aleš Pejchal,

Armen Harutyunyan,

Pere Pastor Vilanova,

Tim Eicke,

Jovan Ilievski,

Raffaele Sabato, *judges*,

and Abel Campos, *Section Registrar*,

Having deliberated in private on 4 February 2020,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no.31127/11) against the United Kingdom of Great Britain and Northern Ireland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by an Australian national, Mr J.J. (“the applicant”), on 5 May 2011. The President acceded to the applicant’s request not to have his name disclosed (Rule 47 § 4 of the Rules of Court).

2. The applicant was born in 1974 and lives in Hertford. He was represented by Mr S. Duffy of RadcliffesLeBrasseur, a lawyer practising in London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Wickremasinghe of the Foreign and Commonwealth Office.

3. By a decision of 1 March 2016 the Court declared the application admissible.

4. The applicant and the Government each filed observations on the merits (Rule 59 § 1).

THE FACTS

5. The Safeguarding Vulnerable Groups Act 2006 established the Children’s Barred List and the Adults’ Barred List (collectively the “Barred Lists”). An individual’s inclusion in one of the Barred Lists precluded him from taking part in “regulated activity” in relation to the group covered by the list. Seeking to engage in “regulated activity” when not permitted was a criminal offence.

6. Following his conviction for a criminal offence, on 13 May 2010 the Independent Safeguarding Authority (“ISA”) included the applicant in both the Children’s Barred List and the Adults’ Barred List.

7. The applicant subsequently made representations to the ISA and he was removed from the list on 21 January 2011.

8. The applicant complained to the Court under Articles 6 and 8 of the Convention about the procedure by which the ISA had added his name to the lists.

9. On 2 December 2019 the Government wrote to the Court enclosing a friendly settlement declaration which had been agreed by the parties. According to the friendly settlement declaration the Government of the United Kingdom offered to pay the following sums:

(a) GBP 60,000 (sixty thousand pounds sterling) to J.J.; and

(b) GBP 15,179.36 (fifteen thousand, one hundred and seventy-nine pounds and 36 pence sterling) in respect of costs, expenses and tax to cover any and all pecuniary and non-pecuniary damage as well as costs and expenses, including any tax that might be due on the amount.

10. These sums are to be payable within three months from the date of notification of the decision taken by the Court to strike the case out of its list of cases. In the event of failure to pay the sum within the said three month time period, the Government undertake to pay simple interest on it, from expiry of that period until settlement, at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

11. The payment will constitute the final resolution of the case.

12. On 14 December 2019 the applicant's representative confirmed in writing that he agreed to the terms of the proposed settlement.

THE LAW

13. In these circumstances, the Court concludes that it is no longer justified to continue the examination of the application within the meaning of Article 37 § 1 (c) of the Convention. Furthermore, the Court finds no reasons of a general character, as defined in Article 37 § 1 *in fine*, which would require the examination of the application by virtue of that Article.

14. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

1. *Decides* to strike the case out of the list.

Done in English, and notified in writing on 27 February 2020, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Abel Campos
Registrar

Ksenija Turković
President