



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

FOURTH SECTION

CASE OF COVENTRY v. THE UNITED KINGDOM

(Application no. 6016/16)

JUDGMENT

(Just satisfaction – friendly settlement)

Art 41 • Just satisfaction • Art 39 • Friendly settlement

Prepared by the Registry. Does not bind the Court.

STRASBOURG

15 October 2024

FINAL

15/01/2025

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

COVENTRY v. THE UNITED KINGDOM
(JUST SATISFACTION – FRIENDLY SETTLEMENT) JUDGMENT

In the case of Coventry v. the United Kingdom,

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

Gabriele Kucsko-Stadlmayer, *President*,

Tim Eicke,

Faris Vehabović,

Armen Harutyunyan,

Ana Maria Guerra Martins,

Anne Louise Bormann,

Mateja Đurović, *judges*,

and Andrea Tamietti, *Section Registrar*,

Having deliberated in private on 24 September 2024,

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

PROCEDURE

1. The applicant was an unsuccessful defendant in a nuisance action which the claimants had funded through a conditional fee arrangement (a “CFA”, or “no win no fee” agreement) and “after the event” (“ATE”) insurance, which was intended to underwrite their liability to pay the defendants’ costs. He complains under Article 6 of the Convention and Article 1 of Protocol No. 1 about the fact that, by virtue of the Access to Justice Act 1999, the order for costs made against him included both “success fees”, which were intended to compensate lawyers working under a CFA for unsuccessful cases for which they would not be paid, and the ATE insurance premium.

2. In a judgment delivered on 11 October 2022, which became final on 6 March 2023, the Court held that there had been a violation of Article 6 § 1 of the Convention and Article 1 of Protocol No. 1 to the Convention (see *Coventry v. the United Kingdom*, no. 6016/16, 11 October 2022).

3. As the question of the application of Article 41 of the Convention was not ready for decision, the Court reserved it and invited the Government and the applicant to submit, within six months from the date on which the judgment became final, their written observations on that issue and, in particular, to notify the Court of any agreement they might reach (*ibid.*, § 104, and point 5(b) of the operative provisions).

4. The Court subsequently received letters from the applicant and the Government, both dated 10 May 2024, informing it that the parties had agreed that the appropriate sum by way of just satisfaction should, subject to the Court’s approval, be a total of GBP 862,709.06 (being the sum of GBP 807,613 in respect of any and all pecuniary and non-pecuniary damage, including any tax that may be chargeable on that sum, and the sum of GBP 55,096.06 in respect of costs and expenses, including any tax that may be chargeable on that sum).

COVENTRY v. THE UNITED KINGDOM
(JUST SATISFACTION – FRIENDLY SETTLEMENT) JUDGMENT

5. These sums were to be payable within three months from the date that the Court approved the agreement. In the event of failure to pay the sums within the said three-month period, the Government undertook to pay simple interest on them, 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.

THE LAW

6. The Court takes note of the friendly settlement reached between the parties with respect to the question of just satisfaction under Article 41 of the Convention. It finds that the agreement is equitable within the meaning of Rule 75 § 4 of the Rules of Court. It is further satisfied that the settlement is based on respect for human rights as defined in the Convention and the Protocols thereto and finds no reasons to justify a continued examination of the matter.

7. In view of the above, it is appropriate to strike the case out of the list in accordance with Article 39 of the Convention.

FOR THESE REASONS, THE COURT, UNANIMOUSLY,

Decides to strike the remainder of the application out of its list of cases.

Done in English, and notified in writing on 15 October 2024, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Andrea Tamietti
Registrar

Gabriele Kucsko-Stadlmayer
President