



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

THIRD SECTION

CASE OF M.C. AND OTHERS v. THE UNITED KINGDOM

(Applications nos. 25283/94, 25690/94, 26701/95, 27771/95 and 28457/95)

JUDGMENT

STRASBOURG

21 March 2000

In the case of M.C. and Others v. the United Kingdom,

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

Mr J.-P. COSTA, *President*,
Mr P. KŪRIS,
Mrs F. TULKENS,
Mr K. JUNGWIERT,
Mrs H. GREVE,
Mr K. TRAJA,
Mr M. UGREKHELIDZE, *Judges*,
and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 7 March 2000,

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

PROCEDURE

1. The case was referred to the Court, as established under former Article 19 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”), by the United Kingdom Government (“the Government”) on 20 November 1998, within the three-month period laid down by former Articles 32 § 1 and 47 of the Convention. It originated in five applications against the United Kingdom lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention by five United Kingdom nationals, M.C., who had asked the Commission not to reveal his identity and maintained this request before the Court, Mr John Deary, Mr Peter Wood, Mr Peter Davy and Mrs Doreen Clark (“the applicants”), on the following dates respectively: 12 July 1994, 26 October 1994, 4 May 1994, 6 April 1995 and 24 August 1995.

2. Having been represented initially by different solicitors’ firms, the applicants, with the exception of Mr Peter Davy, subsequently authorised HMB Law Solicitors of Stoke on Trent to represent them before the Court. Mr Davy, who was represented before the Commission by Turberville Woodbridge Solicitors of Uxbridge, Middlesex, did not return the form of authority provided by the Registry. The Government were represented by their Agent, Mr Eaton.

3. On 14 January 1999 the Panel of the Grand Chamber decided, pursuant to Article 5 § 4 of Protocol no. 11 of the Convention and Rules 100 § 1 and 24 § 6 of the Rules of Court, that the applications would be examined by one of the Sections. They were, thereupon, assigned to the Third Section (Rule 52 § 1).

4. On 24 February 1999 Sir Nicolas Bratza, the judge elected in respect of the United Kingdom, who was ex officio member of the Chamber constituted to examine the applications (Article 27 § 2 of the Convention and Rule 24 § 4 of the Rules of Court), withdrew from sitting in the Chamber, having taken part in the Commission's examination of the case (Rule 28). The Government accordingly appointed Sir Rupert Jackson to sit as an ad hoc judge (Article 27 § 2 of the Convention and Rule 29 § 1). Subsequently the Government waived the presence of the ad hoc judge for the consideration of these cases.

5. Mr J.-P. Costa, Vice-President of the Section, took over the presidency of the Chamber in the examination of the applications (Rule 12) and determined the composition of the Chamber (Rule 52 § 2 and Rule 12).

In addition to the President of the Chamber, its other members thus were Mr P. Küris, Mrs F. Tulkens, Mr K. Jungwiert, Mrs H.S. Greve, Mr K. Traja and Mr M. Ugrehelidze.

6. On 2 March 1999 the Chamber decided that the discharging of its functions under Article 38 § 1 (a) of the Convention did not require a hearing to be held (Rule 59 § 2 of the Rules of Court).

7. By letter of 30 March 1999, and pursuant to the decision of the President of the Chamber in accordance with Rule 59 § 3, the parties were given until 30 May 1999 to submit memorials on the issues in the applications. The letter was sent to the Government, HMB Law Solicitors and Turberville Woodbridge Solicitors. The Government submitted their memorial on 27 May 1999.

8. By letter of 24 June 1999, sent to HMB Law Solicitors and Turberville Woodbridge Solicitors, the Registrar, noting that the applicants had not submitted a memorial and had not requested an extension of the time-limit fixed for that purpose, drew their attention to Article 37 § 1 (a) of the Convention.

On 25 June 1999 HMB Law Solicitors replied that upon reviewing their files they were unable to locate a letter from the Registry dated 30 March 1999 and that they were unaware of the time-limit for the submission of their memorial. Accordingly, they requested a new time-limit. By letter of 19 July 1999 the applicants were informed that the new time-limit was 17 September 1999.

9. On 30 September 1999 the Registry contacted HMB Law Solicitors by telephone to inquire into the reasons for their failure to submit a memorial.

By letter of 25 October 1999, sent to HMB Law Solicitors and Turberville Woodbridge Solicitors, the Registrar again reminded the applicants of the time-limit which had expired and repeated the reference to Article 37 § 1 (a) of the Convention.

No pertinent correspondence has been received from the applicants since 1 July 1999. A letter dated 16 February 2000 from HMB Law Solicitors merely requested the complete list of the “poll tax” applications pending before the Court.

10. On 7 March 2000 the Court decided to join all five applications (Rule 43 § 1).

AS TO THE FACTS

10. Each applicant failed to pay sums due in respect of a community charge (poll tax). At the time, the applicants were dependent on State benefits or living on a low income. In separate proceedings in magistrates’ courts it was established that the non-payment was due to the debtor’s wilful refusal or culpable neglect. Each of the applicants was thereupon committed to a term of imprisonment and detained. Legal aid was not available and the applicants were not legally represented before the magistrates’ courts. Two of the applicants served their entire term of imprisonment. The remaining three applicants were released on bail after applying for judicial review before the High Court. Following judicial review proceedings, those three applicants obtained orders quashing the magistrates’ imprisonment orders in their cases.

PROCEEDINGS BEFORE THE COMMISSION

11. The applicants complained under Article 5 §§ 1 and 5 of the Convention that their detention had been unlawful and that they had been unable to obtain compensation in this respect. They also complained under Article 6 §§ 1 and 3 (c) that legal aid had not been available and they had not been legally represented before the magistrates’ courts which ordered their imprisonment.

By partial decisions of 29 November 1995 (in application no. 27771/95) and 15 May 1996 (in application no. 26701/95), the Commission declared inadmissible the complaints of Mr Davy and Mr Wood under Article 5 §§ 1 and 5 of the Convention. Their remaining complaints were declared admissible on 2 July 1997. On the same date in a separate decision the Commission declared admissible all the complaints of the other three applicants, M.C., Mr Deary and Mrs Clark.

12. In the cases of Mr Wood and Mr Davy, in its report of 1 July 1998 under former Article 31 of the Convention, the Commission concluded that there had been a violation of Article 6 §§ 1 and 3 (c) of the Convention. The

Commission adopted its report in the cases of M.C., Mr Deary and Mrs Clark on 9 September 1998. It concluded that there had been no violation of Article 5 §§ 1 and 5 of the Convention and that there had been a violation of Article 6 §§ 1 and 3 (c) in each case.

AS TO THE LAW

13. Article 37 § 1 of the Convention, in so far as relevant, provides as follows:

“The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

(a) the applicant does not intend to pursue his application;”

14. Having regard to the correspondence with the applicants since March 1999 (see above §§ 7-9), the Court finds that they do not intend to pursue their applications within the meaning of the above Article.

15. The Court also notes that it has expressed its opinion on complaints almost identical to those raised by the applicants (see the Benham v. the United Kingdom judgment of 10 June 1996, *Reports of Judgments and Decisions* 1996-III, p. 738, and the Perks and Others v. the United Kingdom judgment of 12 October 1999, to be published in *Reports* 1999). The Court finds, therefore, no reasons concerning respect for human rights, as defined in the Convention and its Protocols, which require the further examination of the present applications (Article 37 § 1 *in fine*).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the case out of the list.

Done in English and notified in writing on 21 March 2000.

S. DOLLÉ
Registrar

J-P COSTA
President