



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

FOURTH SECTION

CASE OF EDWARDS AND OTHERS v. THE UNITED KINGDOM

(Application no. 38260/97)

JUDGMENT
(friendly settlement)

STRASBOURG

16 November 2004

This judgment is final but it may be subject to editorial revision.

In the case of Edwards and Others v. the United Kingdom,

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

Mr M. PELLONPÄÄ, *President*,

Sir Nicolas BRATZA,

Mrs V. STRÁŽNICKÁ,

Mr R. MARUSTE,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. BORREGO BORREGO, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 26 October 2004,

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

PROCEDURE

1. These six applications (nos. 38260/97, 46416/99, 47143/99, 46140/99, 58896/00 and 3859/02,) against the United Kingdom of Great Britain and Northern Ireland were either lodged with the European Commission of Human Rights (“the Commission”) under former Article 25 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) or, after 1 November 1998, with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by six United Kingdom nationals, Caroline Edwards, Sandra Strickland, May Parker, Debra Mackman, Ingrid Dann and Steven Daldry, on 17 July 1997 and other subsequent dates, respectively, as set out in the Court's files.

2. The applicants were represented by Dicksons Solicitors, practising in Stoke on Trent. The United Kingdom Government (“the Government”) were represented by their Agent, Ms E. Willmott of the Foreign and Commonwealth Office, London.

3. The applicants complained, variously, about their lack of legal representation in the proceedings for non-payment of poll-tax and the detention ordered by the Magistrates, invoking Article 5 §§ 1 and 5 and Article 6 §§ 1 and 3(c) of the Convention.

4. On 1 November 1998, applications were transferred from the Commission to the Court by virtue of Article 5 § 2 of Protocol No. 11 to the Convention. On 21 October 2003, having obtained the parties' observations, the Court declared the application admissible.

5. On 3 November 2003, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1(b) of the Convention. After an exchange of correspondence,

on 22 September 2004, the applicants and the Government submitted formal declarations accepting a friendly settlement of the cases.

THE FACTS

6. The details concerning the applicants are contained in the Court's files and may be consulted in the Court archives.

7. Each applicant failed to pay sums due in respect of either local taxes (community charge, council tax or non-domestic rates), or court-imposed fines. In respect of the failure to pay local taxes, the magistrates' court had in each case determined that the applicants were liable to pay (issuing a liability order); in fines cases, the magistrates' court had imposed the fine as the sentence followed a criminal conviction.

8. Each applicant fell into arrears with the payments due from them. These cases involved the enforcement proceedings in respect of their arrears in the magistrates' court. Each applicant appeared before the court, following the issuing of an application for their committal to prison as a result of their failure to pay the sums due. At that hearing the magistrates found that the non-payment was due to the applicant's wilful refusal or culpable neglect. As a result each applicant was sentenced to a period of imprisonment. The sentence was suspended on terms that the applicant makes periodic payments towards the outstanding sum. When the applicant failed to comply with the terms imposed, a further hearing was held in the magistrates' court at which the suspended term of imprisonment was activated. Each applicant spent a period of time in prison.

9. Legal aid was not available for the enforcement proceedings prior to 1 June 1997 and none of the applicants were legally represented at the hearings in front of the magistrates.

10. Following their imprisonment, an application was made on behalf of each applicant, by way of either judicial review or case stated, which resulted in the High Court quashing the orders made by the magistrates. In three cases (*Parker* (46416/99), *Daldry* (58896/00), *Dann* (3859/02)), the orders of the magistrates were quashed in a judgment of the High Court. In the remaining cases the orders were quashed following the High Court's approval of a consent order agreed between the applicants and the magistrates who had sentenced them.

THE LAW

11. On 22 September 2004, the Court received the following declaration from the Government:

“I, Emily Willmott, Agent for the Government of the United Kingdom declare that, the Government of the United Kingdom, with a view to securing a friendly settlement of the above-mentioned cases pending before the European Court of Human Rights and without prejudice to the issue of violation of the Convention, offer to make the following *ex gratia* payments in respect of pecuniary and non-pecuniary damages to:

Ms Ingrid Celina April DANN (3859/02)	£3,000
Ms May PARKER (46416/99)	£3,500
Ms Deborah MACKMAN (47143/99)	£5,000
Ms Sandra STRICKLAND (46140/99)	£4,000
Ms Caroline EDWARDS (38260/97)	£3,500
Mr Steven James DALDRY (58896/00)	£4,200

Plus the global amount of £12,000 (including VAT) in respect of the total costs of all six applicants.

The amounts will be payable within three months from the date of notification of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. In the event of failure to pay these sums within the said three-month period, the Government undertake to pay simple interest on them, from the 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 payments will constitute the final resolution of the cases.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.”

12. On 22 September 2004, the Court received the following declaration signed by the applicants' representative:

“We: Ms Ingrid Celina April DANN (3859/02), Ms May PARKER (46416/99), Ms Deborah MACKMAN (47143/99), Ms Sandra STRICKLAND (46140/99), Ms Caroline EDWARDS (38260/97) and Mr Steven James DALDRY (58896/00) note that the Government of the United Kingdom, with a view to securing a friendly settlement of the above-mentioned cases pending before the European Court of Human Rights and without prejudice to the issue of violation of the Convention, are prepared to pay us *ex gratia* the sums of GBP 3,000, 3,500, 5,000, 4,000, 3,500 and 4,200 respectively in respect of pecuniary and non-pecuniary damages; plus the global amount of GBP 12,000 (including VAT) in respect of the total costs of our applications.

The sums will be payable within three months from the date of notification of the judgment by the Court pursuant to Article 39 of the European Convention on Human Rights. From the expiry of the above-mentioned three months until settlement, simple interest at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points.

We accept the proposal and waive any further claims against the United Kingdom in respect of the facts of these applications. We declare that this constitutes a final settlement of the cases.

This declaration is made in the context of a friendly settlement which the Government and the applicants have reached.

We further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment.”

13. The Court takes note of the agreement reached between the parties (Article 39 of the Convention). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decided* to strike the cases out of the list;
2. *Took note* of the parties' undertaking not to request a rehearing of the cases before the Grand Chamber.

Done in English, and notified in writing on 16 November 2004 pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Matti PELLONPÄÄ
President