



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

FOURTH SECTION

CASE OF WOOD v. THE UNITED KINGDOM

(Application no. 47441/99)

JUDGMENT
Friendly Settlement

STRASBOURG

15 March 2005

In the case of Wood v. the United Kingdom,

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

Mr J. CASADEVALL, *President*,

Sir Nicolas BRATZA,

Mr G. BONELLO,

Mr R. MARUSTE,

Mr L. GARLICKI,

Mr J. BORREGO BORREGO,

Ms L. MIJOVIĆ, *judges*,

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

Having deliberated in private on 22 February 2005,

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

PROCEDURE

1. The case originated in an application (no. 47441/99) 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 a United Kingdom national, Mark Wood ("the applicant"), on 26 February 1999.

2. The applicant was represented by Jeff Brailsford Rimmer & Co, solicitors practising in Lancashire, England. The United Kingdom Government ("the Government") were represented by their Agent, Ms E. Willmott of the Foreign & Commonwealth Office, London.

3. The applicant complained about his detention ordered by the magistrates for non-payment of poll tax and the lack of legal aid (representation), invoking Articles 5 § 1 and 6 §§ 1 and 3 (c) of the Convention

4. On 5 and 10 January 2005 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

5. The applicant lives in Preston, England.

6. On 31 March 1990 the applicant became subject to the community charge (poll tax). On 28 February 1996 the Preston magistrates found that the applicant had culpably neglected to pay his community charge and made three orders of imprisonment against the applicant for a total of 24 days, suspended on terms of payment of 10 pounds sterling (GBP) per week.

On 10 March 1997, the Preston magistrates committed the applicant to prison for an immediate term of 24 days for failure to pay community charge. However, the warrants were subsequently drawn up for imprisonment for 45 days.

On 14 March 1997, an application for leave to apply for judicial review and for bail was granted by the High Court.

On 10 April and 16 September 1998, the magistrates and the local authority consented to an order by the High Court *inter alia* quashing the decisions of 28 February 1996 and 10 March 1997.

On 16 September 1998, the High Court ordered that those decisions be quashed.

THE LAW

7. On 5 January 2005, the Court received the following declaration from the Government:

“I, Emily WILLMOTT, declare that the Government of the United Kingdom offer to pay *ex gratia* GBP £5,508 (five thousand five hundred and eight pounds sterling) (which includes GBP £2,560 (two thousand five hundred and sixty pounds sterling) plus VAT in respect of the applicant’s costs and expenses) to Mark Wood, without prejudice to the issue of violation of the Convention and with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum is to cover any pecuniary and non-pecuniary damage and legal costs and expenses, and it 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 this sum within the said three-month 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. The payment will constitute the final resolution of the case.

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

8. On 10 January 2005 the Court received the following declaration signed by the applicant’s representative:

"We, Jeff Brailsford Rimmer & Co, Solicitors, note that the Government of the United Kingdom are prepared to pay *ex gratia* GBP £5,508 (five thousand five hundred and eight pounds sterling) (which includes GBP £2,560 (two thousand five hundred and sixty pounds sterling) plus VAT in respect of the applicant’s costs and expenses) to Mark Wood, without prejudice to the issue of violation of the Convention and with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

This sum is to cover any pecuniary and non-pecuniary damage and legal costs and expenses and 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 shall be payable on the above amount 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 this application. I declare that this constitutes a final resolution of the case.

This declaration is made in the context of a friendly settlement which the Government and the applicant 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."

9. 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).

10. 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;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 15 March 2005, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Josep CASADEVALL
President