



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

FOURTH SECTION

DECISION

Application no. 3578/05
by David CAMPBELL
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 27 March 2008 as a Chamber composed of:

Lech Garlicki, *President*,

Nicolas Bratza,

Giovanni Bonello,

Ljiljana Mijović,

Ján Šikuta,

Päivi Hirvelä,

Ledi Bianku, *judges*,

and Lawrence Early, *Section Registrar*,

Having regard to the above application lodged on 20 January 2005,

Having regard to the observations submitted by the respondent Government,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr David Campbell, is a British national who was born in 1982 and lives in Wallsend. The United Kingdom Government ("the Government") were represented by their Agent, Mr D. Walton of the Foreign and Commonwealth Office, London.

The facts of the case, as submitted by the parties, may be summarised as follows.

On 6 January 2004 the applicant received a notice of intended prosecution requiring him to name the driver of his car on 2 January 2004.

The applicant returned the document citing his name and address but omitting his signature.

On 16 November 2004, the Magistrates' Court held that since the applicant had failed to sign the document, it had no validity in court, which meant he had failed to name the driver of his car. The applicant was convicted of an offence under section 172 (3) of the Road Traffic Act 1988 for failing to give information as to the identity of the driver of his car. He was fined GBP 120 and ordered to pay GBP 75 costs, with his licence to be endorsed with three penalty points.

COMPLAINTS

The applicant complained under Article 6 §§ 1 and 2 of the Convention that he had been subject to compulsion to give incriminating evidence in violation of the right to remain silent and the privilege against self-incrimination.

THE LAW

On 6 July 2007, the Court wrote to the applicant's representative and the Government requesting their comments in light of the Grand Chamber's judgment in *O'Halloran and Francis v. the United Kingdom* [GC], nos. 15809/02 and 25624/02, ECHR 2007-... before 10 September 2007.

The Government submitted their comments on 9 September 2007. No comments were received from the applicant.

A second letter was sent to the applicant by registered post on 25 September 2007 in which his attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant did not reply.

The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case. In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court unanimously

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

Lawrence Early
Registrar

Lech Garlicki
President