

Application No. 9599/81

SCOTTS' of GREENOCK (Estd. 1711) Ltd. and LITHGOWS Limited
against

the United Kingdom

Report of the Commission

(Adopted on 5 March 1987)

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I. THE PARTIES&S

1. This Report, which is drawn up by the Commission in accordance with Rule 54 of its Rules of Procedure, concerns the application brought by Scotts' of Greenock (Estd. 1711) Ltd. and Lithgows Limited against the United Kingdom.

2. The applicants were represented before the Commission by Messrs. Neil Clark and Plant Hill (formerly Neil Clark & Murray), Solicitors and Estate Agents of Glasgow.

3. The United Kingdom Government was represented before the Commission by its Agents, first Mr. D.M. Edwards, succeeded by Mr. M.R. Eaton, succeeded by Mr. M. Wood, all of the Foreign and Commonwealth Office.

II. SUMMARY OF THE FACTS&S

4. The facts of the case are set out in the Commission's Decision as to the admissibility of the application of 11 March 1985, attached hereto as an Appendix (pp. 4 - 27).

5. The pertinent facts and complaints may be summarised as follows: The applicants are companies incorporated in the United Kingdom whose jointly owned subsidiary, Scott Lithgow Drydocks Limited, was nationalised under the terms of the Aircraft and Shipbuilding Industries Act 1977. The applicants contend that the compensation which was paid for the nationalisation of Scott Lithgow Drydocks Limited was inadequate and contrary to Article 1 Protocol No. 1, read alone and in conjunction with Article 14 of the Convention, that additionally their rights under Article 6 of the Convention, including the right of access to court and the fair determination of their civil rights within a reasonable time, were denied and, in addition, that Article 13 of the Convention was violated.

III. THE PROCEEDINGS&S

6. The present application was introduced on 18 November 1981 and registered on 2 December 1981. On 10 December 1981 the Commission decided to give notice of the application to the respondent Government in accordance with Rule 42 para. 2 (b) of the Rules of Procedure, and to request the parties' written observations.

7. On 30 June 1982 the respondent Government submitted their observations. The applicants' reply was submitted on 24 November 1982.

8. On 12 July 1984 the Commission decided to invite the parties to submit such further observations as they considered necessary on the admissibility of the application, pursuant to Rule 42 para. 3 (a), such observations to be in writing. The applicants submitted further observations on 17 October 1984.

9. On 11 March 1985 the Commission declared the application admissible. On 15 March 1985 the Commission decided to invite the parties to make any proposals which they might have with regard to a friendly settlement of the application, and to invite the applicants, pursuant to Rule 45 para. 2 of the Rules of Procedure, to set out the facts and make legal submissions relating to the sale of certain land previously owned by Scott Lithgow Drydocks Limited,

10. The applicants made further submissions in this respect on 19 September 1985. The respondent Government's reply thereto was submitted on 18 December 1985. On 1 April 1986 the applicants lodged their final submissions with the Commission.

11. On 9 May 1986 the Commission decided to adjourn its further examination of the merits of the application pending the judgment of the European Court of Human Rights in the case of Lithgow and Others. Judgment was given in that case on 8 July 1986.

12. On 17 July 1986, following the judgment, the applicants' representatives requested the opportunity to make further written submissions to the Commission in relation to the application.

13. On 11 October 1986 the Commission resumed its examination of the merits of the application and decided to invite the parties to submit such further observations on the merits as they considered appropriate in the light of the above-mentioned judgment of the Court. The Commission also requested the respondent Government, pursuant to Rule 45 para. 2 of the Rules of Procedure, to submit certain reports and valuations prepared in respect of the nationalisation of Scott Lithgow Drydocks Limited at the time of that company's

nationalisation. The reports were filed by the respondent Government on 12 November 1986, and on 17 December 1986 the respondent Government submitted their further observations on the merits of the application.

14. On 18 December 1986 the applicants' representatives informed the Commission that the applicants wished to withdraw the present application concerning the nationalisation of Scott Lithgow Drydocks Limited in the light of the judgment of the Court in the case of Lithgow and Others.

15. On 16 February 1987 the respondent Government were consulted, in accordance with Rule 49 para. 2 of the Commission's Rules of Procedure, as to striking the present application off the Commission's list of cases. The respondent Government informed the Commission on 24 February 1987 that they would have no objection to the Commission following such a course.

16. On 5 March 1987, the Commission decided to strike the present application off its list, in accordance with Rules 44 para. 1 (b) and 49 of its Rules of Procedure. It adopted the present Report and decided to transmit it to the Committee of Ministers and the parties for information and to publish it. The following members were present:

MM. C. A. NØRGAARD, President
G. SPERDUTI
J. A. FROWEIN
E. BUSUTTIL
G. JÖRUNDSSON
S. TRECHSEL
B. KIERNAN
A. WEITZEL
J. C. SOYER
H. G. SCHERMERS
H. DANELIUS
G. BATLINER
J. CAMPINOS
H. VANDENBERGHE

IV. THE DECISION OF THE COMMISSION&S

17. The Commission notes that the applicants have expressly requested that their application be withdrawn from the Commission's list of cases.

18. The Commission finds, therefore, that the applicants no longer wish their case to be examined, and that there are no reasons of a general character affecting the observance of the Convention which warrant further examination of the application.

19. For these reasons, the Commission, having regard to Rules 44 para. 1 (b), 49 and 54 of its Rules of Procedure,

- decides to strike Application No. 9599/81 off its list;
- adopts the present Report;
- decides to send the present Report to the Committee of Ministers for information, to send it also to the parties, and to publish it.

Secretary to the Commission

President of the Commission

(H.C. KRÜGER)

(C.A. NØRGAARD)