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

FOURTH SECTION

DECISION

Application no. 24581/21
Darren John CONQUER
against the United Kingdom
(see appended table)

The European Court of Human Rights (Fourth Section), sitting on 23 January 2025 as a Committee composed of:

Anne Louise Bormann*, President*,
Sebastian Răduleţu,
András Jakab*, judges*,

and Viktoriya Maradudina, *Acting Deputy Section Registrar,*

Having regard to the above application lodged on 7 May 2021,

Having regard to the declaration submitted by the respondent Government requesting the Court to strike the application out of the list of cases,

Having deliberated, decides as follows:

FACTS AND PROCEDURE

The applicant's details are set out in the appended table.

The applicant was represented by Mr E.J. Scott (Campbell Smith LLP), a lawyer practising in Edinburgh.

The applicant's complaints under Article 6 § 1 of the Convention concerning the length of civil proceedings were communicated to the Government of the United Kingdom ("the Government").

THE LAW

The Government informed the Court that they proposed to make a unilateral declaration with a view to resolving the issues raised by these complaints. They further requested the Court to strike out the application in accordance with Article 37 of the Convention.

The declaration provided as follows:

> "2. The Government hereby expresses its acknowledgment that the length of the civil proceedings before the domestic courts in this case resulted in a violation of Article

> 6 § 1 of the Convention in respect of the Applicant, in that it deprived the Applicant of a hearing in the determination of his civil rights with a reasonable time.
>
> ....
>
> 4. The Government undertakes to provide adequate redress to the Applicant in respect of the violation referred to above. Specifically, having carefully considered the particular facts of the Applicant's case, it undertakes to pay the Applicant €7,000 in respect of pecuniary and non-pecuniary damage, plus any tax that may be chargeable to the Applicant, in addition to €1,500 in respect of legal costs, which sums it considers reasonable in light of the Court's case-law ...
>
> 5. In addition, the Government has put in place remedial measures since the domestic court proceedings with which the Application is concerned were instituted. These have taken the form of significant procedural and structural reforms in the Court of Session and the Scottish courts system more widely ..."

The applicant was sent the terms of the Government's unilateral declaration on 5 July 2023. By letter of 31 August 2023, he asked the Court to pursue the examination of the case, arguing in particular that the amount of compensation proposed was insufficient on the basis that he had suffered further pecuniary loss arising from the delay in the civil proceedings, and that the general remedial measures were insufficient to address systemic delays.

The Court observes that Article 37 § 1 (c) enables it to strike a case out of its list if:

> "... for any other reason established by the Court, it is no longer justified to continue the examination of the application".

Thus, it may strike out applications under Article 37 § 1 (c) on the basis of a unilateral declaration by a respondent Government even if the applicant wishes the examination of the case to be continued (see, in particular, the *Tahsin Acar v. Turkey* judgment (preliminary objections) [GC], no. 26307/95, §§ 75-77, ECHR 2003-VI).

The Court has established clear and extensive case-law concerning complaints relating to the length of civil proceedings (see, for example, *Richard Anderson v. the United Kingdom*, no. 19859/04, 9 February 2010). Although the applicant claims to have suffered extensive pecuniary loss on account of the delay, he has not substantiated his claims in this respect. Moreover, to the extent that pecuniary loss was alleged before the domestic courts, the latter found that there was no causal link between the alleged loss and the length of the proceedings.

Noting the admissions and information contained in the Government's declaration as well as the amount of compensation proposed – which is consistent with the amounts awarded in similar cases – the Court considers that it is no longer justified to continue the examination of the application (Article 37 § 1 (c)).

In the light of the above considerations, the Court is satisfied that respect for human rights as defined in the Convention and the Protocols thereto does

not require it to continue the examination of the application (Article 37 § 1 *in fine*).

The Court notes that the Government have undertaken to pay, in addition to the sum stipulated in respect of pecuniary and non-pecuniary damages, any tax that may be chargeable to the applicant on that sum. It decides to award to the applicant, in addition to the sum stipulated in respect of costs and expenses, any tax chargeable to the applicant on that sum (Rule 43 § 4 of the Rules of Court).

The Court considers that the sums payable should be converted into the currency of the respondent State at the rate applicable on the date of payment, and paid within three months from the date of notification of the Court's decision issued in accordance with Article 37 § 1 of the European Convention on Human Rights. In the event of failure to settle within this period, simple interest shall be payable on the amounts in question at a rate equal to the marginal lending rate of the European Central Bank plus three percentage points.

Finally, the Court emphasises that, should the Government fail to comply with the terms of their unilateral declaration, the application may be restored to the list in accordance with Article 37 § 2 of the Convention (see *Josipović v. Serbia* (dec.), no. 18369/07, 4 March 2008).

In view of the above, it is appropriate to strike the case out of the list.

For these reasons, the Court, unanimously,

Takes note of the terms of the respondent Government's declaration and of the arrangements for ensuring compliance with the undertakings referred to therein and *decides* to award to the applicant, in addition to the sum stipulated in respect of costs and expenses, any tax chargeable to the applicant on that sum;

Decides to strike the application out of its list of cases in accordance with Article 37 § 1 (c) of the Convention.

Done in English and notified in writing on 13 February 2025.

Viktoriya Maradudina Acting Deputy Registrar	Anne Louise Bormann President

APPENDIX

Application raising complaints under Article 6 § 1 of the Convention (excessive length of civil proceedings)

Application no. Date of introduction	Applicant's name Year of birth	Representative's name and location	Date of receipt of Government's declaration	Date of receipt of applicant's comments	Amount awarded for pecuniary and non-pecuniary damage (in euros)[1]	Amount awarded for costs and expenses per application (in euros)[2]
24581/21 07/05/2021	**Darren John CONQUER** 1972	E.J. Scott (Campbell Smith LLP) Edinburgh	29/06/2023	31/08/2023	7,000	1,500

[1] Plus any tax that may be chargeable to the applicant
[2] Plus any tax that may be chargeable to the applicant