

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

FOURTH SECTION

DECISION

Application no. 53414/09
Stephen WANDLESS
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 20 March 2012 as a Chamber composed of:

Lech Garlicki, *President,*
David Thór Björgvinsson,
Nicolas Bratza,
Päivi Hirvelä,
George Nicolaou,
Ledi Bianku,
Zdravka Kalaydjieva, *judges,*

and Lawrence Early, *Section Registrar,*

Having regard to the above application lodged on 30 September 2009,

Having regard to the formal declarations accepting a friendly settlement of the case,

Having deliberated, decides as follows:

## PROCEDURE

The applicant, Mr Stephen Wandless, is a British national who was born in 1966 and lives in Halifax. He was represented before the Court by Ms C. Thomas of Howells LLP, a lawyer practising in Sheffield. The United Kingdom Government ("the Government") were represented by their Agent, Ms A. Sornarajah, Foreign and Commonwealth Office.

The applicant complains that his committal to prison following the hearing on 8 October 2008 breached his right to liberty under Article 5 § 1;

and that he had no enforceable right to compensation arising from unlawful detention in breach of Article 5 § 5 and thus no effective remedy under Article 13. He further complains that his Article 6 § 1 rights were breached by the perfunctory nature of the hearing on 8 October 2008 and that his lack of legal representation constituted a breach of Article 6 § 3(c).

## THE LAW

On 21 February 2012 the Court received the following declaration from the Government:

> "I, Ahila Sornarajah, Agent for the Government of the United Kingdom, declare that the Government of the United Kingdom offer to pay Stephen Wandless, with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights, 5000 euros to cover any and all pecuniary and non-pecuniary damage in addition to £3,172 for legal costs and expenses, and £581.42 to cover value added tax (VAT) incurred.
>
> This sum will (where relevant) be converted into pounds sterling at the rate applicable on the date of payment, and will be payable within three months from the date of notification of the decision by the Court pursuant to Article 37 § 1 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."

Also on 21 February, the Court received a declaration in similar terms signed by the applicant.

The Court takes note of the friendly settlement reached between the parties. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols and finds no reasons to justify a continued examination of the application (Article 37 § 1 *in fine* of the Convention).

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