

SCHEDULE 5

EUROPEAN COURT OF HUMAN RIGHTS

General

1.—(1) In this Schedule—

“the Court” means the European Court of Human Rights established by Article 19 of the Convention (or any Chamber, judge or judges of the Court carrying out their duties under the terms of the Convention or the rules of the Court);

“the Convention” means the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4th November 1950⁽¹⁾ as amended by Protocol No. 11 to the Convention for the Protection of Human Rights and Fundamental Freedoms restructuring the control machinery established thereby⁽²⁾;

“the Committee of Ministers” means the Committee of Ministers of the Council of Europe when exercising its functions under Article 46(2) of the Convention;

“judges of the Court” means judges elected under Article 22, or appointed under Article 27, of the Convention;

“persons participating in proceedings” means—

- (a) any persons taking part in proceedings instituted before the Courts as parties, their representatives and advisors;
- (b) witnesses and experts called upon by the Court and other persons invited by the President of the Court to take part in proceedings;
- (c) any person mentioned in paragraph (a) or (b) who is called upon to appear before or to submit written statements to the Committee of Ministers;

“the 1961 Convention Articles” means the Articles (being certain Articles of the Vienna Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964.

(2) For the purposes of this Order any petition, complaint or other communication which, with a view to action to be taken by or before the Court—

- (a) is made to the Court; or
- (b) is made to a person through whom, in accordance with the constitution, rules or practice of the Court, such a communication can be received,

shall be deemed to be proceedings before the Court, (and the person making any such communication shall be deemed to be a party to such proceedings).

(1) Cmnd. 8969.

(2) Cm. 4353.