



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

THIRD SECTION

CASE OF MICHAEL MATTHEWS v. THE UNITED KINGDOM

(Application no. 40302/98)

JUDGMENT
(Friendly Settlement)

STRASBOURG

15 July 2002

This judgment is final but it may be subject to editorial revision.

In the case of Michael Matthews v. the United Kingdom,

The European Court of Human Rights (Third Section), sitting as a Chamber composed of:

Mr J.-P. COSTA, *President*,

Mr W. FUHRMANN,

Mr L. LOUCAIDES,

Sir Nicolas BRATZA,

Mrs H.S. GREVE,

Mr K. TRAJA,

Mr M. UGREKHELIDZE, *judges*,

and Mrs S. DOLLÉ, *Section Registrar*,

Having deliberated in private on 24 June 2002,

Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 40302/98) against the United Kingdom of Great Britain and Northern Ireland lodged with the Court under Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (“the Convention”) by a United Kingdom national, Michael William Matthews (“the applicant”), on 24 February 1998.

2. The applicant, who had been granted legal aid, was represented by Mr J. Welch, a lawyer practising in London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C.A. Whomersley, Foreign and Commonwealth Office, London.

3. The applicant complained of discrimination on grounds of sex in relation to his right to property, contrary to Article 14 of the Convention and Article 1 of Protocol No. 1, taken together.

4. The application was allocated to the Third Section of the Court (Rule 52 § 1 of the Rules of Court). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1 of the Rules of Court.

5. By a decision of 28 November 2000 the Court declared the application admissible.

6. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1), but this case remained with the Chamber constituted within former Section III.

7. On 24 April 2002 the Government informed the Court and the applicant's representative that, in relation to England, the Travel Concessions (Eligibility) Act 2002 will come into force on 1 April 2003, by virtue of Statutory Instrument 2002/673. As regards Wales, the same effect

is achieved by the Travel Concessions (Extension of Entitlement) Order 2001 (Statutory Instrument 2001/3765).

8. On 11 June 2002 the Court received formal declarations accepting a friendly settlement of the case.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

9. The applicant was born in 1933 and lives in London.

10. On 10 October 1997, aged 64, the applicant applied at his local post office for an elderly person's travel permit, which would have entitled him to free travel on most public transport in Greater London. His application was refused because, under British law at the time, such a permit could only be provided to men who were aged 65 or over, whereas women were eligible to receive such a permit, subject to the provisions of their local scheme, at the age of 60 or over.

II. RELEVANT DOMESTIC LAW

11. The London Regional Transport Act 1984 ("the 1984 Act") which was then currently in force, provided in section 50(1):

"Subject to subsection (4) below, any local authority, or any two or more local authorities acting jointly, may enter into arrangements with London Regional Transport under which –

(a) London Regional Transport grant, or arrange with some other person for that other person to grant, such travel concessions as may be provided for by the arrangements to any persons eligible to receive them in accordance with subsection (7) below; and

(b) that local authority (or, as the case may be, those local authorities in such proportions respectively as they may agree among themselves) reimburse the cost incurred in granting those concessions."

In section 50(7) the 1984 Act provided:

"The persons eligible to receive travel concessions under arrangements made under subsection (1) or (3) above are persons mentioned in any of the following paragraphs, or any description of such persons, that is to say:

(a) men over the age of sixty-five years and women over the age of sixty years; ..."

The Transport Act 1985 (which applies to travel in Great Britain outside London) contained a similar provision in section 93(7). The provisions of

sections 50-53 of the 1984 Act were repealed and replaced without any relevant amendment by sections 240-244 of the Greater London Authority Act 1999.

THE LAW

12. On 11 June 2002 the Court received the following declaration from the Government Agent:

“I declare that, with a view to securing a friendly settlement of the above-mentioned case, the Government of the United Kingdom offer to pay GBP 242 in respect of pecuniary loss and GBP 25,000 in respect of legal costs to Mr Michael William Matthews. These sums are to cover any pecuniary and non-pecuniary damage as well as costs, and they will be payable within three months from the date of delivery of the judgment by the Court pursuant to the Article 39 of the European Convention on Human Rights. This payment will constitute the final resolution of the case.

The Government further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention.”

13. On the same date the Court received from the applicant's representative the following declaration on the applicant's behalf:

“I note that the Government of the United Kingdom are prepared to pay the sum of GBP 242 covering pecuniary loss and GBP 25,000 covering legal costs to Mr Michael William Matthews with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

I accept the proposal and waive any further claims against the United Kingdom in respect of the facts of this application. I declare that this constitutes a final settlement of the case.

This declaration is made in the context of a friendly settlement which the Government and the applicant have reached.

I further undertake not to request that the case be referred to the Grand Chamber under Article 43 § 1 of the Convention after delivery of the Court's judgment.”

14. The Court takes note of the agreement reached between the parties (Article 39 of the Convention) and the future amended legislation (paragraph 7 above). It is satisfied that the settlement is based on respect for human rights as defined in the Convention or its Protocol (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

15. Accordingly, the case should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to strike the case out of the list;
2. *Takes note* of the parties' undertaking not to request a rehearing of the case before the Grand Chamber.

Done in English, and notified in writing on 15 July 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

S. DOLLÉ
Registrar

J.-P. COSTA
President