



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

FOURTH SECTION

CASE OF RICE v. THE UNITED KINGDOM

(Application no. 65905/01)

JUDGMENT
(Friendly Settlement)

STRASBOURG

1 October 2002

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

In the case of Rice v. the United Kingdom,

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

Mr M. PELLONPÄÄ, *President*,

Sir Nicolas BRATZA,

Mr A. PASTOR RIDRUEJO,

Mr M. FISCHBACH,

Mr R. MARUSTE,

Mr S. PAVLOVSCHI,

Mr L. GARLICKI, *judges*,

and Mr M. O'BOYLE, *Section Registrar*,

Having deliberated in private on 10 September 2002,

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

PROCEDURE

1. The case originated in an application (no. 65905/01) 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, Alan John Rice (“the applicant”), on 4 December 2000.

2. The applicant was represented by Mr P. Robinson, of Bebington Citizens Advice Bureau. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C.A. Whomersley, Foreign and Commonwealth Office, London.

3. The applicant complained that United Kingdom social security legislation discriminated against him and his late wife on grounds of his sex, in breach of Article 14 of the Convention taken in conjunction with both Article 8 of the Convention and Article 1 of Protocol No. 1.

4. On 19 February 2002, after obtaining the parties' observations, the Court declared admissible that part of the application concerning discrimination alleged to have been suffered by the applicant during the period after his claim for widows' benefits in June 2000. The remainder of the applicant's complaints were declared inadmissible on the same date.

5. On 4 March 2002, after an exchange of correspondence, the Registrar suggested to the parties that they should attempt to reach a friendly settlement within the meaning of Article 38 § 1 (b) of the Convention. On 26 June 2002 and on 8 July 2002 the applicant and the Government respectively submitted formal declarations accepting a friendly settlement of the case.

THE FACTS

6. The applicant was born in 1957 and lives in Bebington.

7. The applicant and his wife were married in 1980 and had one child, born in 1991. The applicant's wife died on 13 February 2000.

8. In June 2000 the applicant applied to the Benefits Agency for the payment of social security benefits. He applied for benefits equivalent to those which a widow, whose husband had died in similar circumstances to those of his wife, would have been entitled, namely a Widow's Payment and a Widowed Mother's Allowance, payable under the Social Security and Benefits Act 1992 ("the 1992 Act"). He was informed on 26 June 2000 that the Benefits Agency was unable to accept his application as a valid claim because the regulations governing the payment of widows' benefits were specific to women. He was told that he had no right of appeal since his claim had not been considered.

THE LAW

9. On 8 July 2002 the Court received the following declaration from the Government:

"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 5,710.32 to Alan John Rice. This sum is to cover any pecuniary and non-pecuniary damage as well as costs, and it 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."

10. On 26 June 2002 the Court received the following declaration signed by the applicant's representative:

"We note that the Government of the United Kingdom are prepared to pay the sum of GBP 5,710.32 covering pecuniary and non-pecuniary damage and costs to Alan John Rice with a view to securing a friendly settlement of the above-mentioned case pending before the European Court of Human Rights.

We accept the proposal and waive any further claims against the United Kingdom in respect of the facts of this application. We 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.

We 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."

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

12. 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 1 October 2002, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O'BOYLE
Registrar

Matti PELLONPÄÄ
President