



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

FOURTH SECTION

**CASE OF OWENS v. THE UNITED KINGDOM**

*(Application no. 61036/00)*

JUDGMENT  
(Friendly Settlement)

STRASBOURG

13 January 2004

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



**In the case of Owens 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,

Mrs V. STRÁŽNICKÁ,

Mr M. FISCHBACH,

Mr S. PAVLOVSKI,

Mr L. GARLICKI,

Mr J. BORREGO BORREGO, *judges*,

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

Having deliberated in private on 9 December 2003,

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

## PROCEDURE

1. The case originated in an application (no. 61036/00) 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, Geoffrey Owens (“the applicant”), on 24 August 2000.

2. The applicant was represented by Polly Glynn, a lawyer practising in London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office, London.

3. The applicant alleged that British social security legislation discriminated against him on grounds of 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. 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.

5. By a decision of 7 June 2001 the Chamber declared the application partly inadmissible.

6. On 1 November 2001 the Court changed the composition of its Sections (Rule 25 § 1). This case was re-allocated to the newly composed Fourth Section (Rule 52 § 1). Within that Section, the Chamber that would consider the case (Article 27 § 1 of the Convention) was constituted as provided in Rule 26 § 1.

7. By a decision of 19 February 2002, the Court declared the remainder of the application admissible.

8. On 22 August 2003 and on 10 October 2003 the Government and the applicant respectively submitted formal declarations accepting a friendly settlement of the case.

## THE FACTS

9. The applicant was born in 1950 and lives in Liverpool.

10. The applicant is a widower. His wife, whom he had married in 1977, died on 1 February 1997. They had two children, born in 1983 and 1989. Prior to her death the applicant's wife had worked as a schoolteacher for approximately twenty one years and paid full social security contributions.

11. On 7 February 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 Widowed Mother's Allowance, payable under the Social Security and Benefits Act 1992. He was informed by the Benefits Agency on 2 March 2000 that the benefit was not payable to him because it was available only to widows.

12. The applicant appealed against this latter decision to a social security appeal tribunal, which dismissed his appeal on 12 May 2000.

13. The applicant worked as a schoolteacher, except for a period between September 2000 and March 2001 when he was in receipt of Jobseeker's Allowance, a means tested benefit. He also received Child Benefit and Lone Parent Benefit. From the day after that on which the claim for benefits was made, that is to say from 8 February 2000, a widow in a similar situation would have received Widowed Mother's Allowance, payable regardless of income and savings. A widow would also have received a Christmas bonus of 10 pounds sterling (GBP) for the year 2000. Since 10 April 2001, the applicant has been in receipt of Widowed Parent's Allowance.

## THE LAW

14. On 22 August 2003 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 11,477.60 (eleven thousand four hundred and seventy seven pounds and sixty pence) to Geoffrey Owens. This sum is to cover any pecuniary and non-pecuniary damage as well as costs and will be payable within three months from the date of delivery of the judgment by the

Court pursuant to 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.”

15. On 10 October 2003 the Court received the following declaration signed by the applicant:

“I note that the Government of the United Kingdom are prepared to pay the sum of GBP 11,477.60 (eleven thousand four hundred and seventy seven pounds and sixty pence) covering pecuniary and non-pecuniary damage and costs 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 I 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.”

16. 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).

17. 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 13 January 2004, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

Michael O’BOYLE  
Registrar

Matti PELLONPÄÄ  
President