



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

FOURTH SECTION

CASE OF COLE v. THE UNITED KINGDOM

(Application no. 60933/00)

JUDGMENT
(friendly settlement)

STRASBOURG

23 May 2006

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

In the case of Cole v. the United Kingdom,

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

Chamber composed of:

Mr J. CASADEVALL, *President*,

Sir Nicolas BRATZA,

Mr G. BONELLO,

Mr M. PELLONPÄÄ,

Mr K. TRAJA,

Mr L. GARLICKI,

Mr J. ŠIKUTA, *judges*,

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

Having deliberated in private on 4 May 2006,

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

PROCEDURE

1. The case originated in an application (no. 60933/00) 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 British national, Mr Leslie James Cole ("the applicant"), on 4 September 2000.

2. The United Kingdom Government ("the Government") were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office, London.

3. The applicant complained of non-payment of Widow's Payment and Widowed Mother's Allowance from the date of his wife's death and also that similarly situated women would at some point in the future become entitled to a Widow's Pension.

4. By a decision of 26 August 2003 the Court declared the complaint about future non-payment of Widow's Pension inadmissible and declared the remainder of the application admissible. On 14 October 2003 it decided to adjourn further examination until the completion of the proceedings before the House of Lords in the related case, *R. v. Secretary of State for Work and Pensions ex parte Hooper and Others* [2005] UKHL 29 ("Hooper").

THE FACTS

A. The circumstances of the case

5. The applicant is a British national who was born on 18 June 1952 and who lives in Devon. He is not represented before the Court.

He was widowed on 25 February 1999. There were two children of the marriage, born in 1986 and 1989. In November 1999 he applied for widow's benefits and was informed that he was not entitled to such benefits as he was not a woman. On 7 December 1999 he appealed. He was finally refused such benefits on 9 March 2000 by the Social Security Appeal Tribunal. On 24 July 2000 he was refused leave to appeal to the Social Security Commissioner.

Relevant domestic law

6. The domestic law relevant to this application is set out in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV.

THE LAW

7. On 30 August 2005 the Government informed the Court that, following the House of Lords' judgment in *Hooper*, (see paragraph 4 above), they were prepared to settle claims made by widowers against the United Kingdom arising out of the arrangements applicable prior to April 2001 for the payment of Widowed Mothers' Allowance and Widow's Payment. The Court informed the parties on 31 August 2005 that it was at their disposal for any friendly settlement proposals they might have.

8. The applicant sent the Court the following declaration signed and dated 26 September 2005:

"I, Leslie James Cole, note that the Government of United Kingdom are prepared to pay the sum of £16,380.93 to me with a view to securing a friendly settlement of the above mentioned case ... The payment will constitute the final resolution of the case [and] of the applicant's claims to widowed mother's allowance and/or widow's payment."

9. By letter of 3 November 2005 the Government informed the Court that payment had been issued to Mr Cole in the sum of £16,380.03 and that the applicant had accepted it by a letter dated 16 September 2005.

10. On 2 December 2005 the Court sent the applicant a copy of the Government's letter of 3 November 2005 and told him that the case would

be struck off the Court's case list unless the Court heard from him to the contrary. The applicant did not reply.

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).

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the application out of its list of cases.

Michael O'BOYLE
Registrar

Josep CASADEVALL
President