



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

FOURTH SECTION

CASE OF GREENHALGH v. THE UNITED KINGDOM

(Application no. 61956/00)

JUDGMENT
(Friendly Settlement)

STRASBOURG

5 September 2006

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

In the case of Greenhalgh 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 S. PAVLOVSKI,

Mr J. ŠIKUTA, *judges*,

and Mr T.L. EARLY, *Section Registrar*,

Having deliberated in private on 11 July 2006,

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

PROCEDURE

1. The case originated in an application 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 Mr David Greenhalgh, a British national.

2. Mr Greenhalgh was represented before the Court by Ms Elaine Mills, a welfare rights adviser from the South Manchester Law Centre. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office.

3. The applicant complained under Articles 8 and 14 of the Convention, that, because he was a man, he was denied social security benefits equivalent to those received by female widows.

4. After obtaining the parties’ observations, the Court declared the application admissible on 4 November 2003.

THE FACTS

THE CIRCUMSTANCES OF THE CASE

5. Mr David Greenhalgh was born on 5 November 1954 and lives in Manchester. His wife died on 10 November 1999. The applicant made a claim for widows’ benefits on 1 December 1999. His claim was rejected on 3 December 1999 on the ground that he was not entitled because he was not a woman. On 4 August 2000 the applicant asked for a revision of the

decision. No decision was made on the review. The applicant's appeal was refused by the Appeal Tribunal on 12 September 2000.

II. RELEVANT DOMESTIC LAW AND PRACTICE

6. The relevant domestic law and practice are described in the Court's judgment in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV.

THE LAW

7. By a letter of 11 May 2005 the respondent Government informed the Court that the House of Lords had decided, in relation to the claims for Widowed Mother's Allowance (WMA) and Widow's Payment (WPt), that there was in principle no objective justification at the relevant time for not paying these benefits to widowers as well as widows, but that the Government had a defence under section 6 of the Human Rights Act 1998 (the HRA). It noted that, in view of this, the multitude of cases before the Court and the fact that the HRA defence is only applicable in the domestic arena, the Government were prepared, in principle, to settle all claims made by widowers against the United Kingdom arising out of the arrangements applicable prior to April 2001 for the payment of WMA and WPt.

8. On 13 October 2005 the applicant's representative sent a duly signed declaration informing the Court that the applicant had been offered GBP 3,888.59 and that this payment would constitute "the final resolution of the applicant's claim to a widowed mother's allowance and/or widow's payment".

On 27 March 2006 the Government notified the Court that the applicant had received payment of GBP 3,888.59.

9. On 11 May 2006 the Registrar wrote to the applicant informing him that, unless he objected before 26 May 2006, the application would be struck off the Court's case list. No response was received to that letter.

10. 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).

11. Accordingly, the applications should be struck out of the list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

Decides to strike the application out of its case list.

Done in English, and notified in writing on 5 September 2006, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President