



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

FOURTH SECTION

CASE OF TERRIL AND OTHERS v. THE UNITED KINGDOM

*(Applications nos. 60469/00, 60949/00, 63465/00, 63472/00, 63483/00,
64008/00 and 64115/00)*

JUDGMENT
(Friendly settlement)

STRASBOURG

16 January 2007

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

In the case of Terrill and Others v. the United Kingdom,

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

Mr J. CASADEVALL, *President*,
Sir Nicolas BRATZA,
Mr G. BONELLO,
Mr M. PELLONPÄÄ,
Mr K. TRAJA,
Mr S. PAVLOVSCHI,
Mr J. ŠIKUTA, *judges*,

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

Having deliberated in private on 12 December 2006,

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

PROCEDURE

1. The case originated in seven applications (nos. 60469/00; 60949/00; 63465/00; 63472/00; 63483/00; 64008/00 and 64115/00) 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 Mr Norman Terril, Mr John Silkstone, Mr Paul Blannin, Mr David Lines, Mr Nigel Harrison, Mr Simon Turner and Mr Victor Hyland, respectively on 26 July 2000, 25 August 2000, 28 September 2000, 26 September 2000 and 29 September 2000 in the case of the last three applicants.

2. The applicants were all represented before the Court by Pierce Glynn Solicitors, London. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office.

3. The applicants complained under Articles 8 and 14 of the Convention and Article 1 of Protocol No. 1 that, because they were men, they were denied social security benefits equivalent to those received by widows.

4. By a partial decision of 10 October 2001 the Chamber decided to communicate the applications. After obtaining the parties’ observations, the Court declared these applications admissible on 8 April 2003.

THE FACTS

A. THE CIRCUMSTANCES OF THE CASE

A. Mr Terril

5. Mr Terril was born on 25 April 1956 and lives in London.

6. His wife died on 2 October 1999. His claim for widows' benefits was made on 9 March 2000 and was rejected on 24 March 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

B. Mr Silkstone

7. Mr Silkstone was born on 27 February 1951 and lives in Lancashire.

8. His wife died on 19 October 1998. His claim for widows' benefits was made on 24 November 1999 and was rejected on 28 February 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

C. Mr Blannin

9. Mr Blannin was born on 5 October 1948 and lives in Cirencester.

10. His wife died on 30 March 1993. His claim for widows' benefits was made on 18 July 2000 and was rejected on 28 July 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

D. Mr Lines

11. Mr Lines was born on 26 January 1954 and lives in Edinburgh.

12. His wife died on 20 January 2000. His claim for widows' benefits was made on 13 June 2000 and was rejected on 27 June 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

E. Mr Harrison

13. Mr Harrison was born on 28 November 1951 and lives in Staffordshire.

14. His wife died on 5 May 1996. His claim for widows' benefits was made on 4 May 2000 and was rejected on 6 June 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

F. Mr Turner

15. Mr Turner was born on 7 November 1955 and lives in Cardiff.

16. His wife died on 8 April 2000. His claim for widows' benefits was made in August 2000 and was rejected on 16 August 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

G. Mr Hyland

17. Mr Hyland was born on 7 June 1959 and lives in Kent.

18. His wife died on 26 January 1999. His claim for widows' benefits was made on 3 September 2000 and was rejected on 11 September 2000 on the ground that he was not entitled to widow's benefits because he was not a woman. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no social security benefits were payable to widowers under United Kingdom Law.

B. RELEVANT DOMESTIC LAW AND PRACTICE

19. 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

20. 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 was 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.

21. In May 2006 the respondent Government sent a list of applicants who had been proposed a settlement of their claims and who had accepted such payments, including the present applicants.

22. On the 12 May 2006 the applicants' representatives notified the Court that Mr Terrill had been offered GBP 11,083.46, Mr Silkstone had been offered GBP 16,967.91, Mr Blannin had been offered GBP 4,508.09, Mr Lines had been offered GBP 11,652.35, Mr Harrison had been offered GBP 10,590.76, Mr Turner had been offered GBP 5,220.21 and Mr Hyland had been offered GBP 8,022.3 and they had accepted payment. The representatives were sent a letter by the Court on 6 October 2006 requesting a confirmation that no aspects of the applicants' claims were ongoing and that consequently the Court might consider striking out each case from its list in its entirety. By a letter of 20 October 2006 the representatives confirmed that there were no outstanding claims, thus the proceedings could be concluded.

23. The Court takes note of the agreements reached between the parties (Article 39 of the Convention). It is satisfied that the settlements are 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).

24. Accordingly, the applications should be struck out of the list of cases.

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

Done in English, and notified in writing on 16 January 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T. L. EARLY
Registrar

Josep CASADEVALL
President