



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

FOURTH SECTION

CASE OF HANCOCK AND OTHERS v. THE UNITED KINGDOM

(Applications nos. 63470/00, 63473/00, 63474/00, 63645/00 and 63702/00)

JUDGMENT
(Friendly Settlement)

STRASBOURG

6 March 2007

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

In the case of Hancock and Others 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 K. TRAJA,

Mr S. PAVLOVSKI,

Mr J. ŠIKUTA,

Mrs P. HIRVELÄ, *judges*,

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

Having deliberated in private on 13 February 2007,

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

PROCEDURE

1. The case originated in five applications (nos. 63470/00, 63473/00, 63474/00, 63645/00 and 63702/00) 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 Neville Hancock, Mr Malcolm Mawer, Mr Philip G. Morrison, Mr David J. Mann and Mr Ian P. Northwood, respectively on 26 September 2000, 28 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 4 December 2001 the Court decided to communicate these applications, and to join them to other applications (nos. 60525/00, 60933/00, 60937/00, 60944/00, 61038/00, 61388/00, 61949/00, 62776/00, 63388/00, 63464/00, 63469/00, 63584/00, 63701/00, 64735/01 and 65723/01).

5. On 26 August 2003, after obtaining the parties' observations, the Court declared these applications admissible in so far as the complaints concerned Widow's Payment and Widowed Mother's Allowance and declared the remainder of each application inadmissible.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

A. Mr Hancock

6. The applicant was born in 1967 and lives in East Sussex.

7. His wife died on 7 April 2000, leaving him with two children born in 1995 and 1997. His claim for widows' benefits was made on 23 May 2000 and was rejected on 25 May 2000 on the ground that he was not entitled to widows' 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 such social security benefits were payable to widowers under United Kingdom law.

B. Mr Mawer

8. The applicant was born in 1956 and lives in Worcestershire.

9. His wife died on 11 December 1997, leaving him with two children born in 1989 and 1993. His claim for widows' benefits was made in January 1998 and was rejected on 15 January 1998 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant asked for his claim to be re-opened on 1 May 2000 and it was again rejected on 9 May 2000. The applicant did not appeal as he considered or was advised that such a remedy would be bound to fail since no such social security benefits were payable to widowers under United Kingdom law.

C. Mr Morrison

10. The applicant was born in 1951 and lives in Hertfordshire.

11. His wife died on 11 April 2000, leaving him with three children born in 1985, 1986 and 1989. His claim for widows' benefits was made on 9 June 2000 and was rejected on 6 July 2000 on the ground that he was not entitled to widows' 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 such social security benefits were payable to widowers under United Kingdom law.

D. Mr Mann

12. The applicant was born in 1947 and lives in Middlesex.

13. His wife died on 3 July 2000, leaving him with two children born in 1986 and 1987. His claim for widows' benefits was made on 21 August 2000 and was rejected on 5 September 2000 on the ground that he was not entitled to widows' 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 such social security benefits were payable to widowers under United Kingdom law.

E. Mr Northwood

14. The applicant was born in 1965 and lives in Bedford.

15. His wife died on 4 August 2000, leaving him with two children born in 1993 and 1996. His claim for widows' benefits was made on 15 September 2000 and was rejected on 22 September 2000 on the ground that he was not entitled to widows' 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 such social security benefits were payable to widowers under United Kingdom law.

II. RELEVANT DOMESTIC LAW AND PRACTICE

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

THE LAW

17. 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.

18. By letters of 12 and 15 May 2006 and 9 November 2006 the applicants' representatives notified the Court that Mr Hancock had been offered GBP 10,321.69, Mr Mawer had been offered GBP 25,820.51, Mr Mann had been offered GBP 9,436.73, Mr Morrison had been offered GBP 10,623.29 and Mr Northwood had been offered GBP 4,662.58 and that they had accepted payment.

19. The representatives were sent letters by the Court on 30 October 2006 in respect of Mr Hancock and 6 October 2006 in respect of Mr Mawer requesting confirmation that no aspects of the applicants' claims were ongoing and informing them that the Court might consider striking out the case from its list in its entirety. By a letter of 14 December 2006 and 20 October 2006 respectively, the representatives confirmed that there were no outstanding claims and that the proceedings could be concluded.

20. The representatives were sent letters by the Court on 6 November 2006 in respect of Mr Mann, 16 November 2006 in respect of Mr Morrison, and 15 November 2006 in respect of Mr Northwood, stating that the applicants had no outstanding claims and/or informing them that the Court might consider striking out the case from its list in its entirety. The representatives have not sent letters objecting to the striking out of the applications.

21. 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).

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

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to disjoin the applications from the others to which they were joined;
2. *Decides* to strike the applications out of the list.

Done in English, and notified in writing on 6 March 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President

