



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

FOURTH SECTION

CASE OF HADRELL v. THE UNITED KINGDOM

(Application no. 61038/00)

JUDGMENT
(Striking out)

STRASBOURG

2 October 2007

FINAL

02/01/2008

*This judgment will become final in the circumstances set out in Article 44
§ 2 of the Convention. It may be subject to editorial revision.*

In the case of Hadrell 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 K. TRAJA,
Mr S. PAVLOVSKI,
Mr J. ŠIKUTA,
Mrs P. HIRVELÄ, *judges*,
and Mrs F. ARACI, *Deputy Section Registrar*

Having deliberated in private on 11 September 2007,
Delivers the following judgment, which was adopted on that date:

PROCEDURE

1. The case originated in an application (no. 61038/00) 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 Phillip Hadrell (“the applicant”) on 8 August 2000.

2. The applicant was represented before the Court by Salmons Solicitors, Staffordshire. 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 and Article 1 of Protocol No. 1 that, because he was a man, he was denied social security benefits equivalent to those received by widows.

4. By a partial decision of 4 December 2001 the Court decided to communicate this application. On 26 August 2003, after obtaining the parties' observations, the Court declared this application admissible in so far as the complaint concerned Widow's Payment and Widowed Mother's Allowance and declared the remainder of the application inadmissible.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1953 and lives in Stoke on Trent.

6. His wife died on 17 May 1999, leaving two children born in 1986 and 1991. His claim for widows' benefits was made on 11 June 1999 and was rejected on 28 June 1999 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant wrote to the Benefits Agency requesting that his claim be submitted to a decision-maker. On 16 May 2000 the Benefits Agency replied that there was no legislation providing an equivalent to widows' benefits for a man and therefore an appeal could not be allowed. The applicant did not appeal further as he considered or was advised that such a remedy would be bound to fail since no security benefits were payable to widowers under United Kingdom law.

II. RELEVANT DOMESTIC LAW

7. 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

8. Article 37 § 1 of the Convention provides as follows:

“The Court may at any stage of the proceedings decide to strike an application out of its list of cases where the circumstances lead to the conclusion that

(a) the applicant does not intend to pursue his application; ...

However, the Court shall continue the examination of the application if respect for human rights as defined in the Convention and the protocols thereto so requires.”

9. On 31 August 2005 the Registry of the Court sent the applicant's representatives a letter requesting them to put forward any claims for a friendly settlement by 3 October 2005. The applicant's representatives did not reply. On 12 October 2006 the Registry of the Court sent another letter requesting the representatives to put forward any comments by 1 November 2006 and warning them that failure to do so might lead the Court to strike out the case from its list. Again the Court received no reply. On 31 January 2007 the Registry of the Court sent the applicant's representative another letter by registered mail stating that since they had not made contact, the

Court would consider striking out their application from the list for lack of interest. The applicant's representatives have not contacted the Court since.

10. In the light of the above, in accordance with Article 37 § 1 (a) of the Convention, the Court considers that the applicant does not intend to pursue his application. Furthermore, the Court finds no special circumstances regarding respect for human rights as defined in the Convention or its Protocols which require the continuation of the examination of the application.

11. Accordingly, the application should be struck out of the Court's list of cases.

FOR THESE REASONS, THE COURT UNANIMOUSLY

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

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

FATOŞ ARACI
Deputy Registrar

JOSEP CASADEVALL
President