



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

FOURTH SECTION

CASE OF MCCRORY v. THE UNITED KINGDOM

(Application no. 62775/00)

JUDGMENT
(Striking out)

STRASBOURG

20 November 2007

FINAL

20/02/2008

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 McCrory 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 L. GARLICKI,

Mrs P. HIRVELÄ, *judges*,

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

Having deliberated in private on 23 October 2007,

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

PROCEDURE

1. The case originated in an application (no. 62775/00) 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 Hugh McCrory (“the applicant”) on 10 November 2000.

2. The applicant was represented by Mr L. Allamby, a lawyer practising in Belfast. 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 10 October 2001 the Court decided to communicate this application. On 8 April 2003, after obtaining the parties' observations, the Court declared this application admissible in so far as the complaint concerned 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 1950 and lives in Dungannon, Northern Ireland.

6. His wife died in 1991, leaving six children born in 1976, 1978, 1980, 1983, 1985 and 1990 respectively. His claim for widows' benefits was made on 12 May 2000 and was rejected on 19 May 2000 on the ground that he was not entitled to widows' benefits because he was not a woman. The applicant did not appeal further 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.

II. RELEVANT DOMESTIC LAW AND PRACTICE

7. 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

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 11 December 2006 Mr McCrory's legal representative notified the Registry that Mr McCrory's application should be withdrawn. On 18 December 2006 the Registry of the Court sent the legal representative a letter requesting him to submit the reasons for such withdrawal by 15 January 2007 in order to allow the Court to consider whether to strike the application out of its list of cases. The Court later agreed to extend the deadline to 22 January 2007. Mr McCrory's legal representative subsequently informed the Court that the applicant wished to withdraw on the basis of a mathematical calculation he had done in respect of the financial implications of his complaint.

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 and its Protocols which require the continuation of the examination of the application.

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

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 20 November 2007, pursuant to Rule 77 §§ 2 and 3 of the Rules of Court.

T.L. EARLY
Registrar

Josep CASADEVALL
President