



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

FOURTH SECTION

CASE OF NORBURY v. THE UNITED KINGDOM

(Application no. 67120/01)

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 Norbury 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. 67120/01) 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 Clifford Norbury (“the applicant”), on 16 October 2000.

2. The applicant was represented by Cook and Partners, Chartered Accountants in Hertford. The United Kingdom Government (“the Government”) were represented by their Agent, Mr C. Whomersley of the Foreign and Commonwealth Office.

3. The applicant complained that the United Kingdom authorities' refusal to grant him Widow's Bereavement Allowance or equivalent constituted discrimination on grounds of sex contrary to Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1.

4. By a partial decision of 12 March 2002 the Court decided to communicate this application and join it to others (application nos. 66293/01 and 68056/01). By a decision of 4 November 2003, after obtaining the parties' observations the Court declared the remainder of the application admissible.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1959 and lives in Brickondbury.

6. His wife died on 6 April 1997. On 12 September 2000 the applicant made a claim to the Inland Revenue requesting an allowance equivalent to that received by a widow, namely Widow's Bereavement Allowance ("WBA"). On 26 September 2000 the Inland Revenue informed him that he was ineligible for WBA as 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 such allowance was granted to widowers under United Kingdom law.

II. RELEVANT DOMESTIC LAW

7. The relevant domestic law and practice is described in the Court's judgment in the case of *Hobbs, Richard, Walsh and Geen v. the United Kingdom*, nos. 63684/00, 63475/00, 63484/00 and 63468/00, judgment of 26 March 2007.

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 10 April 2007 the Registry requested the applicant's representatives to confirm by 16 May 2007 whether a friendly settlement had been reached in Mr Norbury's case following the decision in *Hobbs, Richard, Walsh and Geen v. the United Kingdom* (cited above) and if not to submit claims under Article 41 of the Convention. The applicant's representatives did not reply, and they did not request an extension of time. By letter dated 28 June 2007, sent by registered post, the applicant's representatives were notified that the period allowed for submission of the applicant's observations had expired on 16 May 2007 and that no extension of time had been requested. Attention was drawn to Article 37 § 1 (a) of the Convention, which provides that the Court may strike a case out of its list of cases where the circumstances lead to the conclusion that the applicant does not intend to pursue the application. The applicant's representatives received this letter on 5 July 2007. However, no response has been received.

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 list.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to disjoin this application from the applications to which it was joined;
2. *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