



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

FOURTH SECTION

CASE OF DOBB v. THE UNITED KINGDOM

(Application no. 63388/00)

JUDGMENT
(Friendly settlement)

STRASBOURG

20 November 2007

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

In the case of Dobb 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. 63388/00) 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 Gerald Dobb on 9 October 2000. The applicant died during the proceedings before this Court. On 21 July 2005 Mr Dobb's son on behalf of his estate confirmed that it wished to pursue the proceedings.

2. The applicant and later his son in his stead were unrepresented before the Court. 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 tax 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 the application admissible in so far as the complaint concerned Widow's Bereavement Allowance.

THE FACTS

I. THE CIRCUMSTANCES OF THE CASE

5. The applicant was born in 1930 and lives in Barrow-in-Furness.

6. The applicant's wife died on 13 February 1999. On 12 September 2000 the applicant contacted the Inland Revenue and applied for Widow's Bereavement Allowance ("WBA"). By a response dated 18 September 2000, he was informed that he did not qualify for WBA, since he was a man and the law provided only for payments to widows. The applicant did not appeal further as he considered or was advised that such a remedy would be bound to fail since no such tax 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 *Hobbs, Richard, Walsh and Geen v. the United Kingdom*, nos. 63684/00, 63475/00, 63484/00 and 63468/00, 26 March 2007.

COMPLAINTS

8. The applicant complained that British tax legislation had discriminated against him on grounds of sex, in breach of Article 14 of the Convention taken in conjunction with both Article 8 of the Convention and Article 1 of Protocol No. 1.

THE LAW

9. In the Court's lead judgment regarding WBA, it was held that the difference in treatment between men and women as regards the WBA was not reasonably and objectively justified (see *Hobbs, Richard, Walsh and Geen v. the United Kingdom*, cited above). The Court, consequently, found a violation of Article 14 taken in conjunction with Article 1 of Protocol No. 1 in respect of the non-payment to the applicants of WBA (*ibid* § 54). However, it found no reason to remedy the inequality of treatment by "levelling up" and awarding the value of tax benefits which had been found to be unjustified. It accordingly made no award by way of just satisfaction in respect of the pecuniary loss alleged to have been suffered but it granted payment for legal costs and expenses (*ibid* §§ 69, 75).

10. On 22 May the Government notified the Court that according to its case-law no sums were due for the applicant's personal representation. However, in a good will gesture which would not be regarded as a precedent in other cases, the Government agreed to pay the sum of GBP 10. On 30 May 2007 the Registry sent a letter to the applicant's estate administrator informing him to contact the Government for payment and to confirm that

such payment had been received by 26 June 2007. The applicant's estate administrator did not reply. By a letter of 31 July 2007 the Registry sent a letter by registered post to the applicant's estate administrator informing him that, in view of the fact that no reply had been received, the Court would consider that a friendly settlement had been reached and would consequently consider striking the case out of its list of cases. By a letter of 10 August 2000 the applicant's estate administrator informed the Court that he had not yet received payment. On 24 August the Registry sent a letter to both parties requesting them to confirm by 21 September 2007 that the payment had been made. On 17 September 2007 the Government informed the registry that the payment had been made into the applicant's bank account. This was confirmed by the applicant by letter of 21 September 2007.

11. 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).

12. Accordingly, the remainder of the application should be struck out of the 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