



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

FOURTH SECTION

CASE OF KETTLE v. THE UNITED KINGDOM

(Application no. 63584/00)

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 Kettle v. the United Kingdom,

The European Court of Human Rights (Fourth Section), sitting as a Chamber composed of:

Mr Josep 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. 63584/00) 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 Alan Philip Kettle (“the applicant”), on 2 October 2000.

2. The applicant was 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 that the United Kingdom authorities' refusal to grant him WBA or equivalent constituted discrimination on grounds of sex contrary to Article 14 of the Convention in conjunction with Article 1 of Protocol No. 1 to the Convention.

4. By a decision of 26 August 2003 the Court declared the application partly admissible.

THE FACTS**I. THE CIRCUMSTANCES OF THE CASE**

5. The applicant was born in 1945 and lives in Worcestershire.

6. His wife died on 4 September 1996. On 9 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 20 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 benefit was 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 *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 to confirm by 16 May 2007 whether a friendly settlement had been reached in his case following the decision in *Hobbs, Richard, Walsh and Geen v. the United Kingdom* (cited above) and if not, to submit his claims under Article 41 of the Convention.

10. By letter dated 28 June 2007, sent by registered post, the applicant was 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. The applicant's 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.

11. On 19 July 2007 the applicant informed the Court that he wanted to withdraw the application since the costs and expenses he had incurred were fairly small and he was unable to provide vouchers to substantiate them.

12. The Court considers that, in these circumstances, the applicant may be regarded as no longer wishing to pursue his application, within the meaning of Article 37 § 1 (a) of the Convention. Furthermore, in accordance with Article 37 § 1 *in fine*, the Court finds no special circumstances

regarding respect for human rights as defined in the Convention and its Protocols which require the continued examination of the case.

FOR THESE REASONS, THE COURT UNANIMOUSLY

1. *Decides* to disjoin the application from the others 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