CONSEIL DE L'EUROPE

COUNCIL OF EUROPE

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

## SECOND SECTION

## DECISION

## AS TO THE ADMISSIBILITY OF

Application no. 52301/99
by John BLAND
against the United Kingdom

The European Court of Human Rights (Second Section), sitting on 19 February 2002 as a Chamber composed of

Mr J.-P. COSTA, *President*,
Mr A.B. BAKA,
Sir Nicolas BRATZA,
Mr GAUKUR JÖRUNDSSON,
Mr K. JUNGWIERT,
Mr V. BUTKEVYCH,
Mr M. UGREKHELIDZE, *judges*,
and S. DOLLÉ, *Section Registrar*,

Having regard to the above application lodged on 21 October 1999 and registered on 2 November 1999,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

# THE FACTS

The applicant, John Bland, is a United Kingdom national, who was born on 12 April 1940 and lives in Cowling, North Yorkshire.

## A. The circumstances of the case

The facts of the case, as submitted by the parties, may be summarised as follows.

The applicant applied to the Benefits Agency for a retirement pension, but was informed, by a letter dated 17 May 2000, that the Agency would not consider his claim until four months before his sixty-fifth birthday. At present, women in the United Kingdom become eligible for a State pension at the age of sixty, whereas men are not eligible until sixty five.

In their Observations, the Government submitted that the applicant received a total of GBP 236.15 per week in State benefits, including income support, disability living allowance and invalid care allowance. They claimed that the applicant would be in an identical financial position if he were a woman, the only difference being that part of the money paid to him by the State would be paid in the form of retirement pension rather than income support.

The applicant has not denied the Government's account of his income. He claims, however, that if he were in receipt of State pension he would in addition be entitled to other financial benefits, such as a bus pass and discounts in shops, restaurants and hairdressers.

# COMPLAINT

The applicant complains under Article 14 of the Convention, in conjunction with Article 1 of Protocol No. 1, about the difference in the age at which men and women become eligible for a State pension.

# THE LAW

The applicant complains, under Article 1 of Protocol No. 1 and Article 14 of the Convention taken together, of the difference in treatment, as regards the age of entitlement to State pension, between men and women. Article 1 of Protocol No. 1 provides:

> "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.
>
> The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

Article 14 provides:

> "The enjoyment of the rights and freedoms set forth in [the] Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

The Government accept that the applicant's entitlement to State retirement pension is a "property right" for the purposes of Article 1 of Protocol No. 1 read in conjunction with Article 14. However, they submit that the applicant receives the same amount in State benefits as would a woman of the same age in his position, and that the difference in pensionable age for men and women in the United Kingdom does not give rise to any difference in treatment in the applicant's case.

The applicant does not deny the Government's account of his financial situation, but points out that a woman of his age would, in addition to a retirement pension, be entitled to various other benefits, such us a bus pass and pensioners' discounts on services.

The Court recalls that, in accordance with Article 34 of the Convention, it may receive applications only from persons "claiming to be the victim of a violation by one of the High Contracting Parties of the rights set forth in the Convention or the protocols thereto". A person can claim to be a victim of a particular measure only if he or she is directly affected by it (see, amongst many other authorities, the Norris v. Ireland judgment of 26 October 1998, Series A no. 142, § 30).

In the present case, the Court notes that the applicant receives the same income by way of State benefits as he would if he were in receipt of a State pension. Although he claims, as a result of his non-eligibility for a pension, to have lost entitlement to a number of other benefits and discounts, he has not provided specific details of any such loss or disadvantage as it has applied to him. In these circumstances, the applicant cannot claim to be directly affected by the alleged discrimination between men and women or to be a victim of a violation of the Convention.

It follows that the application is incompatible *ratione personae* with the provisions of the Convention and must be declared inadmissible in accordance with Article 35 §§ 3 and 4 of the Convention.

For these reasons, the Court unanimously

*Declares* the application inadmissible.

S. DOLLÉ
Registrar

J.-P. COSTA
President