



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

FOURTH SECTION

FINAL DECISION

AS TO THE ADMISSIBILITY OF

Application no. 66181/01
by Steven Kenneth HERON
against the United Kingdom

The European Court of Human Rights (Fourth Section), sitting on 24 June 2008 as a Chamber composed of:

Lech Garlicki, *President*,

Nicolas Bratza,

Giovanni Bonello,

Ljiljana Mijović,

Ján Šikuta,

Päivi Hirvelä,

Ledi Bianku, *judges*,

and Lawrence Early *Section Registrar*,

Having regard to the above application lodged on 6 February 2001,

Having regard to the partial decision of 10 September 2002, *inter alia*, to join the application to other applications (nos. 58372/00, 61878/00, 63477/00, 63480/00, 63647/00, 63961/00, 64986/01, 64996/01, 65202/01, 65478/01, 65507/01, 65741/01, 65906/01, 67100/01, 67913/01, 68173/01, 68175/01, 68264/01, 68298/01, 68449/01, 69076/01, 69323/01, 69327/01, 69491/01, 70521/01, 70741/01, 71176/01, 71428/01, 71429/01, 71570/01, 71758/01, 72656/01, 73646/01, 73653/01, 73978/01, 74961/01, 75092/01, 75126/01, 75993/01, 75995/01, 77129/01, 77424/01, 682/02, 2573/02, 4810/02, 10747/02, 13944/02, 14404/02 and 14537/02),

Having regard to the formal declarations accepting a friendly settlement of part of the case,

Having deliberated, decides as follows:

THE FACTS

The applicant, Mr Steven Heron, is a British national who was born in 1960 and lives in Essex. He 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.

A. The circumstances of the case

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

The applicant’s wife died on 24 December 1996 leaving one child born in 1992. His claim for widows’ benefits was made in October 2000 and was rejected on 11 October 2000, on the ground that he was not entitled to widows’ benefits because he was not a woman. On 9 November 2000 the applicant appealed and on 24 January 2001 the appeal tribunal upheld the previous decision. The applicant did not appeal further as he considered or was advised that such a remedy would be bound to fail since no such social security benefits were payable to widowers under United Kingdom law.

B. Relevant domestic law

The domestic law relevant to this application is set out in *Willis v. the United Kingdom*, no. 36042/97, §§ 14-26, ECHR 2002-IV and *Runkee and White v. the United Kingdom* nos. 42949/98 and 53134/99, 25 July 2007.

COMPLAINTS

The applicant complained that British social security legislation 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

By a letter of 11 May 2005 the respondent Government informed the Court that the House of Lords had decided, in relation to the claims for Widowed Mother’s Allowance (WMA) and Widow’s Payment (WPt), that there was in principle no objective justification at the relevant time for not paying these benefits to widowers as well as widows, but that the

Government had a defence under section 6 of the Human Rights Act 1998 (the HRA). It noted that, in view of this, the multitude of cases before the Court and the fact that the HRA defence was only applicable in the domestic arena, the Government were prepared, in principle, to settle all claims made by widowers against the United Kingdom arising out of the arrangements applicable prior to April 2001 for the payment of WMA and WPt.

By a letter of 22 May 2006 the applicant notified the Court that he had been offered GBP 28,617.86 in respect of his claims for WPt and/or WMA including costs and that he had accepted payment. He however wished the Government to consider the payment of further compensation. By a letter of 8 June 2006 the Registry of the Court informed the applicant that, according to the Court's case-law, no additional awards were made unless it could be proved that the applicant had suffered severe anxiety or distress directly as a result of the discrimination in question and not just as a result of the bereavement. Moreover, he was warned that an unreasonable failure to accept an offer of settlement could result in his case being struck out of the list should the Government decide to file a unilateral declaration. By a letter of 20 June 2006 the applicant reiterated his acceptance of the offer and his wish for further compensation. By a letter of 18 March 2008 the applicant was informed that the Court would consider striking out his application in view of the settlement reached. The applicant did not reply.

The Court takes note of the friendly settlement reached between the parties in respect of WPt and/or WMA. It is satisfied that the settlement is based on respect for human rights as defined in the Convention and its Protocols (Article 37 § 1 *in fine* of the Convention and Rule 62 § 3 of the Rules of Court).

Accordingly, this part of the application should be struck out of the list.

Regarding the claim for Widow's Pension ("WP") the Court held in its lead judgment regarding WP that at its origin, and until its abolition in respect of women whose spouses died after 9 April 2001, WP was intended to correct "factual inequalities" between older widows, as a group, and the rest of the population and that this difference in treatment was reasonably and objectively justified. Moreover, the Court considered that the United Kingdom could not be criticised for not having abolished WP earlier and that it was not unreasonable of the legislature to decide to introduce the reform slowly (see *Runkee and White*, cited above, §§ 40-41). The Court, consequently, considering it was not necessary to examine separately the complaint in respect of Article 8, did not find 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 WP or equivalent (*ibid* § 42).

Consequently, this part of the application is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention.

In conclusion, therefore, the Court strikes out of its list the applicant's complaints as regards Widow's Payment and/or Widowed Mother's Allowance and declares inadmissible the applicant's complaint as regards Widow's Pension.

For these reasons, the Court unanimously

Decides to strike out of its list of cases the applicant's complaints about non-entitlement to a Widow's Payment and/or Widowed Mother's Allowance;

Declares inadmissible the remainder of the application.

Lawrence Early
Registrar

Lech Garlicki
President