

AMSTERDAM COURT OF APPEAL



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NIEUWSBRIEF VAN HET GERECHTSHOF AMSTERDAM

Jaargang 3, no. 10 (oktober 2014)



IN EÉN KLIK VERBONDEN MET EUROPA

Deze nieuwsbrief bevat een overzicht van actuele rechtspraak van het Hof van Justitie van de EU (arresten en conclusies) en van het Europees Hof voor de rechten van de mens over de maand september 2014.

Deze nieuwsbrief wordt mogelijk gemaakt door het gerechtshof Amsterdam in samenwerking met het Landelijk Stafbureau (LSB) en wordt gepubliceerd op het weblog [European Courts](#) en op de [website](#) van het gerechtshof Amsterdam.

Kerredactie: Marc de Werd, Roel Andrea en Joanne Bik (LSB).

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Thursday, 22 May 2014

This week in Strasbourg - A roundup of the European Court of Human Rights' case law - 2014 week 21



HEALTH CARE ALLOWANCE - In the case of *McDonald v. the United Kingdom* the case concerned a lady with severely limited mobility who complained about a reduction by a local authority of the amount allocated for her weekly care. The reduction was based on the local authority's decision that her night-time toileting needs could be met by the provision of incontinence pads and absorbant sheets instead of a night-time carer to assist her in using a commode. Relying on Article 8, Ms McDonald alleged that the decision to reduce her care allowance on the basis that she could use use incontinence pads at night, even though she was not incontinent, amounted to an unjustifiable and disproportionate interference with her right to respect for private life, and exposed her to considerable indignity.

The Court held, unanimously, that the decision to reduce the amount allocated for Ms McDonald's care interfered with her right to respect for her family and private life, in respect of the period between 21 November 2008 and 4 November 2009 because the interference with her rights had not been in accordance with domestic law during this period. It held the complaint concerning the period after 4 November 2009 inadmissible as manifestly ill-founded because the State had considerable discretion when it came to decisions concerning the allocation of care resources and, as such, the interference with Ms McDonald's rights had

ABOUT OUR LAW BLOG

European Courts is an EU and ECHR law blog. The main readers of this blog are judges, academics and lawyers. This blog is a platform of exchange of knowledge, experience and ideas in the field of EU law and the ECHR case law. The objective of the blog is future co-operation and a better understanding among European judges and lawyers.

ABOUT OUR NEWSLETTERS

European Courts publishes a monthly newsletter (in Dutch) and weekly updates of last week's case law from the European Court of human rights in Strasbourg and the Court of Justice of the European Union. Our newsletter is named *Rechtspraak Europa* and is made in co-operation with the Amsterdam Court of Appeal in the Netherlands.

ABOUT US

European Courts law blog was founded in 2013 by Marc de Werd, Justice in the Amsterdam Court of Appeal in the Netherlands and editor-in-chief of this weblog. The Dutch edition of our newsletter (*Rechtspraak Europa*) is made with the help of Roel Andrea, Joanne Bik (LSB), Robin Cozijnsen, Michiel Olthof, Menco Rasterhoff, Nienke de Visser and Mirjam Winkels.

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