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PREM 19/776

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MT

Part 2.

SECRET.

Confidential filing

The reactivation of the Civil Contingencies Unit in the Cabinet Office.
Review of Contingency Planning
Use of Central Press Unit, Territorial and Volunteer Reserves during Industrial Disputes

GOVERNMENT MACHINERY

PART 1 : MAY 1979
PART 2 : MARCH 1981

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
~~4.3.81~~		~~25.1.82~~					
~~16-3-81~~		~~27-1-82~~					
~~26.3.81~~		~~18-2-82~~					
~~31.3.81~~		~~23.2.82~~					
~~3-4-81~~		~~30.4.82~~					
		~~5.5.82~~					
~~8-4-81~~							
~~16.4.81~~		14.5.82					
		~~19.5.82~~					
~~22-4-81~~		~~20.6.82~~					
~~24.6.81~~		~~25.6.82~~					
~~30-7-81~~		~~2.7.82~~					
~~6.8.81~~		~~7.7.82~~					
14.8.81		~~22.7.82~~					
		~~27.7.82~~					
		~~3-8-82~~					
		~~25.8.82~~					
		~~17.9.82~~					
		~~24.9.82~~					
~~26-11-81~~		29.9.82					
~~11-12-81~~		ENDS					
~~6-1-82~~							
~~15-1-82~~							

PREM 19/776

PART 2 ends:-

CCU (82) 14th Meeting dy 29. [illegible] .82.

PART 3 begins:-

CCU(82) 44 dy 8.10.82

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CCU(81) 19	4.3.81
CCU(81) 20	2.3.81
CCU(81) 21 & 22	4.3.81
CCU(81) 23	20.3.81
CCU(81) 24	27.3.81
CCU(81) 25	31.3.81
CCU(81) 26	2.4.81
CCU(81) 8th Meeting, Minute's	6.4.81
CCU(81) 27, 28 & 29	8.4.81
CCU(81) 30	16.4.81
CCU(81) 42	30.7.81
CCU(81) 46	14.8.81
CCU(81) 53	26.11.81
E(81) 129	11.12.81
CCU(82) 2	6.1.82
CCU(82) 5	14.1.82
CCU(82) 6 & 7	25.1.82
CCU(82) 8	27.1.82
CCU(82) 10	18.2.82
CCU(82) 15	11.3.82
CCU(82) 19	23.4.82
CCU(82) 22	30.4.82
CCU(82) 23	7.5.82
CCU(82) 24	14.5.82
CCU(82) 32	2.7.82

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed CMWayland Date 30 August 2012

PREM Records Team

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CCU(82) 28a	25.5.82
CCU(82) 34	4.7.82
CCU(82) 35	22.7.82
CCU(82) 13th Meeting, Minutes	27.7.82
CCU(82) 38	3.8.82
CCU(82) 40	25.8.82
CCU(82) 42	15.9.82
CCU(82) 41	17.9.82
CCU(82) 43	17.9.82
CCU(82) 14th Meeting, Minutes	29.9.82

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate **CAB** (CABINET OFFICE) CLASSES

Signed C Wayland Date 30 August 2012

PREM Records Team

SECRET AND PERSONAL

Copied to
Nat Ind A6
Gas & Elec Priority Ming

Gen Hadn

SW 6

FILE

bcc: John Vereker

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG
Cabinet Office

R

Withstanding Strikes

The Prime Minister has seen your minute of 4 May, to which was attached a report on the priorities for further work into withstanding strikes in key sectors of the economy.

The Prime Minister agrees that the further studies referred to in Paragraph 2 of your minute should be carried out, in the order of priority they are listed; and that Ministers should review the need and scope for further studies of this sort once that programme is completed.

I am sending a copy of this minute to John Halliday (Home Office), John Kerr (Treasury), David Omand (Ministry of Defence), David Edmonds (Department of the Environment), Muir Russell (Scottish Office), Jonathan Spencer (Department of Industry), Anthony Mayer (Department of Transport), Julian West (Department of Energy), Barnaby Shaw (Department of Employment) and John Sparrow (Central Policy Review Staff).

MCS

5 May, 1982

SECRET AND PERSONAL

SECRET AND PERSONAL

5

Copied to
Nat Ind Pol
Gas & Elec Prices Policy

cc JV

(1)

Prime Minister

Content for these (at X) studies to be commissioned?

MCS 4/5

Ref. A08301

PRIME MINISTER

Yes

Withstanding Strikes

At your meeting on 17th December 1981 to discuss withstanding a miners' strike Ministers instructed the Cabinet Office, in consultation with the Departments concerned, to prepare a report in due course on the priorities for further work into withstanding strikes in other key sectors of the economy.

2. This report is now attached. It recommends that studies of this nature should be carried out into the electricity and gas industries, oil distribution, the ports and industrial gas production, in that order of priority; and that Ministers should review the need and scope for further studies of this sort once that work programme has been completed.

3. Last autumn officials in MISC 61 prepared a report on withstanding a strike in the water industry. This was submitted to you under cover of the Home Secretary's minute of 22nd October 1981. The attached report does not recommend that further work by MISC 61 is necessary, but suggests that the Secretary of State for the Environment might arrange for the longer-term implications of MISC 61's report to be followed up.

4. If you and your colleagues to whom I am sending copies of this minute and the report are content with the recommendations, I will put in hand the necessary arrangements for carrying out the studies proposed.

5. I am sending a copy of this minute and of the attached report to the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Defence, the Environment, Scotland, Industry, Transport, Energy and Employment; and to Mr. Sparrow in the CPRS.

RCA

ROBERT ARMSTRONG

4th May, 1982

SECRET AND PERSONAL

WITHSTANDING STRIKES IN KEY SECTORS OF THE ECONOMY: PRIORITIES FOR FURTHER WORK

Note by Officials

INTRODUCTION

1. At the Prime Minister's meeting on 17 December 1981 officials were instructed to report on the priorities for further work on withstanding strikes in key sectors of the economy. This report has been prepared by officials from the Prime Minister's Office, the Treasury, the Departments of Energy, Transport, Industry and Employment, the Home Office, the Ministry of Defence, the Central Policy Review Staff and the Cabinet Office.

WORK ALREADY COMPLETED OR UNDERWAY

2. The following work has already been completed or is underway:-

i. MISC 57 has reported to Ministers on withstanding a miners' strike and has in hand further work on this issue. It is also monitoring the progress of the measures approved so far by Ministers.

ii. In October 1981 MISC 61 reported to Ministers on withstanding a strike in the water industry. In the event major industrial action in the water industry was avoided that year. Officials do not think that further work on this topic by MISC 61 is necessary at this stage, but the report indicated a number of areas where the water authorities could take steps to make it easier for major industrial action to be withstood, if necessary with military assistance. The Secretary of State for the Environment might be invited to arrange for these to be followed up well in advance of this year's water industry pay negotiations.

iii. MISC 65 has reported to Ministers on the lessons from the 1981 Civil Service dispute. Ministers agreed that the Treasury should take the lead in following up the report's recommendations. Detailed planning

to counteract industrial action in the Civil Service is also undertaken by a standing group of officials - the Steering Group on Industrial Action - under Treasury chairmanship.

iv. MISC 69 is currently preparing a report for Ministers on withstanding a telecommunications strike and this will be submitted shortly.

v. Much of the work of MISC 57 is relevant to the question of withstanding a rail strike. Separate work has also been put in hand on other aspects. MISC 72 has reported once to Ministers on the decisions which may arise following the forthcoming report from the Railways Staffs National Tribunal on the issue of flexible rostering, and will report further when the RSNT award has been received. And the Civil Contingencies Unit arranged for a report to be prepared on the likely impact on industry of an all-out rail strike, which was circulated by the Home Secretary with his minute of 30 March to the Prime Minister; and

vi. The Treasury has work in hand on serious industrial action in the banking industry, in consultation with the Bank of England and other Departments.

CRITERIA FOR FURTHER WORK

3. Officials recommend that the immediate objective should be the completion of a relatively small number of studies into key industries where an all-out strike or industrial action short of this could be expected to have an immediate and serious impact on the economy and life generally; and where there seems some prospect of industrial action in the foreseeable future. To put in hand immediately an extensive programme of studies would both significantly increase the chances of a leak, which, so far, has not occurred, and strain Departmental resources, since studies of this nature are inevitably time-consuming if radical approaches to withstanding strikes are to be fully explored. But Ministers will no doubt wish to review the need and scope for further studies of this nature once the immediate programme of work which we recommend below has been completed.

4. The Civil Contingencies Unit has already undertaken considerable work on coping with the effects of industrial action in the public services, particularly the National Health Service and the Fire Service (where there has been serious industrial action in the recent past) and public transport in London (in the context of the British Rail dispute earlier this year). We do not think that it would be profitable to repeat these studies. Nor do we think it would be worth studying other major industries where recent experience has shown that industrial action can be endured and this is now evident to the employees concerned, for example the British Steel Corporation.

5. The studies undertaken so far have all been concerned with the public sector. But there is no reason in principle why studies of this nature into key private sector operations should be ruled out, and two such studies are recommended below. However, we have been unable to identify any key private sector industries where employers are likely on their own account to prefer sustaining serious industrial action to making pay settlements at the level necessary to avert it.

RECOMMENDATIONS FOR FURTHER STUDIES

6. We recommend that the initial work programme should consist of five studies in the following order of priority.

7. The first priority should be a study of withstanding a strike in the electricity industry. An all-out strike in this industry, or industrial action approximating to an all-out strike, would quickly have a devastating impact on the economy and on life generally. There seems a good chance that a settlement will be reached in this year's pay negotiations without industrial action. But the negotiations in this industry over the last few years have been protracted and difficult and industrial action in the future cannot be ruled out.

8. Second, the gas industry. Much the same considerations apply as in the case of the electricity industry, but major industrial action in the gas industry would also give rise to safety risks on domestic and industrial premises. Moreover, there are a number of issues other than pay (for example the sale of gas showrooms) over which serious industrial action could arise in the foreseeable future; and the chances of unofficial industrial action in the gas industry seem to us to be greater than in the electricity industry.

9. Third, the oil distribution industry including industrial action directed against the delivery by pipeline of oil from the North Sea. In the past pay settlements in this industry have generally been sufficiently high to prevent serious industrial action. But the negotiations are often extremely protracted and difficult and unofficial industrial action has occurred on a number of occasions. Last autumn when there seemed a real possibility of widespread industrial action in this industry the Civil Contingencies Unit examined what might be done by way of military assistance and in other ways to mitigate the effects of industrial action. Although the continued delivery of a proportion of oil supplies sufficient for absolutely vital operations could probably be assured, the impact of widespread industrial action seemed likely to be very serious. A detailed study of withstanding a strike in this industry could well suggest means by which the consequences could be significantly mitigated.

10. Fourth, the ports. There are a number of issues which could give rise to serious industrial action in the ports although we do not think this is likely in the immediate future. These relate principally to the need to achieve a continuing high rate of severances in the industry and to the fact that the National Dock Labour Scheme requires this to be achieved by negotiation, through the payment of enhanced severance terms. Any move towards compulsory redundancies, for example, would precipitate a national dock strike. Since virtually all trade passes through the ports the impact of a strike could be serious. Plans already exist for the use of Servicemen in the event of a national dock strike, but we think that a more detailed investigation of the possibilities than has hitherto been undertaken would be profitable.

11. Fifth, industrial gases. Two companies (British Oxygen and Air Products) have a monopoly of the production and distribution of industrial gases in the UK. Industrial gases are vital to a large range of industrial processes, for power stations and for the National Health Service. Generally speaking companies do not hold large stocks of gases and the impact of a strike would therefore be felt quickly and would be serious. A study of the steps that might be taken to withstand industrial action in this industry, which may prove to be limited, would therefore seem to be worthwhile, although the scope of such a study may be circumscribed by the need for consultations with the industry on some aspects.

12. We also considered but do not recommend studies of the road haulage and oil refining industries. Road haulage is highly disaggregated and far from completely unionised. Moreover, roughly half the UK's road haulage is on "own account" and in this sector pay arrangements differ from firm to firm. The experience in the 1979 road haulage dispute was that a large proportion of traffic, including virtually all the most important loads, continued to be delivered without the need for special measures. As for oil refining, there is at present no indication that serious industrial action is a possibility in the foreseeable future.

CONCLUSIONS

13. Our recommendations may be summarised as follows:-

(i) the immediate programme of work should be short and should concentrate on key industries (in both the private and public sectors) where an all-out strike could be expected to have an immediate and serious impact on the economy and life generally and where there seems some prospect of industrial action in the foreseeable future;

(ii) on that basis studies should be carried out on the following industries:

electricity
gas
oil distribution
ports
industrial gases

in that order of priority;

(iii) Ministers should review the need and scope for further studies of this sort once the above work programme has been completed; and

(iv) the Secretary of State for the Environment should arrange for the longer-term implciations of the study of the water industry carried out by MISC 61 to be followed up.

Cabinet Office
23 April 1982

SECRET file

MFS 4
cc Mr Venables
Mr Duguid

Gov Mach

10 DOWNING STREET

From the Private Secretary

15 January 1982

Withstanding Strikes

The Prime Minister was grateful for the Chancellor's minute of 11 January, which proposed early work being done on the implications of withstanding a telecommunications strike. The Prime Minister also saw minutes from the Secretary of State for Industry (12 January) and from Robin Ibbs (13 January).

The Prime Minister agrees that the first look should be at telecommunications rather than rail. She will be ready to consider other possible candidates at a later stage.

I am sending copies of this letter to John Halliday (Home Office), David Omand (Ministry of Defence), Jonathan Spencer (Department of Industry), Anthony Mayer (Department of Transport), Barnaby Shaw (Department of Employment), Gerry Spence (CPRS) and to David Wright (Cabinet Office).

M. C. SCHOLAR

John Kerr Esq
HM Treasury

SECRET

BK

cc J.V.

SECRET

Qa 05774

To: PRIME MINISTER

From: J R IBBS

13 January 1982

Withstanding Strikes

1. I have seen the minutes from the Chancellor of the Exchequer and the Secretary of State for Industry on a possible study of the implications of withstanding a telecommunications strike. I support the view that such a study deserves priority.

2. I am sending a copy of this minute to the recipients of the Chancellor's minute.

JRI

SECRET

JH 149

SECRET

TOTAL COPIES 10

COPY No. 1

2

AD
JV

PRIME MINISTER

I have seen the Chancellor of the Exchequer's minute of 11 January suggesting that we should have a look at the possibility of withstanding a strike in telecommunications.

2 I would not object to this although we have already done a certain amount of work on this together with British Telecom. The position is that the telecommunication system is largely automatic and will continue to operate and only gradually break down in the absence of maintenance. Ultimately, after about three months, the deterioration would be so significant that it would be damaging to the network. However, the network is so advanced technologically that it is unlikely that troops or other outside labour which could be brought to bear could cope with the technical difficulty of maintaining the network without substantial training in advance.

3 Nevertheless, as I said at the beginning, if colleagues feel that it would be appropriate to start with telecommunications now I would raise no objection. I am copying this to the recipients of the Chancellor's minute of 11 January 1982.

PJ

P J

12 January 1982

Department of Industry

SECRET

12 JAN 1982

copy filed on Post & Telecoms Jan 1982 The Study by MISC 69 of Withstanding a Telecoms Strike

ec SU
AD

(1)

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

Prime Minister

Agree to a MISC 57 study of telecoms?

(I understand that the other colleagues are content)

MCS 14/1

PRIME MINISTER

WITHSTANDING STRIKES

Yes. MT

I have seen your Private Secretary's letter of 22 December to Sir Robert Armstrong, which follows discussion at your meeting on 17 December of the suggestion I made that we might commission further studies of capacity to withstand strikes in key areas.

2. I am sure that we were right to approach this on the basis of getting on quickly with another study, rather than losing time in abstract consideration of the case for such studies. But in reflecting on our discussion, I am less sure whether rail is the best subject if we are confining ourselves to a single study of some importance and urgency, before considering whether a further range of studies should be put in hand.

3. A rail study would overlap with the MISC 57 study to an important extent (because that study already covers the question of the delivery of coal for power stations) and would therefore be less likely to reach novel conclusions. Moreover the possibility of industrial action on the railways over the next month or so could focus public attention on capacity to withstand such action; and this could conceivably be prejudicial to the study.

4. I am, in any case, increasingly convinced that there is a higher priority. I would like to see early work done on the

implications of withstanding a telecommunications strike. British Telecom has lived for too long off its ability to push up prices. Last year for example its salary and wage costs rose 31 per cent, double the rate of inflation and far in excess of the growth of the business. I believe the Chairman is prepared to take tough action to reduce current costs by 25 per cent over the next three years but he will need our support. We need to know where we might best give this and what is likely to be involved. The key settlement date is 1 July, and it would therefore be desirable to complete such a study by Easter so that we knew where we stood during the run-up to this year's pay negotiations. If we are limited to a single study therefore, I would like to propose that we look first at telecommunications rather than rail.

5. In due course, as your Private Secretary's letter indicates, we will need to consider other possible candidates. I would hope to put forward some considered suggestions at that stage. But a quick review of the various possibilities does not suggest to me that there is any candidate of more immediate priority than the Telecoms proposal.

6. I am copying this minute to the Home Secretary, to the Secretaries of State for Defence, Industry, Transport and Employment, and to Sir Robert Armstrong and Mr Ibbs.

(G.H.)

11 January 1982

CONFIDENTIAL

ds

be Ingham ✓
Veneker ✓

10 DOWNING STREET

From the Private Secretary

11 January 1982

Civil Contingencies: Publicity Arrangements

The Lord President circulated on 11 December proposals for a simplified system for handling publicity during a major industrial dispute or other civil emergency.

Since, as I understand it, no objections have been raised by members of E Committee, and since the Prime Minister herself is content, I am writing to confirm that these proposals are now approved by Ministers.

I am copying this letter to the Private Secretaries to the other members of E Committee, Muir Russell (Scottish Office), John Craig (Welsh Office), David Clark (DHSS) and Murdo Maclean (Chief Whip's Office); and to David Wright (Cabinet Office).

M. C. SCHOLAR

David Heyhoe, Esq.,
Lord President's Office.

CONFIDENTIAL

VLB

RESTRICTED

1. MR WRIGHT

2. MR SCHOLAR

cc Mr Wade Gery
Brig. Budd
Mr Moyes

E(81)129

Sir R. Armstrong.

(1)

Prime Minister

Bernard's paper proposes a simplified procedure for handling publicity in an industrial dispute/emergency, placing responsibility primarily with the lead Department in each case. Agree (write as at x ?

Yes MT

MCS 8/1

In this memorandum the Lord President of the Council recommended adoption of a simplified system, as proposed by Mr Ingham, for handling publicity during a major industrial dispute or other civil emergency.

2. The Lord President said that unless contrary views were put forward by any member of E Committee before Christmas he would assume that these proposals were agreed. No objections have been made, but to put the matter beyond all doubt - and assuming the Prime Minister herself is content - I suggest that Mr Scholar should write to the Lord President's Private Secretary to confirm that the proposals are now approved. Copies of the letter should go to the Private Secretaries of members of E Committee and of the Secretaries of State for Scotland, Wales, Social Services and of the Chief Whip.

x

D J L MOORE
7 January 1982

I agree.

RCA
7 i

RESTRICTED

Gork Mach

J.S.

10 DOWNING STREET

From the Private Secretary

SIR ROBERT ARMSTRONG

B/F

Withstanding Strikes

At the Prime Minister's meeting on 17 December, Ministers agreed that a further study along the lines of that undertaken by MISC 57 should be put in hand on how to withstand a rail strike. I should be grateful if you would make the necessary arrangements. There has been speculation in the press about the possibility of a rail strike early in January; but I think that should be a matter for normal CCU work, rather than for the special study now contemplated, which could clearly not be completed before then.

There was also some discussion of the need for similar studies in other key areas. Ministers agreed to consider this further once the study into a rail strike had been completed. I should therefore be grateful if the Cabinet Office, in consultation as necessary with the Treasury, the Home Office, the CPRS and other departments concerned, could arrange for a report on this to be prepared for the Prime Minister in due course.

I am sending a copy of this minute to the Private Secretaries to the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Defence, Industry, Transport and Employment and to Mr. Ibbs.

M. C. SCHOLAR

22 December 1981

SECRET AND PERSONAL

GR.

pl type
MCS

Mr. Scholar.
As promised.
P Lavelle
21/12.

SECRET
AND PERSONAL

DRAFT MINUTE FOR MR SCHOLAR (NO 10) TO SEND TO SIR ROBERT ARMSTRONG

Withstanding Strikes

At the Prime Minister's meeting on 17 December ~~to discuss withstanding a coal strike~~, Ministers agreed that a further study along the lines of that undertaken by MISC 57 should be put in hand on how to withstand a rail strike. I should be grateful if you would make the necessary arrangements. There has been speculation in the press about the possibility of a rail strike early in January; but I ~~do not~~ think that ~~Ministers had it in mind~~ shd be a matter for normal CCU work, rather than for the special ~~that this~~ study was contemplated, which cd clearly not ~~could or should~~ be completed before then. ~~However, I think the Prime Minister would welcome a report in good time before the 1982 railway pay negotiations get underway~~.

There was also some discussion of the need for similar studies in other key areas. Ministers agreed to consider this further once the study into a rail strike had been completed. I should therefore be grateful if ~~you could arrange for~~ the Cabinet Office, in consultationas necessary with the Treasury, the Home Office, the CPRS and other Departments concerned, ~~to~~ cd arrange for a report on this to be prepared for the Prime Minister in due course.

I am sending a copy of this minute to the private secretaries to the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Defence, Industry, Transport and Employment and to ~~Robin~~ Th. Ibbs.

SECRET
AND PERSONAL

WITH

THE COMPLIMENTS OF THE

PRIVATE SECRETARY

HOME OFFICE
50 QUEEN ANNE'S GATE
LONDON SW1H 9AT

010

Gov. Mach

From: THE PRIVATE SECRETARY

HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

6 August 1981

Dear Graham

CCU CHAIRMANSHIP - SUMMER RECESS

not on file

Thank you for your letter of 4 August about arrangements for chairing CCU, should the need arise, during the Recess. As you will know, the Home Secretary will be out of London from today until 1 September. If there does have to be a meeting of the CCU during this time, the Home Secretary would be grateful if the Secretary of State for Employment could take the chair; he could, of course, always come down to London if necessary.

Copies of this letter to go John Vereker (No. 10) and to Richard Dykes (D/Emp).

Yours sincerely

Andrew Jackson

(A P JACKSON)

Colonel G B Fawcus

* the Home Secretary

26 AH

Ear Mack

10 DOWNING STREET

From the Principal Private Secretary

29 June 1981

Dear John,

I have shown the Prime Minister your letter of 26 June about the outcome of the meeting of the Civil Contingencies Unit held that day.

The Prime Minister was grateful for the Home Secretary's report.

I am sending a copy of this letter to David Wright (Cabinet Office).

Yours ever,

Clive Whitmore

John Halliday Esq.,
Home Office.

AH

From: THE PRIVATE SECRETARY

2. Prime Minister

Copy to Mr Duguid

AMS 26/6

HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

MS.

26 June 1981

Dear Clive,

The Home Secretary has asked me to report to you on the outcome of this morning's meeting of the Civil Contingencies Unit (CCU).

NALGO have called a strike of all local government employees in Lothian and Borders on Tuesday in protest against the steps that the Government has taken to reduce local authority spending. The local Fire Brigades' Union (FBU) Brigade Committee had agreed that their members should support this action while continuing to provide fire cover. But their recommendation had a mixed reception in Lothian and it was not known at the time of the CCU meeting whether firemen there would refuse to answer emergency calls. Scottish Office Ministers have been in touch with the Scottish Secretary of the FBU to emphasise the serious implications of such a decision. Meanwhile, contingency arrangements have been made for servicemen with Green Goddesses to be deployed if necessary. But I have just learned that the Lothian Fire Brigade has decided to maintain emergency cover on Tuesday and that military assistance will not therefore be required.

The ambulancemen have called a further national 24 hour strike today. London ambulancemen are taking part. It appeared this morning that the response was patchy. It may be that military assistance will be required in London and in Mid-Glamorgan. Gwent and South Glamorgan should be able to manage. Servicemen's notice will be increased to 48 hours over the weekend. Decisions on notice next week will be taken by Health Ministers in the light of local circumstances.

The Unit will keep under review the risk of industrial action on the railways and the London Underground late in July. Much will depend on the decision of the Railway Staffs' National Tribunal (RSNT) which is now expected on or about 10 July.

I am sending copies of this letter to the Private Secretaries to the Chancellor of the Duchy of Lancaster, the Secretaries of State for Employment, Defence, Scotland, Wales, Northern Ireland, Social Services and Transport, the Financial Secretary, Treasury, and Sir Robert Armstrong.

Yours ever,

J. F. HALLIDAY

Clive Whitmore, Esq.

with compliments

CHANCELLOR OF THE DUCHY OF LANCASTER
68 Whitehall London SW1A 2AT

Telephone 01-233-7113

CONFIDENTIAL

Mr Duguid.

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Gore Mach

Chancellor of the Duchy of Lancaster

27 April 1981

MS

JE to see

MS
27/4

Dear Willie,

Thank you for you for your letter of 16 April about the drafting of possible amendments to the Emergency Powers Act. Although I still think that it would probably be more satisfactory for drafting to be postponed until there was a clearly foreseeable need for amending legislation, I do not feel very strongly about the issue, and in view of the points made by the Prime Minister and other colleagues, I am content to give drafting authority on the understanding that this work will not be allowed to impede essential work on any of our main programme bills for this Session or next.

I am copying this letter to the recipients of yours.

Yours ever

Francis

FRANCIS PYM

The Rt Hon William Whitelaw, CH, MC
Home Secretary
50 Queen Anne's Gate
LONDON

CONFIDENTIAL

CONFIDENTIAL

Cc Mr Duguid

Cont Flash

QUEEN ANNE'S GATE LONDON SW1H 9AT

16 April 1981

MS

Dear Francis

EMERGENCY POWERS LEGISLATION

You said to me in your letter of 25 February that you thought it would be preferable to defer drafting possible amendments to the Emergency Powers Act to extend the range of circumstances in which a State of Emergency could be proclaimed and also to widen its scope to encompass grave industrial or economic damage, until there was a clearly foreseeable need for such legislation, when it could be drafted to take fully into account the circumstances which required its introduction. I reported that view to colleagues in my minute of 16 March to the Prime Minister. You will have seen, however, the letter from the Prime Minister's office of 26 March which reported her view that the necessary contingency drafting should be put in hand and that if possible it could be completed by the beginning of the next Session. I should be grateful, therefore, to have your formal drafting authority for the preparation of this legislation.

I am sending copies of this letter to the Prime Minister, to the other members of E Committee, to the Secretary of State for Transport, the Attorney General, First Parliamentary Counsel, and to Sir Robert Armstrong.

Yours
Willie

The Rt. Hon. Francis Pym, M.C., MP.

CONFIDENTIAL

VM

CONFIDENTIAL

Environment

2 MARSHAM STREET
LONDON SW1P 3EB

My ref: H/PSO/12688/81

Your ref:

3 APR 81

Dear Leslie

In your minute of 16 March to the Prime Minister you invited colleagues' views on whether we should press for contingency drafting of legislation to make good possible gaps in the existing Emergency Powers.

I appreciate the reason for Nigel Lawson's suggestion because it is always as well to be ready for emergencies and do what one can to ease the pressure at the time. But our experience is that, when necessary, legislation can be prepared quickly. For that reason I, like you, am willing to accept the advice of the Chancellor of the Duchy that legislation should be prepared when the need arises.

I have noted the substance of the paper and I am content to accept it without discussion in E Committee.

I am copying this letter to those who received yours.

Yours ever

MICHAEL HESELTINE

The Rt Hon William Whitelaw MP

CONFIDENTIAL

CONFIDENTIAL

Gov Hse

DEPARTMENT OF TRANSPORT
2 MARSHAM STREET LONDON SW1P 3EB

cc Duchy

The Rt Hon William Whitelaw, CH, MC, MP
Secretary of State for the
Home Department
Home Office
50 Queen Anne's Gate
LONDON SW1

1st April 1981

Dear Willie.

Thank you for sending me a copy of your minute of ~~16~~ March to the Prime Minister. I am content with the paper about emergency powers legislation which is attached to your minute and for my part I see no need for it to be discussed in E Committee.

You also ask for views on whether we should accept the advice of the Chancellor of the Duchy that, because of competing claims from other legislation, contingency drafting of additional emergency legislation should not be undertaken at present. Emergencies which arise from industrial action can usually be foreseen over the period in which claims are made and negotiated and I feel that this should give enough notice for any emergency legislation to be provided, as indeed from time to time it is, when the need dictates.

For that reason I agree with you that we should accept the advice of the Chancellor of the Duchy.

Yours Norman

NORMAN FOWLER

CONFIDENTIAL

cc CDLO DOT
DTrans HMT
HOD FCO
DOT CO
MAFF CDO
DM D/N
NPO Dublin

10 DOWNING STREET

From the Private Secretary

26 March 1981

Dear John,

EMERGENCY POWERS LEGISLATION

The Prime Minister has now had an opportunity to consider the Home Secretary's minute of 16 March about emergency powers legislation. She has noted the Home Secretary's and the Chancellor of the Duchy of Lancaster's view that the drafting of possible legislation to remedy the deficiencies under (a) and (b) in his minute should be deferred until there is a clearly foreseeable need for it. She, however, takes the view that legislation to cover these two points should be drafted, if possible by the beginning of the next Parliamentary session.

I am sending copies of this letter to the Private Secretaries to members of E Committee, David Heyhoe (Chancellor of the Duchy of Lancaster's Office), Anthony Mayer (Department of Transport), Jim Nursaw (Attorney-General's Office) and David Wright (Cabinet Office).

Yours ever,

Tim Lankester

John Halliday, Esq,
Home Office.

JFF

cc A. Duguid

DEPARTMENT OF INDUSTRY
ASHDOWN HOUSE
123 VICTORIA STREET
LONDON SW1E 6RB
TELEPHONE DIRECT LINE 01-212 3301
SWITCHBOARD 01-212 7676

Cont reach

Secretary of State for Industry

26 March 1981

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home
Department
Home Office
Queen Anne's Gate
Petty France
LONDON
SW1

TL
27/3

Dear Willie.

EMERGENCY POWERS LEGISLATION

Thank you for copying to me your minute of 16 March to the Prime Minister reporting the conclusions of the Civil Contingencies Unit on the need and scope for changes in emergency powers legislation.

2. You asked for views on the question of contingency drafting. I have a good deal of sympathy with Nigel Lawson's wish to see some contingency drafting go ahead. However, I am also conscious of the burden many of us are putting on Parliamentary Counsel and in the light of the points made by Francis Pym I would not wish to press for drafting to be put in hand at the moment.

3. A copy of this letter goes to Francis Pym and Nigel Lawson and to the other recipients of your note.

Yours,

Keith

cc Mr. Duguid

PRIME MINISTER

Emergency Powers Legislation

There is a disagreement here. The Treasury, supported by our Policy Unit (Flag A), think that legislation should be drafted on a contingency basis to deal with two gaps (identified as (a) and (b) in the Home Secretary's minute at Flag B) in our emergency powers legislation. This was also the view of CCU Ministers when they met. But the Home Secretary and the Chancellor of the Duchy now take the view that - with all the other pressures on the Parliamentary draftsmen - we should defer drafting until there is a clearly foreseeable need.

The Home Secretary's minute has been circulated to members of E Committee and of course to Francis Pym and the Attorney General (as well as to Normal Fowler). Do you wish to discuss this in E Committee? Or do you accept the Home Secretary's conclusion, subject to any dissent from E members? Alternatively, we could reply that, in your view, time must be found for the legislation to be drafted.

T.P. LANKESTER

May we have it drafted for the beginning of the next session?

MT

25 March 1981

CONFIDENTIAL

24 March 1981
Policy Unit

PRIME MINISTER

EMERGENCY POWERS LEGISLATION

> ". . . Governments have a duty, when the interests of the community are put at risk, to take whatever steps are necessary to ensure that access to essential goods and services is protected and the hardship inflicted on the community is limited as much as possible."
>
> (Paragraph 306 of the Green Paper on Trade Union Immunities)

1. Mr. Whitelaw's minute of 16 March identifies three gaps in the Government's power to declare a State of Emergency. He says that CCU Ministers initially favoured drafting legislation on a contingency basis to deal with gaps (a) and (b). But Mr. Pym thinks such action should be deferred.

2. We think CCU were right. Although there are other measures, short of a State of Emergency, available to Government, they do not have the same psychological and "legitimising" effect. Mr. Pym's argument that it would be difficult to plug gap (b) unless we knew the precise circumstances is not convincing. If it's to be done, it should be done in a way which will apply to the full range of appropriate circumstances - and not simply designed to meet the needs of one case.

3. We note that CCU has put further action in hand on gap (c). The issues involved here will be difficult. There must be a point where the addition of extra powers to Government will tend to confer extra responsibilities as well - at the price of absolving the individuals involved from their own moral responsibilities. We are therefore doubtful about extending powers to deal with localised threats. But we think contingency drafting on gaps (a) and (b) should proceed without delay.

JOHN HOSKYNS

CONFIDENTIAL

CONFIDENTIAL

BF 25/3

Sir Ar Duguid

(ie when this has commenced).

PRIME MINISTER

EMERGENCY POWERS LEGISLATION

2.3.87.

In my note to E Committee (E(81)26) on the use of volunteers in industrial action, I said that I would report separately on the need and scope for changes in Emergency Powers legislation.

The Attorney General and I considered in 1979 whether any changes were desirable in this legislation on account of possible shortcomings we had identified when in Opposition. Our conclusion that no change was needed was accepted by colleagues.

Since then officials have looked again at the coverage of the existing legislation, and their report - of which a copy is attached - has been considered at Ministerial level in the Civil Contingencies Unit (CCU). We agreed in CCU that officials had rightly identified three areas where the existing Powers are at least theoretically deficient.

(a) A State of Emergency can be declared only if there is a threat to the life of the community in terms of the availability of food, water, fuel, light and the means of locomotion; but not in respect of eg protection against fire or public health hazards.

(b) A State of Emergency cannot be declared to combat serious threats of economic or industrial damage to the community (eg if blast furnaces cool or mines flood).

(c) A State of Emergency can only be declared if the threat is to at least a substantial part of the community; ie localised threats, however serious, are excluded (eg heating oil for the Charing Cross hospital)

We concluded, however, that new legislation would have only limited advantages for dealing with actual emergencies; and that since it would be controversial it could only be introduced at an opportune moment when a suitable emergency existed. As a precautionary measure, we were inclined to favour putting in hand on a contingency basis the drafting of possible legislation to remedy (a) above, and if possible also (b) above. But we were aware of the competing claims of other legislation; and the Chancellor of the Duchy, whom I have since consulted, takes the view that we should defer drafting until there is a clearly foreseeable need. He points out that legislation in respect of (a) could be drafted fairly quickly at the time; and that legislation in respect of (b) would be difficult to undertake when the circumstances it was designed to meet were still hypothetical. I personally think that we should accept this but the Financial Secretary remains of the view that we should do what contingency drafting we can now.

/CCU further agreed

CONFIDENTIAL

CCU further agreed that the implications of legislating in respect of (c) above require further study at official level. This has been put in hand.

I invite my colleagues to take note of the overall position on the Emergency Powers Legislation as set out above, and to consider the specific issue of contingency drafting in the light of the alternative views expressed. Perhaps colleagues could, after reflection, let me and the Chancellor of the Duchy have views on that point in correspondence. Unless you feel otherwise, there does not seem to be any need for collective discussion of the substantive issues in E Committee at this stage.

I am copying this to members of E Committee, Francis Pym, Norman Fowler, Michael Havers and Sir Robert Armstrong.

WW

16 March 1981

EMERGENCY POWERS LEGISLATION

REPORT BY THE DEPUTY-CHAIRMAN OF THE CIVIL CONTINGENCIES UNIT

INTRODUCTION

1. Following the letter of 28 October from the Financial Secretary, Treasury, to the Home Secretary (the text of which is reproduced at Annex A), Ministers in the Civil Contingencies Unit instructed officials to examine the present scope of the Emergency Powers Legislation and the arguments for and against any change, and to report to Ministers as soon as possible (CCU(80) 9th Meeting, Item 1). An Official Group (MISC 50) under Cabinet Office Chairmanship and including representatives of all interested Departments was convened to undertake this review. The present report sets out their findings and has been endorsed by the Unit at official level. It is confined to methods of dealing with the consequences of an emergency. The Government have separately invited public comment on the possibility of changes in the law to restrict industrial action that could threaten the community (Green Paper on Trade Union Immunities, January 1981. Cmnd 8128). That aspect is not considered here.

THE PRESENT LEGISLATION

2. The legislation governing the proclamation of a state of emergency is the Emergency Powers Act 1920, as amended by Section 1 of the Emergency Powers Act 1964. A copy of this is at Annex B. Section 1(1) of the Act stipulates two conditions, both of which must be fulfilled before a state of emergency can be proclaimed. These are that events must have occurred or be about to occur which:-

i) will interfere with the supply and distribution of food, water, fuel or light, or with the means of locomotion;

and will thereby as a natural and forseeable consequence

ii) be likely to deprive the community or a substantial part of it of the essentials of life.

"Essentials of life" are not defined. It is a matter about which Ministers must form a view at the time, and in doing so they are entitled to take into

account the current conditions and perceptions of society. However, even if they are satisfied that there is, or is likely to be, deprivation of the "essentials of life" to a not-insubstantial portion of the community, a state of emergency cannot be declared if the test in (i) above is not also met. Conversely, not every interference with the specified items will enable a state of emergency to be declared; it must depend upon the scale and effect or likely effect of the interference.

3. Once a state of emergency has been proclaimed, emergency regulations can be made by Order in Council under Section 2(1) of the Act for securing the essentials of life to the community. These regulations may confer on Ministers, on Departments or on other Agents of the Crown any powers considered necessary not only for securing and regulating the supply of food, water, fuel and light and for maintaining the means of transit and locomotion, but also for securing the supply of any other necessities and for preserving the peace and for any other purposes essential to the public safety and the life of the community. The regulations therefore cover a wider range of circumstances than those which can give rise to a state of emergency. The only specific exclusions in the Act from the scope of emergency regulations are the imposition of compulsory military service or industrial conscription, and making it an offence to participate in a strike or peacefully to persuade others to do so. The Emergency Powers Act requires the recall of Parliament within 5 days following the proclamation of a state of emergency, and the affirmation by Parliament of emergency regulations within 7 days from the time when they are laid.

4. The powers available under the Emergency Powers Act have been used only very sparingly. On only 12 separate occasions since the passing of the Act have states of emergency been proclaimed (see Annex C). On 2 of these occasions the state of emergency lasted for less than a week, and on a further 4 a state of emergency was proclaimed to deal with the consequences of strikes in the energy industries which would probably now be dealt with under the Energy Act 1976. 5 were in the early 1970s, with the most recent example in 1974. Thus very rarely since 1920 have situations been judged sufficiently grave to warrant the declaration of a state of emergency. Moreover, it is not certain that the powers conferred by the proclamation of a state of emergency have actually been used in each case, and indeed it seems likely that in some instances the emergency proclamation may well

have been intended as a psychological measure to mobilise public opinion. In the recent past consideration has been given to the proclamation of a state of emergency as a result of industrial disputes mainly to provide the powers necessary to requisition specialist vehicles, such as oil tankers or grain transporters. But in the event, different approaches have been adopted and states of emergency have not been proclaimed.

5. There are a number of steps that can be taken without the proclamation of a State of Emergency. Servicemen can be used on "urgent work of national importance" under the Defence(Armed Forces) Regulations 1939, as made permanent by Section 2 of the Emergency Powers Act 1964. There are also emergency provisi in other legislation. Sometimes these give powers of regulation and sometimes they relax existing statutory obligations for the duration of the emergency. Briefly the main provisions are as follows. The Energy Act 1976 empowers the Secretary of State, following an Order in Council, to make regulations controlling the sources and availability of energy. The Post Office Act 1969 empowers the Post Office to interrupt, suspend or restrict in the case of emergency any services provided by it; and a similar power is proposed for British Telecommunications. The Weights and Measures Etc Act 1976 empowers the appropriate Minister to exclude or modify the statutory requirements governing the composition and labelling of food or the packaging of goods where it appears to him that any food or goods governed by such requirements are or are likely to be for a limited period of time in short supply or unavailable in any area, and that the alleviation of that situation is likely to be seriously hindered by those requirements. The Secretary of State for Social Services is considered to have sufficiently wide powers under the Social Security Act 1975 to maintain the payment of social security benefits. (However, consideration is currently being given by the Department of Health and Social Security to the preparation of contingency legislation allowing the payment of a flat rate allowance instead of unemployment benefit and supplementary benefit in the event of very large numbers of people being thrown out of work due to industrial disputes, where it might prove impossible to pay these benefits by the normal means to people temporarily unemployed). The National Health Service Act 1977 and the National Health Service (Scotland) Act 1978 include the necessary powers for the relevant Secretaries of State to ensure the continued administration of the Health Services; the continued provision of medical services in the NHS requires no special

statutory powers, although should it prove desirable to requisition private ambulances or private hospital facilities, this would require that the Emergency Powers Act 1920 had been already invoked, (under present legislation this could only have been done for reasons unconnected with health care). Sponsor Ministers for the nationalised industries have powers to give direction to their industries of a general character as to the exercise and performance of their functions in relation to matters which appear to the Minister to affect the national interest, although whether such directions could be of any assistance in the context of an industrial dispute would depend on the circumstances. Finally, Section 19 of the Northern Ireland (Emergency Provisions) Act 1978 provides the Secretary of State for Northern Ireland with general powers of entry and interference with rights of property and with highways, but only in connection with and in the special circumstances of the terrorist threat in the province.

THE SCOPE FOR CHANGES IN THE LEGISLATION

6. Officials have identified three ways in which the existing emergency powers legislation might, at least in theory, be extended. First, by broadening the items specified in Section 1(1) of the Emergency Powers Act 1920, the supply of which must first be disrupted before a state of emergency can be proclaimed. Second, by extending the scope of the existing legislation, either by amending the 1920 Act or through quite separate primary legislation, to encompass not only the continued provision of the essentials of life, but also grave industrial or economic damage. Third, by taking new and separate powers to deal with limited emergencies, which might threaten the essentials of life or give rise to grave industrial or economic damage, but which fail to meet the test of affecting a substantial proportion of the community. These possibilities are discussed in the following paragraphs.

(i) Extending the list of items specified in Section 1(1) of the Emergency Powers Act 1920

7. The point has already been made that while a state of emergency can only be proclaimed in the event of interruptions to the supply of food, water, fuel or light or to the means of locomotion, emergency regulations, which can only be made following the proclamation of a state of emergency, confer on Ministers any powers necessary to secure not only supplies of these but also to preserve the peace, to secure supplies of any other necessity, and for any other purpose essential to the public safety and life of the community.

Thus, while the powers available to Ministers are almost unlimited, the circumstances in which they can be invoked may now be thought to be too restricted. Ministers could not, for example, proclaim a state of emergency to deal with a firemen's strike, although the potential scope of the emergency regulations includes powers necessary for "any purposes essential to the public safety". There are also limitations on the circumstances in which a state of emergency might be proclaimed to deal with the consequences of a transport strike. Interference with freight transport so as to prevent distribution of essential supplies could clearly deprive people of the essentials of life. But the effects of a passenger transport strike are less clear cut. Travel in itself cannot be said to be an essential of life, and in modern society people are able, without public transport, to get to the means of distribution of food and other essential supplies. But a consequence of a passenger transport strike might be that workers could not get to work to produce or arrange for the distribution of the necessities of life. In these circumstances the time might come during a passenger transport strike when a declaration of a state of emergency would be justified, but this would depend on whether the two tests of the 1920 Act as set out in paragraph 2 were satisfied. Other examples of essential service to which the power to proclaim a state of emergency might reasonably be extended in modern circumstances are the means of telecommunication, the continuation of sewerage services, and the provision of health care.

(ii) Extending the existing legislation to encompass grave industrial or economic damage

8. Possible examples of industrial situations in which Ministers might feel that emergency powers to act in the interests of the wider community were desirable, would be to prevent severe damage to steel blast furnaces through cooling, or to mines as a result of flooding, or to secure supplies of industrial gases when non-availability could rapidly bring a wide range of industries to a halt. It would be impossible to foresee in advance all eventualities and draw up a comprehensive list, but there are undoubtedly many industrial situations which might be argued as constituting an emergency.

(iii) New powers to deal with limited emergencies

9. At present a substantial portion of the community must be affected by the disruption of essential supplies before a state of emergency can be proclaimed. But some emergencies can be very serious and yet localised.

The supply of heating oil to the Charing Cross Hospital is an example from the recent past of a serious local problem which carried the risk to life. In this case the Government of the day could not requisition a suitable specialist vehicle to deliver oil to the hospital because the necessary powers under the Emergency Powers Act were not available, (though of course other arrangements short of requisitioning might have produced a suitable vehicle, and in the event the dispute was in any case settled without serious consequences). Officials have given some thought to the form of possible limited emergency legislation to give formal powers in serious but localised circumstances; these would be concerned essentially with the temporary requisitioning of property.

Briefly, such legislation might give a power enabling Ministers [or their agents] to:-

a. take possession of land or other property;

b. detain any property or cause it to be moved;

c. do any other act interfering with any public rights of property, including carrying out any work on any land of which possession has been taken under the Act;

if at any time it appears to them that it is immediately necessary to do so either for the preservation of life, or to prevent the destruction of essential national resources.

(This formulation covers <u>both</u> localised interruptions to essential supplies and to industrial processes, but the scope could of course be narrower if wished). Consideration would be needed of the steps that might be used to bring such powers into operation. It seems likely that for a serious <u>local</u> difficulty Ministers would not expect to use the full panoply of a Proclamation of Emergency involving as it does the Queen, and if necessary the recall of Parliament. But in granting wide-ranging powers for individual Ministers to intervene in individual emergencies Parliament would no doubt wish to impose safeguards to ensure that the powers would only be used in appropriate circumstances, and they would require some suitable arrangement for scrutiny. As with the general Emergency legislation it would be necessary to permit urgent action to be taken in advance of specific Parliamentary authority, and indeed any powers taken might well no longer be relevant

by the time Parliament was able to consider the matter. A workable arrangement for scrutiny after the event might be to seek confirmation within 5 days by affirmative resolution of both Houses of Parliament, when sitting, of any powers taken.

DISCUSSION OF THE CASE FOR CHANGES IN LEGISLATION

10. The following paragraphs discuss the advantages and disadvantages that might follow from adopting one or more of the possible ways of altering the Emergency Powers legislation identified above.

11. The extension of the existing legislation raises two important questions. Is it likely to be feasible in practice to use any such further powers effectively; and what would be the implications for the role of Government, and of its own agents, usually servicemen, in extending the legislation into areas in which it has not been used in the past?

12. In some cases, emergency powers would open the option to Government of requisitioning specialist vehicles or equipment. Existing contingency plans envisage that in an oil tanker drivers' dispute an Emergency would be proclaimed, and tankers would be requisitioned to allow essential supplies to be maintained. This is possible because the legislation happens to mention fuel. But Government could not in other circumstances requisition fire engines, even though they would meet a fairly restrictive definition of "essential services". And there is obviously no power to requisition vehicles to maintain deliveries of industrial supplies, presuming of course that stocks were available. But the lack of these powers is not necessarily a serious disadvantage. If there were no powers of requisition the oil tanker owners might well make them available voluntarily. The fire engines are owned by public authorities, with statutory duties. It is difficult to imagine that a power of requisition would be needed to force their release if that were required. If powers of requisition were held to be essential to obtain specialised vehicles or industrial supplies this suggests the existence of a dispute in the supplying industry. The effectiveness of Government intervention would then depend on the existence of a sufficient stockpile of the relevant materials, and on the willingness of workers in the receiving industry to continue working without "blacking" those materials

when supplied. Government action using powers of compulsion might harden attitudes in the dispute.

13. Widening the scope of the Emergency legislation would also raise the issue of the extent to which Government would wish to intervene directly in industrial disputes - other than to maintain life. The use of servicemen to maintain essential services and to avoid the risk to life has been publicly accepted for over 60 years. Provided the legislation was only extended to cover matters which would generally be acknowledged as "essential services" difficulties would be unlikely to arise. But if for example the Government sought to use servicemen to deal with a purely industrial dispute which carried no immediate threat to essential supplies, it could well be construed by at least some of the public as strike-breaking, even though the use of servicemen was confined to exceptional circumstances when particularly vital industrial establishments or supplies were involved. Clearly there is a question of degree here, and of the public perception of the Government's motives. But there is undoubtedly a risk that such action could call in question the role of the Armed Forces in society, with potentially serious implications for public belief in their political impartiality. Furthermore if this belief was weakened, it would undoubtedly damage service morale and therefore recruitment and retention.

14. Finally, Ministers will wish to consider the form and timing of any fresh legislation that they wish to contemplate. This will bear on the question of whether contingency drafting is now desirable in advance of a suitable legislative opportunity. Amendment to extend the list of items specified in S1(1) would be somewhat less controversial than the other changes considered. But even this would, in the words of Parliamentary Counsel, when consulted during an earlier review of Emergency Powers, "risk exposing an Act with peculiar and erratic drafting to further amendment during the passage of the amending Bill". The outcome of such a process is difficult to foresee. If Ministers favour going further and extending the existing powers to cover the "new" fields of grave industrial or economic damage there may well be good arguments for doing so through completely fresh primary legislation rather than by amending the Emergency Powers Act 1920. The controversy would undoubtedly be greater than for a limited amendment, but it might be better to face this directly rather than

attaching this controversy to the "essential services" concept of the existing Act. Both types of legislation could probably best be introduced, and passed urgently, under the stimulus of a particular emergency.

15. In the case of legislation to deal with limited emergencies, it would again be difficult to introduce this in the abstract without immediate examples in the public mind, which could be used to reduce controversy and argument about the Government's intentions. But by their nature local emergencies might well have arisen more quickly and been over - possibly with very damaging consequences - before Parliament could be persuaded to enact primary legislation. The best course might therefore be to introduce legislation immediately in the wake of an actual local emergency, making it clear that the powers were being acquired to deal with a recurrence of similar circumstances in the future.

CONCLUSION

16. This report has identified three possible types of amendment to Emergency Powers legislation:-

(i) Amendments to Section 1(1) of the Emergency Powers Act to cover additional specific types of disruption of service, namely fire protection; the means of telecommunications; the provision of sewerage services; the provision of health care.

(ii) Extension of legislation (either by amendment of the Emergency Powers Act 1920 or otherwise) to encompass grave industrial or economic damage.

(iii) Legislation to provide limited emergency powers to cope with serious but localised emergencies.

17. In respect of 16(i) and 16(ii) Ministers are invited to consider:-

(a) whether legislation is desirable <u>now</u>;

(b) if not, whether they can envisage circumstances which could lead them to introduce such legislation in future;

(c) if the answer to (b) is "yes", whether they wish to commit resources to contingency drafting now.

18. In respect of 16(iii), if Ministers feel that this is a concept worth pursuing further, officials recommend that more study would be needed of the possible content of legislation before a decision could be taken on the desirability of specific contingency drafting now.

ANNEX A

Copy of a letter from Mr Nigel Lawson MP, Financial Secretary, Treasury to the Rt Hon William Whitelaw MP, Home Secretary, dated 28 October 1980.

* * * *

CIVIL CONTINGENCIES UNIT, 30 OCTOBER

I am sorry that I shall be unable to attend Thursday's meeting of the Civil Contingencies Unit. I therefore thought it might be helpful if I summarised my views on the narrow but important point of emergency powers.

I think there is fairly general recognition that the present emergency powers legislation imposes constraints which could severely handicap us in certain circumstances. I have two particular points in mind - there are no doubt others.- First, the definition of circumstances in which a state of emergency can be declared is both outdated and restricted to dangers to the 'essentials of life'. It does not allow for technological changes (eg the growth of telecommunications), nor for action where the dangers are purely economic - even though in modern circumstances these may be just as damaging as some of the dangers listed in the 1920 Act. Second, once a state of emergency has been declared, our ability to respond to it is limited because the powers that can be taken under regulations have to be 'essential'. For example, if we were faced with a strike of oil tanker drivers and concluded that we wanted (and had sufficient service manpower) to maintain supplies in full, this would be going beyond 'essential' and we could not use emergency powers to requisition the necessary vehicles. This is deliberately an extreme example, and there is no doubt elasticity in the meaning of 'essential'. But in some circumstances this might be a damaging constraint.

I am clear that if changes are to be made in the emergency powers legislation, this must be done at the time they are needed, so that they can be shown to be justified by the circumstances. But I do think we need to do our homework in advance. I suggest three things. First we must identify the possible problems arising. Second, we must decide on the solutions we should wish to adopt: there are dangers in trying to take unnecessarily wide powers, but we must be careful not to box ourselves in. Finally, I should like to see the legal

drafting carried out on agreed changes on a contingency basis. If the changes are actually introduced, this will have to be done in a hurry, and there is always the risk of unforeseen difficulties appearing.

I am copying this letter to colleagues who will be attending CCU, and to Sir Robert Armstrong.

* * * *

TEXT OF EMERGENCY POWERS ACT 1920

(as amended by Section 1 of Emergency Powers Act 1964)

Issue of proclamations of emergency

1—(1) If at any time it appears to His Majesty that there have occurred, or are about to occur, events of such a nature as to be calculated, by interfering with the supply and distribution of food, water, fuel or light, or with the means of locomotion, to deprive the community, or any substantial portion of the community, of the essentials of life, His Majesty may, by proclamation (hereinafter referred to as a proclamation of emergency), declare that a state of emergency exists.

No such proclamation shall be in force for more than one month, without prejudice to the issue of another proclamation at or before the end of that period.

(2) Where a proclamation of emergency has been made, the occasion thereof shall forthwith be communicated to Parliament, and, if Parliament is then separated by such adjournment or prorogation as will not expire within five days, a proclamation shall be issued for the meeting of Parliament within five days, and Parliament shall accordingly meet and sit upon the day appointed by that proclamation, and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

Emergency regulations

2—(1) Where a proclamation of emergency has been made, and so long as the proclamation is in force, it shall be lawful for His Majesty in Council, by Order, to make regulations for securing the essentials of life to the community, and those regulations may confer or impose on a Secretary of State or other Government Department, or any other persons in His Majesty's service or acting on His Majesty's behalf, such powers and duties as His Majesty may deem necessary for the preservation of the peace, for securing and regulating the supply and distribution of food, water, fuel, light, and other necessities, for maintaining the means of transit or locomotion, and for any other purposes essential to the public safety and the life of the community, and may make such provisions incidental to the powers aforesaid as may appear to His Majesty to be required for making the exercise of those powers effective:

Provided that nothing in this Act shall be construed to authorise the making of any regulations imposing any form of compulsory military service or industrial conscription:

Provided also that no such regulation shall make it an offence for any person or persons to take part in a strike, or peacefully to persuade any other person or persons to take part in a strike.

(2) Any regulations so made shall be laid before Parliament as soon as may be after they are made, and shall not continue in force after the expiration of seven days from the time when they are so laid unless a resolution is passed by both Houses providing for the continuance thereof.

(3) The regulations may provide for the trial, by courts of summary jurisdiction, of persons guilty of offences against the regulations; so, however,

that the maximum penalty which may be inflicted for any offence against any such regulations shall be imprisonment with or without hard labour for a term of three months, or a fine of one hundred pounds, or both such imprisonment and fine, together with the forfeiture of any goods or money in respect of which the offence has been committed. Provided that no such regulations shall alter any existing procedure in criminal cases, or confer any right to punish by fine or imprisonment without trial.

(4) The regulations so made shall have effect as if enacted in this Act, but may be added to, altered, or revoked by resolution of both Houses of Parliament or by regulations made in like manner and subject to the like provisions as the original regulations; and regulations made under this section shall not be deemed to be statutory rules within the meaning of section one of the Rules Publication Act, 1893.

(5) The expiry or revocation of any regulations so made shall not be deemed to have affected the previous operation thereof, or the validity of any action taken thereunder, or any penalty or punishment incurred in respect of any contravention or failure to comply therewith, or any proceeding or remedy in respect of any such punishment or penalty.

3—(1) This Act may be cited as the Emergency Powers Act 1920.

(2) This Act shall not apply to Ireland.

TEXT OF EMERGENCY POWERS ACT 1964
(SECTIONS 2 AND 3)

2. The Defence (Armed Forces) Regulations 1939 in the form set out in Part C of Schedule 2 to the Emergency Laws (Repeal) Act 1959 (which regulations enable the temporary employment in agricultural work or in other work, being urgent work of national importance, of members of the armed forces of the Crown to be authorised) shall become permanent.

3—(1) This Act may be cited as the Emergency Powers Act 1964.

(2) Section 1 of this Act shall not extend to Northern Ireland.

Emergency Powers Act 1920

Mr. Rooker asked the Secretary of State for the Home Department how many times a state of emergency has been declared under the Emergency Powers Act 1920; and what were the dates on which emergency was proclaimed, the length of time each emergency lasted and the nature of the industrial disputes which precipitated the taking of emergency powers in each case.

Mr. Whitelaw: The information is as follows:

Date of Proclamation	*Date state of emergency ended*	*Nature of dispute*
31 March 1921	26 July 1921	Coal miners' strike
* 28 March 1924	1 April 1924	Bus and tram strike in London
30 April 1926	19 December 1926	General strike and coal miners' strike
28 June 1948	27 July 1948	Dock strike
11 July 1949	10 August 1949	Dock strike
31 May 1955	21 June 1955	Rail strike
23 May 1966	5 July 1966	Seamen's strike
16 July 1970	4 August 1970	Dock strike
* 12 December 1970	17 December 1970	Electricity workers' strike
9 February 1972	8 March 1972	Coal miners' strike
3 August 1972	2 September 1972	Dock strike
13 November 1973	11 March 1974	Coal miners' and electricity power workers' disputes

* less than 1 week

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R H

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cc FCO
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16 March, 1981

The Use of Volunteers During Industrial Action

The Prime Minister has now had an opportunity to consider the Home Secretary's minute of 2 March and the report of the Civil Contingencies Unit which he enclosed with it. The Prime Minister is content with the conclusions of the report.

I am sending copies of this letter to the Private Secretaries to members of E Committee and David Wright (Cabinet Office).

T. P. LANKESTER

J Halliday, Esq
Home Office

CONFIDENTIAL

3/11

010

Treasury Chambers, Parliament

Street, SW1P 3AG

Mr Lankester

With the Compliments of the

Private Secretary to the

Financial Secretary

The Duty Clerk in 'Confidential' asked if the FST had comments on the Home Secretary's minute of 16 March to the Prime Minister. He has none as such, but you may like to see his letter to the Home Secretary on the latter's proposed draft.

Roy Westwater 24/3/81

CONFIDENTIAL

cc Duguid

Treasury Chambers, Parliament Street, SW1P 3AG

13 March 1981

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office
Queen Anne's Gate
Petty France
LONDON
SW1

Dear Willie

EMERGENCY POWERS LEGISLATION

I have seen your paper CCU(81)22 covering your proposed draft minute to the Prime Minister. I am sorry to have missed your deadline.

I am generally content with the paper, but I am afraid I cannot accept the final sentence of paragraph 4. You are well aware of my views on this subject, and I need not deploy here the arguments which were I think generally accepted at Ministerial CCU. Certainly, as the beginning of paragraph 4 of the draft points out, CCU clearly accepted that we should press ahead with contingency drafting. Accordingly, though I entirely accept that E Committee must assess the balance between the views of CCU and those expressed by the Chancellor of the Duchy, I think it would be totally wrong for CCU to resile from its original position, and to accept the Chancellor of the Duchy's views without discussion.

I hope, therefore, you will agree to have the final sentence of paragraph 4 deleted, and replaced by a sentence which indicated that E Committee would need to assess the balance between the views of CCU and the difficulties raised by the Chancellor of the Duchy.

I am sending copies of this letter to CCU colleagues and to Sir Robert Armstrong.

Yours ever Nigel

NIGEL LAWSON

1

10 DOWNING STREET

Prime Minister

Water

The possible use of retired managers is discussed, and recommended, in para 21. "Good neighbour" schemes (para 8) would also help in the case of a water strike - viz. carrying buckets.

Can I now say you are content?

Yes TL

MT. 17/7

ACTION

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Prime Minister
The Home Secretary would like to clear this report in correspondence.
Are you content with the conclusions?

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S GOVERNMENT

E(81) 26 Nothing about wales? no

COPY NO 2

2 March 1981

CABINET

MINISTERIAL COMMITTEE ON ECONOMIC STRATEGY

THE USE OF VOLUNTEERS DURING INDUSTRIAL ACTION

Note by the Secretary of State for the Home Department

1. At our meeting on 4 December 1979 (E(79) 17th Meeting, Item 4) colleagues approved my interim conclusions on the use of volunteers during industrial action (E(79) 71) and commissioned further work.

2. I now attach a report by the Civil Contingencies Unit (CCU) on the outstanding issues. This has been approved at a meeting of the Unit at Ministerial level under my chairmanship.

3. I conclude from this comprehensive review that there is scope for the employment of volunteers during industrial action in the road haulage industry, health services, local authority services and in telecommunications (paragraphs 6, 7, 8 and 14). CCU Ministers are clear that the Government should do all that is possible to demonstrate their sympathetic attitude to the use of volunteers during industrial action. There is a positive role to be played here. We are in general agreement however that the co-ordination of volunteer effort is best done in the first instance by the employers directly concerned with industrial action, rather than by the Government. A good example of Government attitude and local involvement is demonstrated in the guidance issued by Health Ministers to the National Health Service at the end of 1979 (paragraph 7). As regards the use of retired personnel with experience to assist 'supervisors' in industries affected by disputes, names and addresses are readily available from superannuation records. In the Civil Service, Ministers have now confirmed the

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limitations identified by officials on the use of such personnel (paragraphs 20 and 21). Consideration has also been given to the possible need and scope for changes in existing Emergency Powers legislation, and I am reporting separately on the conclusions reached.

4. I invite my colleagues to endorse this report and to note that CCU will draw on its conclusions when considering future contingency arrangements for ensuring in an emergency the supplies and services essential to the life of the community. In the absence of comment to the contrary by 16 March 1981 I shall assume that endorsement has been given and that no discussion in Committee is required.

W W

Home Department

2 March 1981

THE USE OF VOLUNTEERS DURING INDUSTRIAL ACTION

Report by the Civil Contingencies Unit

INTRODUCTION

1. The Home Secretary reported to the Ministerial Committee on Economic Strategy (E) in November 1979 (E(79) 71) that there were six areas where the use of volunteers seemed most promising -

i. driving road vehicles;

ii. hospital ancillary tasks;

iii. personal social service tasks;

iv. 'good neighbour' schemes to cover services affected by strikes to water supply, refuse disposal and clearance of ice or snow from residential streets or pavements;

v. safety tasks where gas supplies are threatened;

vi. grave digging.

He also mentioned that the scope for volunteers was being further studied by Departments concerned in five further areas -

vii. broadcasting;

viii. Civil Service;

ix. railways;

x. docks;

xi. telecommunications.

2. The Committee considered this report on 4 December 1979 (E(79) 17th Meeting, Item 4). They approved consultation with employers in every case except that consultation about driving road vehicles was initially to be with local authorities only; and they should not be approached until the outcome of the then current pay negotiations was known. It was agreed that the Home Secretary would consider further, in consultation with others where appropriate -

a. The case for reviving the Civil Defence Organisation.

b. The case for amending legislation to permit the use of the Territorial Army.

c. Whether any further changes in existing emergency powers legislation were needed in the volunteer context.

d. The question of the provision of premises for the use of volunteers, in the light of consultation with employers.

3. The Committee further noted that particular attention should be given to the preparation of lists of retired management personnel who might be able to assist with the maintenance of essential supplies in an emergency, particularly the water industry; and that similar action might be possible in the case of essential computer operations.

4. Articles by Peter Hennessy in the Times on 17 and 18 July 1980 had focussed public and parliamentary attention on the use of volunteers during industrial action. His further article on 19 November gave a mischievous account of the alleged course of Ministerial discussions.

5. A provisional report by officials on the outstanding issues was considered at a meeting of the Unit at Ministerial level under the Home Secretary's chairmanship on 30 October 1980 (CCU(80) 9th Meeting). This meeting concluded that the officials' report was unduly negative; that there was appreciable scope for using volunteers in some areas; and that the report should be re-cast accordingly. That has since been done, and the following paragraphs now represent the considered views of the Unit at Ministerial level.

PRESENT SITUATION

Driving Road Vehicles

6. The Secretary of State for Transport considers that in the event of a road haulage strike, opportunities for volunteers to step in and drive vehicles should be exploited to the full. The most effective way to provide such opportunities would be likely to be found in employers themselves making the necessary arrangements locally and informally. As well as being the most effective way to keep things moving, it would avoid problems of responsibility for the safety of vehicles and their loads since these would remain with transport operators who are best able to judge the risks involved. But if the circumstances were such that this approach was not appropriate or possible, the Secretary of State would decide, in the light of events at the time, whether his Department should initiate and manage directly a volunteers' scheme. To this end broad outline plans for using volunteers with or without requisitioned vehicles have been prepared. Because the circumstances of every dispute are so different the Secretary of State feels that more detailed contingency planning would be inappropriate and wasteful; and he does not feel that it would be appropriate to discuss such plans in advance with employers.

7. Hospital ancillary tasks eg catering, porters, cleaners, drivers, stokers and ward orderlies. Employers are Health Authorities. At the end of 1979 Health Ministers advised them by circular that they should feel free, if they saw fit, to make such use of volunteers as they felt necessary during a dispute, and that they should consider how best to tap the help the general public are usually and spontaneously prepared to offer in response to the needs of sick people. The Department of Health and Social Security (DHSS) have no information about the extent of Health Authorities' plans in this field and the Minister of Health has decided that it would be preferable not to seek it, since it would be difficult to ensure confidentiality in making such inquiries, and in view of the sensitivity of the subject any leaks could prove counter-productive. The position in Scotland is broadly similar. See also paragraph 4 of the attached Annex for reaction by trade unions and voluntary agencies to the DHSS circular.

Local Authority services

8. This group embraces personal social service tasks (eg residential homes, day centres, home helps, meals on wheels): 'good neighbour' schemes (water supply, refuse disposal, snow clearance); grave digging; and the driving of local authorities' own vehicles. The consultations referred to in paragraph 2 above were delayed for longer than was expected because of successive negotiations with water authority workers (who have a link with local authority workers) and with local authority staff. When the Department of the Environment were able to consult officials at the Local Authority Conditions of Service Advisory Board in confidence in May, the latter strongly opposed early consultations with employers in advance of any industrial action, on the grounds that it would be provocative. The Board's attitude is known to have been a long-standing one.

9. Despite this reaction Ministers feel that there is considerable scope for members of the public taking voluntary action to mitigate the worst effects of a local authority strike, and that everything possible should be done to encourage such a response. The major question for consideration is whether central organisation is needed or whether the matter is better left to local initiative led by local councillors. There have been Ministerial discussions with a number of sympathetic local authority members. They acknowledge that there is a role for volunteers during industrial action affecting their services but they are opposed to central organisation and prefer the co-ordination of volunteer effort to be arranged locally.

10. Gas Safety Tasks. The employer is the British Gas Corporation (BGC). They advise that volunteers would be unnecessary because their senior staff would probably be able to cope with emergency work, assisted as necessary by Servicemen under Operation VIBRATE. They also feel that the co-operation of junior supervisory grades could be jeopardised if volunteers were introduced and that there would be difficulties regarding the direction and management of untrained personnel, and the availability of BGC vehicles and equipment during a period of industrial action. Nevertheless the use of volunteers by the BGC in extreme circumstances should not be totally ruled out.

11. Broadcasting. Because of its highly technical nature broadcasting is not a promising area for the use of volunteers from the general public. The BBC remains confident, however, that a limited emergency radio service could be maintained by management during a period of industrial action or civil emergency. It might prove possible for management to operate some very limited BBC or ITV television services, but the difficulties involved would be such as to render these short lived. Independent local radio could be expected to provide a service of some kind for a limited period (including the possibility of a national news service through IRN), but could not be relied on to fill the role of national broadcasting. Consideration has been given to increasing the power of transmission of independent stations during industrial action affecting the national network; but this would be technically impracticable and also contrary to international agreements.

12. Civil Service. The possible use of retired Civil Servants during industrial action in the Civil Service is examined in paragraph 20 below.

13. Railways and Docks. The Secretary of State for Transport has concluded that there is no scope for the use of volunteers to operate the railways or docks in event of strikes.

Telecommunications

14. The Department of Industry sees some scope for the use of volunteers in maintaining emergency services (eg in operating the 999 service) should the unions depart from their past practice of co-operating in the maintenance of these services during industrial action. It is unlikely, however, that even the emergency services could be maintained by volunteers without co-operation from supervisors and junior management, and such co-operation could be put at risk if the unions came out openly against volunteers. British Telecommunications (BT) itself has developed contingency plans against industrial action, based on a back up computer system, which does not involve the use of volunteers. Given the rapid changes in technology, few retired engineers will be fully abreast of the latest technology.

15. At the same time, greater automation prolongs the likelihood of non-failure of the network. The private sector may take the opportunity of the relaxation of the monopoly to erect alternative telecommunication systems to provide themselves with immunity. Such systems will, however, take time to be established and even these may be vulnerable at the local end where they might interconnect with the BT network.

16. Civil Defence Organisation. OD Committee agreed in July, on the Home Secretary's recommendation (OD(80) 50, paragraph 3 and OD(80) 18th Meeting, Item 2), that the Organisation should not be revived.

17. Territorial Army. In consultation with the Defence Secretary, Home Secretary and Attorney General, reported on 24 March (E(80) 24) that they had considered the case for legislating to permit the use of the Territorial Army in industrial disputes. They concluded that even if the law were amended there were considerable doubts about the practicability and effectiveness of such a course. E Committee members accepted this conclusion in correspondence.

18. Changes in emergency powers. Officials have considered the need and scope for changes in the existing emergency powers legislation, and the Home Secretary is reporting separately to E Committee on the outcome of this review. Briefly, three possibilities have been examined. First, extending the range of circumstances in which a state of emergency can be proclaimed under the Emergency Powers Act 1920. Second, extending the existing powers to encompass not only disruption to the essentials of life but also to include grave industrial or economic damage. Third, new powers covering geographically limited emergencies.

19. The use of premises. In the light of the limited scope for pre-planning volunteer effort (other than in the National Health Service, who it is assumed will organise their own 'mobilisation centres') no plans have been made to earmark accommodation for volunteers.

Use of retired management personnel

20. In the case of strikes where managerial staff remained at work there may be scope for retired managers being invited in to help them, eg in local government and the water industry. But the employers concerned are not keen

on the idea. Departments have examined the possible use of retired Civil Servants but have concluded that the scope for using such personnel is limited and indeed that their use would precipitate an escalation of industrial action. In many areas there are no retired personnel with the necessary experience or expertise and in others there are better means of mitigating the effects of industrial action. Ministers have confirmed that they have been able to identify few tasks in their individual Departments in which retired civil servants could be used.

21. Despite the employers' attitude, the Department of the Environment feel that some retired managers with appropriate technical knowledge of local conditions and procedures may be able to assist during a strike in the water industry in England and Wales and hope that some of these would be willing to do so. Because of the local nature of the task the Department feel that where such help is seen to be of advantage the best course would be to ask water authorities to try to enlist it by getting in touch with retired personnel through local knowledge supplemented if need be with up to date addresses from superannuation records. Such records would no doubt also be available to other employers (eg in the gas industry and local government).

22. Registration of Volunteers. Consideration has been given to the possibility of maintaining a Register of Volunteers with contact addresses, skills etc, in order to help overcome the reluctance of employers to face up to the task of mobilising, screening and organising volunteers after industrial action had broken out. Such a procedure would have the advantage of filtering out undesirable persons whose motives for volunteering might be politically questionable. But on balance the idea was rejected. There would be great practical difficulties in maintaining up to date information on a Register. More importantly, it was recognised that, by nature, volunteers only come forward in significant numbers when an emergency arises and any pre-arranged Register would be unlikely to cover such spontaneous response by public-spirited persons. It was agreed, however, that if volunteers individually sought information from the Government on how they could offer their services in industrial disputes, they should be advised to write to the employers concerned.

Volunteers' Conditions of Service

23. Payment of volunteers' expenses would be a matter for the employer concerned in each case. Health Authorities, for example, have been officially encouraged to pay travelling and other out-of-pocket expenses and to provide meals and refreshments without charge. But there would be no entitlement to statutory compensation for injuries sustained at work, since in the view of the Department of Health and Social Security, volunteers could not be regarded as "employed earners" for the purposes of the Social Security Acts.

EXTERNAL OPINION

24. The Press articles in July 1980 (paragraph 4 above) attracted comment from the Volunteer Centre and the Trades Union Congress. Details are at Annex.

Cabinet Office
20 February 1981

ANNEX

EXTERNAL OPINION ON VOLUNTEERS AND INDUSTRIAL ACTION

(Note by Officials)

The Volunteer Centre

1. The Director of the Volunteer Centre, which is a publicly supported agency committed to the volunteer principle and to promoting volunteer work, wrote to the Home Secretary on 18 July in the light of the Hennessey articles published in the Times on that and the previous day. He argued that the use of volunteers in industrial action "actually undermines and damages the volunteer contribution..... alienates otherwise sympathetic paid workers..... makes it extremely difficult to maintain pre-dispute levels of voluntary work..... and poses a serious threat to the maintenance and expansion of voluntary work in this country". In his reply, the Home Secretary stressed that the Government appreciated the invaluable work of the Volunteer Centre in encouraging co-operation between paid staff and volunteers in community services and community involvement of many kinds and was keen for the co-operation which now exists to develop as widely as possible. He made the following additional points -

i. In the event of industrial disruption which threatens the essentials of life, the Government has a duty to take all appropriate steps to secure the maintenance of those essentials. This can sometimes involve difficult choices and the careful weighing up of where, in a controversial situation, the net advantage to the community may lie.

ii. The Government recognises that volunteers can, in certain circumstances, make a valuable contribution to helping to alleviate the distress that may otherwise be caused to those who, through no fault of their own, suffer harm as a result of the disruption of essential services.

iii. The Government is seized of the possible problems that may, because of other factors, be caused by the use of volunteers in industrial disputes and these would be taken into consideration in deciding whether it would be appropriate for the assistance of volunteers to be encouraged in a particular situation.

2. The Volunteer Centre also prepared a paper for the CCU on the implications of, and constraints on, the use of volunteers in emergencies with particular regard to the health and social services. The general theme of the paper was that the quantity and quality of community services are enhanced by regular peacetime volunteer efforts which should be encouraged to grow. But increased activity by temporary volunteers at times of industrial unrest is counter-productive. It can intensify and prolong disputes by antagonising staff. Thus, increased voluntary activity should be a measure of last resort except when agreed by or acceptable to staff representatives. The paper stressed -

- the need for calls for volunteers to be specific and limited to the locality or service for which they are needed

- the need to understand the limitations of volunteers (in terms of hours of work, skills and endurance), to provide for induction training and to use them effectively

- the risk of damage through lack of skill to valuable equipment and machinery

- the scope for 'unpoliceable' good-neighbour activities to mitigate the effects of strikes on the most vulnerable members of the community

- the need to establish a well defined local point of contact for volunteer and press enquiries with full knowledge of the employers' policy, numbers required, skills etc

- management's responsibility to volunteers in terms of health and safety, insurance, expenses

3. The paper was given detailed consideration in the Whitehall Departments directly concerned. The general consensus of opinion was that the Volunteer Centre had made a helpful, reasonable and balanced analysis of the subject. A view was expressed by Department of Health and Social Security that the trend of argument in the paper reflected union opinion which had been much influenced by recent events, that is to say, the issue of guidance on the use of volunteers in industrial disputes to

health authorities; the leak of a Scottish Office letter on the use of troops in National Health Service disputes; reference in The Times articles of 17/18 July on the CCU review of contingency arrangements; and Ministerial statements on volunteering by the unemployed. All of this led the paper to harp overmuch on the dangers of calling on volunteers rather than on the positive contribution which they can make. On the other hand, it was suggested by the Home Office's Voluntary Services Unit that the situation might be even more difficult than the Volunteer Centre supposes since those who co-ordinate the work of regular volunteers might themselves refuse to co-operate with temporarily enlisted volunteers and refuse to cross picket lines. Departments supported the Centre's advice that appeals for volunteers should be on a local rather than national basis, and it was noted that local radio stations should be able to make valuable contributions in this direction. It was also agreed generally that the value of regular volunteer work should not be endangered through the imposition of temporary volunteers for short term purposes.

4. The Department of Health and Social Security have also reported on their own recent contacts with the Volunteer Centre. The Centre had established a joint working party, consisting of trades unionists and representatives of voluntary and statutory agencies, to revise their 'Guidelines' on the relationship between volunteers and paid non-professional workers. In May this year the working party suspended their work and saw the Parliamentary Secretary (Health and Personal Social Services) to complain that the Department of Health and Social Security circular allowing health authorities to make use of volunteers as they saw fit made agreement on revised Guidelines difficult. They called for withdrawal or substantial 'interpretation' of the circular. Calls for withdrawal of the circular were also made at various health service trade union annual conferences; and the Volunteer Centre have suggested that the existence of the circular and the lack of revised Guidelines are causing difficulty over the use of regular 'peacetime' volunteers. Health and Social Services Ministers have declined the Centre's request to withdraw or interpret the Department of Health and Social Security circular to facilitate a resumption of work on revised guidelines.

Officials at the Volunteer Centre have said that because of the attitude of the trade unions and their objections to the advice about the use of volunteers given by Health Ministers, no further progress on the revision of the Guidelines is possible.

The Trade Union Congress

5. The General Secretary wrote to the Home Secretary on 29 August seeking Government views on the accuracy of the allegations in the Hennessey articles that private meetings had been held with representatives of the local authority associations on the possible use of volunteers in industrial disputes. The Home Secretary replied in the terms of paragraph 1. i.-iii. above explaining that these well-established principles formed the basis of Government thinking on the subject.

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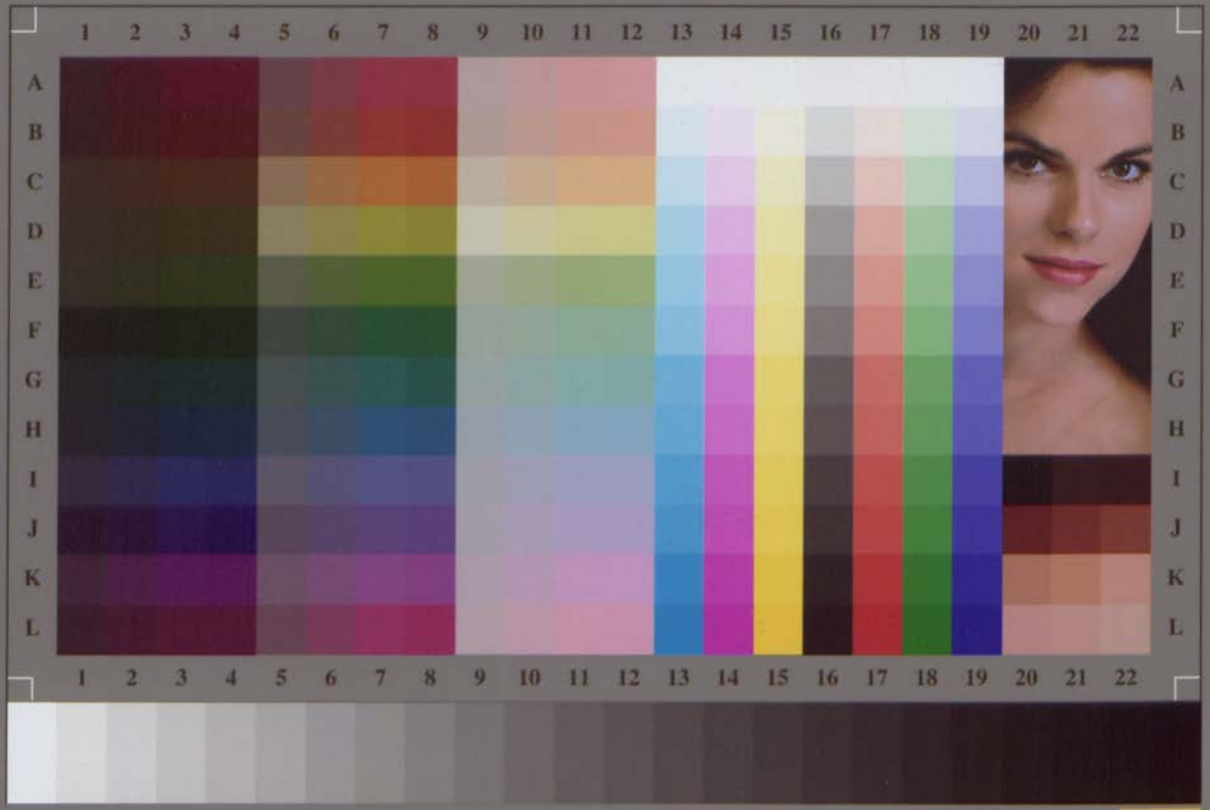

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