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PREM 19/1331



Ref. A084/2070

PRIME MINISTER

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Cabinet: Industrial Affairs

Coal

You will wish to invite reports from:

- i. the Secretary of State for Energy  
on the NCB/NUM talks and related publicity  
on the number of pits and miners working
- ii. the Home Secretary  
on law and order

It may be possible to dispense with contributions from the Secretaries of State for Trade and Industry and Transport if they have no significant change to report.

Docks

2. You will wish to invite reports from:

- i. the Secretary of State for Transport ✓  
on the extent of the strike
- ii. ✓ the Secretary of State for Employment  
on progress at ACAS and the prospects for settlement
- iii. the Secretary of State for Trade and Industry  
on the effects on industry
- iv. the Minister of Agriculture, Fisheries and Food  
on the effects on supplies of food and animal feeding stuffs.

Next Meeting

3. The next meeting of MISC 101 has been arranged for 4.00 pm on Monday 23 July.

*Rx*  
Approved by  
ROBERT ARMSTRONG  
and signed in his absence.

18 July 1984



SECRET

CONFIDENTIAL FILING

Financial Position of the Coal Industry.

NATIONALISED INDUSTRIES

Mineworkers' Pay.

PART 1: JUNE 1979

PART 10: JUNE 1984

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>4.6.84</del>		11.7.84					
<del>5.6.84</del>		<del>12.7.84</del>					
<del>6.6.84</del>		<del>13.7.84</del>					
<del>7.6.84</del>		<del>16.7.84</del>					
<del>12.6.84</del>		18.7.84					
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<del>16.6.84</del>							
<del>19.6.84</del>							
<del>20.6.84</del>		PART ENDS.					
22.6.84							
<del>25.6.84</del>							
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2.7.84							
<del>4.7.84</del>							
5.7.84							



PART 10 ends:-

HMT to AT 18.7.84

PART 11 begins:-

FERIS to PM 19.7.84



TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CC(84) 26 <sup>th</sup> Meeting, item 4 Limited Circulation Anx	12/07/1984
MISC 101(84) 26 <sup>th</sup> Meeting	11/07/1984
CC(84) 25 <sup>th</sup> Meeting, item 4 Limited Circulation Anx	05/07/1984
MISC 101(84) 23 <sup>rd</sup> Meeting, only item	23/07/1984
CC(84) 24 <sup>th</sup> Meeting, item 4 Limited Circulation Anx	28/06/1984
CC(84) 24 <sup>th</sup> Meeting, item 4	28/06/1984
MISC 101(84) 22 <sup>nd</sup> Meeting, only item	27/06/1984
CC(84) 23 <sup>rd</sup> Meeting, item 4	21/06/1984
CC(84) 23 <sup>rd</sup> Meeting, item 4 Limited Circulation Anx	21/06/1984
MISC 101(84) 21 <sup>st</sup> Meeting, only item	20/06/1984
MISC 101(84) 20 <sup>th</sup> Meeting, only item	18/06/1984
CC(84) 22 <sup>nd</sup> Meeting, item 5	14/06/1984
CC(84) 22 <sup>nd</sup> Meeting, item 5 Limited Circulation Anx	14/06/1984
MISC 101(84) 19 <sup>th</sup> Meeting, only item	12/06/1984
CC(84) 21 <sup>st</sup> Meeting, item 4 Limited Circulation Anx	07/06/1984
MISC 101(84) 2	06/06/1984
MISC 101(84) 18 <sup>th</sup> Meeting, only item	05/06/1984

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 J. Gray

Date 4/7/2013

PREM Records Team



## Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons HANSARD, 19 June 1984, columns 137 to 140: Engagements

House of Commons HANSARD, 19 June 1984, columns 141 to 152: Coal Industry Dispute

House of Commons HANSARD, 7 June 1984, columns 456 to 537: Coal Industry Dispute

House of Commons HANSARD, 5 June 1984, columns 283 to 290: Coal Industry Dispute

Signed J. Gray Date 4/7/2013

**PREM Records Team**



*file*

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

18 July 1984

Andrew Turnbull Esq  
10 Downing Street

*Dear Andrew,*

- .. I attach a press release the Chancellor has in mind to make for a speech he is giving to the Selsdon Group this evening.

This has already been cleared with Bernard Ingham at No 10 who is content with the general line. Obviously something will depend on how the NUM/NCB talks go today. But you and Michael Reidy (Department of Energy), to whom I am also sending a copy, will want to see it in advance.

*Yours sincerely,*

*Margaret O'Han*

*for* D L C PERETZ  
Principal Private Secretary



Let us be clear about Mr Scargill's strike. The strike in the mines has been organised in defiance of the miners' democratic rights. They have been refused a national ballot. Almost everywhere a local ballot has been held, the men are continuing to work.

The strike is sustained through brutality by pickets on the picket lines, and by their reign of terror in the pit villages involving physical violence and the intimidation of women and children.

The strike is being led by a man avowedly committed to so-called class warfare. A man who has openly boasted that industrial action can bring down democratically-elected governments, and grind social and economic life to a total standstill. A man who refuses even to acknowledge - let alone condemn - the violence perpetrated by his pickets.

Last weekend this man was shaken warmly by the hand by the present leader of the Labour Party, Mr Kinnock. The pictures of the two comrades grinning happily together will be etched indelibly in the nation's mind.

It will never be forgotten by the sixty thousand miners still at work. It will never be forgotten by the countless thousands of miners who want to go to work, but fear for their homes and for their families. It will never be forgotten either by the vast majority in this country who detest the militants and the thugs, and who care for the future of our democracy.

At the beginning of this strike we accused the Labour Party of hypocrisy, because Labour Governments since 1964 presided over the closure of 313 pits, putting 229,000 miners out of work with not much more than their bus fares home. Nowadays volunteers for redundancy in the coal industry receive far and away the most generous redundancy payments of any available in British industry today.

But today I accuse Mr Kinnock of something much worse. He has within his party men who talk of democracy when it suits them but believe in something else entirely, and who have nothing but contempt for the law. He has conspicuously failed to rid himself of such people. Now he has chosen to associate himself unreservedly with those outside Parliament who believe in the



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destruction of democratic governments by violence and intimidation. And this is a man who aspires to become Prime Minister.

This Government will defend democracy, and we shall succeed in preserving it. First, because the vast majority of the British people are wedded to freedom and will support us in defending it. Second, because we are determined ourselves to do so, at any cost. The value of democracy with freedom and justice is not counted in pounds and pence.





*File*  
From: I FRASER

INLAND REVENUE  
POLICY DIVISION  
SOMERSET HOUSE

*Copy File  
B/M/P  
20/7*

1. MR SALVESON (HM TREASURY)

2. PS/PRIME MINISTER

18 July 1984

MINERS' TAX REFUNDS

1. You asked for briefing on the report in today's Daily Star on this subject. There have been a number of Press Reports on similar lines recently of the letter sent by Mr Tony Christopher, general secretary of the Inland Revenue Staff Federation to Mr Len Murray of the TUC in which he expresses "outrage" at the provisions, introduced in 1981, under which employers are now required to withhold tax refunds from strikers.

2. The withholding of refunds during the current miners' strike was the subject of an Oral PQ in the House of Lords on 21 May. A copy of the Draft Reply, Supplementaries and Background Note is attached since this conveniently summarises the position.

3. Mr Christopher has estimated the amount being held by the NCB as £6.8m. As he says, only the NCB will know exactly how much they are holding (and that only if they have access to all the wages records in colliery wages offices). Tax refunds due should be of the order of £10 per week for single men and £16 per week for married men. We understand that in most cases (since the last actual pay day was during the first week of the strike) only three weeks refunds are due. Mr Christopher's estimate may, therefore be too high.

*I. Fraser*

I FRASER

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c. Mr Isaac  
Mr Blythe  
Mr Farmer  
Mr Allen  
Mr J C Jones  
Mr Fraser  
PS/IR



ORAL

MONDAY 21 MAY 1984

La - House of Lords

THE LORD HATCH OF LUSBY: To ask Her Majesty's Government by what authority income tax rebates are being withheld from miners on strike.

DRAFT REPLY

My Lords, under powers granted by Section 29 of the Finance Act 1981, the PAYE Regulations were amended in 1982 to provide that an employer is required to withhold PAYE refunds from strikers. Any refund due can normally only be made when the employee returns to work. In the present dispute, the National Coal Board is simply fulfilling the requirements of these Regulations by withholding rebates from miners on strike.

Actual Reply given by Lord Cockfield:

"My lords, the authority is to be found in Section 29 of the Finance Act 1981 and the regulations made thereunder. Any refund due can normally only be made when the employee returns to work."

/NOTES FOR SUPPLEMENTARIES

f

R A BLYTHE  
14 May 1984

C/S



NOTES FOR SUPPLEMENTARIES

1. Why did the Government decide to withhold tax refunds from strikers?

In 1981, we introduced legislation enabling the Inland Revenue to make regulatory provision for the withholding of tax rebates from unemployment benefit claimants as part of the scheme for taxing the benefit they receive. We decided then that, as a practical matter, the tax treatment of strikers should be aligned broadly with that of the unemployed. The very large majority of the unemployed claim benefit; their tax refunds are withheld from them. It would in theory be possible to withhold tax refunds only from those strikers who are benefit claimants, though as a matter of practice this would be very difficult. However, those strikers who claim benefit are a minority. If refunds were withheld only from those strikers who claimed benefit, the majority of strikers would then be treated more favourably than the unemployed generally. We would not regard this as defensible: refunds are therefore withheld from all strikers.

2. Are there any circumstances other than a return to work in which refunds will be released?

If, during the dispute, the employee leaves that employment, any refunds due will be made to him when he leaves. And, of course, the regulations also provide for the release of any refunds in the event of the death of the employee.

3. Are refunds not made to employees at the end of the tax year?

No, my Lords. We do not regard it as right or appropriate that accumulated tax refunds should be available at an arbitrary point during the course of a strike, simply because of the intervention of the end of the tax year. This would be a



random and unwarranted incentive for some disputes to continue.

4. How do PAYE refunds arise?

PAYE refunds arise in certain circumstances out of the cumulative nature of the PAYE system. Under the system, a person who is weekly-paid receives a proportion (one-fifty-second) of his annual personal allowances to set against each week's pay, tax being charged on the balance. If he has been paying tax on his earnings during part of a tax year, and then stops work, his weekly personal allowances continue to accrue but without any taxable income to set against them. In these circumstances the operation of the tax tables produces an entitlement to a tax refund.

5. How much money is being withheld from miners?

We do not know precisely how many miners are having tax rebates withheld. Most of those on strike joined the dispute in the middle of March. They will therefore only be entitled to any refunds which have accrued due for the last two or three weeks of the tax year 1983/84. For each week in which striking miners received no pay in the period which ended on 5 April they would be entitled to a refund. No further refunds are, of course, due after 6 April since no tax will have been paid by strikers in the new tax year 1984/85.

6. Who determines which employees should have their refunds withheld?

Employers are required to withhold refunds from any employee who is absent from work because he is participating or directly interested in a trade dispute at his place of employment. However, this definition is taken from social security legislation. If an employee disagrees with his employer's view that he is directly interested in the dispute, he can apply to the



Department of Employment for a certificate which he can then show to his employer. Any refund due can then be released.

7. Can strikers claim supplementary benefit?

A striker can claim supplementary benefit only in respect of his dependants and not in respect of his own needs. Since 1980, a deduction (currently £15 a week) is made from the benefit otherwise payable on the assumption that the striker will provide this amount from his own resources, whether in strike pay or from elsewhere.

8. Why is this deduction of £15 a week made?

The bringing in of this deduction implemented a 1979 Manifesto commitment that "we shall ensure that unions bear the fair share of the cost of supporting those of their members who are on strike". This aim was modified later to the effect that strikers or their unions should carry part of the responsibility for the maintenance of a striker's dependants.

9. Is the supplementary benefit received by strikers taxable?

Yes, my Lords. The benefit paid is taxable up to the level of the rate payable for an adult dependant. Taxable benefit paid during a strike will be notified to the Inland Revenue after the strike is over. Employees will subsequently be notified of the amount of tax due and how it will be collected. This will normally be done by altering the employee's PAYE code for a later tax year so that more tax is deducted from his earnings for that year.

10. Other issues related to the miner's dispute.

Supplementary notes on other aspects of the current dispute have been provided by the Departments of Energy and Employment and



*SUBJECT*  
*u Master*  
*Ops.*

PRIME MINISTER'S  
PERSONAL MESSAGE

SERIAL No. T128<sup>A</sup>184

WAG009  
OO WTE24  
DE WTE 25883 2001535  
O 181542Z JUL 84  
FM THE WHITE HOUSE  
TO CABINET OFFICE LONDON  
ZEM

US Declassified

C O N F I D E N T I A L VIA CABINET OFFICE CHANNELS WHO5883

JULY 18, 1984

DEAR MARGARET:

IN RECENT WEEKS I HAVE THOUGHT OFTEN OF YOU WITH CONSIDERABLE  
EMPATHY AS I FOLLOW THE ACTIVITIES OF THE MINERS AND  
DOCKWORKERS UNIONS. I KNOW THEY PRESENT A DIFFICULT SET OF  
ISSUES FOR YOUR GOVERNMENT.

I JUST WANTED YOU TO KNOW THAT MY THOUGHTS ARE WITH YOU AS YOU  
ADDRESS THESE IMPORTANT ISSUES= IM CONFIDENT AS EVER THAT YOU  
AND YOUR GOVERNMENT WILL COME OUT OF THIS WELL.

WARM REGARDS,  
RON

25883

NNNN



TIME LIMITED

REGIONAL MESSAGE

W. Perkins

SERIAL NO.

Coal Strike



File

48

PRIME MINISTERCOAL DISPUTE: NOTTS MINERS COURT CASE

Mr. Walker rang to point out that, in giving his verdict in favour of the Notts miners, Justice Megarry had suggested that penalties could be enforced against the NUM if the Attorney General applied for them. I have asked the Attorney General to come to MISC 101 prepared to speak on this. We need to be clear whether it is the passing of the resolution or, as I think is the case, the taking of action under those resolutions which would be subject to penalties.

Mr. Walker also added, though he will not mention this at MISC 101, that he met the lawyers of the <sup>Notts</sup> NUM miners for about two hours last night. It emerged from this that the Notts miners will feel let down if, having raised the money for the case and pursued it through the courts, they are not supported by the Government in following it through.

BT

18 July 1984



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Copy No 1 of 4

cc Blyp

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SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

18 July 1984

*Dear Andrew*

WEEKLY COAL AND POWER STATION STATISTICS

I attach the latest edition.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours*

*John*

J S NEILSON  
Private Secretary

COVERING SECRET



Copy No **1 of 14**  
 13 July 1984

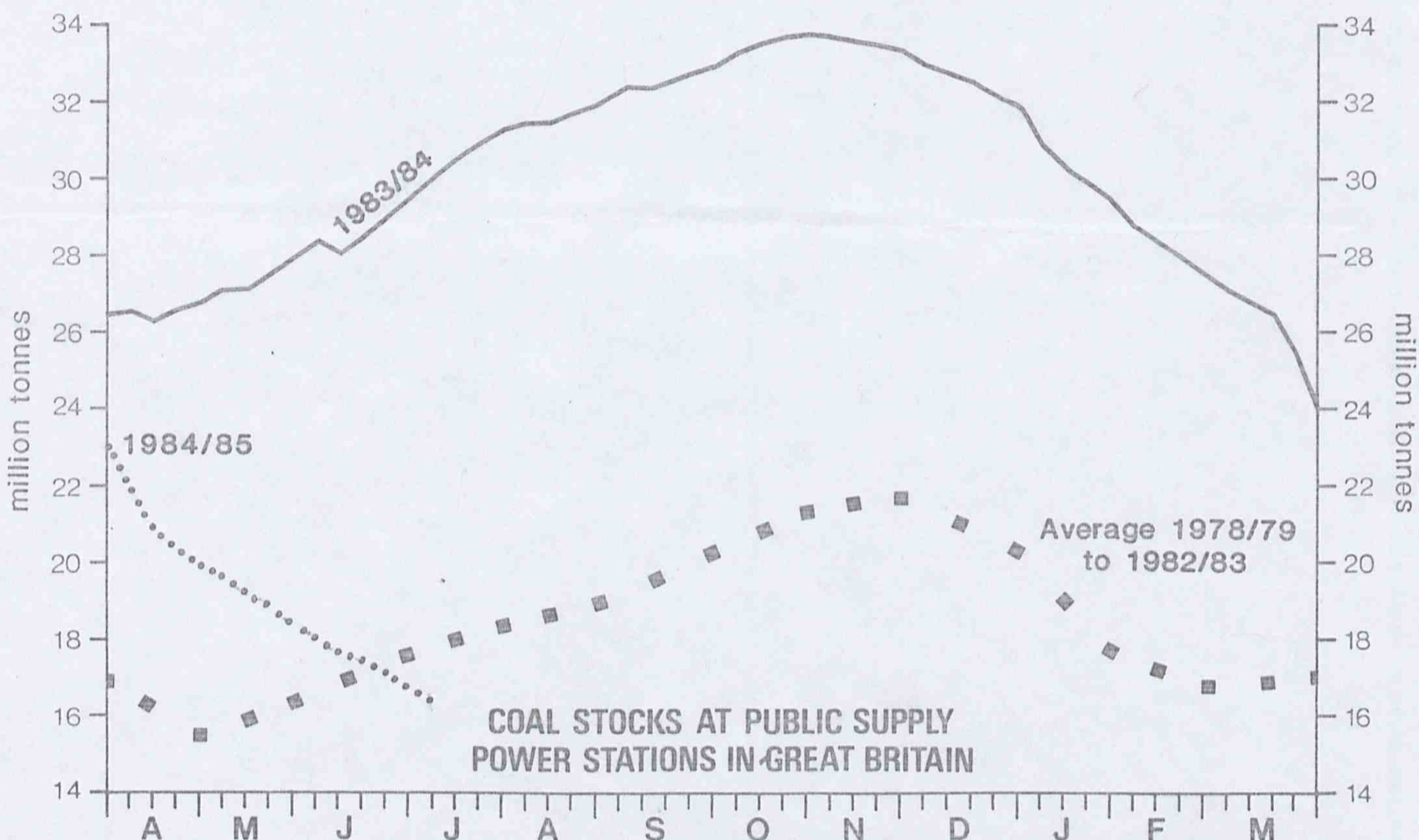
WEEKLY COAL AND POWER STATION STATISTICS (1)

EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

Week ending ..... 9-7-83: 16-6-84 23-6-84 30-6-84 7-7-84

COAL	PRODUCTION	deep mines/	1.92 :	0.45	0.48	0.46	0.41
	(m. tonnes)	opencast †	0.30 :	0.30	0.29	0.28	0.31
		TOTAL	2.22 :	0.75	0.77	0.75	0.72
COAL	PRODUCTIVITY(2)	'overall' o.m.s	2.48 :	..	..	..	..
	(tonnes/manshift)	'production' o.m.s	10.88 :	..	..	..	..
UNDISTRIBUTED STOCK							
	(m. tonnes)	TOTAL	24.75 :	22.22	22.25	22.33	22.33
STATIONS	COAL STOCKS	(m. tonnes)	30.48 :	17.36	17.05	16.71	16.39
	COAL CONSUMPTION	"	1.33 :	0.77	0.78	0.80	0.76
	COAL RECEIPTS	"	1.76 :	0.49	0.47	0.46	0.45
STATIONS	OIL STOCKS(3)	"	1.07 :	0.97	1.04	1.14	1.08
	OIL CONSUMPTION(3)	"	0.04 :	0.35	0.37	0.38	0.36
	OIL RECEIPTS(3)	"	0.04 :	0.46	0.44	0.48	0.31
POWER	ELECTRICITY SUPPLIED (4) (GWh)		:				
	Nuclear	"	618 :	827	709	640	671
	Other Steam	"	3,064 :	3,103	3,184	3,236	3,151
	TOTAL	"	3,681 :	3,931	3,893	3,876	3,821
	TOTAL - temperature corrected	"	3,814 :	3,948	3,969	..	..

(1) Great Britain unless otherwise stated. All latest figures are subject to revision.  
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.  
 .. data not yet available. † includes licensed production.





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COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT  
PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

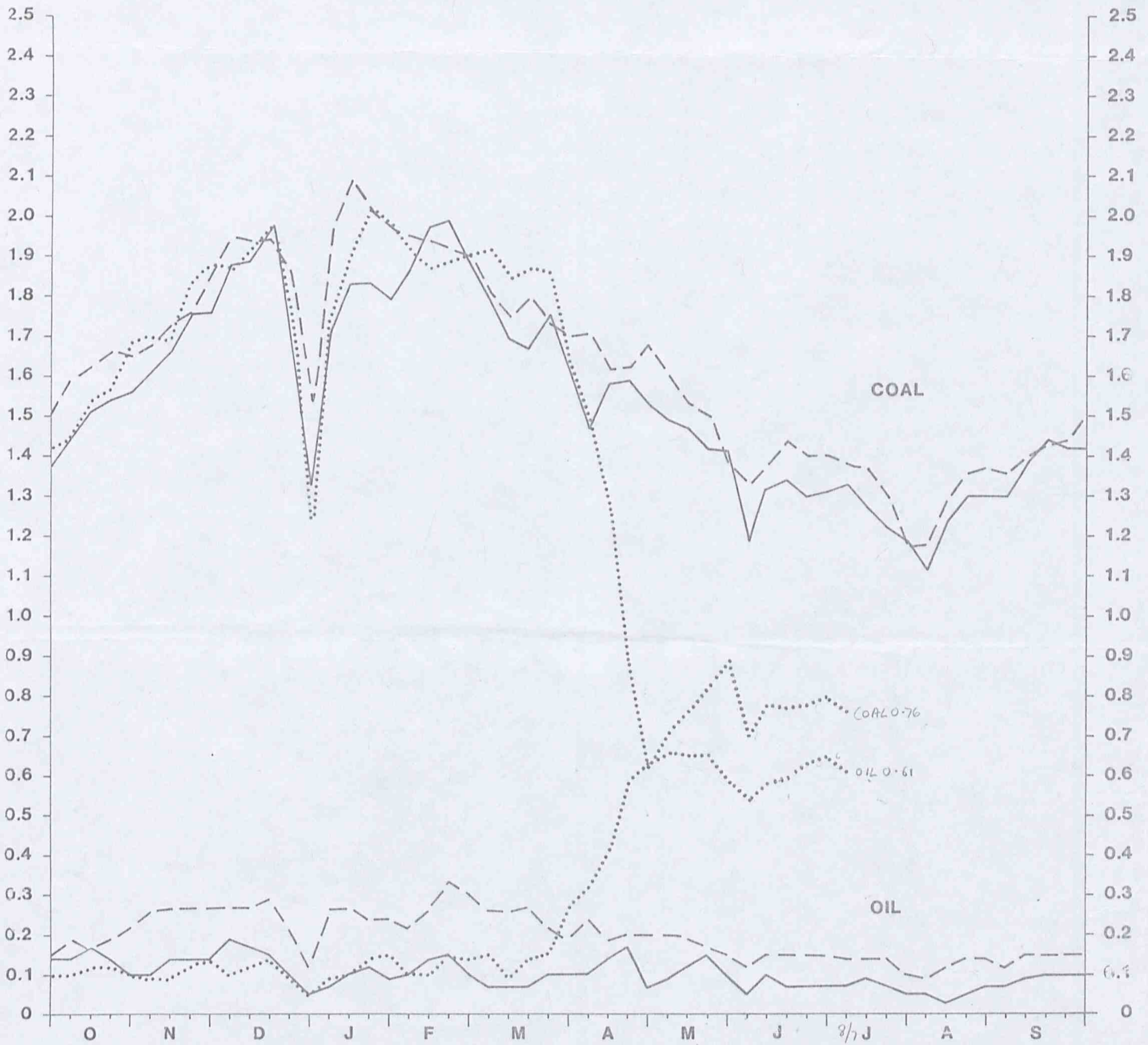
..... 10/83 to 9/84

———— 10/82 to 9/83

----- Average 1977/78 to 1981/82

Million  
Tonnes  
Coal  
or Coal  
Equivalent

Million  
Tonnes  
Coal  
or Coal  
Equivalent



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Public Relations

National Coal Board  
Hobart House, Grosvenor Place  
London SW1X 7AE  
Telephone: 01-235 2020

Mineworkers' Dispute

NCB Chairman's Statement on Eve of Talks

Mr Ian MacGregor, Chairman of the Coal Board, said in London today (Tuesday):

"I hope that the talks tomorrow will produce an agreement so that we can establish the principles on which the NCB and NUM can proceed to develop and expand the industry based on more effective production which will enable us to meet new markets. The area of debate is about pit closures. The NCB and NUM agreed, at previous talks, that pit closures should be negotiated either if a pit is exhausted or if a pit is unsafe or for 'other reasons'. It is these 'other reasons' that are the crux of the issue.

"The NCB have, for many years, and without major conflict, reached agreement with the NUM on closing pits for 'other reasons' apart from exhaustion and safety. These reasons have varied - from poor geological conditions to low quality coal - but have always amounted to the fact that the cost of coal from those pits has become too high to justify continuing to mine them.

"On March 6, the NCB put forward proposals based on removing 4 million tonnes of output that the NCB could not sell because of the high cost of producing it. What we were looking for was an agreement similar to previous years with all the safeguards that have applied in the past, such as no compulsory redundancies and the offer of alternative employment for those who wished to remain in the industry. This is the area the NCB still want to explore tomorrow.



"However, when we have been engaged in a dialogue on settling the matter of pit closures the NUM leaders have raised in public statements outside the meetings a number of new issues which cannot possibly be resolved in the short term. I hope that we can concentrate on the issues we have been discussing at our meeting tomorrow so that we are not forced to the conclusion that the NUM leadership want this strike to continue indefinitely. I cannot believe that the vast majority of miners would prefer a continuation of the present hardship and havoc to a ~~quickly~~ and sensibly negotiated settlement.

"In the past, agreements have been reached at local level with the NUM on 'other reasons' for pit closures. I hope that the Union's leadership will come to the talks tomorrow with the will to respect those agreed procedures in which the NCB seek to manage the industry effectively and the NUM to ensure that their members' views are taken into account.

"The NCB cannot and will not make an agreement which is harmful to the long-term prospects for the industry and all the people in it and we trust the NUM leadership must respect this position. In the long run the dispute will be resolved only when we reach an understanding on these practical issues."

Press Office (1888)

July 17, 1984



Regulus

. news sheet  
on same things.

P.R.

A.C. 112





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46.

P.01346

PRIME MINISTER

Coal & Docks: MISC 101(84)28th Meeting

COAL

You will wish to invite reports from:

- i. the Secretary of State for Energy
  - on the number of pits and miners working
  - on the outcome of the NCB/NUM talks
  - on the latest publicity efforts
- ii. the Home Secretary
  - on law and order
- iii. the Secretary of State for Transport
  - on movement of coal trains
- iv. the Secretary of State for Trade and Industry
  - on any significant developments affecting BSC and coal burning industry

Delays in the courts

2. You will then wish to have a discussion on how to overcome delays in the courts, particularly in the handling of serious cases involving violence and intimidation. The Lord Chancellor will attend especially for this purpose.

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DOCKS

3. You will wish to invite reports from:
- i. the Secretary of State for Transport
    - on the extent of the strike
    - on contacts with port employers, especially in non-Scheme ports, about communicating to their workers the risks to jobs both in the docks and in industry
  - ii. the Secretary of State for Employment
    - on any progress made by ACAS
    - on the likelihood of civil action under the Employment Acts
  - iii. the Secretary of State for Trade and Industry
    - on the effects on industry

Use of Emergency Powers Act 1920

4. The Attorney General was asked to advise on whether the Government would be able to justify invoking the Emergency Powers Act 1920, bearing in mind the present extent of self-sufficiency in food supplies. To assist him in making that judgement the Parliamentary Secretary at the Ministry of Agriculture, Fisheries and Food, Mrs Fenner, has sent to the Attorney General the latest assessment of the food supply situation (copy attached to this brief). The Attorney General will be ready to report orally about the use of the Emergency Powers Act and either the Minister of Agriculture himself or Mrs Fenner will be present to answer any supplementary questions about food supplies.

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SECRET

Service assistance

5. The Private Secretary of the Secretary of State for Defence has been told that you and other Ministers were not satisfied with the account of the assistance which would be available from the Services set out in Mr Evans's letter to Mr Turnbull of 16 July. The Minister of State for the Armed Forces (Mr Stanley) will be attending the meeting and you will wish to ask him about the prospects for expanding the amount of Service assistance which might be available.

NEXT MEETING

6. There will be an opportunity for further discussion under the Industrial Affairs item at Cabinet on 19 July. The next meeting of MISC 101 has been arranged for Monday 23 July at 4.00pm.

*PLG*  
P L GREGSON

17 July 1984

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ASSESSMENT OF SUPPLY SITUATION FOR FOOD AND FEEDINGSTUFFS  
OVER NEXT TEN DAYS

FOOD

1. Compared with previous dock strikes, stocks of food-stuffs in the manufacturing and distribution chain are now at a low level. This is due partly to the fact that, as a result of the recession and other pressures, the industry has deliberately pursued a policy of maintaining much lower stock levels. It also reflects the lack of warning of a potential strike so that no stocking up was possible.
  
2. It now seems clear that there are likely to be fewer opportunities this time to circumvent the strike by bringing in imports through the smaller ports. The strike has already affected the container trade through Felixstowe and the roll-on roll-off trade through Dover.
  
3. There are also some signs that the Union is being more restrictive in allowing exceptional treatment for particular consignments in the pipeline, e.g. perishable foodstuffs, or to meet particular needs, although there is some limited indication that this may have been just a starting position from which some exceptions may later be made.
  
4. On the other hand, the United Kingdom is now more self-sufficient in temperate foodstuffs (which constitute 75% of our needs) and there is therefore much less need for imported supplies of these foods.
  
5. We are not likely, therefore, to run short of food supplies in the next ten days. Indeed, there could be adequate supplies of food in the country for some time beyond that.



6. Distributors have nevertheless expressed two important reservations. First, panic buying could drastically alter the situation - as it could even in a time of plenty.

7. Secondly, there are likely to be some shortages of those foods, supplies of which are wholly or largely imported, particularly if they are also perishable so that significant stocks are not held in the supply chain in this country. Examples are certain fresh fruit and vegetables (notably tomatoes, apples, citrus fruit), bacon (which will reduce in supply by about 50 per cent in about 10 days' time), oils and fats (which over the longer term could affect a wider range of manufactured foods) and hard wheat (which, however, is unlikely to affect bread supplies within the next ten days).

#### FEEDINGSTUFFS

8. Feed compounders depend on supplies of imported soya. There are some supplies of soya in the docks, but there is likely to be some shortage of compound feedingstuffs within another 10 days unless they can be got out. This could affect the fattening of pigs and poultry in particular. Although substitute feed can be found, the fattening process would be slowed down and there would then be some accumulation of animals in the intensive livestock units.

#### CONCLUSION

9. We are still assembling information from food manufacturers, but the present indication is that, while the range of foods available is likely to be reduced somewhat towards the end of the next 10 days, food supplies should still be adequate during that period and for some time afterward unless panic buying develops.

10. There could be some slowing down of throughput in intensive livestock units because of shortages of compound feedingstuffs but this should not cause major problems of congestion within the next 10 days.

Ministry of Agriculture,  
Fisheries and Food

17 July 1984





10 DOWNING STREET

~~Prime Minister~~

Strike handling: coordination

You will remember suggesting that Tom King chaired a coordinating group. We have now found a way of setting this up by combining it with Bernard's group.

The attached letter sets out the suggested arrangements.

Agree that I should write in these terms?

WMA  
FERB 17.7.



CONFIDENTIAL



10 DOWNING STREET

*From the Principal Private Secretary*

17 July 1984

Now that there is a dock strike as well as a coal strike, the matters which the Government will have to consider will become increasingly interlinked. The Prime Minister has asked the Secretary of State for Employment if he would chair a group, which should meet most days following the morning meetings held by the Secretary of State for Energy and the Secretary of State for Transport respectively and in advance of MISC 101, to consider whether any coordination is necessary and any gaps need to be filled, particularly in ensuring that the Government's position is properly represented on the media.

The Prime Minister has suggested that the group should consist of junior Ministers who may be able to help with making the Government's case on the media and also that Bernard Ingham should attend together with the chief information officers of the Departments principally concerned - viz., Energy, Transport, Trade and Industry, Home Office and Ministry of Agriculture, Fisheries and Food. Other Departments, eg Treasury, and the Scottish and Welsh Offices, could be invited as required.

The Prime Minister would be grateful if the Ministers in charge of the Departments listed above (to whose offices I am copying this letter) would be ready to nominate a junior Minister to take part in these meetings, and if your Secretary of State would arrange the first meeting as soon as possible.

I am copying this letter to Janet Lewis-Jones (Lord President's Office) and S.

David Normington, Esq.,  
Department of Employment

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JKRACB

17/7

45 c

RECORD OF A MEETING HELD AT 10 DOWNING STREET ON  
MONDAY 16 JULY TO DISCUSS THE COAL AND DOCK DISPUTES

Present: Prime Minister  
Home Secretary  
Chancellor of the Exchequer  
Lord Privy Seal  
Secretary of State for Energy  
Secretary of State for Employment  
Secretary of State for Trade and Industry  
Secretary of State for Transport  
Attorney General  
Chief Whip  
Mr. Alison  
Mr. Gregson

\*\*\*\*\*

On the dock strike, there was a discussion on whether the Government should continue to state that it had no plans to change or abolish the Dock Labour Scheme or whether it should be prepared to extend the undertaking for the life of the Parliament. On the one hand it was argued that to make this addition would display weakness by the Government and provoke further demands by the unions; it could make the strike more rather than less difficult to settle. Against this, it was argued that there was no prospect of abolishing the scheme directly, as opposed to buying out surplus dockers under it. The main difficulties arose not from the DLS itself but from the Aldington-Jones agreement which was not part of the statutory scheme but an industrial agreement between employers and unions. The longer the Government resisted giving the wider undertaking, the more it would look like a retreat when finally offered. While the wider undertaking might not be enough to satisfy the union leaders, it would be very helpful in weakening the support

/from rank and



from rank and file dockers whose enthusiasm for the strike was questionable. While holding the view that the wider undertaking was inevitable, it was possible to argue that this concession should not be given immediately but should be held back while the ACAS talks were still going on. It was agreed to reflect on these arguments overnight before settling on the line the Prime Minister should take at Questions.

The meeting then considered Mr. Gregson's agenda note of 16 July. It was agreed that the Government's priority should be to settle the dock strike as quickly as possible in order to allow the Government to concentrate on winning the miners strike. The Prime Minister said that British Shipowners had reported to her at their lunch that the extent of the strike was greater than they had ever witnessed before; there was now no-where where containers could be moved. Lay-offs would begin shortly.

Mr. Gregson then reported on the Ministry of Defence's assessment of the contribution which servicemen could make (Evans' letter to Turnbull of 16 July). It was agreed that this contribution would be limited and would apply only to priority categories of goods. Nevertheless, the assessment that 2,800 troops could move 1,000 tons of goods a day (approximately 50 lorries) was regarded as far too low. This appeared to under-estimate substantially the benefit to be secured from keeping Ro-Ro traffic moving.

It was noted that the use of troops did not itself require declaration of a State of Emergency but if the troops needed to requisition equipment it would be required. It was unlikely that Harbour Boards would volunteer to make equipment available. A state of emergency could be declared by The Queen in Council but under the EPA 1920 Parliament had to be informed immediately and, if not sitting, be recalled within five days. The existing Act limited the

/circumstances



circumstances in which a state of emergency could be declared. While the reference to "the essentials of life" allowed action to safeguard a major shortfall in food supplies, it was doubtful whether this would cover the import of non-essential foodstuffs. Nor did it cover damage to the economy.

The choices were:

- (1) to use troops as far as possible without declaring a state of emergency;
- (2) to make as much use as possible of the present Act;
- (3) to introduce a new Act before the recess but not to activate a state of emergency immediately;
- (4) to recall Parliament during the recess to pass a new Act and to proclaim a state of emergency under it.

There were conflicting considerations relating to these different courses. It was not clear how far a declaration of a state of emergency would be interpreted as a sign of determination by the Government or a sign of weakness, nor to what extent to which it would increase dockers support for the miners strike. There was a danger that the introduction of a state of emergency, or still more the introduction of a new Act, could create excessive expectations about what the Government could do to alleviate the impact of a strike through the use of servicemen. It would be argued that the new Act represented a major extension of the Government's powers which should not be introduced without allowing time for proper scrutiny. It was agreed that the Attorney General should consider how far it was possible to act under

/ the existing



the existing EPA, taking account of the present food stocks. After consulting the Minister of Agriculture he should report to MISC 101 on Wednesday.

On information, it was agreed that no new Ministerial group should be set up but that Bernard Ingham should hold daily meetings with the Information Officers of the Departments concerned with the disputes.

On civil action in the ports, the advice from the Department of Employment was that industrial action in non-scheme ports was likely to be unlawful if the dispute was identified as being about the future of the DLS. Picketing of non-scheme ports by scheme port dockers would also be unlawful as it would not be near or at their place of work. If the dispute continued after a breakdown of ACAS's efforts at conciliation, it was likely that injunctions would be issued against the TGWU. The Government should not seek to discourage this and it would be helpful if they were issued by substantial enterprises rather than by individuals or small firms. If injunctions were sought in the docks dispute, there would be a case for activating injunctions against the NUM.

The Secretary of State for Employment reported on endurance in the coal strike. Deliveries were satisfactory but were relying heavily on lorries. It was not yet clear how far coal imports for industry would be interrupted as much of this traffic had gone through very small ports and wharfs. Only the steel industry had been bringing in coal through large ports.

On the conduct of the forthcoming talks, the Secretary of State for Energy said the NCB would be holding a meeting on Tuesday, following which it would be issuing a statement making clear that its position was reasonable and that there

/could be



could be no further concessions. It was expected therefore that the talks would break down. If so, the NCB would follow up with further publicity.

The meeting considered whether the fact that the miners strike had not been authorised by a ballot would bring it within the scope of the new Trade Union Act when it came into effect in October. The Act was expressed in terms of inducements to take strike action. It therefore depended on whether the NUM could be shown to be issuing new inducements. It could well defend itself by reference to existing resolutions.

The Secretary of State for Energy said work was going on to identify redundancy enquiries pit by pit. The NCB hoped to be in a position to send out letters soon. It was noted, however, that the process of closing pits should run in parallel with the process of seeking redundancies.

The Attorney General reported on developments in processing court cases. So far, approximately 20 per cent of the 2,800 cases had been dealt with in magistrates' courts. This was regarded as unsatisfactory but even more worrying was the slow progress in securing an outcome from indictable cases where, for the most part, not even committal proceedings had been secured. The two main courts concerned, Rotherham and Mansfield, were dragging their feet over the appointment of stipendiary magistrates - Mansfield had made no application and Rotherham only from September. It was agreed that the Lord Chancellor should be invited to the next meeting of MISC 101 to consider this question. The Home Secretary would speak to him in advance. The Chief Whip wondered whether it would be helpful to air this issue in an Adjournment Debate but, on balance, it was thought unhelpful.

17 July 1984



SECRET

16/7  
45B

PRIME MINISTER

INDUSTRIAL DISPUTES

We face a difficulty over tonight's meeting. Currently invited are:

- 1 Secretary of State for Energy
- 2 Secretary of State for Transport
- 3 Secretary of State for Employment
- 4 Secretary of State for Trade and Industry
- 5 Home Secretary
- 6 Chief Whip
- 7 Mr Gregson.

You have suggested adding the Attorney General and the Lord Privy Seal and requests to attend have been made from:

- x Chancellor of the Exchequer
- x Secretary of State for Defence
- x John Redwood.
- x *Stewart*

AT

I think you have to decide on the nature of the meeting. Either it is small and limited to those most directly involved or it is extended to the rest. Apart perhaps from adding the Attorney General there does not appear to be a halfway house. Do you want to extend the meeting? If so, do you want to maintain the invitation to supper afterwards?

AT

16 July 1984

SECRET





# CABINET OFFICE

Mr Turnbull

With the compliments of

*P. C. Grayson*

16.7.84

70 Whitehall, London SW1A 2AS

Telephone 01 233 8339



## Section II

## II. EMERGENCY POWERS - PROCLAMATION OF A STATE OF EMERGENCY

## Note:

This chapter deals with the powers available under the Emergency Powers Acts 1920 and 1964 and the procedure for making a proclamation of emergency. Some further emergency powers are available under other enactments (eg The Energy Act 1976, see Section 1 chapters on Coal and on Oil, paragraphs 11) and such powers may be used independently of or in conjunction with those under the Emergency Powers Acts.

## THE EMERGENCY POWERS ACTS 1920 and 1964

1. Section 1 of the Emergency Powers Act 1920, as amended by the Emergency Powers Act 1964, provides that, if at any time it appears to Her 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 a substantial portion of the community, of the essentials of life, Her Majesty may, by proclamation, declare that a state of emergency exists.
2. Section 1(2) of the 1920 Act requires the proclamation of emergency to be communicated to Parliament forthwith. If Parliament is adjourned at the time, a further proclamation has to be made for the recall of Parliament within 5 days of the date on which the state of emergency is proclaimed.
3. Section 2 of the 1920 Act provides that when a proclamation of emergency has been made, Her Majesty may, by Order in Council, make Regulations for securing the essentials of life to the community. The Regulations have to be laid before Parliament and lapse 7 days after laying unless their continuance is approved by resolution of each House of Parliament.
4. A proclamation of emergency may not remain in force for more than one month and any Emergency Regulations made while the proclamation has been in force lapse at the same time. If the need for emergency powers continues a fresh proclamation and another set of Emergency Regulations must be made within the month, and the Regulations confirmed by further resolution of both Houses of Parliament.

## PROCEDURE FOR PROCLAIMING A STATE OF EMERGENCY

5. A decision to proclaim a state of emergency and to make Emergency Regulations does not require prior Parliamentary approval. It is for the Government to decide at what stage Her Majesty in Council should be asked to proclaim a state of emergency and to make Emergency Regulations. In practice it is likely that both steps would be taken at the same meeting of the Privy Council since the purpose of proclaiming an emergency is usually to enable the Government to take powers they would not otherwise have. If a proclamation for the recall of Parliament were also needed, it would be likely to be dealt with at the same time.



6. When the Government has taken a decision to seek emergency powers the Home Office is responsible for taking appropriate administrative action for the proclamation of emergency and the making of Emergency Regulations and for the necessary Parliamentary procedures to be set in train.

#### TIMING OF DECISIONS

7. In some circumstances (such as a serious industrial dispute) it is likely that Ministers would wish to leave the decision to take emergency powers until the last possible moment in order to allow them to take account of developments in the situation. In such circumstances once a decision had been taken it would be necessary for the action required to be taken very quickly.

8. It has been customary for Emergency Regulations to come into effect at midnight on the day on which they are made. This generally enables copies to be laid before Parliament before the Regulations come into force, and for them to be published by the following morning. If circumstances made it essential for the powers to be immediately available it would be possible for the Regulations to be made to come into effect immediately on signing.

9. The timing of the various steps would depend upon a number of factors which could be determined only in relation to the particular circumstances - such as whether Parliament were sitting normally at the time, and whether the Sovereign were in London. It is likely that the announcement of the taking of emergency powers would be of prime importance. If Parliament were in normal session The Queen's messages informing Parliament of the proclamation of emergency should be made known to both Houses before a public announcement could be made. It might not be possible to interrupt normal Parliamentary business, and the statements would therefore have to be either at 3.30 pm or at 10.00 pm or later on a normal day. The later time would be inconvenient from the publicity point of view, and there would be much to be said for aiming for a Privy Council in the morning and the making of statements to both Houses at the beginning of public business at about 3.30 pm. This implies that the decision on emergency powers would have to be taken at the latest on the afternoon or evening of the preceding day, and even earlier warning given to the Privy Council Office.

10. If Parliament were not sitting, the date of its recall would have to be decided at the same time as it was decided to take emergency powers, and advance warning given in confidence to the appropriate quarters; the proclamation for the recall of Parliament would have to be made at the same Privy Council as the proclamation of emergency.

#### FACTORS AFFECTING TIME AND PROCEDURE

11. At a weekend or during a Parliamentary recess it might be possible to announce the emergency measures publicly as soon as the proclamation and Regulations had been signed. If the Queen were away from London, it would take longer to arrange a meeting of the Privy Council and to deliver the signed Proclamation and Messages to Parliament in London.



12. A number of different combinations of circumstances are possible and expeditious action could be ensured only by keeping those concerned informed as early as possible of the probably course of events. Important factors would be the need for at least a day's notice to the Privy Council Office before a meeting of the Council, and the incidence of public holidays which might require special arrangements to be made to ensure the availability of key staff.

13. For the proclamation of emergency a typed, rather than printed, copy could if necessary be provided for signature by Her Majesty. For the Emergency Regulations printed proof copies, with dates completed in typescript could be used.

14. The text of the Emergency Regulations to be made under the 1920 Act is reviewed annually. The 'insides' - the bulk of the text - are preprinted and stored at HMSO ready for binding with the outside page, the order for printing which can be given only when the dates of making and coming into effect are known. HMSO would need at least one clear working day after the order is given to produce copies of the Regulations for public distribution.

15. Arrangements would normally be made if possible for the Regulations to be laid before Parliament before they come into effect (ie usually on the day they were made - this could be done if Parliament were adjourned but not prorogued provided that the Clerks were available to receive them). But if the Regulations had to be made to come into effect before they could be so laid (paragraph 8 above) notification would have to be sent forthwith to the Lord Chancellor and the Speaker of the House of Commons drawing attention to the fact that copies had yet to be laid and explaining why they were not laid before they came into effect - Section 4(1) of the Statutory Instruments Act 1946.

16. Section 3(2) of the same Act provides that it is a defence to any prosecution of an offence created by a statutory instrument that the instrument had not been published by HMSO at the time of the alleged offence, unless it is proved that reasonable steps had been taken to bring the purport of the instrument to the notice of the public or the accused. These requirements would probably be satisfied by giving wide publicity to the restrictions imposed by the emergency powers as soon as they came into effect. The important factor may be that the emergency powers should be available by the target time (eg to permit requisitioning of, say, vehicles) rather than that the prosecution of offences should be practicable forthwith.



**Section II**

**III. SERVICEMEN AS SUBSTITUTE LABOUR**

Military Aid to the Civil Ministries (MACM) - General considerations affecting the use of Servicemen as substitute labour during industrial disputes (See also Appendix C to Section 1).

**GENERAL**

1. As a last resort during an industrial dispute Ministers may decide to use Servicemen (under the appropriate Emergency Powers Act) to maintain essential supplies and services. A number of general considerations apply whenever a Civil Department contemplates requesting the use of Servicemen in this way during an industrial dispute and the most important of these are set out below as background for the Civil Contingencies Unit (CCU), so that Departments are clear about the circumstances in which Servicemen might be used and the implications of using them.

**EFFECTS ON A DISPUTE**

2. The introduction of Servicemen into any industrial dispute is always likely to produce an unfavourable reaction from the unions. This may range from reluctant acceptance, when it is plain that the public interest demands intervention, to explicit hostility leading to a worsening of the situation and widening of strike action. Service assistance should therefore only be used in industrial disputes in a grave emergency and as a final resort when the totality of available civilian resources is inadequate.

**CAPABILITY OF THE SERVICES**

3. While men of the three Services represent a significant potential contribution in terms of manpower, the actual assistance the Services may be able to offer is likely to be restricted by the fact that relatively few Servicemen have received the type of training enabling them to carry out specific civil tasks, especially those of a complicated or technical nature. Again military equipment is not necessarily compatible with the civil equivalent. Furthermore, in the majority of cases, the continuing presence and co-operation of the appropriate supervisory and managerial staff is a pre-requisite of Service help.

4. When Servicemen are employed on civil tasks they remain under the command and control of their normal military organisation. A military/civil interface is arranged at an appropriate level. The operational requirements of the Services are always likely to be given precedence over other calls on them.

5. MOD has drawn up a number of outline contingency plans in conjunction with Civil Departments. Inevitably there will be situations for which no plans can be prepared. Plans are drafted in general terms and can serve only as a guide in the event of intervention being considered in a particular area. There may well be a need for recasting and refinement to suit the particular circumstances of the event and MOD will need accurate, detailed and up-to-date information about a situation both before taking a decision on whether assistance can be given and before effecting any deployment. The earlier this detailed information can be given to MOD, the quicker and more efficient will be the reaction of the Services. However, it should be emphasised that the existence of a contingency plan does not guarantee the Servicemen to implement it.



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## LEGAL ASPECTS

6. The legal position of Servicemen in this context does not differ from that of ordinary citizens. Servicemen are not acting in aid of the civil power. All aspects of public order remain the responsibility of the civil Police. The Emergency Powers Acts relevant to the work of Servicemen employed in MACM operations are:

a. **Emergency Powers Act 1920 and Emergency Powers (Northern Ireland) Act 1926**

A State of Emergency may be proclaimed in Great Britain under the Emergency Powers Act (EPA) 1920 when the Government considers that there have occurred or are about to occur events of such a nature as are likely to deprive the community, or a substantial proportion of it, of the essentials of life. The duration of the proclamation is one month, after which time it may be renewed if necessary. The Emergency Powers (Northern Ireland) Act (EPA(NI)) 1926 confers similar powers in Northern Ireland.

The purpose of declaring a State of Emergency under the Emergency Powers Acts 1920 and 1926 is to enable regulations to be made conferring exceptional powers necessary to maintain the supply of the essentials of life to the community. Special duties, eg non-military duties in the case of Servicemen, and powers may be imposed or conferred on persons in HM Service and these may include entering land or requisitioning vehicles. Without this specific legislation it would be an offence to interfere with the property rights of citizens.

The most recent occasion when servicemen were used following the declaration of a State of Emergency in Great Britain was during the dock strike in 1971. A State of Emergency was proclaimed in Northern Ireland during the oil tanker drivers' dispute in 1979 and Servicemen were then deployed under the EPA (NI) 1926.

b. **Emergency Powers Act 1964**

Irrespective of whether or not a State of Emergency has been proclaimed, the Emergency Powers Act 1964 empowers the Defence Council to order Servicemen to be temporarily employed in agricultural work or in other work being urgent work of national importance. The Secretary of State for Defence, who is Chairman of the Defence Council, is responsible to Parliament for its business.

The purpose of the EPA 1964 is to put beyond doubt the legality of any command given in the context of work unrelated to some military purpose. It does not confer powers to disturb individual rights.

The most recent occasion when the EPA 1964 has been invoked, and Servicemen have actually been deployed on MACM tasks were the rail transport strike 1982 and the NHS dispute in 1982 (when a very few servicemen drove ambulances in London). The EPA 1964 has also been invoked on other occasions when Servicemen have made preparations to give assistance but in the event the threatened strike has been called off or emergency services have been maintained from other sources.

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### **FINANCIAL ARRANGEMENTS**

7. The financial arrangements which MOD would expect to apply are set out in CCU paper CCU(82) 15. The basis for these arrangements is that the "no loss costs" (previously known as extra costs) involved in providing and/or preparing to provide Services' assistance during an industrial dispute are not a proper financial charge on the Defence Budget and must therefore be reimbursed by the Department which sponsors the request. No loss costs are defined as those that would not have arisen but for the provision of the assistance. Charges will be calculated in accordance with the criteria set out in paragraphs 9-12 of the Treasury Guide to the calculation of fees and charges, and will be recovered from the civil department sponsoring the use of the Servicemen as soon as possible after they arise, ie on a monthly basis. The sponsor will also be expected to purchase (or provide directly) any essential specialist clothing and equipment not in the Military inventory and any consumable stores, including motor vehicle fuels, required for Servicemen's duties. Where the costs for an operation as a whole amount to less than £10,000, the MOD will not normally seek to recover them.

8. Military assistance is provided following a request from the sponsor Department. After such a request has been made, or when there is the imminent possibility of a request MOD will confirm that the arrangements set out in CCU(82) 15 will apply. Should circumstances not allow time for a written request and confirmation to be made, agreement by Ministers in CCU that service assistance should be provided if 'necessary would constitute financial authority for the MOD to incur expenditure and signify the sponsor Departments agreement to meet the "no loss" costs involved.

### **NOTICE**

9. A period of warning is essential before Servicemen, who are normally at 7 days' notice, can be deployed (and where necessary trained) to undertake a MACM task. There are a number of factors to bear in mind when a request for reduction of notice is made by a sponsor department.

### **Preparatory Measures**

10. During the warning time preparations essential to the efficient implementation of a contingency plan will be made and any arbitrary curtailing of notice may threaten the success of the operation. In the case of a large scale MACM operation the preparatory work will probably include:

- a. Finalising the contingency plan at local level.
- b. Allocating Servicemen to tasks and moving them to the areas of operation.
- c. Providing suitable accommodation and a plan for feeding and re-supply.
- d. Providing vehicles and back-up facilities.
- e. Drawing specialist equipment.
- f. Training of instructors and Servicemen.
- f. Reconnaissance.

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**Reduction of Notice**

11. The reduction of notice is a complicated process and sponsor Departments are advised initially to state their requirements for readiness to the MOD, who will then be able to translate the requirement into the appropriate Service notice. Once notice has been reduced, it has to be kept under constant review, and MOD and the sponsor Department need to keep in close touch to ensure that Servicemen will be available at the time required. Other considerations are the need to minimise the impact on normal Service activities and to keep down "no loss" costs. It should be noted that 72 hours notice allows the Services in general to continue their normal tasks without serious disruption, but reducing notice below the 72 hour point is likely to involve extensive movement of Servicemen and corresponding increases in "no loss" costs.

12. Sponsor Departments may find the following illustration of the possibilities helpful when considering their requirements:

- a. If a Department wants the Armed Forces to be ready to deploy at 0900 on 8 September, the units involved should receive warning by 0900 on 1st September.
- b. However, if the industrial situation is less clear, but it is apparent that matters may come to a head on 8 September, and the industry itself can maintain a service for 3 days, it would be prudent to ask for Servicemen to be brought to 72 hours notice with effect from 8 September. In this case the units involved should be warned of their likely task on 4 September, allowing 4 of their 7 days' notice to elapse before 8 September, when the remaining 3 days becomes their official notice time.
- c. If on the 8 September strike action seems to have been averted in the immediate future, then it would be in order to leave Service notice at 72 hours. However, if it is apparent that the Armed Forces will be required to deploy, then their notice has to be reduced progressively, so that on 9 September they are at 48 hours notice to meet the 11 September deadline, and so on until either a deployment is made or notice is relaxed.

**Possible Exceptions to Warning Time**

13. In a few instances (for example in a serious emergency where only small numbers of Servicemen are needed working in normal formed units and with their every-day equipment) it may be possible to provide for a more rapid deployment in advance of the official notice time of 7 days. This can on occasion provide a useful degree of flexibility in advance of implementing the main contingency plan. Where there is a need for arrangements of this sort the MOD will make every effort to meet the requirement but cannot guarantee a response time of less than 7 days.

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*2cc's  
please*

## CABINET OFFICE

MR TURNBULL

D/Employment's note for this evening's meeting.

With the compliments of

*PLG*

P L GREGSON

16 July 1984

70 Whitehall, London SW1A 2AS

Telephone 01 233 8339



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X

The civil law and the disputes in coal mining and docks

The present position

COAL MINING

The NUM members

1. The strike of NUM members itself is lawful because it is primary action undertaken in furtherance of a dispute which is 'wholly or mainly' about the 'terms and conditions of employment' - ie jobs and pay - of the strikers themselves (s.29 of the 1974 Act as amended by s.18 of the 1982 Act: definition of 'trade dispute'). No civil proceedings could therefore be taken against the union or its officials by eg NCB customers who cannot obtain coal simply because it is not being mined. The strikers themselves have broken their contracts of employment and as long as all on strike at any one pit are dismissed they are subject to dismissal without any legal redress or compensation because they have forfeited all statutory and contractual rights.

Secondary action

2. Industrial action by employees outside the mining industry (eg railway workers refusing to move coal) is unlawful secondary action (under s.17 of the 1980 Act) unless the employers of the workers concerned have contracts with the NCB and the action is targetted directly on the performance of those contracts. In fact it is understood that contracts for the carriage of coal are normally between British Rail and the customer (eg CEGB) rather than the supplier (NCB). It seems likely, therefore, that industrial action to prevent the movement of NCB coal is unlawful. Any action to stop imported coal is unlawful. The regional 'days of action' in support of the miners strike are also unlawful secondary action. Given the public expressions of support from the leaders of the unions' concerned for such secondary action as there has been, there is little doubt that the funds of the unions concerned (eg ASLEF) are at risk.

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## Picketing

3. The vast majority of picketing by NUM members is and has been unlawful because it has been taking place away from the pickets' own place of work (s.16 of the 1980 Act). On these grounds a number of injunctions have already been granted eg to the NCB against the Yorkshire NUM and to two firms of coal hauliers against the South Wales NUM. The funds of the NUM Areas concerned in organising the unlawful picketing and probably also the funds of the NUM nationally are at risk (under s.15 of the 1982 Act).

## DOCKS

### Dockers in Scheme ports

4. The TGWU would seem able to argue that their industrial action is in furtherance of a 'trade dispute' between Scheme port employers and their workers relating to a matter specified in s.29(1) of TULRA 1974 eg terms and conditions of employment of such workers; and that immunity provided by section 13 of that Act for interference with contracts applies. If that is established the action in Scheme ports would be lawful.

5. Registered dock workers are not covered by the employment protection legislation and so if dismissed must look to the civil law remedies deriving from their contracts. Whether the act of striking constitutes a breach of that contract depends upon the circumstances; a short stoppage may not amount to repudiation a prolonged one could be so found and the docker concerned lose civil remedies against dismissal. Under the Dock Labour Scheme dismissal of a registered dock worker by an individual employer does not remove the man from the register and the Dock Labour Board will still have responsibilities to him.

### Other TGWU members

6. The original call by the Docks Group of the TGWU repeated by the delegate conference extends to all dockers (and associated workers eg tug and lockgate operators) in all ports. It is quite probable that any strike in a non-Scheme port was unlawful - as in those there is apparently no trade dispute between the workers employed there



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and their own employers about their terms and conditions of employment and the industrial action is most unlikely to be targeted on commercial contracts between those employers and employers who are parties to a genuine trade dispute (ie unlikely to be lawful secondary action).

### Picketing

7. Any picketing of non-Scheme ports by dockers from Scheme ports (aiming to interfere with contracts etc) would certainly be unlawful.

### REMEDIES

8. In both disputes the remedies are the same. Any person or firm suffering or threatened with economic loss as a result of unlawful interference (be it striking or picketing) with a commercial contract to which he is a party - eg any customer or supplier of the NCB or anyone whose goods are 'blacked' or whose employees are unlawfully picketed - is likely to have a cause of action. His remedy will be to sue the union or its officials for an injunction and damages.

### The position once the Trade Union Bill is in force

9. The commencement date for the Bill's strike ballot provisions should be around 1 October 1984. This is on the assumption that Royal Assent is received before the summer recess, as now seems likely. (The Bill provides for commencement of these provisions two months after Royal Assent: the standard minimum period).

10. The strike ballot provisions will not apply retrospectively to industrial action organised before commencement. New forms of industrial action organised after commencement should however be caught. In technical terms, the union would only be liable (in the absence of a ballot) in respect of new acts of inducing a breach of contract of employment which take place after commencement.

11. As with the earlier 'immunities' legislation, the remedy under the strike ballot provisions will lie with employers rather than with



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trade union members who are called on to strike. In general a trade union member has no right of action<sup>against his trade union</sup>, either in tort or for the breach of his contract, when he has been called on to act in breach of his contract of employment. Under the operation of the common law, the courts would regard him as free to decide whether or not to succumb to the inducement.

12. This however does not detract from the right of individual trade union members to take action against their union where it has acted in breach of its rules. Moreover, both common law and statutory remedies could be available to any member expelled from their union for refusing to strike. The position of NUM members in these circumstances is discussed at Annex A.



POSSIBLE EXPULSIONS FROM THE NUM

1. At common law, the expulsion of a member by a trade union is lawful only if it is carried out in accordance with union rules and with the rules of natural justice. As regards union rules the key question is whether the NUM has the power in its rules to expel members who refuse to strike. This in turn appears to hinge on whether the new rule approved at last week's conference is lawful notwithstanding that it was voted on in defiance of a High Court injunction\*. As regards rules of natural justice these usually require a member to be given a full and fair hearing before disciplinary action is taken against him. The remedy for any alleged infringement of a union member's common law rights is by application to the High Court.
2. The most relevant statutory safeguard is s.4 of the 1980 Employment Act which provides union members who work in a closed shop with a right not to be unreasonably expelled from the union to which they are required to belong. The Act does not define 'unreasonably' though it makes clear that an expulsion is not to be held reasonable merely because it has been carried through in accordance with union rules. However, the related Closed Shop Code of Practice effectively defines certain classes of expulsion for refusing to take industrial action as unreasonable. These include expulsions where the industrial action is unlawful or has not been affirmed in a secret ballot.
3. In relation to expulsion from the NUM the key question is whether s.4 applies; ie does the NCB operate a closed shop within the statutory definition (this covers both written agreements and informal arrangements). The better view is that it does though certain NCB spokesmen have cast some doubt on this in recent weeks. Ultimately it would be a question of fact to be decided by a tribunal.
4. Assuming s.4 does apply, any expulsions from the NUM would seem

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\*Today's Guardian (16.7.84) reports that the group of Notts miners who obtained the injunction are planning to ask the High Court tomorrow to declare the rule change null and void.



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likely to be found unreasonable unless it could be shown that the industrial action had been affirmed in a secret ballot (only one ballot in an NUM area went in favour of strike action). The route of complaint under s.4 is to an industrial tribunal which can award compensation - up to a substantial maximum - if it finds the complaint well-founded.



<sup>ansur</sup>  
This ~~means~~ that there will closures of capacity where the  
high cost of production <sup>in</sup> ~~means that~~ the collieries concerned  
<sup>bring</sup> have no benefit to the industry in its objective of obtaining  
low cost production.

With the agreement that such pits should be closed it  
is anticipated that the change in capacity envisaged in  
our proposals of 6 March will now not be completed in this  
financial year but will be achieved over the coming  
12 months.





USA

SECRET

P.01340

MR TURNBULL

cc Sir Robert Armstrong

COAL AND DOCKS DISPUTES: POSSIBLE STRATEGIES

I attach a note of points which the Prime Minister may wish to cover at this evening's discussion.

*PLG*

P L GREGSON

16 July 1984

SECRET





SECRET

Coal and docks disputes: possible strategies

PRIORITIES

The political and economic stakes are much higher for the Government in the coal dispute than in the docks dispute. Priority should therefore be: end the dock strike as quickly as possible, so that the coal dispute can be played as long as necessary.

DOCKS

Endurance

Even if no problem over food and oil and ~~some freight still carried through Dover, and small non-Scheme ports~~ and by air, serious disruption to industry will soon be felt and there will be pressure on Government to find a solution.

Plan for servicemen (not used in docks since 1950) can only make limited contribution (shifting a few high priority cargoes) and could be counter productive (sympathetic action by road haulage, threat to oil supplies, severe picketing and law and order problems). Also possible need to bring in amending Bill to Emergency Powers Act 1920.

Strategies:

- i. Settlement through third-party intervention (eg ACAS, inquiry into operation of National Dock Labour Scheme)
- ii. Eroding rank and file support for strike particularly in non-Scheme ports (especially by hammering home that there is nothing to be gained for them, that they are being dragged into someone else's quarrel and that they have never been given a say in the matter)

2800.  
13 Ro-Ro.  
Access to equipment.  
Load pilots.  
1000 tons a day.  
50 lorries a day.

T.R.W.H.  
(Clemison.)  
Terry Beckett  
CBI.





SECRET

*Major employers.*

*Not scheme ports*

iii. Civil action in the courts

a. under existing Employment Acts

b. under Bill shortly to be enacted

(what particular grounds of action and what kind of plaintiff would command maximum public sympathy?)

what would the TGWU's reaction be? what would be the reaction of other trade unions?)

*2) no letters before strike*

*Approved  
2 months after Royal Assent*

iv. Closing ports

(If the strike is prolonged, some ports, eg London, might become totally unviable. Should they be allowed to close, with a final buying-out payment of the registered dock workers as at Preston? Would this help or hinder the effort to bring the strike to an end?)

*£35,000*

COAL

*Long distance Trans.*

Endurance

Power stations until mid January; possible March or later if we succeed in increasing coal movements. But industrial and domestic consumers may be in difficulties from autumn onwards, especially if imports through small non-Scheme ports cannot be maintained.

Strategies:

i. Talks

Scargill will not agree to anything acceptable to us unless and until there is a major crumbling of support. Therefore NCB line on 18 July will have to be:

- rest on proposals already tabled
- no further meeting to be arranged unless it is clear that progress can be made



SECRET

ii. Getting the miners back to work

(Can we identify at least one pit so far totally strike bound, which has already had its annual holiday and where at least 50 miners would be willing to be bussed in regularly, through pickets, if promised police protection getting to and from work and at home?)

iii. Civil action in the courts

(Will the new Bill, when enacted, offer new possibilities - eg loss of immunity through absence of a ballot? Is it likely that a national ballot would be forced in this way? If so, would there be a majority for continuing the strike? If the NUM refused to comply and had its assets sequestered, would it bring the end of the strike nearer? What would be the reaction of other unions?)

iv. Redundancies and closures

(It appears that redundancy compensation can be offered to miners on strike but that the total package will be less than for working miners through ineligibility for unemployment benefit. How many of the 20,000 would be ready to accept redundancy on this basis? Or is it tactically better to use this as a lever to get more miners back to work? Is there a danger of losing decisive anti-strike votes in an eventual ballot? If the redundancy applications were accepted, would it be feasible and desirable to close one or more pits, without any of their miners resisting redundancy or transfer? If such closures were to proceed would it undermine Scargill's position or help him to stir up more hostility against the NCB?)

SECRET



National Coal Board  
Hobart House, Grosvenor Place, London SW1X 7AE

- BT  
- AT  
- Lymington all Pgs

**NCB**

CHAIRMAN  
Ian MacGregor

→ File

July, 1984.

- Sent July 13 by post

- NCB issuing it to Sunday  
press.

Jw.

Dear Colleague,

As you know, the NCB and NUM have been talking together for the last few days and we are due to meet again next Wednesday, July 18. I thought it would be helpful to let you know what we agree about and what we don't agree about:

We agree there are no compulsory redundancies in our plans for the industry.

We agree that investment in our industry should continue at a high rate.

We agree that the NCB should seek to expand its markets both at home and abroad.

We agree that miners should be well above the average of industrial pay (the NCB offer 5.2% back dated to November 1983 still stands and is more than the offers accepted by power workers, water workers and railmen).

We agree that when a pit has to close, any miner who wants to stay in the industry will be offered another job with transfer benefits provided by the Coal Board. There are well-known generous arrangements for men made redundant.

We agree that miners should share in the benefits of improved profitability and growth.

We agree that exhausted pits should be closed.

We agree that unsafe pits should be closed.

We agree that there are "other reasons" for closure.



SO FAR SO GOOD

What do we not agree about?

We do not agree about the "other reasons" for pit closures.

The NCB say that when a pit cannot be beneficially developed we should not continue to waste human or financial resources or equipment on it and we should come to an agreement on such pits.

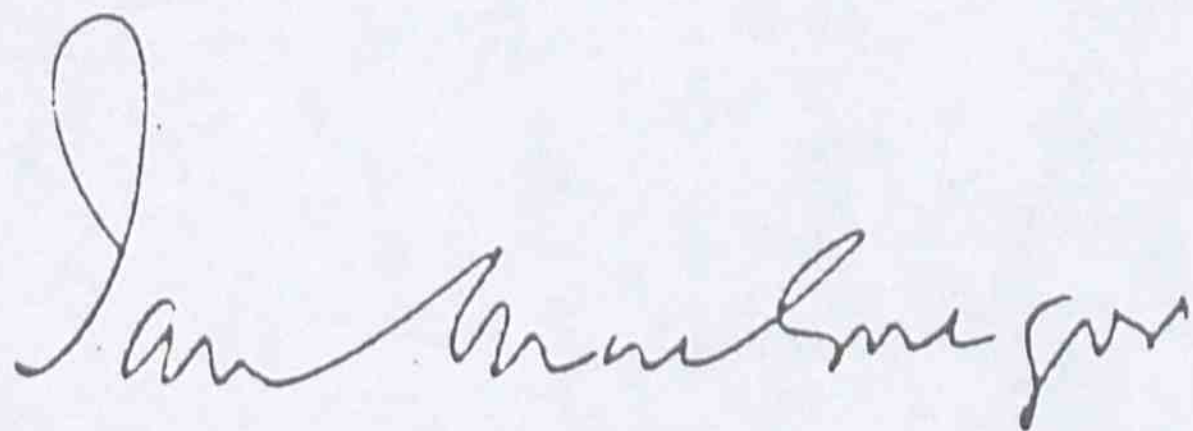
The NUM does not agree. They say pits should be kept open even when they are of no benefit to the industry.

The NCB cannot accept the NUM's position on this point, as the NCB will not sanction a policy which might do harm to the industry.

This is why the NCB refused to withdraw the proposals they put forward on March 6 which will provide security and stability in the industry. We, however, agreed to re-examine those proposals to take account of the changes that have occurred in the needs of the market and the loss of output resulting from the dispute.

So there you have it. It's a small but significant point. On the other hand, in view of the very large amount of agreement we have achieved, it seems to me, it would now be in the best interests of all of us to go back to work and resolve this dispute. That is what the Board will be trying to achieve when the negotiations resume on Wednesday.

Yours sincerely,







10 DOWNING STREET

Pune Minutes ①

I agree with John's thesis that holding talks while communicating hopelessness will not work. On his options

(3) is the ~~top~~ working of max open cast sites possible in the time scale of the next few months?

(5) closing pits unilaterally may create an additional grievance that be ~~an~~ agreed procedures are not being used - hitherto these have formed part of NCB's case

(6) NCB Industry has already been launched but has made no impact - it could be projected more.

AT

13/7



1) MR TURNBULL

2) PRIME MINISTER <sup>②</sup>

To wait and see what his ideas  
look like. AT 1317

You will wish to know that  
Mr Jack Peel 'phoned this afternoon to  
say that if you ever wished for someone  
with a reputation on both sides of the  
coal industry to perform any "mediation"  
services he will be willing to serve.  
In any event he would be sending a letter  
setting out his suggestions on the handling  
of the dispute shortly.

13 July 1984



SECRET

SOLE COPY

45

13 July 1984

PRIME MINISTER

COAL AND DOCK STRIKES

The Threat

The extreme Left is mounting a major extra Parliamentary challenge to the Government on a number of fronts. The coal strike has provided the main opportunity for exploitation; the dock strike is extending the industrial tactics; local government may become the breeding ground of more such activity.

The Left's aim is to pave the way for the ultimate defeat of the Government by destroying its policies and its credibility: it is out to undermine economic recovery by disrupting the Government's ability to control public spending and by interrupting the conduct of business; and in the ensuing climate of violence and non-compliance with the law, to mock the Government's claim to uphold law and order.

Like many revolutionary strategies to promote instability and tension, the present challenge is essentially a negative one. Its purpose is to oppose and to destroy. There are many responsible trade unionists and some more astute Labour politicians who can see that at the end of the extra-

SECRET



SECRET

Parliamentary road could lie the destruction not of  
capitalism but of the Labour Party.

There is only one thing worse than presiding over industrial  
chaos, and that is giving in to the use of industrial muscle  
for unreasonable ends.

#### Options for the Strikes

Either strike could be settled by giving in. Settling both  
by giving in would be the end of effective government.

There is no alternative to seeing the miners' dispute as  
central. If the dock strike can be settled within three  
more working days by reaffirming the employers' support for  
the NDLS, so well and good. Otherwise tougher action  
should be considered.

As to the miners, it is dangerous to blow hot and cold, to  
be out of the fray one week and then in it another.

Negotiators have clearly to mark out territory and plan a  
defensible fallback position. It is not in the rules to  
give something away today and then withdraw it tomorrow.

Any fudged formula over uneconomic pits which allows the  
pace of pit closure to be slowed and the level of subsidy to  
increase is defeat. It invites the question of why did we  
bother to soldier on for so long? I can think of no good  
answer.

SECRET



SECRET

Peter Walker's strategy a few weeks ago was to hold talks, to arrive at an early breakdown if the NUM showed no signs of reason, and then to communicate a sense of helplessness and hopelessness to miners because there was no prospect of talks and reconciliation. Given the circumstances and the unreasonableness of Scargill, that seemed like the only strategy.

Yet 2 weeks later there are more talks and apparent movement in the NCB's position. This is a sign of prevarication. The central issues cannot be for negotiation. If I were a miner, I would be delighted by the events of the last 2 weeks.

It is always more difficult, and requires tougher action, to correct a situation that is being allowed to degenerate through the noblest of intentions, than to carry on doing the right thing in the first place. But it is not too late.

The NCB have the following options to reassert their position

1. The law can be used against secondary picketing, to make an attack on Yorkshire NUM funds.
2. If talks fail on Wednesday, all talks could be off.
3. The NCB could press for more open-cast sites.

SECRET



SECRET

4. The redundancy option could be used.
5. The NCB could start closing pits.
6. The NCB could re-examine the idea of NCB industry to help in mining communities.

#### Conclusion

You cannot both follow a strategy of encouraging a war of attrition to get miners back to work, and a strategy of trying to find a fudged formula in talks which allow normal life to be resumed.

Given the current NUM negotiating stance - which clearly wishes to see the whole pit closure programme withdrawn and wishes to keep open the main sensitive pits - the negotiating option does not offer anything which the Government and the NCB could find acceptable, or which would enable the Government to come out of the strike with any credit.

It would therefore seem better to go back to the original strategy of the war of attrition, where the perceived way of the strike ending is for miners to go back to work. In the meantime, because ground has been lost, it is now advisable for the NCB to go more on the offensive in order to reassert their crumbling position. The recent series of

SECRET



SECRET

advertisements have not been a success - they have not been  
read widely, and the message has not been presented with any  
flair. They still need to put it across more colourfully.



JOHN REDWOOD

SECRET



SECRET

P.01339

PRIME MINISTER

Prime Minister

Lord President, Home Secretary and  
Attorney General have to leave at 11.30 am  
(to discuss the ILGA question)

AT 1377

Coal: MISC 101(84)27th Meeting

You will want to deal both with the coal dispute and with the dock strike. Although there are connections it would be better to treat them as two separate items as far as possible.

Coal

2. Depending on developments, you will wish to invite reports as follows:

i. from the Secretary of State for Energy

- on the handling of the NCB/NUM talks both as to substance and as to presentation and publicity
- getting the miners back to work

ii. from the Home Secretary

- on law and order

iii. from the Secretary of State for Trade and Industry

- on the position of the British Steel Corporation

iv. from the Secretary of State for Transport

- on coal movements.

SECRET





SECRET

Docks

3. You will wish to invite reports as follows.

- i. from the Secretary of State for Transport
  - on the extent of the action
  - on progress, if any, in the talks between employers and unions
- ii. from the Secretary of State for Employment
  - on the scope for resolving the dispute with particular reference to the future of the National Dock Labour Scheme
- iii. from the Secretaries of State for Energy and Trade and Industry
  - on the likely impact of the strike on power station endurance, steel production, and industry generally.

Next meeting

4. The next meeting of MISC 101 has been arranged for Wednesday 18 July at 6.00pm.

*Conferences*

*1) Monitoring Broadcast  
Pg 2) Policy vs compliance*

P L GREGSON *3) Planning to other  
aspects of M.C.B.*

13 July 1984

*5) Address in press  
re: M.C.B. 1984  
letter*

2

SECRET

*4) C.I.T. - on Docks  
Shipping*





10 DOWNING STREET

Andrew

Today's Meeting  
1800

OK for

pl Energy

pl G-p.

#15

S/Trade may be in  
difficulties as he  
has to be in the  
House. But his office  
will ring you as  
will Transport. # S/S.  
May be late.

C.R.







COVERING SECRET

Copy No 1 of 4



For Misc 101  
a Monday 43

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 6402

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

12 July 1984

*Dear Andrew*

POWER STATION ENDURANCE

I attach the latest report.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary

COVERING SECRET





## POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were 0.45 mt, with 10 working pits on holiday. Coal burn was 0.69 mt giving a stockdraw of 0.24 mt. CEGB coal stocks last Sunday night were 15.0 mt with a further 1.4 mt at Scottish power stations.
2. Total NCB deliveries last week were 0.64 mt of which about 0.2 mt went to customers other than power stations.
3. The average rate of coal deliveries to CEGB power stations during the strike has been 0.42 mt per week. Maximum oil burn continues. The range of endurance outcomes is:

<u>Average coal deliveries</u> (mt/week)	<u>Oil burn (% of max)</u>	
	<u>80%</u>	<u>100%</u>
0	late Oct	early Nov
0.3	late Nov	mid Dec
0.42	mid Dec	mid Jan
0.5	early Jan	early Feb

Department of Energy  
11 July 1984





42A  
NBPM

SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

SECRET AND PERSONAL

Prime Minister

EXTENDING POWER STATION ENDURANCE

I have seen a copy of the MISC 57 report, circulated under Mr Gregson's minute of 4 July, about the possibility of moving stocks from pits to power stations.

For my interest I am content with the Group's recommendations. I would certainly want to keep open the possibility of moving coal stocks to Scottish power stations from any of our pits which achieve significant levels of operation although, as you are aware, the present favourable endurance position for the Scottish Electricity Boards does not depend on the replenishment of their coal stocks.

Copies of this minute go to the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Trade and Industry, Employment and Transport, and to Sir Robert Armstrong.

G.Y.

G.Y.

11 July 1984



4 3 JUL 1984

Nat Ind:  
Coal

Pt 10

10 11 12 1  
2  
3  
4  
5  
6





Ref. A084/1990

PRIME MINISTER

Cabinet: Industrial Affairs

There are two items: coal and the docks.

Coal

2. You will wish to ask for the usual reports from:
  - i. the Secretary of State for Energy  
on the NCB/NUM talks  
on the NUM Delegate Conference and the legal action related to it  
on progress in getting the miners back to work
  - ii. the Home Secretary  
on the disturbances in South Yorkshire  
on intimidation
  - iii. the Secretary of State for Trade and Industry  
on the latest position at the British Steel Corporation's major plants
  - iv. the Secretary of State for Transport  
on coal movements by rail.

Docks

3. You will wish to ask for reports from
  - i. the Secretary of State for Transport  
on the extent of the strike
  - ii. the Secretary of State for Employment  
on the issues relating to the National Dock Labour Scheme
  - iii. the Secretary of State for Trade and Industry  
on how the strike is likely to affect industry.

Further Meetings

4. The next meeting of MISC 101 is on Monday 16 July at 4.00 pm. Any discussion of the dock strike which may prove



SECRET



necessary can be arranged in the Civil Contingencies Unit  
either at Ministerial level under the Home Secretary or at  
official level.

*R*  
Approved by  
ROBERT ARMSTRONG  
*and signed in his absence.*

11 July 1984

CONFIDENTIAL



SECRET AND PERSONAL



MO 19/1

NBPM  
AF  
11/7  
39  
41A

MINISTRY OF DEFENCE  
MAIN BUILDING WHITEHALL LONDON SW1  
Telephone 01-9307022 218 2111/3

11th July 1984

Dear Andrew,

EXTENDING POWER STATION ENDURANCE

My Secretary of State has seen the report of the Official Group on Coal, circulated under Mr Gregson's minute to you of 4th July. He supports the view that the use of servicemen to move existing coal stocks would raise the emotional temperature and recommends that it should not be considered any further at this stage in the dispute. He agrees the conclusion that the NCB and CEGB should be encouraged to increase deliveries from the pithead by some 100-150,000 tonnes a week.

I am copying this note to the private secretaries to the Home Secretary, Chancellor of the Exchequer, Secretaries of State for Energy, Scotland, Trade and Industry, Employment and Transport and to Richard Hatfield.

Your sincerely

Mich Evans

(N H R EVANS)

A Turnbull Esq

SECRET AND PERSONAL



# Concessions by NCB in talks

BY PHILIP BASSETT, LABOUR CORRESPONDENT

DRAFT agreements on pit closures put forward by each side in secret talks between the National Coal Board and the National Union of Mineworkers show significant concessions by the NCB—but also differences between the two parties which will require hard negotiating to resolve.

Texts of the agreements, released last night and published below, show how constructive has been the latest round of talks, compared to previous often bitter exchanges in earlier negotiations.

The board agrees that its proposals of March 6, calling for 4m tonnes less capacity in the industry, implying a loss of 20 pits and 20,000 jobs, will be revised, to take account of different market conditions and the loss of output from the strikes.

The NCB has agreed to reconsider pits, including Cortonwood in Yorkshire and Polmaise in Scotland which it said would close.

These are significant concessions, which for its part, on the evidence of the texts, the NUM has not yet matched. Mr Ned Smith, the NCB's industrial relations director, said last night the differences between the two sides are more than semantic — but even the NCB's wording on the definition of an

uneconomic pit allows the NUM considerable scope for argument at local level.

There are three main differences between the proposed agreements:

● The NUM wants the NCB to "withdraw" the March 9 pit closure programme. The NCB will only go as far as saying it will "re-examine" these proposals.

● The NUM is pressing that the five collieries listed by each side "will be kept open;" the NCB say that they "will be the subject of further consideration."

● While both sides agree on the key phrase, "further mineable reserves" as part of the definition of an uneconomic pit, to be found by a joint investigation by mining engineers, they differ sharply on the further definition of what that means.

The NUM says such reserves should be those which are "workable or which can be developed," while the NCB wants the word "beneficially—" a substitute for "economically," —inserted.

This is the crux of the argument—and despite the optimism from many of the parties yesterday, it is still there, still unresolved, still substantially unconceded by the NUM.

## NUM DRAFT AGREEMENT:

THE National Coal Board and the National Union of Mineworkers have examined the current situation in an effort to resolve the present dispute and provide a basis for the future of the industry. Consequently, it is agreed that:

1—In light of the changed circumstances, the board has reconsidered its proposals announced on March 6 and agrees to withdraw the programme of pit closures contained therein. Any future decisions relating to collieries will be dealt with in accordance with the guidelines below.

2—In order to establish more clearly the parameters for exhaustion of reserves in line with the Plan For Coal, the following categories and procedures will apply:

(a) Collieries which are deemed exhausted in line with the Plan For Coal will be closed by joint agreement.

(b) Collieries facing severe geological difficulties, i.e.,

safety, will, again in line with the Plan For Coal, be closed by joint agreement.

(c) Where a comprehensive and in-depth investigation by the board and union's respective mining engineers shows that a colliery has no further mineable reserves that are workable or which can be developed there will be agreement between the board and union that such a colliery shall be deemed exhausted.

3—In accordance with the above procedures, the following collieries currently under discussion will be kept open in line with the union's submissions: (a) Polmaise; (b) Herrington; (c) Cortonwood; (d) Bullcliffe Wood; (e) Snowdown.

4—On the basis of the above arrangements which will establish a developing and expanding coal industry to meet future energy requirements, the board and mining unions will jointly discuss the Plan For Coal and any proposed revisions.

FINANCIAL TIMES

TUESDAY 10 JULY 1984.

## NCB DRAFT AGREEMENT:

THE NCB and the NUM have examined the current situation, in an effort to resolve the present dispute and provide a basis for the future of the industry. Consequently, it is agreed that:

1—In the light of the changed circumstances the board will revise the March 6 proposals and re-examine those proposals for individual areas, taking account of the changes that have occurred in the needs of the market and the loss of output resulting from the dispute.

2—The following collieries referred to specifically by the NUM—namely (a) Polmaise, (b) Herrington, (c) Cortonwood, (d) Bullcliffe Wood, (e) Snowdown will be the subject of further consideration.

3—In order to establish more clearly the parameters in respect of exhaustion of reserves—in line with principles of the Plan For Coal—it is agreed that in the future the following categories and procedures will apply:

(a) Collieries which are

exhausted in line with the principles set out in the Plan For Coal will be closed by joint agreement.

(b) Collieries facing severe geological difficulties, i.e. safety, again in line with the principles of the Plan For Coal, will be closed by joint agreement.

(c) The NCB and NUM agree that where a comprehensive and in-depth investigation by their respective mining engineers shows that a colliery has no further mineable reserves that are workable or which can be beneficially developed, there will be a joint agreement between the board and union that such a colliery shall be deemed exhausted.

4—On the basis of the above arrangements the board and the unions will jointly discuss the Plan For Coal and any proposed revision. It is agreed that these discussions will seek to identify the basis for jointly establishing and developing an expanding coal industry equipped to meet future energy requirements.



SECRET

P.01338

PRIME MINISTER

Coal: MISC 101(84)26th Meeting

After the normal reports on the situation on the ground you will probably want to concentrate the discussion particularly on:

- i. the NCB/NUM talks
  - precisely what are the positions of the two parties now on closures?
  - is there any prospect of negotiating a satisfactory outcome at the meeting on Wednesday 18 July?
  - how should publicity be handled up to and after that meeting?
- ii. NUM delegate conference: 11/12 July
  - latest developments relating to today's High Court action by the Nottinghamshire miners to secure proper mandating for their delegates to the NUM conference at Sheffield;
- iii. public order
  - what can be done to deal more effectively with the outbreaks of rioting in South Yorkshire, notably at the Rossington and Kinsley pits, over the past two days?
- iv. getting the miners back to work
  - any progress in countering intimidation?
  - where do we now stand on proceeding with the redundancy programme?

SECRET



SECRET

v. national dock strike

- degree of support?

- progress by the employers in trying to defuse the situation?

(a meeting of the employers and unions in the National Joint Council for the Ports Industry was being held this afternoon).

2. The remainder of this brief consists of background material on a national dock strike and on dual firing, since you said that you might wish to have a word about that at the next MISC 101 meeting.

National dock strike

3. The Official Group on the Docks (MISC 78) did an extensive study of the implications of a national dock strike in 1982 with two reports to Ministers, MISC 78(82)10 and 14. Last July a short and up-dated report on the economic effects was produced for use in briefing Ministers, MISC 78(83)5, and I attach a copy for ease of reference.

4. The main points to note are:

i. It has always been assumed that a national dock strike would not affect oil supplies; oil terminals are generally well separated from other port activities and rarely employ registered dock workers.

ii. In the light of i. and since we are not using imported coal for power stations, a national dock strike should have no effect on power station endurance.

iii. The general effects on trade will depend crucially on how well the strike is supported; about a third of non-bulk cargo is carried by roll-on roll-off (RO-RO) much of which is driver-accompanied and passes through "non-scheme" ports such as Dover and Felixstowe.

SECRET



SECRET

iv. There should be little effect on food supplies; we are now much more self-sufficient, notably in cereals, than at the time of the last national dock strikes in 1970 and 1972.

v. The sectors of industry who may suffer the most are those whose operations are critically dependent on a steady and prompt supply of imported components or on maintaining a steady flow of exports.

vi. We shall need an up to date assessment of the implications for BSC's imports of coal and iron ore; it looks as if a major motive for the strike has been to tighten the grip on the major steel plants in retaliation for BSC's success in organising road deliveries.

5. The most appropriate machinery for handling the national dock strike would be the Civil Contingencies Unit, meeting at Ministerial level under the Home Secretary's chairmanship and at official level under my chairmanship. You will be able to keep track of it, and its inter-action with the coal dispute, in MISC 101.

#### Dual firing

6. Dual firing, ie converting coal-fired power stations so that they can be fuelled by oil as an alternative to coal, was one of the options examined in a report by the Official Group on Coal (MISC 57(83)12) on extending power station endurance in the medium term. The report was sent to you and other Ministers under cover of a minute from Sir Robert Armstrong of 21 July 1983 but I attach a spare copy for ease of reference. The options were discussed at a meeting of Ministers recorded in a letter from Mr Turnbull of 2 November 1983. The view was that "dual firing was too expensive and actually reduced capacity while it was being installed". It was decided instead to pursue certain other options - notably an increase in power station coal stocking capacity by a further 10 million tonnes by acquisition of additional land.

SECRET





SECRET

7. The discussion of dual firing is in paragraphs 3.13 to 3.16 of MISC 57(83)12, based on information provided by the CEGB. It was estimated that each conversion would take three years and that during that period the power station would have to be withdrawn from operation, thus limiting the number of conversions which could be undertaken simultaneously. It was thought that conversion of 8 large stations (15000 MW) would take about five years and would cost £800 million in direct capital costs and possibly as much as £1½-2½ billion in increased operating costs during the conversion programme (as a result of having to substitute oil-fired for coal-fired capacity during that period).

8. It is clear that dual firing (apart from the 900 MW capacity which we have already) is of no help to us in the present dispute. Quite apart from the cost and timescale, there is some doubt as to whether it could help us much in the future. Everything would turn, when the crunch came, on the cooperation of the power station workers in switching from coal burn to oil burn and on our ability to get the oil into inland power stations sited mainly in and near to the coal fields. We do not have this kind of problem with our existing programme of maximum oilburn concentrated on 6 large oil-fired stations, three of which are on the Thames estuary and are supplied direct by sea, with the other three supplied by pipeline from nearby refineries.

9. It may be of course that the CEGB are too pessimistic about time and cost and would, under pressure, produce different figures. I doubt however whether it would be a good idea to embark on such an exercise with them, which could become known, while the present dispute is in progress.

Next meeting

10. There will be a discussion both of the coal dispute and the dock strike under the industrial affairs item at Cabinet on Thursday 12 July. The next meeting of MISC 101 has been arranged for 4.00pm on Monday 16 July.

10 July 1984

4

  
P L GREGSON

SECRET





MA

10 DOWNING STREET

Prime Minister ①

Mr Walker gave us the impression at the restricted meeting that redundancies could not be secured in advance of, but only simultaneously with, a return to work. I asked David Pascall to investigate this.

He concludes that redundancy payments could be made, though a volunteer would not receive UB for the remaining duration of the strike. This would start when the dispute ended. But men would still be better off taking (i) and (ii) and waiting for (ii) than sitting at home on strike.

There are minor practical problems, but the main reason redundancy has not been offered is a tactical decision by the Board.

Agree this be raised in MISC 101?

Yes no

10/7/84



MR TURNBULL

10 July 1984

COAL - VOLUNTARY REDUNDANCY

There is no reason in principle why the NCB cannot make men redundant who wish to leave the industry during the present dispute. There are no legal barriers and it is not necessary for men to return to work before they can accept redundancy terms.

A man over 50 would receive a package of benefits:

- (i) - lump sums from both the state scheme and the RMPS scheme;

If the man is on strike the lump sum payments would be largely unaffected. The number of days on which he has been on strike would be subtracted from his period of continuous employment as the basis for calculating the awards. However, this would also be the case if the man deferred taking redundancy until he returned to work.

- (ii) - weekly state unemployment benefit for the first year;

The weekly unemployment benefit would not be paid during the duration of the dispute. This is a standard statutory provision designed to prevent abuse. If this rule did not apply it would be open for people on strike to take redundancy, receive unemployment benefit, and then be subsequently re-employed at the end of the dispute. They would therefore in effect receive strike pay financed by unemployment benefit.

- (iii) - further weekly payments under the RMPS scheme topping up earnings from one-third to one-half of previous earnings.

Until recently there was a difficulty with the top-up payments under the RMPS scheme which were linked to the payment of unemployment benefit. However, at the end of May, Peter Walker announced the Government's intention to lay an order under the Coal Acts amending this rule thereby enabling the RMPS payments to be made irrespective of whether unemployment benefit was being paid. He also announced that the order will enable compensation to be paid for loss of RMPS payments during the dispute.

An individual miner therefore has no financial incentive to delay taking redundancy during the dispute. However, at the moment it is the Board's policy only to offer redundancy to working miners.

DAVAAV

SECRET



The argument for proceeding with redundancy is that it undermines the NUM's refusal to contemplate manpower reductions. This argument is weakened by certain practical constraints.

- Under Section 99 of the Employment Protection Act employers must allow 3 months for consultation with the union if more than 100 men are to be made redundant. Such consultation is likely to be difficult with the NUM at the present time. However, the NCB could ignore this provision. The worst that could happen would be an award by an industrial tribunal of compensation for the loss of 3 months' pay.
- Counselling. A miner can show an initial interest in voluntary redundancy by telephone but it is normal then to proceed to an interview with his employers during which the details of his redundancy package would be explained to him. Under present circumstances, it could prove difficult to prevent intimidation of men attending such interviews. There are also problems in drawing up the detailed redundancy package while many of the clerks in COSA (the white collar arm of the NUM) are on strike.
- More importantly, it is unlikely that the Board could handle more than 2,000 voluntary redundancies a month. Although this could probably be speeded up, it is unlikely to make any significant in-roads into the 20,000 target.

The argument for not proceeding with the redundancy programme now is that the men most concerned are likely to be a significant pressure group for a more general drift back to work.

On balance, these arguments have not led the Board to change their existing policy of only offering redundancy to working miners.

#### Conclusion

There are no reasons in principle against proceeding with a voluntary redundancy programme during the current dispute. However, the Board are operating a policy of only offering redundancy to working miners.

We recommend that this judgement should be reconsidered and that this question should be urgently discussed by MISC 101.

*DLP.*

DAVID PASCALL  
DAVAAV

SECRET



COVERING SECRET

Copy No 1 of 4



39

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

9 July 1984

*Dear Andrew*

WEEKLY COAL AND POWER STATION STATISTICS

I attach the latest edition.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary

COVERING SECRET



Copy No **1 of 14**  
 6 July 1984

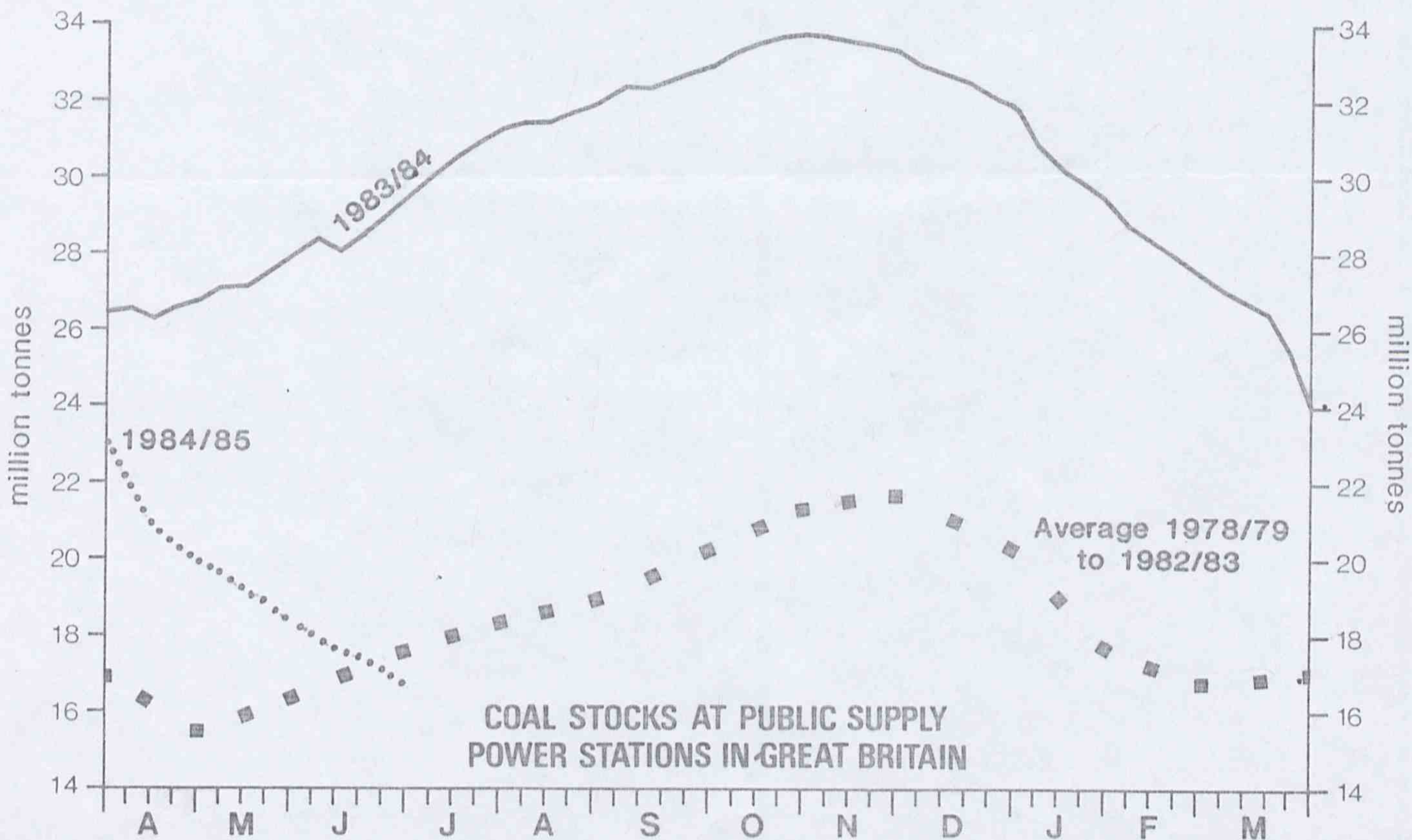
WEEKLY COAL AND POWER STATION STATISTICS (1)

EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

Week ending ..... 2.7.83 : 9.6.84 16.6.84 23.6.84 30.6.84

COAL	PRODUCTION (m. tonnes)	deep mines †	2.03 :	0.47	0.45	0.48	0.46
		opencast †	0.30 :	0.30	0.30	0.29	0.28
		TOTAL	2.33 :	0.77	0.75	0.77	0.75
COAL	PRODUCTIVITY(2) (tonnes/manshift)	'overall' o.m.s	2.48 :	..	..	..	..
		'production' o.m.s	10.48 :	..	..	..	..
UNDISTRIBUTED STOCK (m. tonnes)		TOTAL	24.91 :	22.21	22.22	22.25	22.68
STATIONS	COAL STOCKS (m. tonnes)		30.05 :	17.64	17.86	17.05	16.71
	COAL CONSUMPTION	"	1.31 :	0.78	0.77	0.78	0.80
	COAL RECEIPTS	"	1.84 :	0.48	0.49	0.47	0.46
	OIL STOCKS(3)	"	1.07 :	0.87	0.97	1.04	1.14
	OIL CONSUMPTION(3)	"	0.04 :	0.34	0.35	0.37	0.38
	OIL RECEIPTS(3)	"	0.06 :	0.33	0.46	0.44	0.48
POWER	ELECTRICITY SUPPLIED (4) (GWh)		:				
	Nuclear	"	708 :	919	827	709	640
	Other Steam	"	3,069 :	3,069	3,103	3,184	3,236
	TOTAL	"	3,777 :	3,988	3,931	3,893	3,876
	TOTAL - temperature corrected	"	3,732 :	3,940	3,948	3,969	..

(1) Great Britain unless otherwise stated. All latest figures are subject to revision.  
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.  
 .. data not yet available. † includes licensed production.





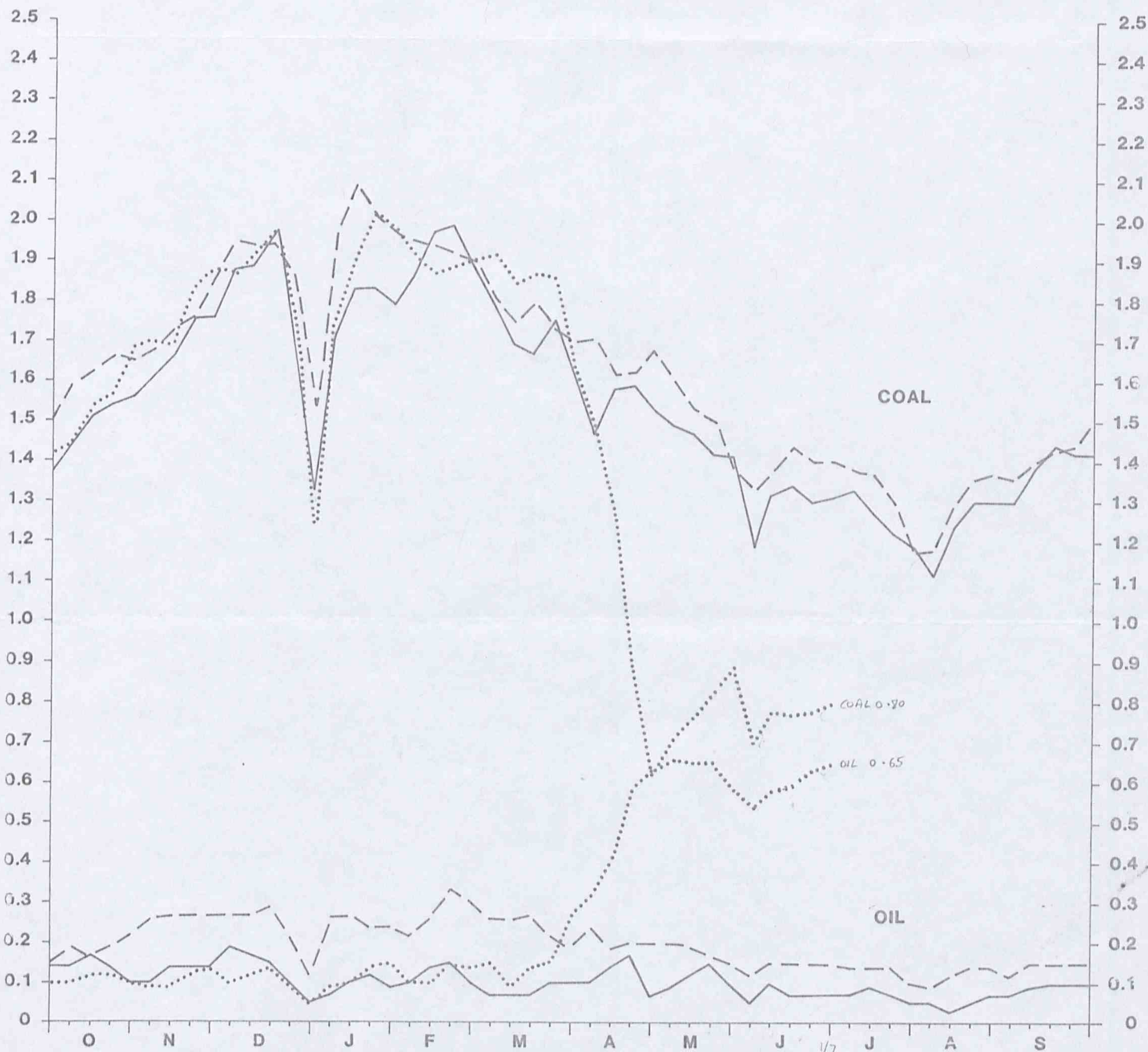
COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT  
PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

- ..... 10/83 to 9/84
- 10/82 to 9/83
- - - - Average 1977/78 to 1981/82

Million  
Tonnes  
Coal  
or Coal  
Equivalent

Million  
Tonnes  
Coal  
or Coal  
Equivalent





From: THE PRIVATE SECRETARY

File 38



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

SECRET AND PERSONAL

9 July 1984

Dear Andrew,

EXTENDING POWER STATION ENDURANCE

Mr Gregson sent me a copy of his note of 4 July. The Home Secretary is content that action should proceed as recommended by MISC 57.

I am sending copies of this letter to the Private Secretaries to the Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Trade and Industry, Employment and Transport, and to Sir Robert Armstrong.

Yours RW,  
Hugh Taylor

H H TAYLOR

A Turnbull, Esq.



CONFIDENTIAL

*For MISC 101 folder*



DEPARTMENT OF TRADE AND INDUSTRY

1-19 VICTORIA STREET

LONDON SW1H 0ET 5422

Telephone (Direct dialling) 01-215)

GTN 215)

(Switchboard) 215 7877

Secretary of State for Trade and Industry

6 July 1984

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
London SW1

Prime Minister  
*Pls, NCB can't draft as well as this.*

*AT 6/7*

*Dear Andrew,*

MINERS' STRIKE: BSC

My Secretary of State thought the Prime Minister and interested colleagues might like to see a copy of a letter that Mr Haslam, Chairman of the British Steel Corporation, has sent yesterday to all BSC employees about the Corporation's position on the miners' strike.

2 I am sending copies of this letter to the Private Secretaries of Members of MISC 101 and to Richard Hatfield.

*Yours ever,  
Ruth*

RUTH THOMPSON  
Private Secretary

CONFIDENTIAL

JH2ASP





## BRITISH STEEL CORPORATION

ROBERT HASLAM  
CHAIRMAN

4th July 1984

A personal letter to all British Steel employees.

### OUR BUSINESS: STEEL JOBS IN DANGER

I am writing to you now because our industry is facing dangers of a kind we have not seen before and I want you to know what we are doing about them.

We are no strangers to the hazards of competition from abroad. That threat to our livelihood and continued existence is familiar. All the slimming and belt-tightening British Steel has been through in recent years has recognised that danger. What we have done to meet it has put us in fighting trim and given us a fair chance of winning through.

Now, as you know, our future is threatened from a new direction. Groups of people in this country, outside our industry and with whom we have no quarrel, are trying to interfere with our right to do business. These groups - the leadership of the miners' and railwaymen's unions - are misguided enough to believe that putting us out of business will speed up a solution to the miners' strike. They want to set minimum coal supplies for plant safety, but with no steel being made.

There is no doubt what we have to do.

WE HAVE to stay in business.

WE HAVE to keep our plants operating at levels to meet our customers' requirements.

WE HAVE to do our damndest to keep the order book which, through sacrifice and by improving our all-round efficiency we have won back - against the fiercest competition the world of steel has ever seen.



WE HAVE to protect our plants from costly and serious damage which could arise from restricted or halted production.

AND by insisting on our right to do these ordinary, unexceptional things, WE HAVE to keep striving to protect the jobs of the people who work in our industry, the people who have made our recovery progress possible.

Stopping steel production would be suicidal for us. It would immediately drive our customers (who have shown great loyalty to British Steel all through these present difficulties) into the arms of foreign steel producers. And foreign steelmakers, desperate for work, would insist on long-term contracts, tying British industry to them, possibly for years.

Arthur Scargill has promised that no foreign steel would be allowed into Britain while our plants were shut. Experience shows that promise could not be kept.

So we are determined to keep going, to meet our customers' requirements.

If you work at Llanwern, Ravenscraig or Scunthorpe, you will know that these plants have been virtually under siege at times. If you don't, you will have seen on TV the lorry convoys which have taken over the transport of essential raw materials such as coal, coke and iron ore. We have had to do that since the railmen, under pressure from their national leadership, broke local agreements and refused to deliver these materials to our works.

We are not using lorry convoys to be provocative. We are keeping our business going despite bare-faced and undisguised attempts to cripple us. The lorry convoys will go on rolling as long as they are necessary. And our employees in the beleaguered works are giving us their full support in this emergency.

Now the TUC Steel Committee have told the miners and railmen they will not join in a suicide pact in which British Steel would be the most likely corpse.

Arthur Scargill asks steelmen to repay the debt they owe for NUM support during the steel strike.

What debt?

During that stoppage

Coal went on being produced at the highest output levels for seven years - and production bonuses went on climbing.



A total of 75,000 tonnes of British Steel pit arches went into the mines from stock during these months in 1980.

Calls for sympathy action in the coalfields were rejected overwhelmingly.

No miners lost their jobs.

No pits closed.

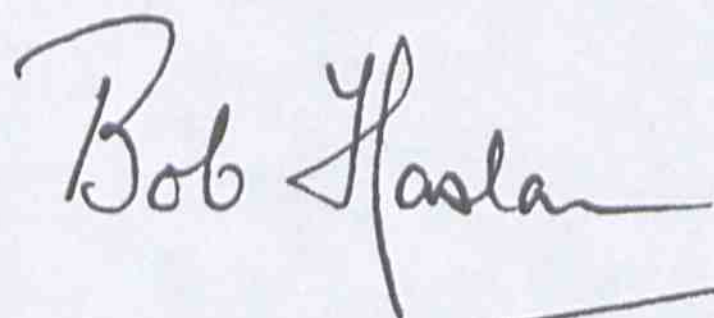
There is no debt to repay - least of all in the jobs and future of steel.

Your management are determined to maintain the emergency lifeline taking raw materials into our works, for as long as necessary.

Your support is one of the main elements in our recovery so far. During the present dangers facing our industry, it has encouraged me greatly.

As I said at the outset, I want to make sure you are fully informed about the situation and what we are doing about it. With your continued support, we are determined to keep British Steel in business.

Yours sincerely



---

Bob Haslam



SECRET

P.01334

PRIME MINISTER

Coal: MISC 101(84)25th Meeting

After the usual reports on the situation on the ground, you may wish to concentrate particularly on:

- i. the NCB/NUM talks and related publicity;
- ii. the success of efforts to counter intimidation;
- iii. the progress of the Attorney General's legal action against the South Yorkshire Police Authority;
- iv. the latest assessment of sympathetic action by the rail and transport unions (is this week's small improvement in the number of coal trains to power stations being maintained? Is the TGWU having any success in deterring road hauliers and lorry drivers?).

Next meeting

2. A meeting of MISC 101 has been provisionally arranged for 4.00pm on Wednesday 11 July in case it is needed. Depending on developments and the course of discussion you will wish to consider whether that meeting should go ahead or whether it would be sufficient to wait until the industrial affairs item at the Cabinet on Thursday 12 July.

*PLG*  
P L GREGSON

6 July 1984

SECRET



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Copy No 1 of 4

~~7617~~



DP to see return pt

36

AT  
517

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 6402

~~1. DR Thats.  
2. Debbie to return.~~  
AT

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

5 July 1984

Dear Andrew

POWER STATION ENDURANCE

I attach the latest report.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

Yours  
John

J S NEILSON  
Private Secretary

COVERING SECRET





## POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were 0.46 mt. Coal burn was 0.72 mt giving a stockdraw of 0.26 mt. CEGB coal stocks last Sunday night were 15.3 mt with a further 1.5 mt at Scottish power stations.
2. Total NCB deliveries last week were 0.63 mt of which about 0.2 mt went to customers other than power stations.
3. The average rate of coal deliveries to CEGB power stations during the course of the strike has been 0.42 mt per week. Maximum oil burn continues to be sustained. The range of endurance outcomes remains:

<u>Average coal deliveries</u> (mt/week)	<u>Oil burn (% of max)</u>	
	<u>80%</u>	<u>100%</u>
0	mid Oct	end Oct
0.3	late Nov	mid Dec
0.42	mid Dec	mid Jan
0.5	early Jan	early Feb

Department of Energy  
4 July 1984



SECRET AND PERSONAL



FUE

35

JD

10 DOWNING STREET

*From the Private Secretary*

Mr. Gregson

Extending Power Station Endurance

The Prime Minister has seen your minute to me of 4 July, and was very grateful for the report attached to it. Subject to the views of colleagues, she is content that efforts should now be made to increase deliveries from coal stocks held at NCB sites to power stations outside the strike-bound areas.

I am copying this minute to the Private Secretaries to the Home Secretary, Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Trade and Industry, Employment and Transport, and to Sir Robert Armstrong. It should be shown only to their Ministers and those officials who have been involved in the work for Misc 57.

AT

5 July, 1984.

SECRET AND PERSONAL



SECRET AND PERSONAL



34 J. J. L.

10 DOWNING STREET

*From the Private Secretary*

Mr. Gregson

Power Station Endurance: Other suggestions

The Prime Minister has seen your minute to me of 4 July. She has noted the limited contribution which can be made by "overburn"; that the suggestion that unused private generating capacity could supplement the national grid does not seem worth pursuing; and that, for the time being, no attempt should be made to import coal directly to the Thameside power stations. The Prime Minister was pleased to note that the estimate of the maximum rate of deliveries to power stations in the recovery period has been raised.

AT

5 July, 1984.

SECRET AND PERSONAL



SECRET

PRIME MINISTER

Coal Talks

By the time you get this note Mr. Walker may already have spoken to you at the House. He rang to say that the NCB and NUM have held discussions all day. Mr. MacGregor said the proposal to reduce capacity by 4 million tons had to be adhered to, but he could talk about the timescale for closures, particularly as the strike meant that no progress had been made on this for several months. In return for this, he sought the agreement of the NUM on a definition of uneconomic pits which would allow this reduction in capacity to take place. The rest of the day was spent discussing this, and "quite a lot of progress" was made. Somewhere between 8 and 9 p.m. they mutually decided to adjourn and to meet at 8 a.m. tomorrow. An agreed statement to the Press said merely that talks had continued throughout the day, and will resume in the near future. (It will not be specific about the time in order to maintain the secrecy of the talks.)

5 July, 1984.

SECRET





ms

10 DOWNING STREET

Prime Minister ①

Content, subject to colleagues,  
that a start be made on  
increasing deliveries from  
working NCB into by  
100-150,000 tons a week?

Given the importance of the  
subject, you will find it  
helpful to read the whole  
report. If you do not  
have time tonight, I will  
resubmit it at the weekend

AT

4/7

Spud ms



SECRET AND PERSONAL

P.01333

MR TURNBULL

POWER STATION ENDURANCE: OTHER SUGGESTIONS

I have minuted you separately today with a copy of the MISC 57 Report on extending power station endurance by moving NCB stocks at working pits and opencast sites. In this minute which is not copied to other Ministers' offices I am providing some comment for the Prime Minister on three other suggestions which have recently been made for extending power station endurance:

- i. by "overburn" of oil in coal-fired power stations so as to reduce coal consumption;
- ii. by using under-employed private generating capacity;
- iii. by coal imports.

2. The suggestion about "overburn" was made by the Secretary of State for Scotland because there is a special design feature at the Longannet power station to boost output from coal-fired sets by burning heavy fuel oil. It is already planned to take full advantage of this facility so that there can be maximum export of electricity from Scotland to England through the interconnector while still enabling the endurance of Scottish power stations to match that of the CEGB. Putting aside the exceptional case of Longannet there is some limited scope for CEGB coal fired power stations to conserve coal stocks by burning more lighting-up oil. The main practical constraint is the delivery of lighting-up oil which can more easily be secured at coastal than at inland stations. The CEGB intends to pursue this possibility so far as is practicable without detriment to adequate deliveries and stocks of lighting-up

SECRET AND PERSONAL



SECRET AND PERSONAL

oil for lighting-up purposes. This is expected marginally to increase endurance, perhaps by half a week.

3. The suggestion that unused private generating capacity could supplement the National Grid was made by the Chancellor of the Exchequer. We explored the scope for this in MISC 57 last week but the conclusion was that this was not a worthwhile option. We have to rule out the use of standby generators since these are designed to run for short periods only (for example to deal with interruptions to power supply); continuous running for any length of time would cause them to break down. This leaves private generating capacity (other than that which is coal fired) to the extent that it is not fully used by its industrial and commercial owners. Using such capacity to supply the National Grid would apparently be very expensive involving not just the net extra cost of burning oil rather than coal, which we are already incurring by maximum oilburn in power stations, but heavy penalties in loss of thermal efficiency from using plant designed for different purposes. Since the maximum theoretical saving of coal by this means is estimated at about 1 million tonnes, extending endurance by only about a week, this option does not seem worth pursuing. The Chancellor has had a word with me and his own officials and agrees with this view. The Department of Energy can however provide further details, if required.

4. On coal imports for power stations, the CEGB has not yet pursued this option. Except for the four coal-fired power stations in the Thames estuary, any imported coal would have to pass through the smaller ports where it might displace useful imports of coal for industrial and domestic use and would compete with home-produced coal for the available road delivery capacity to power stations. It would be logistically possible to deliver some 70-100,000 tonnes a week by sea to the four Thameside stations, thus extending endurance (if the operation were to start now, in addition to the operation to move NCB stocks) from early March until late April. There is however the risk of provoking a loss of cooperation from power

SECRET AND PERSONAL



SECRET AND PERSONAL

station workers in handling road-borne deliveries and in maintaining maximum oilburn. The CEGB has so far judged that it would not be prudent to take this risk. It would certainly seem preferable to give first priority to mounting an effective operation to move NCB stocks on the lines indicated in the MISC 57 report and to defer consideration of this option until that operation has been firmly established.

5. Finally the Prime Minister may find it helpful to know where we stand on the recovery period. Work has been done on the scope for increasing coal movements to power stations after the strike ends, with a view to building up endurance against a further strike so far as possible by this means rather than relying on continuing extra oil burn, with its additional cost. It has now been established that it should be possible on certain assumptions to increase the weekly rate of deliveries during the recovery period to about 2.15 million tonnes a week, about 300,000 tonnes above the previously assumed weekly maximum of 1.85 million tonnes. This should make the rebuilding of stocks considerably easier than we had thought. The work cannot usefully be taken further until we can better assess when the strike is likely to end, the degree of cooperation to be assumed, and the period which may be available for rebuilding endurance against a further strike.

*PLG*  
P L GREGSON

4 July 1984

SECRET AND PERSONAL



Ref. A084/1904

PRIME MINISTER

If you wish to curtail discussion, you may want to concentrate on (ii). AG has already applied for judicial review.

AG 4/17

Cabinet: Industrial Affairs: Coal

You will wish to ask for reports from:

- i. the Secretary of State for Energy  
on the NCB/NUM talks and related publicity;  
on the number of pits and miners working.
- ii. the Home Secretary  
on the attempt by the South Yorkshire Police Authority to impede the operations of the Chief Constable and the steps being taken by the Government (indemnification by the Home Secretary and the Attorney General's application for a judicial review and an injunction).
- iii. the Secretary of State for Transport  
on road and rail movements (although BR is reported as being more optimistic, the figures for coal trains this week up to Wednesday are no higher than last week and considerably lower than the levels in May and early June, even if the trains to Llanwern and Ravenscraig are left out of the comparison).
- iv. the Secretary of State for Trade and Industry  
on the position of the British Steel Corporation.

Next Meeting

2. The next meeting of MISC 101 has been arranged for 4.30 pm on Monday 9 July.

RA

ROBERT ARMSTRONG

4 July 1984





10 DOWNING STREET

Prime Minister ②

To note

- (i) limited scope for  
"overburn"
- (ii) the Chancellor's private  
generating capacity idea  
is not worth pursuing
- (iii) coal imports to Thameside  
stations could be raised but  
for industrial relations  
reasons it seems better to  
hold off and see how  
efforts to move stock go.
- (iv) the estimate of movements  
in the recovery has been  
raised to 2.15 mt a week.

*[Handwritten signature]*

*[Handwritten initials]*

4/7



070

30 (A) A

SECRET AND PERSONAL

P.01332

MR TURNBULL

Extending power station endurance

I was asked to arrange for my Official Group on Coal (MISC 57) to examine "the possibility of moving coal stocks from pits to power stations during the course of the dispute without losing the production being secured and without provoking retaliatory action elsewhere". This report is now attached. The conclusions and recommendations are summarised in paragraph 6.1.

2. The report explains that although there are substantial coal stocks held by the NCB at pitheads and opencast sites there are some physical and logistical constraints on the extent to which they can be used and on the rate of delivery. There are also risks, assessed in paragraphs 5.1 to 5.3 of the report, to existing deliveries of coal and oil, and potentially major problems of public order discussed in paragraphs 5.4 and 5.5. The industrial relations risks and public order problems would however be less if the operation was confined to movement from those pits and opencast sites which are working to the major coal fired power stations outside the strike bound areas.

3. It is therefore recommended (paragraph 6.1(vii)) that the best way of extending power station endurance is to concentrate on increasing deliveries from working NCB sites to power stations outside the strike bound areas with the objective of raising weekly deliveries by some 100-150,000 tonnes above the current average level of 420,000 tonnes. An extra 150,000 tonnes a week would extend endurance on current assumptions from mid-January to early March 1985.

SECRET AND PERSONAL



SECRET AND PERSONAL

4. If the Prime Minister and other Ministers are content that action should proceed on these lines, which is a confirmation and development of action already being planned and pursued experimentally by the NCB and CEGB, it would be helpful to know this as quickly as possible.

5. I am sending copies of this minute and the attached report to the Private Secretaries to the Home Secretary, Chancellor of the Exchequer, Secretaries of State for Energy, Defence, Scotland, Trade and Industry, Employment and Transport and Sir Robert Armstrong with the request that they should show the papers only to their Ministers and those officials who have been involved in the work of MISC 57 and need to see these papers for the purpose of giving essential advice.

*PLG*

P L GREGSON

Cabinet Office

4 July 1984

SECRET AND PERSONAL



## EXTENDING POWER STATION ENDURANCE

## INTRODUCTION

1.1 The Official Group on Coal was asked to consider the scope for extending power station endurance by moving coal stocks from pits to power stations during the course of the coal dispute without putting at risk the coal production and deliveries of coal and oil to power stations currently being achieved.

1.2 This paper:

- describes the current levels of coal production and delivery;
- illustrates the effect which increased coal deliveries to power stations would have on power station endurance;
- sets out the physical and logistical constraints on increased movement of pithead coal stocks;
- discusses the industrial relations risks and the implications for public order;
- proposes a preferred course of action for consideration by Ministers.

1.3 Except where it is clear that Scotland is included, the figures in this paper apply to England and Wales. Scotland, where circumstances are materially different from those in England and Wales, is discussed at Annex A.



SECRET

PRESENT PRODUCTION AND DELIVERIES

2.1 Coal production in Great Britain has in recent weeks normally been running at around 750,000 tonnes, although the level from week to week has varied depending on the incidence of public holidays and the pattern of annual holidays at particular pits. Production from deep mines has been around 450,000 tonnes and that from open cast sites around 300,000 tonnes. Most of the deep mine production has been moved to customers but the NCB has so far not been able to move the bulk of open cast production.

2.2 Weekly deliveries have normally been at a level not far short of weekly production, ie around 700,000 tonnes. Leaving out of account some coal delivered by means other than road and rail and some small deliveries in Scotland (see paragraph 3 of Annex A), the pattern has been broadly as follows:

	thousand tonnes weekly		
	Deliveries to CEGB power stations	Deliveries to other customers	Total
By rail	200-300	50-60	250-350
By road	200-300	150	350-450
Total	400-500	200	600-700

It should be noted however that the level of rail deliveries to other customers (ie principally to major steelworks) and to a lesser extent to power stations has recently been affected by sympathetic action by the rail unions. To some extent (notably in the case of steelworks) any reduction in rail deliveries can be offset by increased road deliveries. In the week ending 29 June, for example, total deliveries to power stations were expected to be of the order of 420,000 tonnes, of which 270,000 were expected to be made by road and only 150,000 by rail. It is not clear, however, how far this substitution can be carried without risking industrial relations difficulties with NUM members involved in loading lorries at working pits. Moreover, the more road transport is used to maintain existing levels of deliveries, the less capacity will be available to expand deliveries beyond the levels already achieved.

SECRET



## ENDURANCE: EFFECT OF INCREASED DELIVERIES

3.1 The effect which increased coal deliveries would have on power station endurance (assuming maintenance of maximum oilburn) is as follows:

Weekly coal deliveries to CEGB power stations  
(thousand tonnes)

300	mid-December
420 (recent average rate)	mid-January
500	early February
→ 600	late March
→ 700	July

These figures reflect the fact that a tonne delivered in spring or summer, when consumption is low, extends endurance by more than a tonne delivered in winter, when it is high.

3.2 As and when coal production at the NCB's deep mines increases the first priority will be to ensure, as at present, that it is all immediately delivered to appropriate customers so as to avoid the effort and costs of double handling. Deliveries to CEGB power stations already involve however a small amount of draw down of pithead stocks at the pits producing coal. This stock draw has normally been running at some 80,000 tonnes per week but has at its peak been as high as 150,000 tonnes per week. About two-thirds of open cast output is currently going to stock, mainly in those areas where the deep mines are closed. The remainder of this paper is concerned with examining how far power station deliveries might be increased by increasing the draw down of pithead and open cast stocks.

## PHYSICAL AND LOGISTICAL CONSTRAINTS

Amount and distribution of pithead stocks

4.1 Usable NCB stocks of steam coal amount to about 15 million tonnes at pitheads and on open cast sites, just over 12 million of them in England and Wales. There are also 1 million tonnes of coal which are of a quality better than that required for power stations and which are reserved for domestic,



industrial and other premium customers. (There are also nearly 5 million tonnes at pitheads which could not be used without further processing: very little of this is in areas where deep mined coal is being produced and distributed, and it is unlikely to be practical to bring these stocks into use in the circumstances of a strike.)

4.2 Power station endurance depends on the 19 main CEBG coal burning stations listed in Annex B. The extent to which pithead coal stocks could in practice be used to supply these stations depends in part on how far distant the power stations are from the coalfields and the distribution of pithead stocks among the coalfields. 4 stations (Didcot and the 3 Thameside stations) are remote from the coalfields. The distribution of pithead stocks among NCB areas is as follows:

NCB Area	Yorks	Midlands	N.E.	West	S. Wales
Pithead stocks (million tonnes)	0.5	3.8	3.9	1.6	2.3

4.3 Considerations of coal quality (ie the need to blend coals of inferior quality with better grades prior to use in power stations) also have an effect on the logistics of supply. They apply particularly in the Midland and Western Areas which account for around 5.5 million tonnes of usable stocks. A full appreciation of these and other considerations arising from maldistribution of stocks would require detailed discussions with the NCB and CEBG.

4.4 It should be noted that stocks in the areas where pits are currently working (in Nottinghamshire, Derbyshire, Leicestershire, the West Midlands and Lancashire) are around 4 million tonnes. In these areas there are 9 major coal fired stations. Two of these, however, (Ratcliffe and High Marnham), have high stocks because of rail deliveries since the strike began and are thus not suitable destinations for further large quantities from pithead stocks. 6 stations are in solidly strike bound areas (Aberthaw in South Wales, Blyth in the North East and 4 in South Yorkshire).



Delivery capacity

4.5 In normal times coal deliveries to power stations are virtually all by rail through the "merry-go-round" system of rail links between pits and power stations. Each train carries about 1000 tonnes, the equivalent of 50 tipper trucks (usually of 20 tonnes capacity). Weekly coal deliveries in excess of 1.5 million tonnes are possible by this system. There are however industrial relations constraints. The highest levels of rail deliveries achieved during the strike have been in the range of 200-300,000 tonnes a week: action by the rail unions has recently reduced this rate to the region of 150,000 tonnes a week.

4.6 As the table in paragraph 2.2 shows, about half the coal delivered over recent weeks both to CEGB power stations and to other customers has been by road (around 350,000 tonnes a week). This is a considerable increase over normal road deliveries of coal and the scope for further increases is difficult to assess. There are no up-to-date figures for the national fleet of tipper lorries of the large, rigid kind needed to move coal, but the latest reliable estimate puts it in the region of 16,000 to 20,000 vehicles. There is thus likely to be plenty of spare tonnage available in principle, but it is not possible to say how much would be available in practice and how much could and would be diverted away from other industrial purposes (eg in the construction industry). The switch of iron ore deliveries at Ravenscraig and Llanwern from rail to road has also taken up some of the available capacity. Nevertheless, it is clear that the size of the national lorry fleet is likely to be a much less important constraint than the readiness of contractors and their drivers to be deterred by intimidation and secondary industrial action (for example picketing and blacking). Experience at Ravenscraig, Orgreave, Llanwern and elsewhere shows that some contractors and many drivers have not been so deterred.

4.7 If contractors and drivers were deterred by intimidation and secondary industrial action, Ministers might wish to consider whether they wished work to be done on the possibility of using Service drivers. Formal plans for the use of Servicemen to move coal were abandoned in 1979. It has been the Government's policy that no contingency planning for the use of Servicemen in the current dispute should be carried out. Without prejudice to that policy,



the results are available of studies carried out in 1981 for the Official Group which suggest that, in order to move about 500,000 tonnes a week to the main CEGB coal fired stations, it might be necessary to requisition at least 1650 of the largest types of tipper lorries (about 10 per cent of the national stock of such vehicles) and involve about 4500 Service drivers. The requisitioning would have to be done under the Emergency Powers Act 1920 and Ministers would have to be satisfied that the threat to the essentials of life from an interruption to electricity supplies was sufficient to justify invoking the powers, given the levels of stocks remaining at the time. If Ministers were to decide to consider further the possibility of using Servicemen, detailed feasibility studies involving the Ministry of Defence, CEGB and NCB would be needed to confirm the rate of deliveries attainable in present circumstances. These studies would require a good deal of work in the field and could not be done completely covertly. In addition, the claims of prior commitments of Service manpower would have to be considered in assessing the numbers of men who could be made available.

#### Loading and unloading capacity

4.8 Lifting coal from stock involves considerably more handling than loading new-wrought coal. Handling and loading of stocks at the pits would normally be done by NCB employees: work necessary for their reception at the power stations would be done by CEGB employees. It is possible in principle for coal from stock to be loaded for transport by road even at pits the production from which is normally moved by rail. It is possible also for power stations normally supplied by rail to take road deliveries. Concurrent road and rail deliveries to power stations would however compete for limited unloading facilities. Even if road deliveries could be substantially expanded without prejudicing existing rail deliveries, therefore, the combined capacity for movement of coal by road and rail at any one time might exceed the capacity of the power stations to take deliveries. An increase in road deliveries would also involve increased handling of coal at the power stations, often involving a change from the usual pattern of work for the CEGB employees involved in unloading.



Overall assessment of physical and logistical constraints

4.9 Making some allowance for the considerations of coal quality and stock maldistribution discussed in paragraphs 4.2 and 4.3, the maximum amount of stocks which might in principle be available for distribution from sites in England and Wales is unlikely to be more than 10 million tonnes and could well be less. Although the numbers of suitable tipper lorries which might be available is not precisely known, it seems improbable, taking account of the existing scale of abnormal road movements, that the maximum rate of movement of these stocks could exceed 500,000 tonnes per week. As at present, the costs of road transport would fall on the CEEB: they would be offset by the fact that the CEEB is currently spending much less than usual on rail deliveries because of the effects of the strike. The additional 10 million tonnes would extend endurance to April/May 1985. This could be achieved by either:

- a delivery rate of 200,000 tonnes a week starting in July; or
- a delivery rate of up to 500,000 tonnes a week starting in November.

## INDUSTRIAL RELATIONS AND PUBLIC ORDER CONSIDERATIONS

Industrial relations

5.1 In considering the scope for increasing deliveries of pithead coal stocks it is necessary to assess the risks of the following possible adverse consequences:

in relation to the miners

- industrial action at pits currently working
- inhibiting a return to work at other pits
- increasing the extent, and violence, of picketing

in relation to railwaymen and other transport workers

- increased sympathetic action affecting existing coal and oil deliveries to power stations



in relation to power station workers

- a refusal to handle deliveries at the increased level
- possible refusal to handle coal deliveries at the existing level
- possible withdrawal of cooperation from measures to prolong power station endurance, including maximum oilburn.

5.2 Some of these contingencies have a lower degree of probability attached to them than others. One important factor is the attitudes of the unions and workers involved. At one extreme it now seems unlikely that increased deliveries from pithead stocks could be exploited by the NUM in a way which would bring the Nottinghamshire miners out on strike although there are some sensitivities even in the areas least affected by the strike which might inhibit the degree of cooperation in increased coal movement. At the other extreme the rail unions, who have already made strenuous efforts to curtail existing deliveries to power stations, might be able to exploit a major effort to lift pithead coal stocks in a way which would stop rail deliveries completely. Power station workers come between these two extremes. Many are members of the TGWU, which has resolved nationally to give assistance to the striking miners. The EEPTU and other unions in the industry has advised members to work normally, though this leaves open the possibility that they might refuse abnormal or additional work. At some sites (for example the Fiddlers' Ferry power station) TGWU members have from the outset of the strike been unwilling to handle new coal deliveries although they have cooperated with the CEGB in other respects. CEGB workers at Didcot power station have voted not to handle road deliveries, though it remains to be seen whether this will be upheld in practice. At many other sites, particularly in the Midlands, power station workers have raised no objection about handling new rail borne or road borne coal deliveries. There has also been no difficulty so far with power station workers over maximum oilburn. Power station workers have the ability to affect power station endurance much more directly than any other group of workers. The risk of provoking a loss of cooperation on their part, particularly at power stations in areas where pits are on strike and emotions run high, must therefore be assessed particularly carefully.



5.3 At the pits, as well as at the power stations, the risk of an adverse reaction is dependent both on the scale of any effort to move NCB stocks and on the extent to which it might involve any conspicuous change in normal working. There would for example be particular difficulty in bringing workers into strike-bound pits to load the pithead stocks, a task which would normally be done by miners. The risk of an adverse reaction is lowest where the pits involved have been working normally and where there has already been some discreet lifting of pithead stocks and where the power stations involved are not in striking areas. The use of Service drivers rather than private sector contractors and drivers, if it proved necessary, would sharply increase the emotional temperature both at pits and at power stations.

#### Public order

5.4 Experience with large scale coal deliveries during the strike so far (for example at Ravenscraig, Llanwern and Orgreave) has suggested that the implications for public order are less critically dependent on tonnages moved than on other factors. These factors include the general degree of tension in which movements take place, the circumstances which have made them necessary, the location of the sites where the coal is being loaded and delivered and the motivation of those driving the lorries, doing the loading and receiving the deliveries. They also include the resources of manpower on which the strike leadership can call for picketing and the use to which they put them. Although the largest number of pickets mustered on any one occasion has been 10,000, and although the most militant strikers are thought to be considerably fewer than this figure, astute picketing tactics could clearly pose very difficult problems at a large number of sites.

5.5 An attempt to shift NCB stocks from a large number of sites, some in strike bound areas, to perhaps 19 major coal fired stations, some of which would also be in strike bound areas would almost certainly result in further violent picketing. There would be an additional difficulty in that the distances involved would in many cases be greater than at Ravenscraig, Llanwern and Orgreave. Attempts to achieve the maximum rate of delivery (500,000 tonnes a week) would be very visible and controversial. The lower rate of delivery referred to in paragraph 4.9 (200,000 tonnes a week) would need to be sustained over a much longer period (up to 10 months rather than 5 months) and would need to start very



quickly. The police would not have the resources to protect all the convoys, even at this lower rate of delivery, if there were well-organised and violent mass picketing at a number of sites. The difficulties would be particularly acute if access had to be secured to pits and power stations in strike bound areas. If Ministers were to decide that the NCB and CEEB should be asked to organise a significant movement of pithead coal stocks there would need first to be confidential consultations with the Association of Chief Police Officers to consider whether the additional demands on police resources (together with those involved in protecting miners going to work and in ensuring supplies to steelworks) could be met and, if they could, to permit planning at the localities concerned.

#### SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

6.1 The Group's conclusions and recommendations can be summarised as follows:

- i. There would be worthwhile benefits to endurance in increasing the present rate of coal deliveries to power stations (400-500<sup>000</sup> tonnes a week of which some 80,000 tonnes is from pithead stocks).
- ii. Taking account of maldistribution of stocks and considerations of coal quality, the theoretical maximum of stocks which it might be feasible to move is probably 10 million tonnes or less; and the maximum rate at which they could be moved is probably 500,000 tonnes a week or less. Moving 10 million tonnes would extend power station endurance to April/May 1985.
- iii. There are however risks in attempting to move as much as 10 million tonnes of NCB stocks. Attempts to move coal from pits in strikebound areas would escalate the intensity of the dispute and could well widen it. Although coal production in Nottinghamshire is perhaps unlikely to be affected, existing rail borne coal deliveries to power stations might cease, oil supplies to power stations could be prejudiced and power station workers might even withdraw cooperation. All this could put existing endurance at risk. Use of Servicemen would exacerbate these dangers.



iv. Road borne coal movements on this scale would cause major problems of public order, particularly if pits and power stations in strike bound areas were involved. The police would not be able to ensure free or safe passage for this number of convoys if there were well-organised and violent mass picketing at a number of pits.

v. The industrial relations risks and public order problems would be less if the operation was confined to the NCB stocks at those pits and open-cast sites which are working and to the major coal fired power stations outside the strike bound areas.

vi. The NCB and CEGB in consultation with BR and road contractors are already seeking to maximise coal deliveries to power stations, making day to day judgements of what might be feasible without risk of adverse consequences, and are drawing on pithead stocks discreetly.

vii. It is therefore recommended that the most practical way of extending power station endurance with minimum risk to existing coal production and deliveries and minimum strain on the police would be to build on what the NCB and CEGB are doing already and concentrate on increasing deliveries from working NCB sites to power stations outside the strike bound areas. The objective should be to increase deliveries of new-wrought coal and stocks, both deep-mined and open cast, by some 100-150,000 tonnes a week above the current average level (420,000) tonnes a week). Achievement of the higher figure would increase endurance, on current assumptions, from mid-January to early March 1985. In Scotland, the possibility should be kept under review of moving coal stocks to power stations from any pits which achieve sizeable levels of operation.

Cabinet Office

4 July 1984



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SECRET AND PERSONAL

## SCOTLAND

1. Following a recent review of their endurance position, the SSEB have advised the Secretary of State for Scotland that they are confident that, under present circumstances, they can match the endurance of the CEGB system throughout the coming Winter and, at the same time, continue exports on the interconnector at their present level. This is subject to the relatively trouble free operation of all the non-coal fired plants in Scotland. In addition there could be temporary curtailment of exports if there were unexpectedly high peaks of demand caused by abnormal weather conditions. As in England, the Scottish endurance position depends on freedom of interruption to oil supplies.

2. Total NCB coal stocks in Scotland amount to some 3.3 million tonnes. The bulk of this is held at the following four locations:-

	<u>Tonnes</u>
Bilston Glen (Deep Mine)	- 550,000
Monktonhall (Deep Mine)	- 550,000
Westfield (Opencast)	- 1,200,000
Blindwells (Opencast)	- 600,000

The balance is stocked at a number of NCB opencast sites. There is no up-to-date information held centrally on coal stocks at the various relatively small privately owned opencast sites in operation in Scotland.

3. Opencast coal production has continued in Scotland at roughly its normal level during the miners' strike. At NCB sites production is estimated to have been almost 700,000 tonnes. At these sites the workforce made continued production conditional upon coal being stocked, rather than delivered to industry or the electricity boards. It is clear however that, throughout the dispute, some coal supplies have been reaching industry and there have been arrangements for exceptional treatment to be given to schools, hospitals and cases of hardship. Some of these have been met from pithead stocks and some have been supplied

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SECRET AND PERSONAL

from NCB opencast production. But, despite heavy picketing, the more important sources of supply have been privately owned opencast mines and imports; comprehensive figures on the delivery levels in Scotland are not available.

4. Coal production recently started at Bilston Glen colliery but only at very low levels.

5. Consideration of the feasibility of moving NCB coal stocks to power stations has concentrated on the four major locations listed above. At the maximum, an operation based on road transport might be capable of shifting 1,500-2,000 tonnes from each site to the nearest coal-fired power station in a 12 hour working day, equivalent to about 50,000 tonnes per week. Round the clock working would not double the figures, but might increase them to around 75,000 tonnes per week. The use of rail transport instead would roughly double these rates of stock movement though, because of loading and unloading problems, road and rail could not be used in conjunction. These delivery rates compare with normal winter weekly delivery rate to Scottish power stations of about 100,000 tonnes.

6. The existing level of SSEB coal stocks, and their overall endurance position, are such that an attempt to obtain deliveries from NCB stocks would not be justified at present, and would carry the considerable risk of forfeiting the cooperation of workers in power stations. But the position will be kept under review in the light of the level of resumed working at Scottish pits.

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Location of 19 major coal fired power stationsRemote from coalfields (4)

Didcot	Oxfordshire
West Thurrock	Thameside
Tilbury	Thameside
Kingsnorth (partially oil-fired)	Thameside

In strike-bound areas (6)

Aberthaw	South Wales
Blyth	Northumberland
Ferrybridge	Yorkshire
Drax	Yorkshire
Eggborough	Yorkshire
Thorpe Marsh	Yorkshire

Others (9)

West Burton	Nottinghamshire
Cottam	Nottinghamshire
High Marnham	Nottinghamshire
Ratcliffe	Nottinghamshire
Willington	Derbyshire
Drakelow	Warwickshire
Rugeley	Staffordshire
Ironbridge	Salop
Fiddlers' Ferry	Merseyside



SECRET

I suppose we should be  
60,000 and hope  
no one asks questions.

1 TF  
2 CF

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X is a complete  
contradiction as  
the NCB line when  
says to have a  
order of 1-2000

MR TURNBULL

4 July 1984

COAL

Men at work

The position is confused, and it is extremely difficult to produce reliable figures. The information provided by the Department of Energy simply reflects the actual number of people working on Wednesday, 27 June - ie 57,000 working in the coal fields, or 63,000 if regional HQs, research centres and Hobart House are included. (Incidentally, Hobart House employs 700 people).

The table cannot be used to estimate the number of men on strike. This is because:

- Seven working pits were on holiday.
- The numbers of mineworkers (NUM) and officials (NACODS) do not include working men who are absent for legitimate reasons, ie rest days, including shift rest days, holiday, sickness etc. NACODS are not formally on strike, but some men are not turning up to work because of heavy picketing. The number of working members of NACODS is likely to rise as the number of working NUM members increases.
- The full complement of management (BACM) is shown as working, ie the number on holiday or ill is included, because the NCB are able clearly to identify these people as not on strike in contrast to the above categories.

Consequently, the quoted numbers of men at work underestimate the underlying position, although it does not appear possible to quantify this. We find this hard to believe, because the NCB must have some clear idea of who is on strike in order to decide who should be paid.

It is also difficult to obtain precise information on the trend of men returning to work. Allowing for holidays and other legitimate reasons, our best information is that during the last 2 weeks perhaps 170 strikers have returned to work, principally in North Derbyshire and Scotland. This trend can still only be described, therefore, as a trickle.

DLP.

DAVID PASCALL

SECRET



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cc: LPO  
HMT  
D/Energy  
MOD  
SO  
DTI  
EMP  
TPT  
AG  
CO

BM



file

10 DOWNING STREET

*From the Private Secretary*

4 July 1984

Miners' Dispute: South Yorkshire Police Authority

The Prime Minister has seen the Home Secretary's minute of 3 July. She agrees that the Chief Constable of South Yorkshire should be given every support in his efforts to uphold the law. She wonders whether the steps proposed will be sufficient to protect his position. She has also asked whether Government is able to provide funds directly.

The Prime Minister has also commented, in connection with the announcement made last Thursday on the costs of policing the dispute, that under the new arrangements the costs will continue to mount for police authorities and that, if the dispute continues, she thinks it may be better to move soon to a position where the Government bears all the costs at the margin. This may reduce the tendency of police authorities to put constraints on the actions of their Chief Constables.

I am copying this letter to the Private Secretaries to members of MISC 101 and to Richard Hatfield (Cabinet Office).

(Andrew Turnbull)

Hugh Taylor, Esq.,  
Home Office

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subject cc master

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SECRET

Record of a meeting to discuss the coal dispute at 1900  
on 3 July, 1984

Present:

Prime Minister  
Secretary of State for Energy  
Mr. MacGregor  
Mr. Gregson  
Mr. Butler  
Mr. Turnbull

The Prime Minister said that in announcing that talks were to take place between the NCB and NUM Mr. Scargill had claimed that these were at the request of the NCB and that the NUM would be maintaining its demand that no pit could be closed other than on grounds of exhaustion. She asked Mr. MacGregor to set out the background to these talks and to explain the NCB's negotiating strategy.

Mr. MacGregor said that it was not correct that talks had been sought unilaterally by NCB. They had risen out of Mr. Orme's efforts, as mediator, to get talks resumed "on the Edinburgh basis". At Edinburgh, NCB had sought to engage the NUM in discussion of a wider definition of pits for closure. It was agreed that pits could close on grounds of exhaustion and safety, and the NUM had been invited to suggest a form of words under which they could accept that uneconomic pits would close. The NCB had taken the line that provided it was free to secure the closures necessary, it could afford to be flexible about the way this was described. A discussion of this issue had been

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/ initiated,



initiated, and it was agreed to resume in a few days time.

Mr. MacGregor explained that the breakdown of the talks in Rotherham may have been deliberately contrived by the NUM, but it was possible that the breakdown was accidental. It turned out that the hotel booked for the talks was being used by the television crews covering Orgreave, so that when Mr. Scargill arrived he ran into a battery of press and television. This had angered him, and it never proved possible to restore the atmosphere of the earlier talks. Since Rotherham, Mr. Orme had been in contact with all the parties, and agreement had finally been reached on a resumption of discussions on pit closures.

Mr. MacGregor said the NCB's aim was to achieve a position where the business could be managed in a way in which miners could be moved from unproductive pits which were a drag on the business, to more productive pits where they could earn higher bonuses. His tactic was to get the NUM to put forward language which it could accept but which would allow the NCB to secure its objective.

In discussion it was argued that Mr. Scargill could be genuinely seeking a resolution of the pit closure issue, but equally there was little evidence that he was losing control of the rest of the Executive. He might well therefore be entering talks in the expectation that they would break down in circumstances from which he could extract advantage ahead of the delegate conference on 11/12 July. In case this happened, it would be vital for the NCB to have prepared a note to take into the meeting setting out its position which could be released to the Press immediately afterwards. It was essential not to allow the NUM a free run with the Press as happened after Rotherham. The NCB should also protect itself by having a transcript made of the meeting.



It was not clear how keen Mr. Scargill was to pursue the definition of closable pits; there was some evidence that this was more an idea of Mr. Heathfield's. There were dangers in trying to find a form of words which would satisfy the NUM. Plan for Coal had incorporated an ambiguous formula by referring only to exhausted capacity, while setting a figure which could only be achieved by going beyond simply exhausted pits. This ambiguity was exploited by Mr. Scargill who could argue that he was acting within the spirit of Plan for Coal; the same thing could happen again.

The Prime Minister said the strategy should be to seek a definition of closable capacity, perhaps by setting a figure in a re-worked Plan for Coal. Thereafter negotiations on which pits would be closed could then return to the local level. Mr. MacGregor said the only dimension on which he could be flexible was over timing.

Mr. Gregson reported on the work into increasing endurance. This had identified the following possibilities:

(i) Efforts to move stock from pit heads to power stations should concentrate on those pits and open cast sites which were working. This could allow perhaps 150,000 tons of coal a week to move to power stations in non-strike areas, thereby extending endurance to March.

(ii) In increasing imports it was important to avoid displacing traffic through small ports, and to avoid competing for lorry capacity. This could be done by concentrating movements on the Thameside coal burning power stations. While this might allow imports of 70-100 thousand tons a week, it could put at risk the cooperation of power station workers, and hence the oil burn programme which was worth a great deal more. It was recommended that



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- 4 -

a decision on this be postponed.

Mr. Walker said that under the present rules RMPS was paid in conjunction with unemployment benefit, but UB could be paid only to those leaving work. This meant that the combined benefit could not be claimed by those on strike. The NCB was trying to organise a mass return to work in certain areas in which those wishing to claim redundancy would report to work for a short period, perhaps only a week, but in doing so would provide support for those who wished to resume working. It was noted that this ruled out the strategy of securing 20,000 redundancies and then arguing that the strike was pointless as all men on strike could return to guaranteed employment. The NCB's approach meant that the redundancies had to be simultaneous with a return to work, and could not be used in advance to open up the way for a return to work.

Mr. MacGregor said the letters from Area Managers would be going out this week, accompanied by improved advertising. Mr. Walker said he had organised a panel of MPs who would be available continuously to the media to put across the Government/NCB case.

The meeting finished at 2030.

AT

4 July, 1984.

SECRET

JBDAAR





10 DOWNING STREET

Prime Minister

Mr Gregson is not  
submitting a brief as  
issues with have been  
discussed fully elsewhere.

AT

3/7

mt



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Prime Minister ①

Agree Home Secretary's line?

AT 3/17

Is this enough.

Can we provide the funds

MINERS' DISPUTE: SOUTH YORKSHIRE POLICE AUTHORITY

done? ml

PRIME MINISTER

I am writing about the action being taken by the South Yorkshire Police Authority to try and prevent the Chief Constable from continuing to police mass picketing at the Orgreave coking plant, and the steps which the Attorney General and I are taking to support the Chief Constable in upholding the rule of law.

The background is that the South Yorkshire County Council and its Labour majority on the Police Authority strongly support the strike action in the NUM and take the view that the large-scale police operations needed to keep the British Steel Corporation's coking plant at Orgreave open in the face of the massive and at times violent picketing of the past few weeks should not have taken place. The County Council have passed a resolution that the Orgreave plant should be closed, and the Police Authority have told the Chief Constable that he should do that on public safety grounds, although it is far from clear under what powers they expect him to act. The Chief Constable has said that he will continue to uphold the rule of law.

More seriously, however, the County Council and the Police Authority have withdrawn from the Chief Constable the discretion which he possesses under their standing orders to incur expenditure of up to £2,000 without prior approval from the Authority. After a meeting yesterday, the Authority told him that he is not to incur any expenditure for the purpose of dealing with picketing without their express authority.

Because Orgreave is due to re-open on Monday, 9 July, the Chief Constable needs to incur expenditure from Thursday onwards on work needed to prepare a local RAF barracks to receive police Support Units from other forces which will be needed to reinforce his own force for policing Orgreave. The Chief Constable has asked the Authority Chairman for approval of this expenditure, and the Chairman has called a special meeting for 5.30 p.m. to discuss the request. It is possible that the Authority may approve the request, but all their statements, including the enclosed article in today's "Yorkshire Post" and some public statements by the Chairman this lunchtime, indicate that they will not.

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That would make the Chief Constable's position very difficult. Under the tripartite structure of the Police Act 1964, the Chief Constable is responsible for the direction and control of the force, and is not subject to the direction of the Police Authority or anyone else in operational matters. The main function of the Police Authority is to secure the maintenance of an adequate and efficient police force, and in particular to provide buildings, vehicles, etc. for that purpose, i.e. to make the necessary financial provision, which is matched by central grants. The Authority clearly have a duty to exercise proper financial control, and they also have power to suspend the Chief Constable on grounds of a disciplinary or criminal offence. If the Chief Constable goes ahead, therefore, after an adverse decision by the Authority this evening and incurs the expenditure from Thursday onwards, the Authority may claim that they are entitled to suspend him.

We shall clearly have to wait until this evening in the first place to see what the Authority decide. The Attorney General and I have already put in hand, however, certain contingency arrangements. The Chief Constable will report the result of the meeting to the Chief Inspector of Constabulary, Sir Lawrence Byford, who will report to me. The Chief Constable will also be issuing a public statement straightaway, saying that he remains determined to uphold the rule of law in South Yorkshire and will take all necessary steps with his force to continue to secure that. I propose to make clear at once tonight my full support for the Chief Constable, in whatever way is necessary, and to emphasise his essential duty to uphold the rule of law and to maintain public order and the right of people who wish to go to work to be able to exercise that right.

The Chief Constable will probably tomorrow seek a declaration from the courts that the Authority are acting unlawfully in their attempt to prevent him fulfilling his duties and policing the dispute. Because he has no funds available to him and the importance of ensuring his position, it is proposed that Treasury Solicitor and Counsel should be made available to him. ✓  
Meanwhile, I am arranging for the Chief Constable to be assured of sufficient financial support on a contingency basis for him to be able to continue with his necessary preparations for policing Orgreave next week. We shall also be considering with the Chief Constable and Counsel whether, as part of his action or separately, a restraining injunction would be desirable to prevent the Authority from suspending him.

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I am sure we need to move quickly in this way, to forestall public speculation that police operations against the dispute will be hampered, or even that the Armed Forces would have to be brought in instead. (The Chief Constable has already had to deny the latter allegation this afternoon). We also need to move to deter other Authorities from taking similar action to place difficulties in the way of their Chief Constables, as some of the Metropolitan Authorities have already been contemplating.

I am sending copies of this minute to other members of MISC 101 and to Sir Robert Armstrong.

L.B.

3 July 1984

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Coun. GEORGE MOORES  
'Reaction to costs'

## Police chief faces curb on spending

By RAYMOND GLEDHILL, Local Government  
Correspondent

THE hostility shown by South Yorkshire County Council's Police Committee towards the county's chief constable over his policing of the miners' dispute increased sharply yesterday.

The Labour-dominated committee decided by 18 votes to ten — with Tory and magistrate members combining in opposition — to prevent the police chief, Mr. Peter Wright, from incurring any expenditure in relation to the dispute, apart from police pay and subsistence, without committee permission.

The ban would be effective immediately, said the committee chairman, Coun. George Moores, who explained: "It is a reaction to the growing costs facing the authority, because cash has been spent without reference to the committee."

The withdrawal by the committee of power to incur expenditure up to £2,000 without its authority follows its previous recommendation, approved by the full council last week, to send all bills run up during the strike — for food, accommodation, hire of non-police transport and petrol — to the Home Office.

The committee further agreed yesterday to send the Home Office all the bills for the use of the former RAF station at Bawtry, near Doncaster, for billeting police support units from other forces.

Mr. Wright said the latest decision to curb his spending powers would make his operational decisions on policing the miners' dispute very difficult.

Coun. Moores said it was recognised that the chief constable had complete power on operational matters, but the limited power given to the police authority extended to areas outside pay and subsistence.

Mr. Wright appealed for a legal ruling on his position from the council's chief executive, Mr. John Harris, who said that if an emergency arose it was the chief constable's responsibility, under the Police Act, to take any operational decisions in spite of the committee's ruling on spending.

But then the chief constable had a duty to report to the committee at the earliest opportunity.

**POLICE** said yesterday that violence by picketing miners could lead to an innocent bystander being killed.

The warning came after pickets threw a brick at a coal lorry at Seymour Sidings in Staveley, Chesterfield, which shattered the windscreen and struck the driver on the head.

He managed to bring his vehicle safely to a standstill before being taken to hospital with serious head cuts.



COVERING SECRET

Copy no 1 of 4



28

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ

01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON  
SW1

3 July 1984

*Dear Andrew,*

WEEKLY COAL AND POWER STATION STATISTICS

I attach the latest edition.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary

COVERING SECRET



Copy No *1 of 14*  
29 June 1984

WEEKLY COAL AND POWER STATION STATISTICS (1)

EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

Week ending ..... 25.6.83: 2.6.84 9.6.84 16.6.84 23.6.84

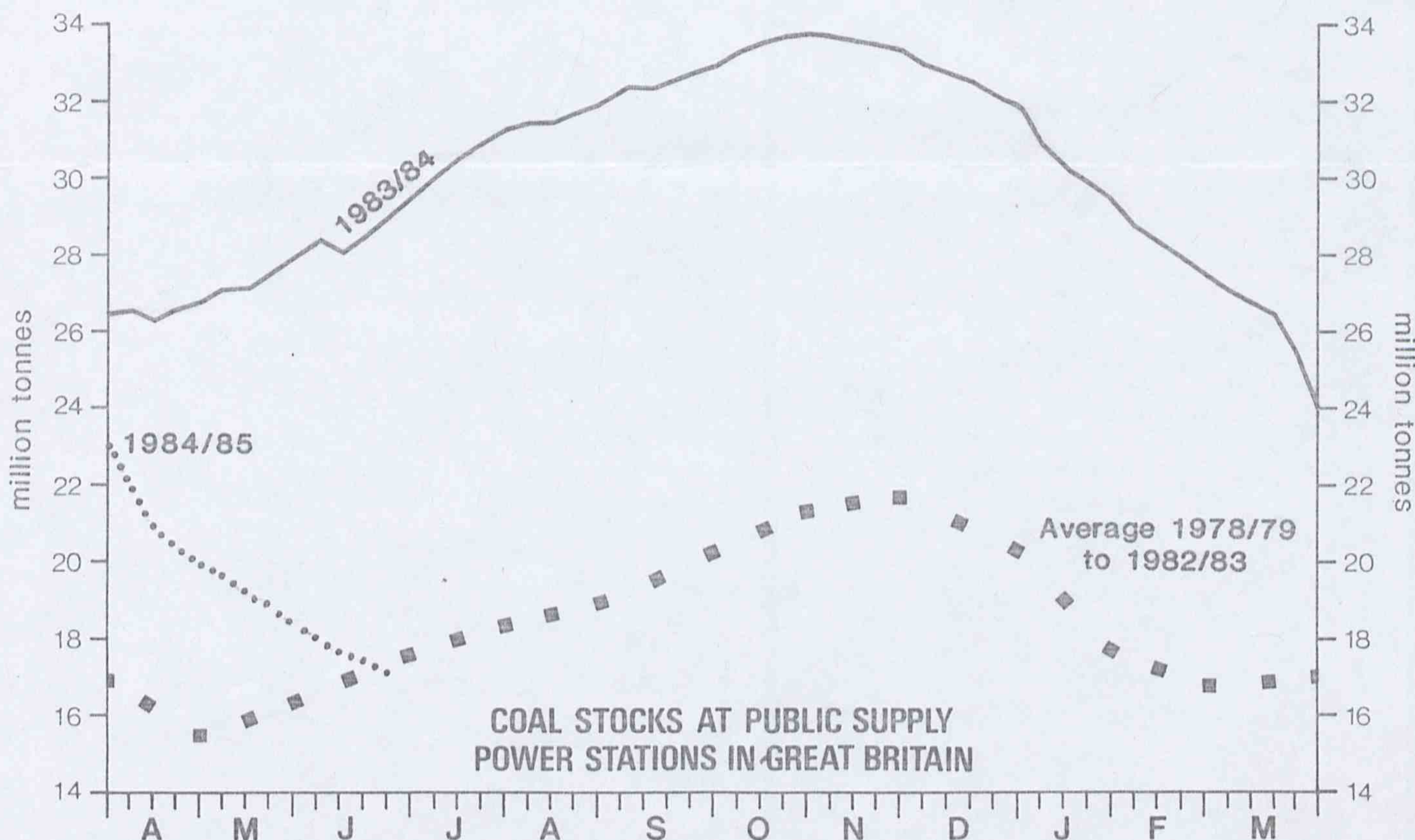
(5)

COAL	PRODUCTION (m. tonnes)						
	deep mines†	opencast†	25.6.83	2.6.84	9.6.84	16.6.84	23.6.84
		TOTAL	2.14	0.11	0.47	0.45	0.48
			0.30	0.25	0.30	0.30	0.29
			2.43	0.36	0.77	0.75	0.77
COAL	PRODUCTIVITY(2) (tonnes/manshift)						
	'overall' o.m.s	'production' o.m.s	2.56	..	..	..	..
			10.72	..	..	..	..
UNDISTRIBUTED STOCK (m. tonnes)	TOTAL						
			25.07	22.18	22.21	22.22	22.25
POWER STATIONS	COAL STOCKS (m. tonnes)						
			29.52	17.94	17.64	17.36	17.05
			1.30	0.70	0.78	0.77	0.78
	COAL CONSUMPTION						
			1.84	0.23	0.68	0.49	0.47
POWER STATIONS	OIL STOCKS(3)						
			1.05	0.88	0.87	0.97	1.04
			0.04	0.32	0.34	0.35	0.37
	OIL CONSUMPTION(3)						
			0.10	0.35	0.33	0.46	0.44
POWER	ELECTRICITY SUPPLIED (4) (GWh)						
			690	856	919	827	709
			3,080	2,829	3,069	3,103	3,184
			3,770	3,684	3,988	3,931	3,893
			3,782	3,579	3,940	3,948	..

(1) Great Britain unless otherwise stated. All latest figures are subject to revision.

(2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.

.. data not yet available. (5) Includes Spring Bank Holiday. † Includes licensed production





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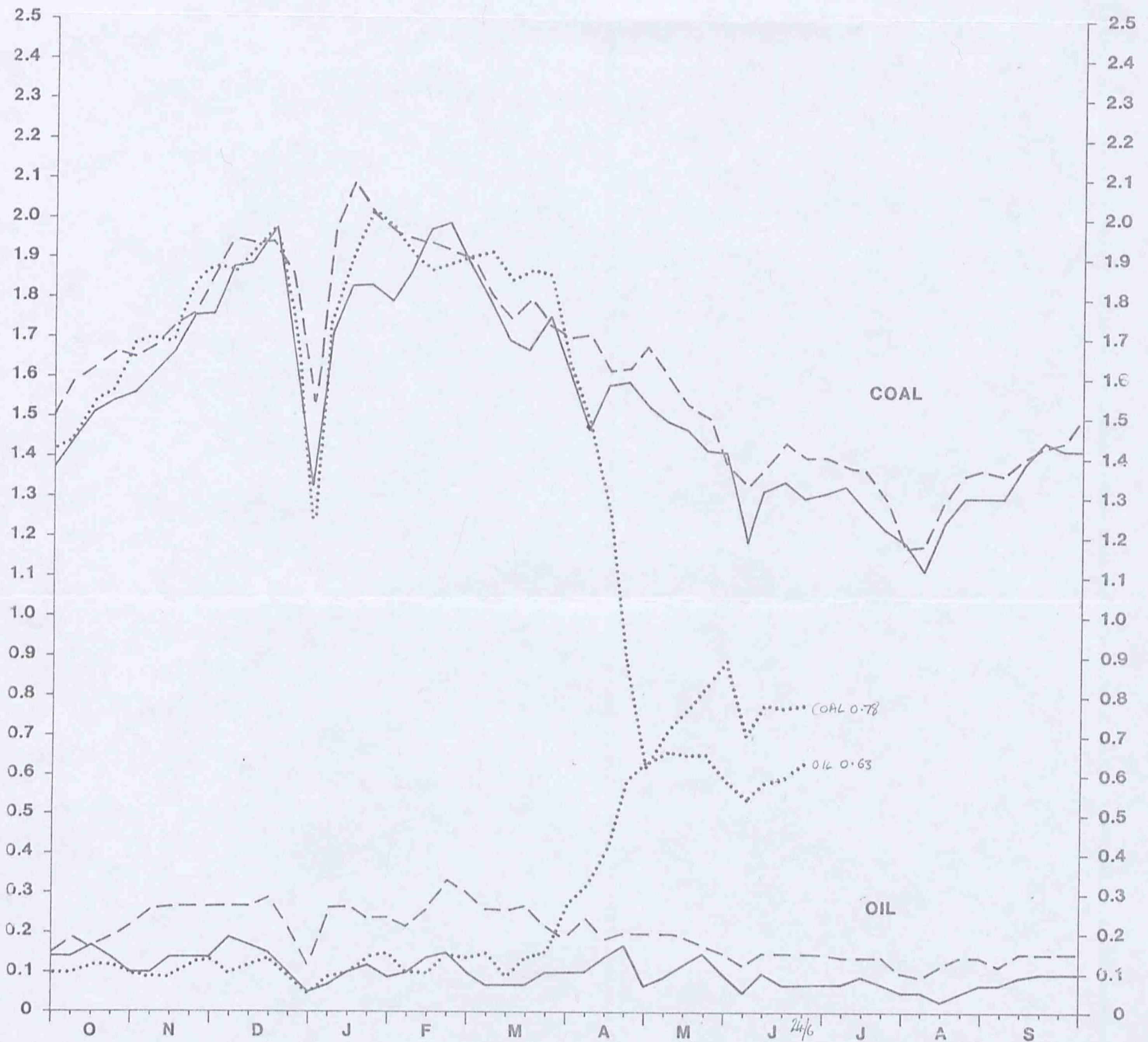
### COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

- ..... 10/83 to 9/84
- 10/82 to 9/83
- - - - Average 1977/78 to 1981/82

Million  
Tonnes  
Coal  
or Coal  
Equivalent

Million  
Tonnes  
Coal  
or Coal  
Equivalent



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CONFIDENTIAL



~~CTP~~  
~~AD~~  
~~DP~~

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

2 July 1984

*Dear Andrew*

COAL DISPUTE - NUMBERS AT WORK

Thank you for your letter of 27 June.

Keeping track of the number of men at work is a complex matter, but at our request the Board have prepared figures illustrating the position on Wednesday last. This is attached.

Presentation of these figures needs careful handling especially because of the different numbers of pits on holiday from week to week. My Secretary of State would be glad to discuss this with the Prime Minister when a convenient opportunity presents itself.

*Yours sincerely  
Michael*

M F REIDY  
Private Secretary

CONFIDENTIAL



Date: Wednesday 27 June 1984

(Nos of Working Pits on Holiday = 7)  
(Nos of Striking Pits on Holiday = 5)

ESTIMATE OF  
ACTUAL MEN  
WORKING

ESTIMATE OF  
EQUIVALENT  
MEN ON BOOKS

(Conditioned to  
Coalmining  
Agreements)

PITS & AREAS ETC

36,900	Mineworkers, WPIS Canteens etc (NUM)	181,100
6,100	Officials (NACODS)	16,000
4,900	Clerks (NUM and APEX)	6,800
9,200	Management (BACM)	9,200
<hr/>		<hr/>
57,100 (26.8%)		213,100

HQ, REGIONS ETC

2,800	Clerks (NUM and APEX)	3,000
3,150	Management (BACM)	3,150
<hr/>		<hr/>
63,050 (28.8%)		219,250

COAL PRODUCTS,  
OPENCAST  
ANCILLARIES

950	Cokeworkers, Coke WPIS (NUM)	4,500
300	Opencast Industrials (NUM)	300
1,400	Clerks (NUM and APEX)	1,500
1,900	Management (BACM)	1,900
<hr/>		<hr/>
67,600 (29.7%)		227,450
		<hr/> <hr/>



Nat Ind. Coal Pt 10.



10001 TMC 2



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COPY 1 OF 4 COPIES

P.01329

PRIME MINISTER

Coal Dispute

You are seeing the Secretary of State for Energy and Mr MacGregor tomorrow evening. It may therefore be helpful to you to have this report of what emerged from their talk this morning, at which I was present. We examined the contribution which each of the following elements might make to bringing the dispute to an end:

- the drift back to work
- the NUM Annual Delegate Conference on 11/12 July
- the moves for a breakaway union
- the closure of pits for geological reasons
- going ahead with planned closures by accepting applications for redundancy
- NCB/NUM talks
- endurance.

Drift back to work

2. It is hoped that the letters from colliery managers and new, more effective, press advertising this week will help to reinforce pressures for a return to work. Protection from intimidation is the main contribution which the Government can make. Mr MacGregor said that he was not satisfied with the police effort in North Derbyshire which he attributed to long standing difficulties with the left wing police authority resulting in the recent suspension of the Chief Constable. The Secretary of State for Energy is contacting the Home Secretary to see whether the police effort in that area can be made more effective. In general however the problem is that no consistent pattern of a drift back to work can be established until the holiday season comes to an

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end at the end of August. Nothing Mr MacGregor said gave grounds for hope that any major acceleration in the pace of the return to work can realistically be expected over the next two months.

#### NUM Conference 11/12 July

3. Mr MacGregor did not expect that the NUM Annual Delegate Conference on 11/12 July would cause problems for Scargill. As at the Sheffield Conference which decided on the rule change about the ballot, the militants will be in control. He thought that there was just the possibility that Scargill might seek agreement at the Conference for a snap ballot. The most likely outcome would however be agreement on rule changes designed to reinforce Scargill's central authority and stifle dissent. It would be necessary to exploit this fully in the media in the hope of alienating Scargill further from the rank and file miners and from public sympathy generally. The NCB would also seek to counter the intimidatory effects of these changes by making it clear that there was no closed shop. The Conference does not however appear to provide the means of putting effective pressure on Scargill.

#### Moves for a breakaway union

4. Some moves are in progress to set up a breakaway union. The NCB's attitude is that it cannot be seen to be assisting or encouraging such moves and that its aim is to have a more democratic and responsible NUM. It does not look as if any significant pressure is likely to be exercised on Scargill from this direction over the next couple of months. Its main significance may be that, if talks were to start, it would put the NUM in the position of wanting something from the NCB. This would be marginally helpful.

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Closure of pits for geological reasons

5. Mr MacGregor said that 55 pits are requiring continual observation on geological grounds. There are already problems at one or two coal faces and these problems will increase as time goes on. There appears to be however no prospect that over the next month or two a complete pit will be closed down irrevocably on geological grounds. Even where major problems do arise, it will nearly always be possible for the NUM, who are well informed locally, to argue that production could be resumed if enough money was spent. It also appears that many of the pits where problems could arise are ones which the NCB would wish to keep open. It will thus continue to be possible to exploit the geological factor to some extent, but it does not appear to be as strong a card as we might have supposed.

Going ahead with closures by accepting redundancy applications

6. Although the total number of applications for redundancy is at least equal to the number of redundancies required for the planned closures, the match is not right. Many have skills which the NCB will wish to retain. Although there is a wide geographical spread, Mr MacGregor was not clear whether the applications were concentrated sufficiently in the areas of planned closures. There are also problems, of which the Energy Secretary is already aware, about adapting the regulations and mechanics of the redundancy scheme to fit the case of a miner who has been, and still is, on strike. Mr MacGregor will, as a result of this morning's meeting, be exploring whether, on the basis of the applications received, it would be feasible to close at least some pits. The advantage of doing so would be to demonstrate that the closure programme, which the dispute is all about, can be and is being achieved by consent and without hardship. The NUM would no doubt argue even so that the miners involved were traitors in selling the jobs of their grandchildren.

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They would also try to get some mileage out of the disregard existing consultative procedures. Mr MacGregor pointed out that, while ever there remains the prospect of a ballot, it would be undesirable to lose the votes of several thousand who might favour a return to work. He therefore sees substantial downside reasons and would be reluctant to do anything before the Conference on 11/12 July, even if this were practicable. We cannot take this idea further until we hear more from Mr MacGregor about whether in fact there are some pits which could be closed on the basis of the applications received.

#### NCB/NUM talks

7. The NCB's public position, which will be repeated again during energy questions in the House this afternoon, is that they are prepared to resume discussions on the basis of the Edinburgh meeting, ie before Scargill's revival at Rotherham of his pre-condition that the closure programme should be withdrawn. There is however no sign that Scargill genuinely wants to resume talks on this basis, despite the recent confusion about what Heathfield may or may not have said to the press. It is common ground that talks will not achieve a satisfactory result unless Scargill is persuaded that he is losing ground. The NCB must therefore tread the difficult path of being willing to resume talks, without actively seeking them.

#### Endurance

8. There was little discussion of endurance, since I shall be putting a report to you and a few other Ministers later this week. It is common ground however that, unless the NUM position is crumbling fast by the end of September, the prospect of winter will give Scargill a major psychological advantage. It will be vital to be able to demonstrate that endurance can be sustained beyond the winter. The report which I shall be letting you have later this week suggests that as a first step we ought to try to step up coal deliveries to power stations from the

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present average weekly level of some 420,000 by a further 150,000 so as to prolong endurance into March. The idea would be to try and do this by drawing on pithead stocks at working pits and working open-cast sites and by concentrating on deliveries to power stations away from the main strike bound areas. The hope would be to step up deliveries without giving Scargill and his friends in the rail and transport unions a new rallying point. Once that had been achieved we might try something more ambitious later. But it remains to be seen what we can get away with without putting in jeopardy the coal and oil deliveries which are so vital to our existing endurance plans.

#### Game plan

9. Where does all this leave us in terms of a game plan? In the immediate future the main trial of strength is at Llanwern and Ravenscraig. Victory there would be a major boost for Scargill; failure a substantial though not a decisive blow against him. We have not so far identified any initiative which could be taken over the next couple of months which could be relied on to bring the matter to a head in our favour.

10. It seems that over the next couple of months we may have little alternative but to pursue a three-pronged strategy along the following lines:

i. leaving no stone unturned in getting additional miners back to work even if the additional numbers from week to week are small and the position is confused by the holidays;

ii. continuing to try and retain the support of the general public by a position on talks which is seen to be reasonable, by drawing attention relentlessly to Scargill as an anti-democratic bully with ulterior motives, and by making it clear that the issues at stake are so vital that this is not the kind of dispute which can be settled by some easy concessions;

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iii. taking discreet steps to prolong endurance into 1985.

11. If by September this strategy is not producing good enough results, we shall then have to be ready to try some bolder moves, for example by going ahead with closures despite the downside risks and by attempting to get imported coal into the Thameside power stations. By then we may judge that we have less to lose. Going on to the offensive in that way may be the only means of gaining some leverage in talks. Civil action in the courts may also have a bigger part to play at that stage.

Handling of the meeting

12. When you see Mr MacGregor, I suggest that it would be very desirable to try and get him to do as much talking as possible at the beginning. As he is so laconic, it is all too easy to put words into his mouth and it would be much better for you to hear from him at the outset how he thinks the battle is going and how it can best be brought to a satisfactory conclusion.

PLG

P L GREGSON

2 July 1984

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Copy No 1 of 2



Prime Minister (3)

26 A AT 2/7

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

2 July 1984

Dear Andrew

Although my Secretary of State was sent the attached note on a strictly personal basis, he thought the Prime Minister would wish to see it. I would be grateful if you could ensure it does not receive any wider circulation.

Yours sincerely  
Michael B.

M F REIDY  
Private Secretary

SECRET



(PD)



CENTRAL ELECTRICITY GENERATING BOARD

Sudbury House, 15 Newgate Street, London EC1A 7AU. Telephone 01-634 5111

From the Chairman  
Sir Walter Marshall, CBE, FRS

28 June 1984

The Rt Hon Peter Walker MP  
Secretary of State for Energy  
Department of Energy  
Thames House South  
Millbank  
London SW1P 4QJ

STRICTLY PERSONAL  
NOT FOR THE FILE

Dear Secretary of State,

I think you would like to have a note on the meeting we had with British Steel last night.

We found British Steel very upset at the threat to Llanwern. They were worried that if Llanwern were closed they would lose a large part of their market. They were, therefore, much inclined to take out civil injunctions to protect their business and argued that this point of view had received some encouragement from the Government earlier last week. They were, however, anxious to hear the views of the other industries involved before moving ahead. The subsequent discussion, at points, became a little emotional. British Steel felt that the management of British Rail was not being decisive enough in keeping the trains moving and they felt that Ian MacGregor should be closing down pits with some public fanfare to demonstrate that the Strike is losing everybody jobs. British Rail and Ian MacGregor defended themselves vigorously and I intervened to argue that British Rail had served the CEGB very well indeed and that the British Rail tactics had worked beautifully in the Country overall, so why were they not working in South Wales. I thought it was because the public perception of a threat to Llanwern was a great deal less than the public perception of a threat to Ravenscraig. After some further discussion, this general point was accepted and we discussed several ideas to apply the Ravenscraig techniques to the Llanwern situation. These in shorthand form included the following:

1. British Steel will ship-in iron ore in bulk by road starting, I believe, this Friday.
2. Bob Scholey will make a statement along the lines that if Llanwern gets closed down it will never re-open again.

Continued .....



STRICTLY PERSONAL  
NOT FOR THE FILE

The Rt Hon Peter Walker MP

2

28 June 1984

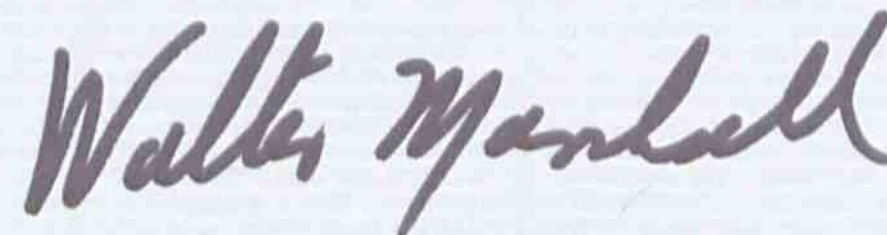
3. The assistance of Nicholas Edwards will be sought to dramatise the risks to Llanwern.
4. We will persuade the Ford Motor Company to switch some of their needs from Llanwern to Ravenscraig so that the workforce can visibly see work going away from Llanwern.

In the course of the discussion we managed to agree that it would be unwise to use injunctions against peaceful picketing even if that picketing were illegal. We agreed that violent illegal picketing to stop iron ore being delivered to Llanwern might well be the most suitable candidate for a civil injunction but we agreed that no action of this kind would be taken without the four industries conferring together in advance.

It was left that British Steel would reflect upon all these matters and have discussions with the Welsh Office and with the Department of Industry. However, certainly all plans for civil injunctions are abandoned for the time being. I think this is a very satisfactory outcome of a meeting which had at one time threatened to go in a different direction.

I am very grateful to you for arranging my invitation to the meeting. I was very glad to be there.

Yours sincerely



W Marshall



1/7

EXTRACT FROM BBC RADIO 4 'WORLD THIS WEEKEND' INTERVIEW WITH  
MR IAN MACGREGOR - SUNDAY, JULY 1, 1984

GORDON CLOUGH (interviewer): How do you see this thing developing now? I noticed this morning that Peter Heathfield, the General Secretary of the NUM is quoted as saying that there is room for talking about the definition of economic and uneconomic pits. Now is that the kind of thing you've heard at any time, maybe in private, from Mr Scargill?

IAN MACGREGOR: No. Arthur Scargill has been consistent in his position that there should be no closures at all under any circumstances except exhaustion or safety. Mr Heathfield's remarks this morning are a follow-up on, I think, the discussion we had at our meeting in Edinburgh which ended as I thought with the intention of continuing down the track. Unfortunately when we met at Rotherham we didn't find the same attitude on the part of the members. Clearly the proposal that is outlined in the Times, I guess to Mr McIntyre, is something that we've been working on with various people during the last few weeks. We've been working with the NACODS organisation, who are of course in the firing line with the NUM and have many close affinities to the NUM.

GORDON CLOUGH: But if you say there is room for discussion over the definition of uneconomic, does that imply that it could be that the Board would revise its closure programme if you reached a new definition of what an uneconomic one was?

IAN MACGREGOR: I made it clear to NACODS people that if we got into serious discussion as to how to solve the problems in the industry then we would negotiate these problems in the way which the industry always has done, through the consultative procedures of each individual pit - I see no reason for changing that and I believe that if we get back we can solve these problems. There's lots of room for manoeuvre on the part of both parties.

GORDON COUGH: So, there could be collieries the NUM fears would be in line for closure which the Board would say, well <sup>no-</sup> we'll accept that uneconomical means something different now and that we will not close them?



IAN MACGREGOR: Well I don't think we can accept that uneconomic means a different thing. But what we can accept clearly is that if we come up with a programme which we both agree on, which brings this industry progressively towards a more efficient operation and doesn't waste resources on uneconomic production, then there is no reason why we can't see this industry begin to grow and prosper.



~~SECRET~~ AS

MR TURNBULL

29 June 1984

COAL

Total at Work

There was some discussion at MISC 101 about the number of miners at work. The position is as follows:

Mineworkers	<u>36,900</u>	(members of the NUM)
Officials	<u>6,100</u>	(members of NACOBs)
Total Miners	<u>43,000</u>	
Management/Clerks	<u>14,000</u>	(including members of BACM)
Total working in coal fields	<u>57,000</u>	
Headquarters staff	<u>6,500</u>	(including area HQ, research centres and Hobart House)
Total at work	<u>63,500</u>	

The two key numbers above are the 43,000 miners, and the 57,000 workers in the coal fields. The total number of men in the first category is 180,000 of which 24% are working. (Incidentally Hobart House employs 700 people.)

Presentation

Peter Walker's comments on the competence of the NUM's public relations department and Ian MacGregor's lack of confidence in them were disturbing. We have felt for some time that the NCB have not fully appreciated the importance of skilful presentation both to the public and to the miners. Peter's comments support this view.

It is essential that the NCB consults professional advisers on the presentation of their case. We do have an excellent story to tell but it is not coming across strongly enough.

It is also important that the NCB take more systematic steps to sample the opinion of miners throughout the country. This information is vital in order to decide future tactics.

DAVID PASCALL  
DAUABN

~~SECRET~~ AS



NAT IND

COAL

to Press.

From: THE PRIVATE SECRETARY



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

29 June 1984

Dear Micham,

... I attach for your information a copy of an extract from a speech which the Home Secretary is making over the weekend about intimidation in the miners' dispute.

A copy also goes to Andrew Turnbull (No 10).

Yours truly

H H Taylor

H H TAYLOR

M Reidy, Esq



EXTRACT FROM A SPEECH BY THE RT HON LEON BRITTAN QC MP (RICHMOND)  
TO THE HUTTON RUDBY BRANCH OF THE RICHMOND CONSERVATIVE ASSOCIATION  
ON SUNDAY 1 JULY

THE HOME SECRETARY CONDEMNS THUGGERY

Speaking to the Hutton Rudby branch of the Richmond Conservative Association today the Home Secretary said:

"We have all seen the television pictures of the ferocious violence which has been associated with the mass picketing during the miners' strike. There have been concerted and violent attempts to prevent men from going to work. Because of the determined and courageous efforts of the police they have been unsuccessful.

But in addition to these open displays of violence there have also been many instances of more insidious violence, directed at individual working miners and their families. In villages close to working collieries the houses and cars of miners have been daubed with paint. Cars have been damaged. Windows have been smashed. There have been telephone calls and letters to working miners threatening violence to them, their families and their property. Miners have been assaulted on their way to work.

These crude and brutal tactics are being met with a determined response by the police. Cowardly and vicious intimidation of this kind is utterly intolerable, and anyone with an ounce of decency will warmly support the vigorous efforts the police are making to thwart it. Teams of CID officers have been formed to investigate allegations of incidents of this kind and to ensure that they are taken seriously. In addition, a uniformed presence has been placed in villages which are identified as having high levels of intimidation. Officers are patrolling on foot throughout the day, with increased levels of activity during high risk periods.



As a result of such action the police are succeeding in tracking down the perpetrators of this peculiarly repulsive form of thuggery. And in doing so they are, I fear, also demonstrating, all too clearly its reality. In one case, for example, the police have brought a successful prosecution at Renshaw magistrates' court against a man who, in an act of vindictiveness, blocked up the waste pipes leading from a working miner's house - thus causing flooding to the house. In another example police were called after a group of men had gone on a marauding rampage through a Derbyshire village, some of them carrying lengths of wood. Eight men were arrested, two of whom were found in possession of lengths of wood wrapped with barbed wire. All eight were subsequently convicted of offences of carrying offensive weapons and offences under the Public Order Act. Other cases are waiting to be brought before the courts in which men have been arrested and charged with offences ranging from grievous bodily harm following assaults on working miners in villages to offences of criminal damage against the cars and homes of working miners. In one case a working miner who was set upon by a group outside a public house was so badly beaten up that his injuries included a leg broken in two places. In Nottinghamshire alone there have so far been 94 arrests for crimes of this intimidatory nature, relating to 104 offences.

Thuggery of this kind has nothing to do with legitimate industrial action. It is crime. It is the task of the police to bring these criminals to justice. They are doing so and will continue to do so. The courts have a full range of very substantial powers to deal with behaviour of this kind. No responsible trade unionist would defend these intimidatory tactics. One would hope that they were not done in the name of the NUM: perhaps Mr Scargill will put that beyond doubt by disowning them. So far he has signally failed to do so. But whether he does so or not, the police will continue to pursue all such cases reported to them. And I urge every miner, his wife and his family to continue reporting them to the police. If a miner decides to go work, he is entitled to



do so in safety and free from anxiety for his family and property.  
The forces of law and order, whether police or courts, deserve  
our full support in making that right a reality.



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P.01326

PRIME MINISTER

Coal: MISC 101(84)23rd Meeting

After the usual reports you will probably wish to concentrate on three issues:

- i. British Steel Corporation (BSC);
- ii. coal movements to power stations;
- iii. getting the miners back to work.

BSC

2. I understand that, following his talk with the Chairmen of the NCB, BR and the CEGB, Mr Haslam has concluded that the BSC should not seek an injunction for the time being, although he would obviously want to reconsider the position if the BSC found itself unable to maintain adequate supplies of ore and coal to any of the major steelworks. The key issue is therefore whether the lorry convoys into Llanwern and Ravenscraig will succeed. I understand that 50 truckloads of ore got through to Llanwern this morning. The aim is to have a fleet of 100-150 lorries doing two runs a day between Port Talbot and Llanwern. This should ensure supplies of over 20,000 tonnes a week, enough to maintain production at one blast furnace and keep the other banked. There will also be a smaller convoy operation for coal and coke. Similar operations have so far been successful at Ravenscraig where some of the logistical problems are less. If BSC succeed over ore and coal, there is the possibility that the rail unions might attempt to stop rail deliveries of steel products, and it is thought that BSC are not confident that they could circumvent that.

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SECRET

Coal movements to power stations

3. Although Mr Walker told the Cabinet on Thursday that rail deliveries of coal to power stations were beginning to pick up again, this is not yet borne out by the figures. We understand from the Department of Transport that the number of coal trains to power stations in the first half of last week were:

Monday 25 June	<u>23</u>
Tuesday 26 June	<u>33</u>
Wednesday 27 June	<u>31</u>

In normal weeks during May the weekly number of coal trains to power stations was around 250. It certainly appears to be the case that road deliveries to power stations are being increased so as to maintain the level of overall deliveries; but the prospects for rail deliveries, on present evidence, do not look encouraging.

Getting the miners back to work

4. You will want to enquire about the latest developments on the NCB's advertising campaign and the letters from colliery managers.

Next meeting

5. A meeting of MISC 101 has been provisionally arranged for Wednesday 4 July at 12.00 noon if you think it is needed. *Yes* Otherwise the next discussion will be under the Industrial Affairs item at the Cabinet on Thursday 5 July.

*PLG*  
P L GREGSON

29 June 1984

2

SECRET



COVERING SECRET

Copy No 1 of 4



25  
for MISC 107  
CCDP

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

29 June 1984

*Dear Andrew*

POWER STATION ENDURANCE

I attach this week's report.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary

COVERING SECRET





## POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were 0.47 mt. Coal burn was 0.7 mt giving a stock draw of 0.23 mt. CEGB coal stocks last Sunday night were 15.55 mt with a further 1.6 mt at Scottish power stations.
2. Total NCB deliveries last week were 0.64 mt of which about 0.2 mt went to customers other than power stations.
3. The average rate of coal deliveries to CEGB power stations during the course of the strike has been 0.42 mt per week. Maximum oil burn is being sustained. The range of endurance outcomes remains:

<u>Average coal deliveries</u> (mt/week)	<u>Oil burn (% of max)</u>	
	<u>80%</u>	<u>100%</u>
0	<u>mid Oct</u>	<u>end Oct</u>
0.3	late Nov	mid Dec
0.42	mid Dec	mid Jan
0.5	early Jan	early Feb

Department of Energy  
27 June 1984



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WBPM  
AS 2/7

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Leon Brittan QC MP  
Secretary of State for Home Affairs  
Home Office  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

29 June 1984

*Dear Secretary of State*

**MINERS' DISPUTE: POLICING COSTS**

Thank you for your letter of 27th June. I am glad that a way has been found to avoid making it plain to Nottinghamshire, and other authorities which might be affected, that the full cost of additional expenditure resulting from the miners' dispute will be reimbursed. I am therefore content with your draft arranged Parliamentary Answer dealing with the position up to 30th June.

I am also, though with more reluctance, prepared to agree that we should not in the end expect that a police authority's contribution from the rates to the additional costs of policing the miners' dispute should exceed the product of a 3/4p rate. I understand that in Nottinghamshire, and probably in some other cases, the local authority would otherwise require cuts in normal police expenditure of an unacceptable kind.

The rising costs of policing the miners' dispute, together with the difficulty of making savings on other policing, make it necessary to ask you once again to consider what savings can be made elsewhere. They also help show the importance of what is in hand on police pay and of the attention that HM Inspectors, in the course of their normal work, are giving to the efficiency with which resources are used.

I am sending copies of this letter to the Prime Minister, to other members of MISC 101, George Younger and Patrick Jenkin, and to Sir Robert Armstrong.

*Yours sincerely*  
*Paul Rees*

**PETER REES**

*(Approved by the Chief Secretary and signed in his absence)*

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NAT IND

PT 10 Coal

2 JUL 1984







file

NOT FOR PUBLICATION UNTIL 12.30 PM FRIDAY, JUNE 29TH

### THE MINER'S STRIKE

Speaking to the Wales CBI Council in Cardiff today, June 29th 1984, the Secretary of State for Wales, the Rt Hon Nicholas Edwards MP, said:

"Llanwern symbolises the folly of the miners' strike. Those who work there know better than anyone that their jobs depend upon their customers. The steel strike they took part in lost business, some of which has probably never been recovered; but by their determination and realism they have clawed back markets and made their plant competitive. We can understand their reluctance to be made the pawns and victims of Mr Scargill's political ambitions.

There is a serious danger now that Llanwern's business will be lost again and its whole future put at risk. If customers were to be driven away a second time, they might never return. Fortunately, the British Steel Corporation and the steel unions seem determined not to be Mr Scargill's victims: and are making huge efforts to get the coal and ore that is their life-blood.

If they fail, it will not just be the jobs of steelmen at risk, but of the miners who supply Llanwern's coal, the railwaymen who carry it and all those who work in the companies and organisations that service this great steel plant.

Mr Scargill cannot be allowed to destroy these jobs. It should be the united determination of everyone concerned for the future competitiveness of Britain and future employment in the area to ensure that Llanwern goes on providing the service that its customers expect."

Welsh Office

Cardiff: tel (0222 825643-47)

and London: tel (01-233 6066)



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Prime Minister

CC BT



cc NO

Home Secretary and CST have worked out a system which gives extra help to Notts but still leaves them paying something at the margin.

QUEEN ANNE'S GATE LONDON SW1H 9AT

If the strike goes on a lot longer, I suspect

27 June 1984

even this may need to be revised.

~~AT~~ 27/6

MINERS' DISPUTE: POLICING COSTS

I agree - had it we better go the whole way now?

In my letter of 18 June I proposed that no police authority's contribution from the rates to the additional costs of policing the miners' dispute should exceed the product of three quarters of a penny rate. I added that I would not propose to make an early announcement of that, since our decision to make Nottinghamshire and other forces bear at least 10 per cent of the costs had encouraged economy; but it was essential to give some indication of our thinking, in order to prevent excessive cuts being made in police budgets.

It's precisely with the need to overcome this dilemma

You replied on 19 June, acknowledging that the formula I announced on 11 May might need to be reconsidered, but pointing out the difficulty of relieving Nottinghamshire of their most pressing anxieties without revealing that, in the end, expenditure above a certain level would be reimbursed in full and thus removing the incentive to economy.

is the ally of sound MB

Officials have discussed this dilemma, as you suggested. It seems that the best way out would be for me to announce that, where a police authority was eligible for the special payment announced on 11 May, its total share of the approved additional expenditure incurred up to 30 June would be limited to the product of a penny rate. From 30 June, the special payment of 40 per cent, in addition to the normal 50 per cent police grant, would continue to be paid on any further gross approved additional incurred above the product of a penny rate. The effect of such an announcement would be to demonstrate that police forces in a position like Nottinghamshire's will receive substantial further assistance, but it would, of course, not reveal our final plans. For that reason I would hope you can now agree to the proposals contained in my letter of 18 June.

I enclose a draft of an arranged Parliamentary Answer which I should like to give tomorrow. I would be most grateful if you would let me know as soon as possible whether you are content.

I am sending copies of this letter to the Prime Minister, other members of MISC 101, George Younger and Patrick Jenkin, and to Sir Robert Armstrong.

Leon B. [Signature]

The Rt Hon Peter Rees, QC, MP

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DRAFT ARRANGED PARLIAMENTARY QUESTION AND ANSWER

To ask the Secretary of State for the Home Department, whether he will give further assistance, in addition to that which he announced on 11 May in reply to a Question by the hon Member for Sherwood, to those police authorities which are incurring additional expenditure as a result of the miners' dispute: and if he will make a statement.

DRAFT REPLY

The measures which my rt hon Friend the Secretary of State for the Environment and I announced on 11 May will be of substantial assistance to those police authorities which have had to incur the greatest additional expenditure as a result of the miners' dispute. Under those arrangements, police authorities' share of the approved additional expenditure up to the product of a penny rate will be 50 per cent. Above the product of a penny rate, police authorities' share will be 10 per cent.

I recognise that even under those arrangements some police authorities would have to bear very heavy additional costs. I have concluded, in the light of representations made to me, that where a police authority is eligible for the special payment I announced on 11 May its total share of the approved additional expenditure incurred up to 30 June should be limited to the product of a penny rate. Thus in the case of Nottinghamshire, for example, whose penny rate product is £1.2 million, an increased special payment will be made, equal to the difference between £1.2 million and the police authority's share of the approved additional expenditure up to 30 June. From 1 July I shall continue to pay the special payment of 40 per cent, in addition to the normal 50 per cent police grant, on any further approved additional expenditure incurred above the product of a penny rate. I shall continue to keep the position under review.



NI. Coal





Ref. A084/1848

PRIME MINISTER

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Cabinet: Industrial Affairs: Coal

You will wish to ask for the usual reports from:

- i. the Secretary of State for Energy on the number of pits and miners working and the NCB's efforts to accelerate the drift back to work;
- ii. the Home Secretary on law and order;
- iii. the Secretary of State for Transport on movements by rail and road of coal and oil, particularly to power stations;
- iv. the Secretary of State for Trade and Industry on the position of the British Steel Corporation (BSC).

2. You will recall two points from this morning's MISC 101 meeting:

- i. Mr Tebbit will not wish to say much about the BSC's attitude to civil action in the courts; any discussion should of course rest on the assumption that this is a matter for the BSC Board to decide, on the basis of full information and advice on all relevant considerations;
- ii. you indicated that you might wish to discuss with the Cabinet how the Government and the NCB could improve their efforts in communication in relation both to:
  - a. getting the miners back to work;
  - b. explaining to the public what is at stake and why it is necessary to stand firm.

Next Meeting

3. The next meeting of MISC 101 has been arranged for Monday 2 July at 5.00 pm.

*RIA*

ROBERT ARMSTRONG

27 June 1984





FUE

M/C: D. PASCALL

10 DOWNING STREET

From the Private Secretary

27 June, 1984

COAL DISPUTE: NUMBERS AT WORK

At today's MISC 101 there was a discussion of how many miners were now at work. The figure of 50,000 has entered the public domain but it is not clear whether this applies solely to NUM members, men on colliery books, or some wider definition. Your Secretary of State said that within the industry there were 63,000 people not on strike - a further 4,000 at head office. He then deducted 10,000 managers and clerks. I suspect some members of the Committee may have been left with the impression that the remaining figure corresponded to the "50,000 miners at work".

The note you sent us for Questions on Tuesday analyses the figures rather differently. First, there appears to be an additional category of employees called "officials" who are distinguished from managers and clerks; secondly, it scored the number of miners at work at 36,000.

I think it would be helpful if you could provide us with a table setting out, for the various categories of NCB manpower,

- (i) the normal complement at the start of the strike.
- (ii) the numbers working.
- (iii) the numbers not on strike but effectively idle during the dispute.

We would also like advice on whether the formulation of 50,000 miners at work should continue to be used.

(Andrew Turnbull)

M. Reidy, Esq.,  
Department of Energy

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BRIEFING FOR PRIME MINISTER'S QUESTIONS : 26 JUNE 1984

COAL INDUSTRY DISPUTE

Number of men working - line to take

- Attendance on today's day shift, after making allowance for the effects of collieries on holiday, is over 1000 higher than a week ago. I hope that more men will follow the example of those who are now returning to work.

- Attendances at individual pits continue to rise:

- Bilston Glen had 38 men working yesterday

- Shirebrook has 79 men in today, a record attendance.

#### Background

The figures for men working this week are affected by the fact that 7 pits which would normally have men working are on holiday. However the NCB estimate that allowing for the effect of holidays, 1057 men have returned to work since last Tuesday.

A number of figures have been quoted recently for the number of miners actually working. It is best to avoid giving such a figure. It has been said that 60,000 miners are working - in fact only 36,000 mineworkers who are members of the NUM are working - the 60,000 figure includes 9,000 officials, and 14,000 managers and clerks.



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*File*

*old*

Prime Minister (2)

*AT 26/2*



DEPARTMENT OF TRANSPORT  
2 MARSHAM STREET LONDON SW1P 3EB

01-212 3434

Andrew Turnbull Esq  
Private Secretary  
10 Downing Street  
LONDON  
SW1

26 June 1984

*Dear Andrew*

DISRUPTION OF PUBLIC TRANSPORT IN THE SOUTH EAST ON 27 JUNE

In confirmation of my telephone conversation earlier today you will know that the South East Region of the TUC have called for a "Day of Action" tomorrow in support of the striking miners. My Secretary of State has, therefore, asked British Rail and London Transport for an assessment of the likely effects on public transport in the area.

BR will do their best to run the railway normally. They hope to operate commuter services on all routes, but there could be widespread cancellations, particularly at Euston and Kings Cross. The position on London Transport is expected to be much less serious. LT hopes to run a near normal bus service and up to 90% of underground services. We are in touch with the Metropolitan Police about any arrangements needed to keep traffic moving but there is bound to be some congestion on the roads, particularly in the morning and evening peaks.

The Secretary of State believes that our response should be cool. It is likely that a strike will alienate rather than endear the unions to Londoners and others who will be inconvenienced. The Secretary of State will be ready with suitable comment to the Press if and when appropriate.

I am copying this to the Private Secretaries to the members of the Cabinet and to Richard Hatfield (Cabinet Office).

*yours sincerely,*

*Henry Derwent*

H C S DERWENT  
Private Secretary

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P.01322

PRIME MINISTER

Coal: MISC 101(84)22nd Meeting

As it has been nearly a week since you last had an updating (at last Thursday's Cabinet) you will probably want to receive all the reports on the situation on the ground (from the Secretary of State for Energy, the Home Secretary and the Secretaries of State for Trade and Industry and Transport) before allowing a discussion to develop on the main issues.

2. The main issues will probably be the following.

i. Civil action in the courts

It would appear that some but not all of the BSC's iron ore trains have been stopped, mainly because of NUM picketing but partly also because of a refusal to work by railwaymen. The BSC Chairman is thought to be keen now to seek an injunction. The timing and tactics will however have to be considered carefully. The NUR Annual Conference is taking place this week. Moreover careful thought will need to be given to whether any injunction should be sought against the NUM alone or against the rail unions as well. An important political consideration will be that, if the BSC Chairman is now strongly resolved to go to the courts, an attempt to dissuade him would be inconsistent with the Government's publicly declared position.

2 out of 5 got through yesterday, only 1 today.

ii. Getting the miners back to work

The NCB said this afternoon that 1,000 more miners were working than on the same day last week. The Group needs

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How well based is the claim that 50,000 miners are working. It is thought that 36,000 NUM members are working - the rest being white collar staff and managers

2 miners at Bilston Glen were setup by pickets.

an accurate and objective assessment of whether there are real signs of an increase in the drift back to work following Mr MacGregor's letter. If there is, how far is it influenced by special factors like the timing of holidays? It would also be useful to know the latest thinking about the proposed letters from NCB Area Managers.

iii. Picketing, violence and intimidation

There have been press reports in the last few days about violence and intimidation against miners trying to return to work. The Home Secretary and the Secretary of State for Scotland should be asked whether anything more can be done to assist them. There are also reports of increased picketing at power stations and it would be useful to know whether there are signs of any change in NUM tactics.

iv. Coal movements

Coal movements by rail have undoubtedly suffered as a result of the rail unions' latest efforts. The number of coal trains last week was only 193 compared with 243 the previous week and around 300 a week during several weeks in May. On the other hand there has been an offsetting increase in road deliveries so that total deliveries (650,000 tonnes last week) have not suffered significantly. Is there now a serious threat to rail deliveries, or will they recover again as they have done in the past? A new and unhelpful factor is the payments to railwaymen to offset loss of wages, introduced recently by ASLEF and now approved at this week's NUR Conference.

Next meeting

3. There will be an opportunity for a further discussion under the Industrial Affairs item at Thursday's Cabinet.

PLG

P L GREGSON

26 June 1984

2

SECRET





10 DOWNING STREET

Prime Minister

I expect Mr Tebbit will report that Messrs Haslam, Reid and MacGregor are to meet tomorrow afternoon to coordinate positions on injunctions. I suspect Mr Walker will oppose any injunctions and will suggest that the three chairmen should meet with you and the sponsor ministers. Mr Tebbit feels it would be wrong to hold a Ministers / Chairmen meeting and that although deliveries of iron ore have been stopped without violence, this represents a difference in kind. Mr Walker argues that one cannot justify no action in response to Orgreave but injunctions against peaceful picketing.

You will need to consider:

- (i) the impact of injunctions in possibly uniting dissenting unions but
- (ii) your previous insistence that recourse to injunctions was far too management - the last resort to decide.

AT 26/6





*Private file*

COAL DISPUTE

BSC

Movement of coal and coke by lorry into Ravenscraig and Llanwern continuing without problems, with only light picketing. Movements of ore continue by train into Ravenscraig. At Llanwern three out of five ore trains ran yesterday. So far today one has got through and two have been either cancelled or stopped. BR are not optimistic and we could end up today with only one out of five. The oil train ran neither yesterday nor today. [BSC believe that they should issue an injunction some time this week although stocks of ore at Llanwern are sufficient for four weeks and stocks of oil for more than four weeks. This would be against the NUM in the first instance, probably to be followed up by injunctions against NUR/ASLEF.]

Not for use:  
To be discussed  
at MISC 101  
tomorrow.

Coal to Power Stations

In the Nottinghamshire area 23 trains ran yesterday compared with 43 last Monday and around 23 are expected today compared with 47 last Tuesday. Coalville is completely shut down and at Shirebrook around 30-40% of the roll crew have been sent home.

NUR Conference

This authorised payments to staff sent home. It also authorised the recreation of a provident fund. This is believed to be an attempt to create a haven which is free from sequestration. Mr Knapp has promised an end to coal movement by Friday.

TUC South-East Day of Action

Mainline stations in London expect less than 50% of normal trains, with Waterloo possibly totally closed. The tube and buses may suffer limited disruption. An NUM picket





will be at Marylebone to protest about <sup>its</sup> ~~this~~ closure.  
The meeting of MISC 101 has been brought forward to  
1030 in the morning to discuss possible injunctions by  
BSC.

Pits

The number of pits working and attendance are more  
or less the same as yesterday. NCB estimate that after  
making allowance for the effect of pits on holiday,  
attendance is about 1,000 higher than a week ago.

26 June, 1984

(Andrew Turnbull)





file

BRIEFING FOR THE PRIME MINISTER: 25 JUNE 1984

COAL INDUSTRY DISPUTE

40(4) pits are working normally this morning; 7(2) are turning some coal; 4(1) have some men working and 117 are idle; the figures in brackets refer to 7 pits which are on holiday this week and would normally appear in these categories.

In Scotland, Bilston Glen has 38 men working - 5 more than last week - plus a team providing safety cover. The NUM agreed to restore safety cover on Friday, and the pit will produce some coal today. There are over 200 pickets at the pit, but few are from Bilston Glen; most are from Yorkshire and other Scottish pits.

The slow return to work in N Derby continues: Bolsover has 233 men this morning and Shirebrook 76, both best attendances so far, despite 150 and 800 pickets respectively. Markham has 9 men (5 last week) and Warsop 17 (12 last week); Renishaw Park has 3 men plus some industrial staff and is the pit to have left the idle category today. All 3 pits are heavily picketed.

Attendances in Nottinghamshire continue to improve and Coventry has its best attendance in the dispute so far.

10 men have been occupying the control room at Tilmanstone (Kent) since Saturday. There are also 150 pickets outside. Management are meeting branch officials today and the NCB are understood to be going to court today to seek a possession order as they did in the case of Betteshanger colliery last week.





Jeve

10 DOWNING STREET

*From the Private Secretary*

25 June 1984

Miners' Strike: Magistrates' Courts

The Prime Minister was grateful to the Lord Chancellor for the report, in his minute of 21 June, of the latest position of magistrates' courts dealing with defendants charged with offences arising out of the miners' strike. She has noted that the Lord Chancellor is ready to appoint acting stipendary magistrates should such a request be made to him.

I am copying this letter to Hugh Taylor (Home Office) and Henry Steel (Law Officers' Department).

(ANDREW TURNBULL)

Richard Stoate, Esq.,  
Lord Chancellor's Office.

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(W)



21

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COPY NO 1 OF 4



*cc Mr Gressa*  
Prime Minister (2)

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
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01-211-6402

AT  
22/6

Andrew Turnbull Esq  
Private Secretary to  
The Prime Minister  
10 Downing Street  
LONDON SW1

*mt*

22 June 1984

*Dear Andrew*

*→ cc DP*

POWER STATION ENDURANCE

I attach a copy of this week's report.

Copies also go to Margaret O'Mara and Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary





POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were nearly 0.5 mt. Coal burn was 0.7 mt, giving a stock draw of 0.2 mt. CEGB coal stocks last Sunday night were 15.8 mt with a further 1.6 mt at Scottish power stations.
2. Total NCB deliveries last week were over 0.65 mt with over 0.15 mt going to customers other than power stations.
3. The average rate of coal deliveries to CEGB power stations during the course of the strike has been 0.41 mt per week. The range of endurance outcomes is as follows:-

<u>Average coal deliveries</u> (mt/week)	<u>Oil Burn (% of max)</u>	
	<u>80%</u>	<u>100%</u>
0	mid Oct	<u>end Oct</u>
0.3 ✓	late Nov	mid Dec
0.41 ✓	mid Dec	<u>mid Jan</u>
0.5 ✓	early Jan	<u>early Feb</u>

Department of Energy  
22 June 1984



R23

cc DP

Phillips & Drew

# ECONOMICS UNIT

File

## COAL STRIKE SUPPLEMENT NO 4

We present in this latest supplement on the coal strike our best estimate of the impact of the dispute on the public sector borrowing requirement (PSBR). While some of the figures must be regarded as very tentative, we hope they will help to put the effects of the strike with respect to the PSBR into perspective. It should be remembered that some of these effects will be purely temporary and reverse when the coal strike ends.

We intend to publish next week a special study of the factors, positive and negative, which are currently influencing the public sector's financial position.

We suspect that the underlying public expenditure trend, if continued, would give cause for concern, but that the positive factors are currently powerful enough to offset the costs of the strike on Government finances as a whole.

22 June 1984

PAUL NEILD DAVID ROBINS BRENDAN BROWN TIM O'DELL  
STEPHEN LEWIS CHRIS ANTHONY BILL MARTIN JOHN SILLS



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R.J.Pinham CBE



PSBR Costs of the Coal Strike

- \* Very tentative estimates suggest a cost in the form of lower taxes or higher expenditure of around £60 - 70m a week.

- \* Breakdown: £Mn, a week

NCB net loss	33½
CEGB net loss	15
Tax losses	6 - 17
Other#	7½

(#social security, steel losses, policing, B.R. losses)

- \* Total cost so far could be around £1bn.
- \* Effect on GDP in 1984 Q2 - an output loss of 1.1% - 1.4%.
- \* Impact on output would be largely reversed if strike ends in July. Calendar year GDP impact could therefore be around 1/4 - 1/3%.



NCB Impact

Effect on coal production

	1983	1984#	tonnes
April	9490	2984	
May	9850	3089	
June	10643	3500	
July	8970	2900	#estimated

\* Figures suggest average weekly loss of around 1560 tonnes.

\* Valued at £43 per tonne, production loss is £67m a week.

(N.B. NCB practice is to value production for stock at a price lower than that for production for sale. This accounting convention understates the opportunity cost of production for stocks).

\* Wages saved put at £18m a week (NCB estimate)

\* Other inputs saved, based on NCB cost information, are put at £15½m (variable inputs valued at £10 a tonne of production).

\* NCB net loss = 67 - 18 - 15½ = £33½m a week (close to NCB estimate of £30m)

\* Note that the cash loss to the NCB will be less than this to the extent that production would have been used in part to build up stocks.



Cost of Extra Oil Burn at Power Stations.

	1983	1984#	
April	6.2	4.5	Coal usage at
May	5.8	3.7	power stations
June	6.5	3.5	mt
July	5.1	2.5	#estimated

- \* These figures suggest a reduced coal burn averaging 553 tonnes a week April - July 1984, a saving of £23.8m.
- \* In modern stations, 475 tonnes of coal or 260 tonnes of oil will produce the same amount of electricity.
- \* If electricity output is being maintained, the reduced coal burn translates into an increased oil burn of  $553 \times \frac{260}{475} = \underline{303 \text{ tonnes}}$  a week.  
Valued at £131 a tonne, the extra cost is £39.7m.
- \* The net extra cost of the oil burn is around £16m. (ignoring any switching costs).
- \* Coal stocks at power stations may, on average, be 10m tonnes lower, saving possibly £1m a week in stock finance costs.
- \* Net extra cost in power stations is £15m a week.



Other

Steel Production

- \* The average weekly loss of production could be 30,000 tonnes, 10% of normal output, worth perhaps £1m a week net.

Tax Losses

- \* Losses will depend on lags in tax payments. If, on an accruals basis, the marginal rate of tax on all income/expenditure is set at 50%, the tax loss could be as much as £17m a week. Perhaps only a third of this - around £6m - has so far worked through.

Social Security

- \* The cost of welfare benefits has fallen from £1.2m a week in early April to around £700,000 at mid June. Assuming an average of £1m per week and allowing for a tax rate on strikers' expenditure of 10% gives a net cost of £900,000.

British Rail

- \* £4m loss on coal haulage.

Policing

- \* Possibly averaging £1½m a week since start of strike.







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PRIME MINISTER

COAL DISPUTE: BSC

I have just had the following report from Mr. Tebbit's Private Office who have recently been in touch with Mr. Haslam. No coal trains have been moving into Llanwern. 49 lorries went into Llanwern this afternoon, carrying 1,000 tonnes of coal. A second run is now in progress. Two further runs are planned tomorrow. Picketing has so far been light. BSC are satisfied with the position so far - they have encountered no opposition from their own unions for loading and unloading coal in Port Talbot and Llanwern; 4,000 tonnes in two days compares well with Llanwern's weekly demand of 10,000 tonnes.

At Ravenscraig there have been no trains either, due, it appears, more to a refusal of ASLEF members than to NUM picketing. Yesterday there were 188 lorry loads, equivalent to 4 train loads, so the position is satisfactory.

The operation from Orgreave finished today.

The view of Mr. Haslam and Mr. Scholey is that once the ISTC delegates disperse from their conference local pressures from men keen to keep the plants working will take over from the rhetoric of support for the miners. So long as supplies continue to get in by lorry BSC is not planning any injunctions. Output over the past week was again around 95% of plan.

The position of the railways is not so good. Not only are no coal trains moving into Llanwern and Port Talbot (though iron ore trains are moving) but coal movements in the Midlands are deteriorating. No trains are moving from the Coalville depot or the Shirebrook depot. BR think the drivers, guards and signalmen are concerting their action so



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-2-

that only one group is on strike at any one time, thereby ensuring no train movements at all. Total train movements in the last two days were 30-33 compared with around 50 a day in the previous week. NCB may be using more lorries to go into power stations.

There is to be a meeting between the ISTC and the NUM some time next week and the extent of supportive action by the rail unions and the NUS will depend on the outcome.

x probably Thursday under  
the auspices of the TUC  
Steel Committee

ST

22 June 1984

VSCADH



FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



HOUSE OF LORDS,  
SW1A 0PW

CONFIDENTIAL

Prime Minister:

Prime Minister

*Mr*  
The Home Office  
is encouraging the courts  
to ask the Lord Chancellor  
the appointment of stipendiaries  
✓ 22/6

I understand that you desire to have the latest information on the position of magistrates' courts dealing with defendants charged with offences arising out of the miners' strike. For the purpose of comparison you may wish to refer to the minute which I sent on 17th <sup>with AT/PM?</sup> May setting out the position in the Nottinghamshire magistrates' courts at noon on the previous day. This minute sets out the position at noon on 19th June in the Nottinghamshire courts and other affected courts.

Nottingham City - 114 cases outstanding

One defendant has pleaded guilty and been fined £5, one defendant has been acquitted and one trial is proceeding. I understand that the remaining defendants have indicated that they will plead not guilty and in accordance with the usual practice pre-trial reviews have already been held or will be held shortly. Trials are expected to be completed within six to eight weeks of entry of a not guilty plea.

Newark - 42 cases outstanding

The situation is unchanged from my previous report. Hearing dates have been fixed between now and the end of August.

Nottingham County and Bingham - 113 cases outstanding

The situation remains unchanged since my previous report. Hearing dates have been fixed between now and the end of August.

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CONFIDENTIAL



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Worksop and East Retford - 252 cases outstanding

33 cases have been heard with results varying between no evidence offered, cases dismissed, the defendant agreeing to be bound over and fines up to £100.

Mansfield - 518 cases outstanding

21 defendants have been dealt with. In the majority of these cases the defendant has agreed to be bound over. There have been fines of £25 and orders to pay costs on a plea of guilty to obstructing the highway and a plea of guilty to an offence under section 5 of the Public Order Act. Four defendants were found guilty of obstructing a police officer in the execution of his duty at a police road block some distance away from the collieries. This case was completed on 15th June and the defendants were sentenced to one day's detention which reflected the fact that they had spent 13 days in custody while on remand for breach of bail conditions. This is the test case which I mentioned in my earlier minute, and it is expected that it will now be taken to the Divisional Court. It is now thought that this will be on an appeal by way of case stated and not by judicial review under RSC 53 as I mentioned previously. The procedure for this type of hearing is such that if the time which the rules allow for giving notice and preparing the case is used to the full it may take several weeks before the case is lodged with the Divisional Court. I am assured, however, that for their part both the magistrates' court and the Divisional Court will deal with the matter quickly. 41 cases have been fixed for trial between now and the end of August. In addition a case involving 54 defendants charged with riot has been fixed with a view to committal proceedings on 26th July in anticipation of a paper committal. But if the defendants decide to exercise their right to call witnesses, the hearing will be adjourned and I understand that I may be asked to appoint an acting stipendiary magistrate for what could be a lengthy hearing.



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So far the cases have been dealt with in accordance with the normal practice in the Nottinghamshire courts. Where a not guilty plea is entered in the Mansfield, East Retford and Worksop magistrates' courts, as well as in Nottingham City, a pre-trial review is arranged. At the pre-trial review if the plea is still not guilty a trial date is fixed. Most of the outstanding cases have reached the pre-trial review stage, and the prosecution have adopted a policy of offering no evidence if the defendant will agree to be bound over in cases of obstructing the highway, obstructing a police officer in the execution of his duty, and in selected threatening words and behaviour cases, and less serious assaults on police officers. Where this offer had been made the cases have been adjourned to the end of this month or the beginning of next. If the offers are accepted these courts should be able to deal with their present workload without outside assistance. Otherwise the cases will be fixed for hearing from August onwards and I understand that I shall probably receive a request for the appointment of acting stipendiary magistrates. In many of these cases the outcome may be affected by the result of the appeal in the Divisional Court. Cases not covered by the prosecution offer are being listed for hearing in the normal way.

Derbyshire

Chesterfield - about 200 cases outstanding

All but a few defendants have indicated not guilty pleas. There are a number of cases involving more than one defendant and the attendance of many witnesses which I understand will require the assistance of an acting stipendiary magistrate. Such an appointment will be requested when the date of hearing these cases has been fixed. Hearing dates are being arranged as far ahead as November and there is a growing backlog of cases awaiting trial. Extra courts are being arranged. Six cases under



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section 5 of the Public Order Act have been heard and fines ranging between £75 and £100 have been imposed together with orders for costs.

South Yorkshire

Rotherham - 251 cases outstanding

Among the cases received by this court are those arising out of the Orgreave picketing. 124 defendants are charged with unlawful assembly, 26 defendants with riot and the remainder with offences against section 5 of the Public Order Act or with obstructing the police in the execution of their duty. The court has already indicated that it will require the assistance of an acting stipendiary magistrate when hearing dates are fixed.

Sheffield

This court has received 118 cases. In less than half the defendants have pleaded guilty. The remainder have been listed for trial between now and the end of September. Fines imposed have ranged from £10 for abusive language and £200 for threatening words and behaviour or assault on a constable.

Staffordshire

155 defendants have already been dealt with in courts in this county and 32 await trial. It is expected that these trials will be completed by the end of July. In the cases heard to date 15 defendants have been found not guilty and the remaining 140 have been ordered to pay fines averaging £50 or bound over or both.



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Essex

Colchester - 118 cases outstanding

These cases arise out of the Wivenhoe picketing. Two defendants are awaiting committal for trial in the Crown Court on charges of causing grievous bodily harm with intent. Of the remainder 80 defendants are charged with obstructing the highway, 32 with offences under section 5 of the Public Order Act, three with assault on a constable and one with obstructing a constable in the execution of his duty. All these cases are proceeding to trial in the normal way. No serious problems are expected.

I have attempted to give as comprehensive a picture as possible. A number of courts not mentioned in this minute have also received miners' cases but I have no reason to believe that they are posing any serious problems to the normal disposal of court business. Nevertheless, if some of the courts mentioned in this report continue to receive large numbers of miners' cases they will undoubtedly face great difficulties in disposing of them if not guilty pleas continue to be entered.

The fixing of court hearing dates is a judicial function and must be left to the courts in accordance with what they regard as the interests of justice. Only when the local magistrates lack the capacity to deal promptly with cases awaiting hearing will it be proper for me to provide assistance from acting stipendiary magistrates. Indeed, under section 15(1) of the Justices of the Peace Act 1979 I am only empowered to appoint acting stipendiary magistrates where it appears to me to be "expedient to do so in order to avoid delays in the administration of justice". I stand ready to make such appointments as and where required to deal with the ordinary business of the courts as well as the miners' cases. The courts are aware that such assistance is available and I expect to receive firm requests shortly.



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I am copying this to those who received my minute to you of  
17th May.

*H: of S: M.  
21 June 84*

21st June, 1984

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Nat Incl Coal Pt 10



TO THE SECRETARY OF THE INTERIOR  
WASHINGTON, D. C.

1931, 1932

COMMISSION





PRIME MINISTER'S BRIEFING - 21 JUNE 1984

MAJOR INDUSTRIAL DISPUTES

National Coal Board, (NUM)

[Dept of Energy is briefing separately on this]

1. Talks between representatives of the NCB and the NUM ended in deadlock on 13 June.
2. An overtime ban has been operating since 31 October 1983 in protest at the NCB's closure programme and its pay offer of 5.2% on basic pay rates.
3. On 8 March the NUM National Executive Committee approved the local strikes which had been called from after work on 9 March in Yorkshire and Scottish Areas of the NUM; and approved in advance any strike action called in other areas. Decisions on whether to strike were left to individual areas, rather than to a national ballot. Ballots on strike action in various areas produced majorities against striking. A special delegates conference held on 19 April decided not to hold a national ballot at that stage; and that the majority required to authorise strike action in such a ballot should in future be a simple majority, rather than the 55% which the rules previously demanded.
4. In the early days of the strike, and following extensive unlawful picketing in various areas, the National Coal Board obtained an injunction which ordered the Yorkshire Area of the NUM to withdraw its instructions to members to engage in picketing at pits other than their own, and required the union not to encourage or assist in unlawful picketing on Coal Board premises, including financing and encouraging flying pickets. On 19 March the NCB was granted an indefinite adjournment of its application for contempt of court proceedings against the Yorkshire NUM; but the NCB can return to the High Court on giving two days' notice to the Yorkshire NUM.



Teachers (E&W) (NUT, NAS/UWT)

5. Teachers in England and Wales are "withdrawing goodwill" after their representatives rejected a 4.5% pay offer. A one-day strike took place on 9 May as the precursor of an intended programme of selective strike action. On 29 May the NUT began a programme of 3 day strikes in schools throughout the country; the NAS/UWT is holding  $\frac{1}{2}$  day strikes in selected areas.

6. There is to be a joint meeting tomorrow to discuss terms of reference for arbitration.

DEPARTMENT OF EMPLOYMENT

IRD2



19

Ref. A084/1793

PRIME MINISTER

Cabinet: Industrial Affairs: Coal

You will wish to ask for reports from:

- i. the Secretary of State for Energy  
on the number of pits and miners working and  
on the National Coal Board letter to miners
- ii. the Home Secretary  
on the amount and intensity of picketing
- iii. the Secretary of State for Trade and Industry  
on deliveries to steelworks and the present  
thinking of the British Steel Corporation Chairman  
in relation to civil action in the courts
- iv. the Secretary of State for Transport  
on deliveries to power stations and the degree of  
support for the National Union of Mineworkers from  
rail and other transport unions.

2. The main issues for discussion, as at today's MISC 101 meeting, are likely to be:

- i. whether we have yet reached the stage where civil action in the courts would do more good than harm;
- ii. how best to counter the argument that the Government should intervene in the dispute;
- iii. how best to influence opinion among rank and file miners.

Next Meeting

3. Owing to your absence at the European Council, the next meeting of MISC 101 will be at 4.30 pm on Wednesday 27 June.

*R*  
Approved by  
ROBERT ARMSTRONG  
*and signed in his absence.*

20 June 1984



The Daily Star  
Wednesday 20 June 1984

## STAR SAYS

# Let's clear the coal strike air

**H**E SAYS the police knocked him down with a riot shield. They say he fell over accidentally.

What is the truth about Arthur Scargill's none-too-serious head injury during the Orgreave coke plant riot?

He is coy about lodging a complaint. "Who against?" he asks, adding: "I don't think any official complaint will have any effect whatsoever on these people."

"We are living in a police state where anything goes."

But we are not. Not everything goes.

Since there is already to be a police inquiry into a baton incident, let us also have one into the bump on Arthur's head and how it got there.

It might clear the air over Mr. Scargill's relentless accusations of brutality against the police.

But while we're about it, let us have an inquiry that looks into the behaviour of the pickets. And the extent to which Mr. Scargill and his ringleaders exhorted or incited the appalling scenes at Orgreave.

Let us find out, too, what effect the anti-police attitude of the Labour Party—and particularly Mr. Gerald ("Mouthman") Kaufman, the Shadow Drone Secretary—has had in undermining police authority.

Let us hear from the ordinary policeman in the line about the nightmare of standing for hours in full riot gear in baking temperatures trying to maintain discipline while mobs taunt you and throw rocks and abuse at you.

Let us hear from the ordinary miner—not just the one who believes he is striking for his job, but the one who wants to go back to work, who wouldn't normally be seen dead on a picket line and is sick at heart at what the strike is doing to his wife and family.

Wouldn't that be an inquiry and a half.

Arthur Scargill is a lucky man. His sore head will get better in a few days.

The wounds inflicted by this ill-fated industrial campaign on his men, his union, his industry and his country will take a lot longer to heal.



Prime Minister

SECRET

18

MR TURNBULL

19 June 1984

COAL AND CIVIL INJUNCTIONS

The following thoughts could be discussed at tomorrow's MISC 101:

The activities of Scargill's shock troops are a clear case of secondary picketing. Violence and intimidation in Nottinghamshire and on the scale which we saw yesterday at Orgreave are unacceptable and an affront to both the civil and criminal law. It is one of Scargill's few remaining options to focus attention on selected sites through mob tactics and we must think carefully about the correct response.

Civil Injunctions - The original argument was that civil injunctions should only be imposed when commercial business was being threatened. Despite extreme provocation this has not happened. However current mob violence is such that there is an urgent need to reconsider the use of civil injunctions and criminal charges.

If we do propose civil injunctions, the first response should be for the NCB to resume its court action against the Yorkshire area of the NUM or for BSC to take out an injunction against the Yorkshire NUM. It would be inappropriate to take prior action against ASLEF or the NUR. BSC are seriously worried that they will have to shut down production at Llanwern this week and we should not stand in their way if they wish to bring an injunction.

The advantages of an injunction at the present time are:

- ✓ To demonstrate that the NCB/BSC will not be bullied.
- ✓ - To show that the Government's union legislation is not a dead letter.
- ✓ - To show the Government's resolve to respond to violence and intimidation. This could well provide a boost to moderate miners.
- ✓ - To isolate the militants and more clearly define where an industrial dispute ends and a political campaign begins.
- ✓ - NUM would suffer penalties for its actions.

The factors against are:

- a more militant reaction by the hard core of Scargill supporters;

DAUAAQ

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- sympathy strikes by other unions;
- to raise the political as opposed to industrial profile of the dispute, thereby keeping the miners in the headlines;
- and most importantly that it might not deter secondary picketing.

Until yesterday the pros and cons were finely balanced. Even after yesterday any decision must be based on an assessment of the above factors rather than upon an emotional response. Nevertheless, if Scargill continues to promote massed battles, ~~and~~ the legitimate business of industry is disrupted, we recommend that the NCB or BSC should be ready to take civil remedies. Such action would need to be clearly seen by the miners and the public at large as a direct response to unacceptable scenes of mob rule, or to a commercial breakdown which threatens other unions' jobs.

whether or  
not

Criminal charges - We should not hesitate to bring criminal charges against those responsible for incidents witnessed yesterday. If there is sufficient evidence to bring a charge of incitement to riot against Scargill, this should be seriously considered, although he would undoubtedly revel in martyrdom. Nevertheless, it is significant that every time he attends a mass picket it ends in violence.

DLP.

DAVID PASCALL

DAUAAQ

SECRET





10 DOWNING STREET

Prime Minister

BS lawyers have all to  
documentation ready to  
seek an injunction at short  
notice. The issue tomorrow  
is whether a clear enough  
picture has emerged at  
Llanwern by the time of  
the meeting to on which to  
base a decision.

AT

19/6





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17

P.01318

PRIME MINISTER

*ms*

Coal: MISC 101(84)21st Meeting

After the usual reports you will probably wish to concentrate on:

- i. the latest assessment of the threat to deliveries to the steel works;
- ii. the options for dealing with this threat, if it proves effective, including civil action in the courts;
- iii. any evidence of a deterioration of coal or oil movements to power stations.

FLAG A

In relation to ii. you will recall that the tentative conclusion at last Monday's meeting (MISC 101(84)20th meeting) was that, if rail deliveries to Ravenscraig and Llanwern were stopped, the BSC would need, initially at least, to attempt deliveries by road. If successful this might eventually ensure resumption of adequate rail deliveries, as was achieved earlier at Ravenscraig. If unsuccessful through NUM picketing, it would at least provide an opportunity for the BSC to bring injunctions against the NUM rather than the rail unions. Bearing in mind also the need to provide time for the Iron and Steel Trades Confederation (whose Executive will not be meeting until Thursday) to declare their position and influence the rail unions locally, this suggests that very early recourse to civil action in the courts is <sup>un</sup>likely to be a sensible option for BSC.

Next meeting

2. There will be an opportunity for a further discussion under the Industrial Affairs item at Cabinet on 21 June.

*PLG*

P L GREGSON

19 June 1984

SECRET



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NBPM

AT 19/6

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Leon Brittan QC MP  
Home Secretary  
Home Office  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

19 June 1984

*Leon Brittan*

MINERS' DISPUTE: POLICING COSTS

Thank you for your letter of 17 June, in which you described the form of additional assistance that you thought necessary for Nottinghamshire and other police authorities similarly affected, and told me of your wish to give them some indication of your thinking.

I accept, of course, that the pressures on police authorities are heavy, and acknowledge that as time goes on it may not be possible to require of them even the low marginal contribution that the present formula involves. But, like yourself, I would be most reluctant to see a special grant of 100 per cent, and agree that such a grant should be avoided. I confess, however, that I do not see how the arrangements you propose, with payment of a residual amount left until the final claim, would really help, since Nottinghamshire would be told the limit of savings they must make.

The immediate problem is in knowing what to say, if necessary in the House, in order to show the Government's concern and to provide some evidence of movement. My own preference would be to say that representations have been received from the authorities affected, and that they are being considered sympathetically. If necessary, it could be admitted that, with the strike continuing, it has become necessary to reconsider the formula announced last month, and that the police authorities will not be expected to have to make drastic cuts in their budgets.

Very soon, however, we will need to have agreed on the actual changes to be made, and I suggest we ask officials to consider the options urgently. Besides the arrangements you have suggested, there should be possibilities which avoid the implication that the whole cost beyond a certain point will be reimbursed. It might include adjustments to the present formula, including changes in the rate of grant.

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With the strike continuing, it becomes all the more important to maximise the efficiency and effectiveness of the police operations. It was with this in mind that my officials have written to yours to ask the basis on which additional expenditure will be approved, and I hope that this matter can also be considered.

If I could refer to your previous letter, of 23 May, I would hope that you could accept that all possibilities of offsetting savings in your other programmes should be explored. It is difficult, so early in the financial year, to believe that none could be forthcoming. This year the Reserve is already under considerable pressure, and any savings would be worthwhile an offset to the additional expenditure that is being incurred.

I am copying this letter to the Prime Minister, the other members of MISC 101, to George Young and Patrick Jenkin, and to Sir Robert Armstrong.

*Yours truly*  
*Peter Rees*

PETER REES

CONFIDENTIAL



CONFIDENTIAL

CEN



QUEEN ANNE'S GATE LONDON SW1H 9AT

17 June 1984

Dear Peter

MINERS' DISPUTE: POLICING COSTS

PS9  
In my letter of 8 May, I put forward proposals for helping police authorities to meet the costs of the miners' dispute. These were agreed at the Cabinet on 10 May (CC(84)18th) and announced on 11 May. On the same day, Patrick Jenkin announced that these additional costs would be disregarded for grant holdback in 1984/85 as well as 1983/84. Most police authorities seem to accept that these measures were a helpful and appropriate response from the Government to the problems they were facing. A few, mainly those in the metropolitan counties, are still pressing for 100% Government funding, but I shall continue to resist this.

In my letter of 8 May, I mentioned the possibility that some additional lump sum payment to Nottinghamshire might be necessary. My officials have been told by the Nottinghamshire Treasurer's Department that the costs so far to the county are over £25m. On the basis of the special payment arrangements we agreed, Nottinghamshire's share of this would be nearly £3m. Since their normal share of police expenditure is only 50%, they will have to find savings of over £6m and it is clear to me that the implications for the police budget would be totally unacceptable: £6m represents over 12% of annual expenditure on policing in the county. The Chief Constable has already been told to stop recruitment of police officers and civilian staff, maintenance and building projects are being deferred, and some computer projects "frozen". The force is considering withdrawing from the Regional Crime Squad and the Regional Criminal Intelligence Unit which co-ordinate responses to major crime. Although I expect the force to find some savings, I cannot accept the impact of such cuts on the efficiency of the force.

I think it would be helpful if we could agree that Nottinghamshire's total contribution from the rates should not exceed the product of three quarters of a penny rate, ie £0.9m. At present, they are expecting to pay £0.6m on the first £1.2m, and £0.1m on every £1m thereafter. On my current proposal, their contribution would be limited to £0.9m which means in effect that we should pay all the costs over £4.2m. I do not propose that we should increase the rate of special grant to 100%, which might discourage financial prudence, but I suggest we should make good the difference by a lump sum payment when we settle the final claim for the special grant. Although I do not think any other county has yet had to incur such relatively high costs, I would think it right to treat other police authorities, such as Derbyshire, Leicestershire, North Wales and Warwickshire, on the same basis, if this became necessary, ie to limit their total contribution to the product of three quarters of a penny rate.

/I know that

The Rt Hon Peter Rees, QC, MP

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I know that chief officers are doing all they can to keep down the costs of policing this dispute. I have no doubt that our decision to make Nottinghamshire and the other forces bear at least 10% of the costs has encouraged this and so I would not propose to make an early announcement of the details of my proposals. However, I think it is essential to give some indication of our thinking in order to prevent cuts in the police budget, particularly in Nottinghamshire, which would damage the force's longer-term capacity to police the area effectively. I would therefore propose to do no more at this stage than to indicate that Nottinghamshire need not seek savings on the police budget in excess of £2m and that further help would, if necessary, be given to other counties which incur relatively similar costs. Even a settlement on this basis is likely to result in Nottinghamshire carrying over 50 police and 30 civilian vacancies by the end of the current financial year. We cannot reasonably require them to do more.

I am copying this letter to the Prime Minister, the other members of MISC 101, to George Younger and Patrick Jenkin, and to Sir Robert Armstrong.

Law,  
Law

CONFIDENTIAL



NAT. IND.

Coal. PTHO

JUN 18 1984





18 June 1984

THE COAL DISPUTE: MISC 101 PAPERS ON THE LAW

Conduct of Pickets and Demonstrations

The scenes we have all seen on our television screens night after night show a confusion between peaceful picketing, demonstration, and general disorder.

The principal difficulty is one of enforcement rather than legislation.

- (a) Action to divert pickets. It is difficult to justify turning back individuals hundreds of miles away from the scene of picketing. The criminal law requires the police to be satisfied that the individual is going to be a picket and is likely to cause a breach of the peace. This is difficult to prove.

We do not think it desirable that the criminal law should be extended to give the police more widespread powers to stop people and to turn them back when travelling around the country. This would fuel accusations that the Government is creating a police state, whilst not solving the problem of how to prove the allegation.



(b) Action to control picket lines. Sometimes the police tactics work well, sometimes badly.

The police have usually tried to follow the Government's code of practice, by limiting picketing at the gate to 6 men lawfully and peaceably trying to persuade.

However, the problem has been to deal with the large number of other people who turn up claiming the right to picket. On some occasions, the police have allowed these people to form groups very close to the picket line. This has given the police the difficult task of holding back a long line of demonstrators so as to preserve freedom of access for incoming workers and vehicles.

More successful tactics have been to require the demonstrators to congregate a little further away from the works and, by clever use of the terrain, to control them so that they do not cause any major problems.

It will not always be possible for the police to deploy such methods. It is properly an operational matter for the judgement of the officers in command. The Home Office observe that the police do try to



distinguish demonstrators from pickets in many cases, and they consider the distinction an important one for successful policing. This approach should be adopted everywhere. Home Office officials could raise it in their contacts with the Inspector of Constabulary and the Association of Chief Police Officers, and Ministers could endorse it to underline its importance.

- (c) Criminal offences. The papers indicate that there are sufficient categories of offences. However, the common law offences of riot and unlawful assembly are antiquated; and, being indictable offences, it takes a long time to get people to court. As the Law Commission recommended, we should replace these by new, statutory, public disorder offences, which are summary, rather than indictable.

What can be done about intimidation of miners' families?

One of the worst and most difficult features of the current dispute is the pressure placed on miners' families to prevent them going back to work.

As the papers indicate, the only way of handling this is to step up the level of preventative patrols on the ground in the vulnerable working mining villages, and to hope that the courts will hand down exemplary sentences.



Conclusions

1. The only positive step is to create a new summary statutory offence to replace riot and unlawful assembly. This could be achieved by rapidly completing the review of public order law reform, which has been going on for 4 years.
2. The Home Secretary should also report as soon as possible on the effectiveness of last month's measures to counter intimidation.
3. The Home Office should encourage the police to adopt present best tactics for picket control more widely, so as to split small numbers of pickets from large masses of demonstrators.



POLICY UNIT



COVERING SECRET

Copy No 1 of 4



15.

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

18 June 1984

*Dear Andrew,*

WEEKLY COAL AND POWER STATION STATISTICS

I attach the latest edition.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours*

*John*

J S NEILSON  
Private Secretary

COVERING SECRET



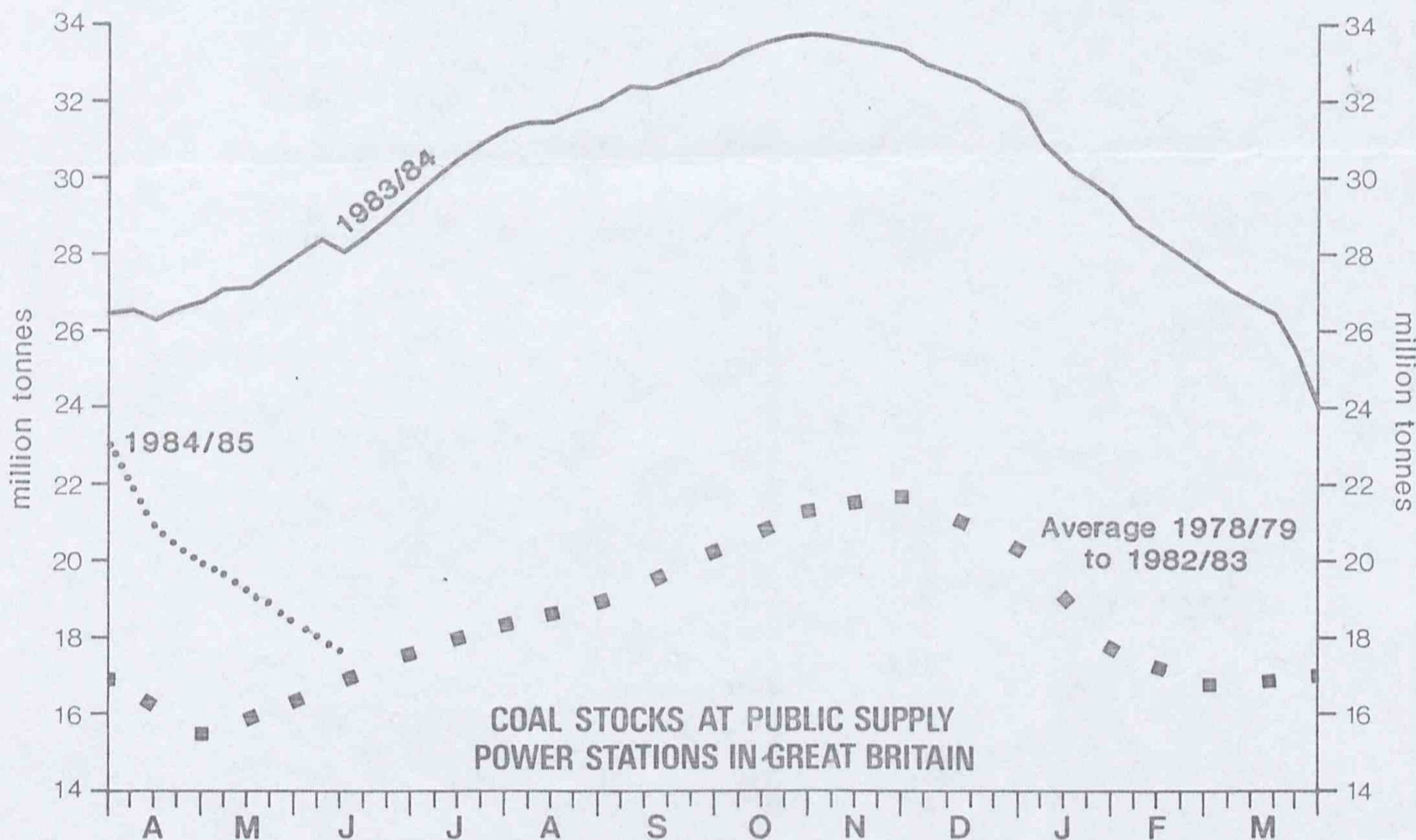
WEEKLY COAL AND POWER STATION STATISTICS (1)

EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

Week ending ..... 11.6.83 : 19.5.84 26.5.84 2.6.84 9.6.84

		(5)					
COAL	PRODUCTION (m. tonnes)	deep mines	2.00 :	0.46	0.43	0.10	0.46
		opencast	0.31 :	0.32	0.26	0.24	0.29
		TOTAL	2.32 :	0.77	0.69	0.34	0.75
	PRODUCTIVITY(2) (tonnes/manshift)	'overall' o.m.s	2.52 :	..	..	..	..
		'production' o.m.s	10.47 :	..	..	..	..
UNDISTRIBUTED STOCK (m. tonnes)		TOTAL	25.03 :	22.15	22.12	22.18	22.21
STATIONS	COAL STOCKS (m. tonnes)		28.50 :	18.82	18.41	17.94	17.64
	COAL CONSUMPTION	"	1.82 :	0.83	0.89	0.70	0.78
	COAL RECEIPTS	"	1.73 :	0.46	0.48	0.23	0.48
	OIL STOCKS(3)	"	1.00 :	0.81	0.84	0.88	0.87
POWER	OIL CONSUMPTION(3)	"	0.06 :	0.38	0.34	0.32	0.34
	OIL RECEIPTS(3)	"	0.04 :	0.45	0.37	0.35	0.33
	ELECTRICITY SUPPLIED (4) (GWh)		:				
	Nuclear	"	684 :	820	858	856	919
Other Steam	"	3,153 :	3,429	3,352	2,829	3,069	
TOTAL	"	3,837 :	4,250	4,210	3,684	3,988	
TOTAL - temperature corrected	"	3,865 :	4,141	4,160	3,579	..	

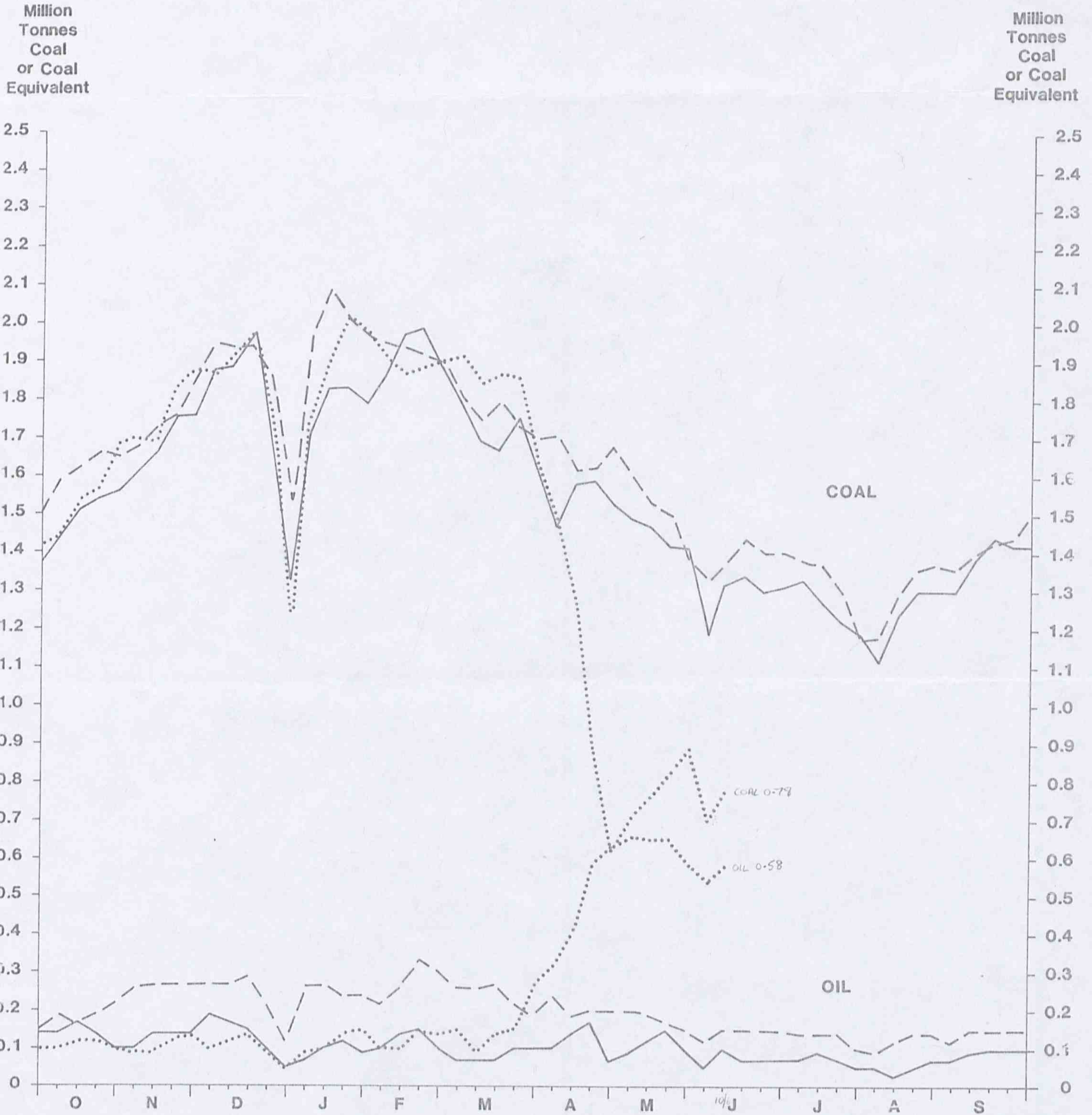
(1) Great Britain unless otherwise stated. All latest figures are subject to revision.  
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.  
 .. data not yet available. (5) Includes Spring Bank Holiday.





COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT  
PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key  
..... 10/83 to 9/84  
———— 10/82 to 9/83  
- - - - Average 1977/78 to 1981/82







SECRET

14

P.01313

PRIME MINISTER

Coal: MISC 101(84)20th Meeting

Depending on developments over the weekend you may wish to concentrate particularly on two issues:

- i. the NCB's efforts to secure the support of the workforce
  - the latest position on the letter to individual miners
  - the possibility of a management ballot  
(is Mr MacGregor genuinely contemplating this option and, if so, is it a sensible move?)
- ii. the NUM's efforts to step up sympathetic action by other unions
  - what are the latest prospects for continued deliveries to the major steel works?
  - is there any evidence of a deterioration in coal and oil movements to power stations?

Home Sec has now written to CST to propose an upper limit for each authority of 3/4's of a penny rate. See attached letter

2. If time permits it may also be worth asking the Home Secretary about press reports that friction is building up among the county councils about delays in apportioning extra policing costs among different police authorities.

AT 19/6

SECRET





SECRET

Next meeting

3. The next opportunity for a discussion will be under the Industrial Affairs item at Cabinet on 21 June.

*PLG*

P L GREGSON

15 June 1984

SECRET





10 DOWNING STREET

Prime Minister

I have spoken to Mr Walker's office

- (i) Mr Walker saw the draft this morning. It was prepared in the NCB
- (ii) It is thought, but they are not certain, as the operation is an NCB one, that the mail delivery company will be working over the weekend.
- (iii) I have asked Mr Walker's office to warn him to expect calls from you in the morning, around 9 am, but you could call earlier if you wish
- (iv) You will need to establish
  - whether the production process is past the point of no return
  - whether Mr Walker is prepared to look at another draft
  - if so, whether he is prepared to urge it upon Mr Macgregor.
- (v) The logistics are complex. Mr Walker is in Drottend, Mr MacGregor is at a conference at the Imperial Hotel, Torquay. Mr Walker is unlikely to have the text with him.
- (vi) Attached is an anonymous draft which could be sent to Mr Walker
- (vii) I will come in on your call tomorrow morning from my home and will be in the office (for the Trooping) from 1000 am.
- (viii) Robin wishes to re-emphasise the dangers of substituting another text.

AT  
15/6



COVERING SECRET

Copy No 1 of 4



13

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 6402

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

15 June 1984

*Dear Andrew*

POWER STATION ENDURANCE

I attach the latest report.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary

COVERING SECRET





## POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were nearly 0.5 mt. Coal burn was 0.7 mt, giving a stock draw of 0.2 mt. CEGB coal stocks last Sunday night were 16.0 mt, with a further 1.7 mt in Scotland.
2. Total NCB coal deliveries last week were about 0.7 mt, so that about 0.2 mt went to customers other than power stations.
3. The range of endurance outcomes is indicated below. The average rate of coal deliveries to CEGB power stations since the start of the strike has been 0.41 mt per week.

<u>Average coal deliveries</u>	Oil Burn (% of Max)	
	<u>80%</u>	<u>100%</u>
0	early October	late October
0.3 mt/week	late November	mid December
0.41 mt/week (The average for the past 13 weeks)	late December	late January

Department of Energy  
14 June 1984



SECRET

Copy No 1 of 2

12 A



SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

14 June 1984

*Dear Andrew*

My Secretary of State thought the Prime Minister would wish to know that Mr MacGregor is planning to write to striking members of the NUM early next week. The text of the proposed letter is attached. The letter is likely to be dispatched on Monday to arrive on Tuesday.

The Board are anxious to keep the letter secret until then - hence the classification of this letter.

*Yours sincerely  
Michael B;*

M F REIDY  
Private Secretary

SECRET



Dear Colleague

Your future in danger

I am taking the unusual step of writing to you at home because I want every man and woman who has a stake in the coal industry to realise clearly the damage which will be done if this disastrous strike goes on a long time.

The leaders of the NUM have talked of it continuing into the Winter. Now that our talks with them have broken down this is a real possibility. It could go on until December or even longer. In which case the consequences for everybody will be very grave.

Your President talks continually of keeping the strike going indefinitely until he achieves "victory".

I would like to tell you, not provocatively or as a threat, why that will not happen however long the strike lasts.

What the strike is really about is that the NUM leadership is denying our right to manage the coal industry in the way we think is most efficient, best, and in the interests of those who work in it. We want to build a high volume, highly paid, low cost industry which will be profitable and competitive with foreign coal producers. That is why we are spending up to £800m per year on your industry. Our plan means, in the short term, cutting out some uneconomic pits and making about 20,000 men redundant by voluntary methods and with very generous redundancy if they do not wish to take alternative jobs in the industry. It also means a more secure future for those who remain.

I want it to be known that however long the strike goes on we shall not hand over management and decision making to your President and his colleagues.

But the second reason why continuing the strike will not bring the NUM "victory" is this: In the end nobody will win. Everybody will lose - and lose disastrously.

Many of you have already lost more than £2,000 in earnings and have seen your savings disappear. If the strike goes on until December



it will take many of you years to recover financially and <sup>also</sup> more jobs may be lost - and all for nothing.

Your President has accused us of <sup>planning</sup> to butcher the industry. I have no such intention or desire. I want to build up the industry into one we can <sup>all</sup> be proud to be part of.

But if we cannot return to reality and get back to work then the industry may well be butchered. But the butchers will not be the Coal Board.

You are all aware that mines which are not constantly maintained and worked deteriorate in terms of safety and workability.

AT THE PRESENT TIME THERE ARE BETWEEN 20 and 30 pits which are viable WHICH WILL BE IN DANGER OF NEVER RE-OPENING IF WE HAVE A LENGTHY STRIKE.

This is a strike which should never have happened. It is based on very serious misrepresentation and distortion of the facts. At great financial cost miners have supported the strike for fourteen weeks because your leaders have told you this .....

That the Coal Board is out to butcher the coal industry

That we plan to do away with 70,000 jobs

That we plan to close down around 86 pits, leaving only

100 working collieries.

IF THESE THINGS WERE TRUE I WOULD NOT BLAME MINERS FOR GETTING ANGRY OR FOR BEING DEEPLY WORRIED. BUT THESE THINGS ARE ABSOLUTELY UNTRUE. I STATE THAT CATEGORICALLY AND SOLEMNLY. YOU HAVE BEEN DELIBERATELY MISLED.

Only the NUM, which called the strike, can end it.

I would like you to consider carefully, away from the violence and pressures of the mass pickets, whether this strike is in your interests.

I ask you to join your associates who already have returned to work so that we can start repairing the damage and building up a good future.

Yours Sincerely



Dear Colleague

Your future in danger

I am ~~taking the unusual step~~ of writing to you at home because I want every man and woman who has a stake in the coal industry to <sup>be in no doubt about</sup> ~~realise clearly~~ the damage which <sup>that</sup> ~~will be done~~ if this disastrous strike will <sup>cause</sup> ~~if it~~ goes on a long time.

The leaders of the NUM have talked <sup>about</sup> of it continuing into the Winter. Now that our talks with them have broken down this is a <sup>quite</sup> ~~real~~ <sup>possible</sup> ~~possibility~~. It could go on until December or even longer. <sup>In</sup> ~~if~~ it does, which case the consequences for everybody will be very grave.

Your <sup>leader's</sup> ~~President~~ talks continually of keeping the strike going indefinitely until <sup>he</sup> ~~he~~ achieves "victory".

<sup>want you to know</sup> I would ~~like to tell you, not provocatively or as a threat,~~ why <sup>there can be no victory for anyone</sup> ~~that will not happen~~ however long the strike lasts.

<sup>In the first place, the prospects of the industry have already suffered and are</sup> ~~What the strike is really about is that the NUM leadership is~~ <sup>denying our right to manage the coal industry in the way we think is</sup> ~~most efficient, best, and in the interests of those who work in it.~~ <sup>them without interruption has taken a further knock.</sup>

<sup>Second, the strike has set back our aim to secure an efficient industry operating for</sup> ~~We want to build a high volume, highly paid, low cost industry which~~ <sup>the benefit of both the customer and our employees,</sup>

<sup>in the NCB</sup> will be profitable and competitive with foreign coal producers. That is why we are spending up to £800m per year <sup>— over £2m a day — in</sup> ~~on~~ your industry. // Our

plan means, in the short term, cutting out some uneconomic pits and ~~which are losing~~ <sup>a lot of money. This means there will be 20,000 fewer jobs — a process which can be achieved</sup> ~~making about 20,000 men redundant by voluntary methods and with very~~ <sup>generous redundancy if they do not wish to take alternative jobs in the</sup> ~~industry. It also means a more secure future for those who remain.~~ <sup>by early retirement or voluntary redundancy for those who prefer to take advantage of</sup> ~~whichever is more secure.~~ <sup>own generous redundancy terms. For those who remain in the industry the future</sup>

~~I want it to be known that however long the strike goes on we shall not hand over management and decision making to your President and his colleagues.~~

~~But~~ <sup>the</sup> ~~second~~ <sup>second</sup> reason why continuing the strike will not bring the NUM "victory" is <sup>this</sup> ~~because~~ <sup>because</sup> ~~in the end nobody will win.~~ <sup>Everybody</sup> ~~lose - and lose disastrously.~~ <sup>lose - and lose disastrously.</sup>

Many of you have already lost more than £2,000 in earnings and have seen your savings disappear. If the strike goes on until December



it will take ~~many of~~ you years to recover financially, ~~and~~ <sup>also</sup> more jobs ~~may~~ <sup>well</sup> be lost - and all for nothing.

~~I have been~~ <sup>planning</sup> your President has accused us of ~~to~~ <sup>you</sup> butcher the industry. ~~To do~~ away with 70,000 jobs; ~~to~~ close down about 86 pits, leaving only 100 working collieries. ~~I have no such intention or desire.~~ I want to build up the industry. ~~These allegations are nonsense. They are simply untrue and you have my word~~ <sup>all</sup> into one we can be proud to be part of. For it, I want to breathe new life into this industry; not to kill it. To make this industry one we can all be proud of.

But if we cannot return to reality and get back to work, then the ~~industry may well be butchered.~~ <sup>Soon</sup> But the butchers will not be the Coal Board.

You are all <sup>know</sup> aware that mines which are not constantly <sup>worked and</sup> maintained and ~~worked~~ deteriorate in terms of safety and workability.

~~AT THE PRESENT TIME THERE ARE~~ <sup>now</sup> BETWEEN 20 and 30 <sup>practically sound</sup> pits which are viable WHICH WILL BE IN DANGER OF NEVER RE-OPENING IF WE HAVE A LENGTHY STRIKE.

This is a strike which should never have happened. ~~It is based on very serious misrepresentation and distortion of the facts.~~ At great financial cost miners have supported the strike for fourteen weeks because ~~your leaders have told you this .....~~

- ~~That the Coal Board is out to butcher the coal industry~~
- ~~That we plan to do away with 70,000 jobs~~
- ~~That we plan to close down around 86 pits, leaving only 100 working collieries.~~

~~IF THESE THINGS WERE TRUE I WOULD NOT BLAME MINERS FOR GETTING ANGRY OR FOR BEING DEEPLY WORRIED. BUT THESE THINGS ARE ABSOLUTELY UNTRUE. I STATE THAT CATEGORICALLY AND SOLEMNLY. YOU HAVE BEEN DELIBERATELY MISLED.~~

Only the NUM, which called the strike, can end it.

I would <sup>therefore</sup> like you to consider carefully, <sup>in your own home and</sup> away from the violence and pressures of the mass pickets, whether this strike is in your interests.

I ask you to ~~join your associates who already have returned to work~~ so that we can <sup>immediately</sup> start repairing the <sup>appalling</sup> damage <sup>to the industry</sup> and building up a good future.

Yours Sincerely

re-building it - and your future.



YOUR FUTURE IN DANGER

I am writing to you at home because I want every man and woman who has a stake in the coal industry to be in no doubt about the <sup>damage</sup> ~~danger~~ that this disastrous strike will cause if it goes on a long time.

The leaders of the NUM have talked about it continuing into the winter. Now that our talks with them have broken down, this is quite possible. It could go on until December or even longer. If it does, the consequences for everybody will be very grave.

Your leaders talk of keeping the strike going indefinitely until this achieves victory. I want you to know why there can be no victory for anyone however long the strike lasts.

In the first place the prospects of the industry have already suffered and are continuing to do so. This is because customers' confidence in our ability to supply them without interruption has taken a further knock.

Second, the strike has set back our aim to secure an efficient industry operating for the benefit of both the customer and our employees. We in the NCB want to build a high volume, highly paid low cost industry which will be profitable and competitive with foreign coal industries. That is why we are investing up to £800m a year - over £2m a day - in your industry.

Our plan means in the short term cutting out some pits which are losing a lot of money. This means there will be 20,000 fewer jobs - a process which can be achieved by early retirement or voluntary redundancy for those who prefer to take advantage of our generous redundancy terms. For those who remain in the industry, the future will be more secure.

The third reason ~~for~~ why continuing the strike will not bring the NUM "victory" is because in the end everyone will lose - and lose disastrously.

/Many of you



Many of you have already lost more than £2,000 in earnings and have seen your savings disappear. If the strike goes on until December it will take you years to recover financially. More jobs may well be lost - and all for nothing.

I have been accused of planning to butcher your industry; to do away with 70,000 jobs; to close down about 86 pits leaving only 100 working collieries.

These allegations are nonsense. They are simply untrue and you have my word for it. I have no such plan. I want to breathe new life into this industry; not to kill it. To make this industry one we can all be proud to be a part of. If, however, we cannot get back to work soon the industry may well be butchered. But the butchers will not be the Coal Board.

You all know that mines which are not constantly worked and maintained deteriorate. There are now between 20 and 30 potentially sound pits which will be in danger of never re-opening if we have a lengthy strike.

*This is a strike which should never have happened.*  
 Only the NUM, which called you out, can end it.

I would therefore like you to consider carefully, in your own home and away from the violence and pressure of mass pickets, whether this strike is in your interests.

I urge you to return to work so that we can immediately start repairing the appalling damage to the industry and its - and your - future.

*Re-building*



PR Minute 4  
This material was sent on by Sir K. Joseph. Tommy  
Thompson is now giving  
the PR advice which is recommended

AT 14/c

MR TURNBULL

14 June 1984

THE COAL DISPUTE - PUBLIC OPINION

The opinion survey of late May (sample 1069) was carried out 2-3 weeks later than the one in our earlier minute. Opinions have changed very little.

There is a strong feeling that the strike is a serious problem for the country (85%). 45% have some sympathy with the miners on strike although 69% consider that Arthur Scargill's motives are mainly political. 77% disapprove of the use of mass pickets and 73% consider that the miners are not within their rights in using these tactics.

There is strong recognition that the Government has not become directly involved, although opinion is divided as to whether this is the right approach.

73% consider that it is sensible to close uneconomic pits. Arthur Scargill's claims that Ian MacGregor plans to cut the number of pits to 100 and to get rid of 70,000 jobs receive little support (22%).

There is overwhelming support for the police (92%), although 52% are in favour of the Government bringing in tougher laws to limit picketing.

← || Only 12% think that Arthur Scargill will win the dispute and 25% would like this outcome. There is also a general feeling that the strike is not benefiting anybody and that the longer it continues the more jobs will be lost and the more damaged will be the coal industry.

Although Ian MacGregor has a higher credibility rating than Arthur Scargill, 27% consider that neither is speaking the truth. Most people seem to understand what the strike is about and there is a strong view (86%) that the NUM should have held a secret ballot.

24% consider that other unions and workers should support the miners. There is strong support for the view that loss of coal supplies will endanger the future of Ravenscraig and that it is wrong for miners to picket power stations.

Opinion is reasonably divided on whether employers should seek civil injunctions. There is a strong view that the Government would be unwise to bring in troops.

DAUAAC

CONFIDENTIAL



CONFIDENTIAL

- 2 -

Conclusion

These results are encouraging. Nevertheless, the NCB Board are not natural communicators and it is precisely at this point in the dispute that the presentation of the NCB case needs to be most skilfully managed.

We consider that the Board should make maximum use of professional public relations advisers and ensure that they are fully in touch with the views of both moderate and militant miners.

DLP

DAVID PASCALL

DAUAAC

CONFIDENTIAL



Andrew Turnbull.

Here is the letter from Tommy  
Thompson, ORC, with opinion results  
for the PM to see.

Kenn Joseph  
5.6.64

I have acknowledged.

N Pascale  
This was sent on by S. K. Joseph. It is  
not as it simply a refinement of treated  
survey (It is slightly different but remarkably  
similar). If it is different are there any  
significant changes.

AK  
5/6



● Opinion Research & Communication

~~6816~~

~~DP 616184~~

T.F. Thompson

124 Clarence Gate Gardens  
Glentworth Street  
London NW1 6AL  
Tel: 01-486 8294

~~AT~~  
141 6184

1st. June.

Dear Keith,

Some very interesting findings in the full General Public survey. Please use it discreetly.

Bad mistake I am not attending talks. It will be construed as a victory for Scargill and is likely further to harden the unions' attitudes and make them believe militancy pays off. Please call me if I can help.

Kind regards





TOTAL SAMPLE  
= 1069 RESPONDENTS

Good morning/afternoon/evening. We are carrying out a large survey of public attitudes towards the country's present problems. We would like your opinion as a taxpayer, citizen and member of the General Public.

Q1. First of all could you tell me how well or badly you think things are going for Britain at the moment?

BASE ALL  
%  
1  
30  
37  
29  
3

Very well  
Quite well  
Not very well  
Badly  
Don't know

Q2a. Next can I ask you what you, yourself, feel are the most important problems that the Government should do something about. Anything else?

%  
72  
11  
10  
9  
6

UNEMPLOYMENT

HEALTH SERVICE

MINER'S STRIKE

VIOLENCE / CRIME / HODLIGANISM / LAW & ORDER

HIGHER PENSIONS / MORE HELP FOR OAP'S

Q2b. And what do you think should be done about the biggest and most serious problem facing the country at the moment? (PROBE FOR FULL DETAILS).

THOSE SAYING UNEMPLOYMENT: Base 770	THOSE SAYING HEALTH SERVICE Base 122	THOSE SAYING MINER'S STRIKE Base 109
CREATE MORE JOBS 25%	SPEND MORE MONEY 9%	GOVT. SHOULD TAKE A LEAD 14%
SPEND MORE MONEY 11%	HAY NURSES MORE 2%	HOLD A SECRET BALLOT 5%
MORE MD TO INDUSTRY/INVESTMENT 7%		
START NEW INDUSTRIES / NEW TECHNOLOGY 6%	DONT KNOW 82%	DONT KNOW 49%
LOWER RETIREMENT AGE 6%		

Q3. Next I would like to ask you how well you think nationalisation has worked in this country. Do you think it has been successful or not successful?

BASE ALL  
%  
29  
56  
15

Successful  
Not successful  
Don't know



SHOWCARD A

Q4. Here is a list of the most important nationalised industries.

a. Which TWO do you think are the best run and the most efficient?

b. And which TWO do you think are the most profitable?

	Q4a Best run	Q4b Most profitable
	<u>BASE ALL</u>	<u>ALL</u>
	%	%
National Coal Board	5	4
British Steel	9	6
Central Electricity Generating Board	65	74
British Rail	7	7
British Gas	65	76
British Leyland	12	7
National Bus Company	19	5
Don't know	8	9

Q5

Q5. I would now like to ask you about some of the problems associated with nationalised industries which are currently causing concern both inside and outside these organisations.

First of all I would like to ask you about the miners strike. How serious a problem do you think this is for the country?

Very serious

%

54

Quite serious

31

Q6a

Not very serious

11

Not at all serious

3

Q6b

Don't know

1

IF VERY/QUITE SERIOUS, ASK:

Q6a. Why do you say that? (PROBE FOR DETAILS)

BASE 908

AFFECT ON OTHER INDUSTRIES / EVERYONE

19

WILL CAUSE UNEMPLOYMENT / UNSPEC

14

COULD SPREAD & HOLD UP WHOLE COUNTRY / NATIONAL STRIKE

13

AFFECT ON STEEL INDUSTRY

6

Q7

IF NOT VERY/NOT AT ALL SERIOUS

Q6b. Why do you say that? (PROBE FULLY)

BASE 146

PLENTY OF COAL STOCKS

%

25

NO EFFECT ON IDUSTRY SO FAR

14

DISPUTE WILL BE SETTLED BEFORE LONG

10

HAVE OTHER SOURCES OF POWER

4

Q7



<p>Q7. How much in sympathy are you with the miners who are on strike? Would you say you are ..... (READ OUT)</p>	<p>%</p>	<p>Q8</p>
<p>Completely in sympathy            In sympathy to some extent            Neither for nor against them            Opposed to the miners on strike to some extent            Completely opposed to the miners            Don't know</p>	<p>14            31            11            18            25            1</p>	
<p>Q8. Some people think that Mr Scargill has brought the miners out on strike to safeguard miners jobs. Others think that his main reason is political and that he is using the miners to try to bring down Mrs Thatcher's Government and change society in Britain. Which of those two views do you think is nearer to the truth?</p>	<p>%</p>	<p>Q9a</p>
<p>To safeguard jobs            Reason is political            Don't know</p>	<p>23            69            8</p>	
<p><u>SHOWCARD B</u></p>		
<p>Q9a. Mr Scargill and his colleagues are using mass pickets to try to persuade those miners still working to join the strike. How strongly do you approve or disapprove of these methods?</p>	<p>%</p>	<p>Q9b</p>
<p>Strongly approve            Approve to some extent            Disapprove to some extent            Strongly disapprove            Don't know</p>	<p>8            14            20            57            1</p>	
<p>Q9b. Do you think the miners are within their rights in trying to bring other miners out by mass picketing tactics?</p>	<p>%</p>	<p>Q10a</p>
<p>Are            Are not            Don't know</p>	<p>22            73            5</p>	
<p>Q10a. How well do you think the Government has handled the strike so far?</p>	<p>%</p>	<p>10b</p>
<p>Very well            Fairly well            Not very well            Not at all well            Don't know</p>	<p>11            26            25            27            11</p>	<p>10c</p>
		<p>11a</p>



<p><u>IF VERY WELL OR FAIRLY WELL</u></p>	<p>BASE 395</p>	<p>11a</p>
<p>Q10b. Why do you say that? (PROBE)</p>	<p>1</p>	
<p><u>BY NOT GETTING INVOLVED / NOT INTERFERING / KEEPING OUT OF IT</u></p>	<p>63</p>	
<p><u>BY HOLDING OUT AGAINST MINERS</u></p>	<p>14</p>	
<p><u>BY KEEPING LAW &amp; ORDER / SUPPORTED POLICING</u></p>	<p>12</p>	
<p><u>IF NOT VERY WELL OR NOT AT ALL WELL</u></p>	<p>BASE 554</p>	<p>11a</p>
<p>Q10c. Why do you say that? (PROBE)</p>	<p>1</p>	
<p><u>HAVEN'T GOT INVOLVED / ENTERED DISCUSSIONS / STOOD BACK ETC.</u></p>	<p>68</p>	
<p><u>CRITICISM OF POLICE</u></p>	<p>9</p>	
<p><u>MRS. THATCHER WILL NOT COMPROMISE</u></p>	<p>5</p>	
<p><u>ASK ALL</u></p>		
<p>Q11a. I would now like to ask you one or two questions about the Police. In general do you think the police in Britain do a good or a bad job of maintaining law and order?</p>	<p>1</p>	
<p>Very good</p>	<p>55</p>	<p>Q12</p>
<p>Quite good</p>	<p>37</p>	
<p>Not very good</p>	<p>6</p>	
<p>Bad job</p>	<p>2</p>	<p>Q11b</p>
<p>Don't know</p>	<p>1</p>	<p>Q12</p>
<p><u>ASK ALL SAYING NOT VERY GOOD OR BAD JOB AT Q11a</u></p>	<p>BASE 82</p>	<p>Q12</p>
<p>Q11b. Why do you think that? (PROBE)</p>		
<p><u>BAD ATTITUDE TO PEOPLE</u></p>	<p>15</p>	
<p><u>TOO MUCH ATTENTION TO TRAFFIC OFFENCES / NOT ENOUGH TO SERIOUS CRIME</u></p>	<p>15</p>	
<p><u>NOT ALLOWED TO BE TOUGH ENOUGH</u></p>	<p>9</p>	
<p><u>NOT ENOUGH ON BEAT</u></p>	<p>7</p>	



ASK ALL

Recently the police have been a lot in the news in connection with two major national problems, the siege at the Libyan Embassy in St James Square and in connection with the mass pickets of miners.

Q12a. Dealing with the Libyan Embassy first could you tell me whether you think the police have handled it well or badly. Would you say they handled it ... (READ OUT)

Very well	54
Fairly well	33
Fairly badly	5
Very badly	3
Don't know	5

Q13

Q13. And the control of the mass pickets. Do you think the police have handled the mass pickets in Nottinghamshire and other mining areas well or badly? Would you say .... (READ OUT)

Very well	45
Fairly well	36
Fairly badly	8
Very badly	8
Don't know	4

Q14

Q14. Under recent legislation mass picketing of places other than your own place of work is illegal. Would you say that in respect of recent mass picketing:-

- the Government should have taken tougher action
  - OR - the Government were right to take the attitude they did
  - OR - the Government should have taken less tough action than they did
- Don't know

%
35
39
16
11

Q15

Q15. Would you say that Mr Scargill and the other leaders of the NUM are right or wrong to do the following things .....

READ OUT

a. Use mass pickets in Nottinghamshire and Lancashire to persuade those miners still working to join the strike

%	Right	Wrong	Don't know
	19	77	4

b. Use mass pickets to try to prevent more than a limited amount of coal reaching the British Steel works at Ravenscraig, Scunthorpe, and Llanwern steel works

%	Right	Wrong	Don't know
	15	80	5

c. Use mass pickets to stop coal reaching the Central Electricity Generating Board's power stations

%	Right	Wrong	Don't know
	15	81	4

d. Try to bring about a national coal strike without having a secret ballot on the issue first as the Nottinghamshire miners want

%	Right	Wrong	Don't know
	10	86	5



Q15a. Going through those items again would you say for each whether it will help the miners' cause or harm it?

READ OUT

	Help	Harm	Don't know	
a. Use mass pickets in Nottinghamshire and Lancashire to persuade those miners still working to join the strike	16	77	6	(55)
b. Use mass pickets to try to prevent more than a limited amount of coal reaching the British Steel works at Ravenscraig, Scunthorpe, and Llanwern steel works	14	79	7	
c. Use mass pickets to stop coal reaching the Central Electricity Generating Board's power stations	15	79	7	
d. Try to bring about a national coal strike without having a secret ballot on the issue first as the Nottinghamshire miners want	9	83	8	Q16

Q16. Some people think that as a result of the mass pickets by miners in the present dispute the Government will bring in tougher laws to limit picketing. Would you be in favour or opposed to such a law?

Favour	52	Q17
Opposed	38	
Don't know	11	

Q17. Who do you think is going to win the miners strike - Mr Scargill and the NUM leadership or the National Coal Board and the Government?

Scargill	12	Q18
NCB	51	
Don't know/neither	36	

Q18. Which of them do you want to win?

Scargill	25	Q19a
NCB	51	Q20
Don't know/neither	24	



IF SCARGILL AT Q18

Q19a. How strongly do you want Mr Scargill and the NUM to win?

	<u>BASE 262</u>
<u>Scargill</u>	
Very strongly	54
Quite strongly	35
Not very strongly	9
Not at all strongly	2
Don't know	1

Q19b. How strongly do you want the NCB and Government to win?

	<u>BASE 550</u>
<u>NCB/Government</u>	
Very strongly	40
Quite strongly	40
Not very strongly	6
Not at all strongly	1
Don't know	12

SHOWCARD C

Q 20. Looking at this card which of these statements is nearest to your own view?

In the end the Coal Board will win because they hold most of the cards and miners will not be able to afford to stay out for months.

%  
25

In the end the miners will win because they have a just cause and whatever it costs they will hold out until the Coal Board gives in.

12

Nobody will win. The longer the strike goes on the more jobs will be lost and the more damaged will be the coal industry.

60

don't know

3

Q 21. There are so many statements being made on television and in the newspapers by Arthur Scargill and Ian MacGregor, Chairman of the Coal Board that many people are confused.

Which of them, Arthur Scargill or Ian MacGregor would you say is speaking most of the truth?

%

Arthur Scargill

16

Ian MacGregor

37

Neither is speaking the truth

27

Don't know

20

Q22a Many people do not understand what the miners strike is about. Do you feel that you understand what is is about?

%

Yes

70

No

13

Not sure

18



ASK ALL SAYING 'YES' AT Q22a

Q 22b Could you tell me in your own words what you believe the strike is really about? (PROBE FOR FULL DETAILS)

	BASE 746
PIT CLOSURES	66
LOSS OF JOBS	46
WAGES/MONEY	18
POLITICAL REASONS (UNSPEC)	12
SCARGILL'S ATTEMPT TO REMOVE THE GOVT.	11
PRESTIGE FOR SCARGILL	5

Q23. Here is a list of some of the things which have been printed in the newspapers or said by the NUM or the National Coal Board leadership over the last few weeks. Would you say for each one whether you agree with it or not?

	Agree	Disagree	Don't know
A. Most miners are in favour of the strike and if a national ballot was held the result would be to show that a majority of miners are behind Arthur Scargill	% 39	49	11
B. The NUM should have a secret ballot on whether to strike or not rather than trying to pressure everybody into a national strike by backdoor methods	% 86	10	4
C. The strike is not mainly about miners jobs: it is really a political strike by Arthur Scargill and other left wing union leaders who want to use the miners to bring down the Tory Government	% 63	25	12
D. The longer the strike goes on the more jobs will be lost	% 82	11	7
E. The Coal Board is telling the truth when they say that only 20,000 jobs will be lost in the next 12 months	% 35	24	41
F. Arthur Scargill is wrong when he says that they plan to cut the industry to 100 pits with a loss of 70,000 jobs	% 35	26	39
G. Whatever Arthur Scargill says the worn out and loss making pits will have to close if the majority of jobs are to be protected and the coal industry is to become efficient and profitable	% 77	11	12
H. There is no way that the miners can win this strike because the power stations have six months stocks and Mrs Thatcher will not give in as the last Tory Government did	% 64	18	17
I. The redundancy pay offered to miners whose jobs are going is very generous compared with other industries	% 60	7	34



Q24. SHOWCARD D

Here are two different views which have been put forward about what Mr MacGregor and the Coal Board are planning to do. Would you say which of them is nearer to the truth?

- a. Ian MacGregor plans to butcher the coal mining industry by reducing the number of pits to 100 and getting rid of 70,000 jobs
  - b. The Coal Board is going to cut out 4% of uneconomic coal production and get rid of 20,000 jobs by voluntary redundancy and generous redundancy pay so as to make the industry highly efficient, low cost and highly paid
- Don't know

%  
22  
56  
22

Q25a. SHOWCARD E

Using one of the phrases on this card, would you say how much support you think the miners strike will get from ....

<u>READ OUT</u>		<u>A great deal</u>	<u>Quite a lot</u>	<u>Only a little</u>	<u>None</u>	<u>Don't know</u>
The dockers	%	11	38	38	6	7
Steel workers	%	4	18	46	28	4
Railwaymen	%	10	38	39	8	6
Electricity supply workers	%	3	12	41	36	8
The seamen	%	6	22	37	26	10
Lorry drivers and haulage workers	%	4	16	41	32	7

Q25b. Thinking of these groups again would you say whether, in your opinion, each of these groups of workers should or should not support the miners strike?

<u>READ OUT</u>		<u>Should</u>	<u>Should not</u>	<u>Don't know</u>
The dockers	%	25	65	10
Steel workers	%	24	66	10
Railwaymen	%	25	65	10
Electricity supply workers	%	25	65	10
The seamen	%	23	67	10
Lorry drivers and haulage	%	24	65	11



	<p>6. The Steel unions are worried that if the miners pickets stop coal going into the huge Ravenscraig Steel complex and Scunthorpe the end result will be that Ravenscraig already in serious trouble, will close with the loss of some thousands of jobs. Do you think this is a serious possibility or not?</p> <p style="text-align: right;">Serious possibility Not serious Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">85 11 4</p>	<p style="text-align: right;">Q27</p>
<p>Q27</p>	<p>Do you think that the miners should ignore this possible threat to Ravenscraig in the interests of winning their own fight or do you think it is right for them to let coal trains into Ravenscraig and Scunthorpe to safeguard steelworkers' jobs?</p> <p style="text-align: right;">Should ignore threat Let coal trains in Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">9 86 5</p>	<p style="text-align: right;">Q28</p>
<p>Q28</p>	<p>Another possibility is that miners pickets will try to bring the Power stations to a halt by blockading their supplies of coal and oil.</p> <p>Do you think it right or wrong for miners pickets to do this?</p> <p style="text-align: right;">Right Wrong Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">16 79 5</p>	<p style="text-align: right;">Q29</p>
<p>Q29</p>	<p>And what effect do you think such blockading would have on jobs in the electricity supply industry? Do you think it will put a lot of jobs at risk, a certain number, only a few or none?</p> <p style="text-align: right;">A lot A certain number A few None Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">31 28 19 17 5</p>	<p style="text-align: right;">Q30</p>
<p>Q30</p>	<p>And what about the railways? If the railway workers refuse to let coal trains operate do you think that the loss of freight business involved will or will not put railwayworkers jobs at risk?</p> <p style="text-align: right;">Will Will not Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">65 27 7</p>	<p>PUNCHER : START CARD 2 DUP 1-9 10/ (2)</p> <p style="text-align: right;">Q31</p>
<p>Q31</p>	<p>Some railwaymen have been taking sympathetic action to support the miners strike. Do you think they should or should not do this?</p> <p style="text-align: right;">Should Should not Don't know</p>	<p style="text-align: right;">/</p> <p style="text-align: right;">25 63 12</p>	<p style="text-align: right;">Q32</p>



Q32. There are various things which could be done to stop the coal blockade of steel works and power stations. So far they have not been tried because of the fear of inflaming the strike, angering other unions and perhaps turning the dispute into a General Strike. Keeping that danger in mind do you think it would be wise or unwise to try the following:

READ OUT

	<u>Wise</u>	<u>Unwise</u>	<u>Don't know</u>
A. The Government to bring in troops, to see the coal is moved to the steelworks in serious danger, and to electricity power stations threatened with shutdown, due to lack of coal	/ 23	70	7
-----			
B. British Steel Corporation to seek a court injunction against the NUM and the rail unions and possibly get very heavy damages from the union	/ 39	46	15
-----			
C. The Central Electricity Board to seek a court injunction against the NUM and the rail unions to ensure that coal continues to reach power station	/ 47	40	13
-----			
D. British Rail to seek a court injunction against the rail unions and some railway workers who are badly damaging their business by paralysing the movement of coal trains	/ 40	45	15

Q33. The Coal Board is currently producing about 4 million tons of coal a year for which there is no market. They are planning to remedy this by closing about 20 uneconomic high cost pits and getting rid of 20,000 jobs by voluntary redundancy. Do you think this is sensible or do you think they should keep the collieries open and let the taxpayer subsidise the losses involved?

Sensible to close uneconomic pits

Not sensible, should keep pits open and taxpayer subsidise

Don't know

/  
73  
17  
10

Q34

Q34. Mr Scargill says that the miners strike will force the Coal Board to abandon its plan and not have any pit closures. Do you think he will or will not succeed in forcing the Coal Board to abandon its plan?

Will  
Will not  
Don't know

/  
12  
71  
17

Q35





10 DOWNING STREET

Prime Minister

What is surprising is not  
the outrageous nature of  
Mr Scargill's demands but  
the fact that it was reported  
to you last Friday that  
Mr MacGregor was detecting  
signs of realism. Either a  
change of tactic by the NUM,  
or some deficiency in the  
reports.

AT

13/6



NI3876 4 XXX 217

MINERS' UNCOMPROMISING 10-POINT PACKAGE

MINERS' LEADER ARTHUR SCARGILL TODAY TOLD THE N.C.B. IT HAD TO AGREE EXTEND THE LIFESPAN OF EVERY EXISTING BRITISH PIT AS PART OF A 10-POINT PACKAGE TO END THE STRIKE.

THE UNION PRESENTED A 12-PAGE COMPREHENSIVE DOCUMENT TO THE BOARD AT TODAY'S SESSION OF SECRET TALKS, SAYING AGREEMENT HAD TO BE REACHED ON ITS CONTENTS "IN ORDER TO SETTLE THE STRIKE AND PROVIDE A FRAMEWORK FOR THE INDUSTRY IN LINE WITH THE PLAN FOR COAL."

TOP OF THE LIST OF DEMANDS WAS COMPLETE WITHDRAWAL OF THE COAL BOARD'S PIT

OTHER POINTS ON THE LIST INCLUDED:

- :: INCREASED WAGES:
- :: A FOUR-DAY WORKING WEEK
- :: AN EARLY RETIREMENT SCHEME FOR MINERS AGED 55 WITH THE SAME TERMS AND CONDITIONS AS THOSE ACCEPTING REDUNDANCY.
- :: CONSOLIDATION OF THE INCENTIVE BONUS PAYMENT
- :: DEVELOPMENT OF THE FULL 40 MILLION TONS OF NEW CAPACITY FROM NEW PITS OUTLINED IN THE PLAN FOR COAL, AND
- :: AND RAPID MOVEMENT ON PROJECTS TO DEVELOP NEW USES FOR COAL.

THE DOCUMENT SAID THAT IF ALL SIGNATORIES OF THE 1974 PLAN FOR COAL, UNIONS, THE GOVERNMENT AND THE NCB, REITERATED AND HONOURED THEIR COMMITMENT TO IT, BRITAIN COULD ACHIEVE A THRIVING DEVELOPING AND EXPANDING INDUSTRY CAPABLE OF SUPPLYING ALL INTERNAL COAL NEEDS AS WELL AS INCREASING EXPORT MARKETS.

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131749 JUN 84



Ref. A084/1714

PRIME MINISTER

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Cabinet: Industrial Affairs: Coal

The main topic will be this afternoon's talks between the NCB and NUM on which the Secretary of State for Energy will wish to report.

2. You will also wish to have the usual reports from:
- (a) the Secretary of State for Energy  
on the number of pits and miners working;
  - (b) the Secretary of State for Transport  
on coal and oil movements (information available this afternoon confirms that many coal trains are still running, but fewer than last week - 43 yesterday as compared with 61 last Tuesday, owing to the difficulties at Shirebrook);
  - (c) the Home Secretary  
on any significant developments relating to picketing and law and order.

Next meeting

3. The next meeting of MISC 101 has been arranged for Monday 18 June at 4.15 pm.



ROBERT ARMSTRONG

13 June 1984



SECRET



COPY No 1 OF 4

SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 6402

Andrew Turnbull Esq  
Private Secretary to  
The Prime Minister  
10 Downing Street  
LONDON SW1

13 June 1984

*Dear Andrew,*

WEEKLY COAL AND POWER STATION STATISTICS

I attach the latest report.

Copies also go to Margaret O'Mara and  
Richard Hatfield.

*Yours*

*John*

J S NEILSON  
Private Secretary

SECRET

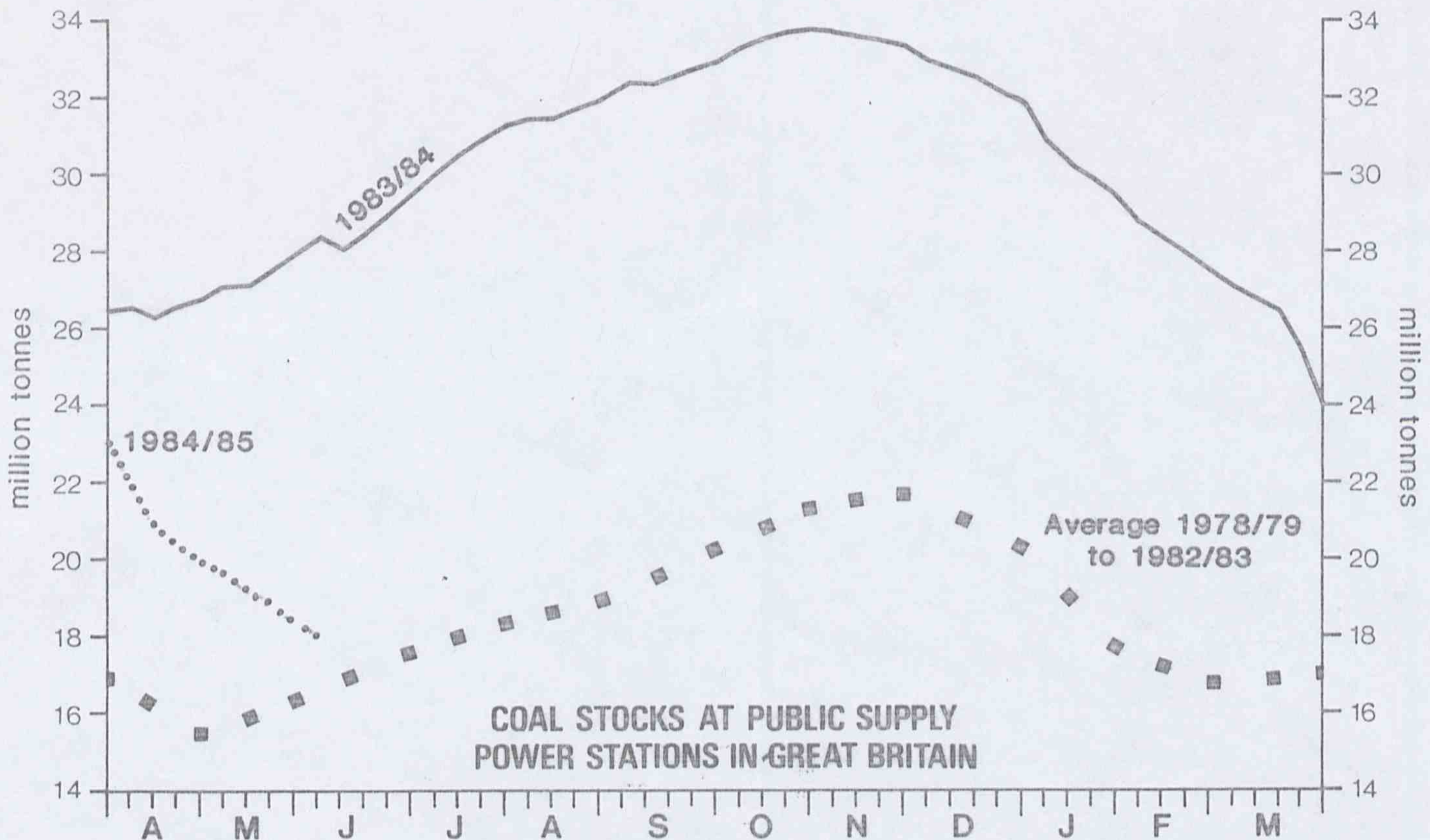


WEEKLY COAL AND POWER STATION STATISTICS (1)

EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

		Week ending	4.6.83	12.5.84	19.5.84	26.5.84	2.6.84
			(6)	(5)			(6)
COAL	PRODUCTION (m. tonnes)	deep mines	0.50	0.38	0.45	0.43	0.10
		opencast	0.22	0.25	0.34	0.28	0.26
		TOTAL	0.72	0.63	0.79	0.71	0.36
	PRODUCTIVITY(2) (tonnes/manshift)	'overall' o.m.s	1.51	2.21	..	..	..
		'production' o.m.s	7.64	10.43	..	..	..
	UNDISTRIBUTED STOCK (m. tonnes)	TOTAL	25.17	22.05	22.26	22.21	22.19
STATIONS	COAL STOCKS (m. tonnes)		28.08	19.20	18.82	18.41	<u>17.94</u>
	COAL CONSUMPTION	"	1.19	0.76	0.83	0.89	0.70
	COAL RECEIPTS	"	0.87	0.31	0.46	0.48	0.23
STATIONS	OIL STOCKS(3)	"	1.01	0.74	0.81	0.84	0.88
	OIL CONSUMPTION(3)	"	0.03	0.38	0.38	0.34	0.32
	OIL RECEIPTS(3)	"	0.03	0.29	0.45	0.37	0.35
POWER	ELECTRICITY SUPPLIED (4) (GWh)						
	Nuclear	"	734	938	820	858	856
	Other Steam	"	2,794	3,248	3,429	3,352	2,829
	TOTAL	"	3,528	4,187	4,250	4,210	3,684
	TOTAL - temperature corrected.	"	3,518	3,986	4,141	4,160	..

(1) Great Britain unless otherwise stated. All latest figures are subject to revision.  
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.  
 .. data not yet available. (5) Includes May Day. (6) Includes Spring Bank Holiday.





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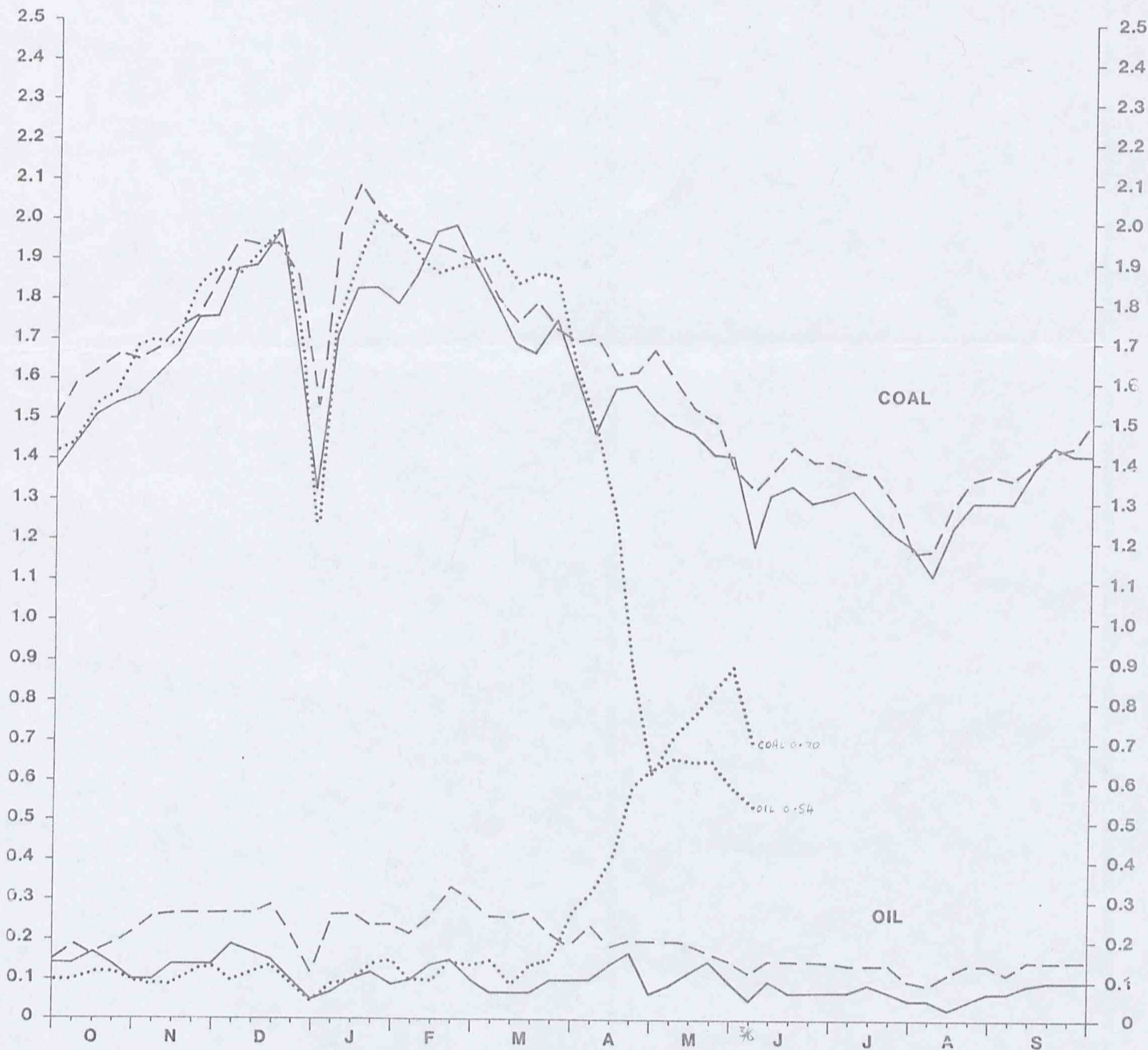
### COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

- ..... 10/83 to 9/84
- 10/82 to 9/83
- - - - Average 1977/78 to 1981/82

Million  
Tonnes  
Coal  
or Coal  
Equivalent

Million  
Tonnes  
Coal  
or Coal  
Equivalent



SECRET





10 DOWNING STREET

From the Private Secretary

Prime Minister

You will want to question Mr Walker about Mr MacGregor's ideas on a new Plan for Coal.

(i) Will it be an NCB document rather than a tripartite document?

(ii) To what extent will it commit, or be seen to commit, Government?

(iii) Has it been discussed with the Department?

(iv) Are the projections of output realistic?

(v) What is now the gameplan? Is the delegate conference on 11-12 July a target?

AT  
12/6





9

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P.01308

PRIME MINISTER

Coal: MISC 101(84)19th Meeting

You will probably wish to concentrate on two main subjects:

i. NCB/NUM talks

- is there, as Mr MacGregor said on Friday, a new mood of realism in the NUM?  
Is breakdown still the most likely outcome and, if so, when will it occur and how should it be managed?
- should anything be done to counter the impression in the media that it is the NCB that is anxious to give ground in the negotiations, because of anxieties about geological damage?

ii. Support from other unions

- have rail movements been significantly affected by the recent meetings at the Shirebrook depot?
- is there any danger of effective interference with oil deliveries, bearing in mind the reported arrival shortly of a Russian tanker at the Kingsnorth Power Station in the Thames Estuary?

FLAG A

Attorney General's paper MISC 101(84)2

2. The Attorney General's paper on the criminal and civil law has now been circulated as MISC 100(84)2. If the question of legal remedies arises at tomorrow's meeting, it will provide

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9

P.01308

PRIME MINISTER

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i. NCB/NUM talks

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FLAG A

Attorney General's paper MISC 101(84)2

2. The Attorney General's paper on the criminal and civil law has now been circulated as MISC 100(84)2. If the question of legal remedies arises at tomorrow's meeting, it will provide

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useful background. Ministers have not however been warned to expect a substantive discussion of the paper and will not be briefed for this purpose.

3. There are two specific proposals in the paper, both relating to the civil law:

i. that further consideration should be given to the creation in English law of a summary offence similar in scope to unlawful assembly;

ii. consideration should be given as to whether contingency plans should be made for an adverse ruling on the law relating to the right of police to require those journeying to a picket to turn back.

Neither of these is an urgent matter. On i. it is admitted that there is no prospect of primary legislation in the near future. As to ii. the case before the Nottingham magistrates was last week referred to the Divisional Court on 30 June on a matter of procedure. Even if there is an adverse ruling, there are likely to be appeals and it may be some time before the matter is resolved. In any case primary legislation to reverse the position would be highly controversial and it is extremely unlikely that it could be achieved in the current Session.

4. You may feel therefore that it is sufficient to regard the Attorney General's paper as for background information only for the time being. If however you would like to have a substantive discussion of it at the next MISC 101 meeting on Monday 18 June, we shall need to warn Ministers to come briefed for this purpose.

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Next meeting

5. The next opportunity for a discussion will be under the Industrial Affairs item at the Cabinet on Thursday 14 June.

*PLG*

P L GREGSON

11 June 1984

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S E C R E T

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PRIME MINISTER

Mr. Walker has reported on the NCB/NUM talks in the following terms.

Mr. McGregor led for the NCB and his assessment was that he was faced with remarkably desperate men who were under great pressure and who, under no circumstances, wanted the talks to break off. McGregor felt that they had begun to move towards a satisfactory discussion of the issues. He was sufficiently encouraged to judge that the best tactic was to agree to another meeting on Wednesday.

The NUM will return having done further work on how uneconomic pits will be defined. Meeting will also consider one or two special issues relating to pits in the Scottish Lowlands.

Mr. Walker assured me that NCB had made no concessions beyond their existing statement that closures currently planned may take until April or May next year to go through the procedures.

From 7.45 p.m. Mr. Walker will be at his Droitwich number if you wish to speak to him.

ANDREW TURNBULL

8 June 1984

S E C R E T



Coal feeds

CEGIB POWER STATION COAL STOCKS

Coal Stocks

SECRET

30mb

25mb

20mb

15mb

10mb

5mb

0mb

APRIL

MAY

JUNE

JULY

AUGUST

SEPTEMBER

OCTOBER

NOVEMBER

DECEMBER

DELIVERIES CONTINUE AT  
300 Kt/week

NO COAL DELIVERIES

8



COVERING SECRET

Copy No 1 of 4



7

cc M Gregory

BT for Tues'  
MISC 107

SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

7 June 1984

*Dear Andrew*

ENDURANCE

I attach this week's report on power station endurance.

Copies also go to Margaret O'Mara and Richard Hatfield.

*Yours  
John*

J S NEILSON  
Private Secretary





## POWER STATION ENDURANCE

1. Coal deliveries to CEGB power stations last week were 0.22 mt, down because of the pit holidays. Coal burn was 0.62 mt giving a stock draw of 0.4 mt. CEGB coal stocks last Sunday night were 16.2 mt with a further 1.8 mt in Scotland.

2. Total NCB coal deliveries last were about 0.27 mt so that about 50 kt went to customers other than power stations.

3. The range of endurance outcomes remains as before:

	<u>Oil burn (% of max)</u>	
<u>Coal Deliveries</u>	<u>80%</u>	<u>100%</u>
0	early Oct	late Oct
0.3 mt/week	late Nov	mid Dec

Department of Energy  
6 June 1984



Ref.A084/1648

PRIME MINISTER

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Cabinet: Industrial Affairs: Coal

You will wish to invite reports from:

- i. the Secretary of State for Energy  
on the NCB/NUM talks  
(it is now public knowledge that they will  
be on Friday)  
on any evidence of a drift back to work;
- ii. the Home Secretary  
on law and order  
(there has been heavy picketing again today  
at Orgreave with Mr Scargill in attendance)  
on the injunction being sought by the  
Merseyside Police Authority against its Chief  
Constable to prevent him from sending  
reinforcements under the mutual aid arrangements  
to the police forces dealing with picketing;
- iii. the Secretary of State for Transport  
on the prospects for continued movement of coal  
and oil  
(Mr Scargill will be making a renewed effort to  
seek help from the rail unions, and will try to  
exploit the Daily Mirror story about the  
Government's involvement in the rail pay  
negotiations).

2. The next meeting of MISC 101 has been arranged for  
Tuesday 12 June at 5.15 pm.

RA

ROBERT ARMSTRONG

6 June 1984



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COPY

5  
OF SIX(6) COPIES

File

SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH

MILLBANK LONDON SW1P 4QJ

01 211 7214

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

5 June 1984

Dear Andrew

This morning my Secretary of State discussed the situation at the Orgreave coke works with the Home Secretary, the Secretary of State for Trade and Industry, and the chairmen of the National Coal Board and the British Steel Corporation. This meeting fulfilled the remit given my Secretary of State by MISC 101 on 30 May.

There was general agreement that the combined efforts of the police and the British Steel workforce in keeping the works open represented a considerable triumph in the face of mass picketing and intimidation. However, stocks at the works were declining. It would be most important for public presentation of the run-down to be handled with great care, to minimise any opportunity for the NUM to claim a victory.

Currently some 17,000 tonnes of coke were in stock. This week the Corporation expected to move 5,500 tonnes to the Scunthorpe steel plant with up to a further 8,000 tonnes due to follow next week assuming sufficient lorries could be made available. Production of new coke would be minimal unless, against expectations, significant new coal supplies of the right blend could be obtained. Thus for all practical purposes, at this rate of lifting, stocks would run out in the week commencing 18 June. There would be an interval before they could re-start.

An alternative course would be to lift the existing stocks more slowly, say at 2,000 tonnes a week. This would however expose the Orgreave workforce to prolonged picketing and intimidation.

The meeting concluded that the balance of advantage lay in transferring stocks from Orgreave to Scunthorpe as quickly as possible. This would maximise the availability of domestically

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supplied coke to Scunthorpe in the near future. The balance of supply would of course continue to be met from imports.

It was agreed that British Steel, who had promised the Orgreave workforce a minimum of four days notice of a run down, would prepare and clear with Ministers a draft public announcement for release next week. This would emphasise that all available stocks were being moved as part of a successful operation to safeguard steel production and jobs at Scunthorpe.

It was further agreed that British Steel would immediately write to the Chief Constable of South Yorkshire, to inform him of their plans to empty the Orgreave site. The police would then, as necessary, be in a position to demonstrate that they were part of a carefully conceived and well executed operation.

The situation would continue to be kept under close review by all the parties, so that any change of circumstances could be brought immediately to Ministers' attention.

On a more general note the use of civil proceedings was also briefly discussed. Mr Haslam confirmed that British Steel did not now contemplate any early court action; though he stressed that he would wish to reassess the situation were a major steel works to be threatened with closure. He would continue to liaise closely with Ministers, and with the National Coal Board.

I am copying this letter to Hugh Taylor (Home Office), Callum McCarthy (Department of Trade and Industry), and Richard Hatfield (Cabinet Office).

*Yours sincerely*  
*Michael Reidy*

MICHAEL REIDY  
Private Secretary

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PRIME MINISTER

Coal Dispute: Picketing

Picketing at Orgreave today was much less than last week. About 1,000 pickets gathered, compared with around 3,000 on the same day last week, and apart from one "push" when the second convoy left, created no problems. Two policemen were hurt (against about 20 each day last week) and only one arrest was made. I understand that the question of an injunction by BSC was discussed at a meeting between Mr. Tebbit and Mr. Haslam; a further meeting between these two and Mr. Walker and Mr. MacGregor will take place tomorrow morning. The feeling was that BSC would not want to pursue litigation over Orgreave, basically because it felt it was winning. It was getting enough coke from Orgreave and, quietly through imports, to supply Scunthorpe. And the position was unlikely to be improved and could be worsened by the civil action. In effect, the same balance of risks that has led the NCB to stay its hand has prevailed.

You raised the question of whether it was right "to leave the police in the firing line" while no action was being taken in the civil courts. The key question is whether, apart from moral support, the police would be any less in the firing line. Given the nature of the NUM, it is unlikely that, following an injunction, picketing would be less at any site. A union which is prepared to challenge the criminal law would be likely to challenge the civil law. The police would be in the same position. In addition, if refusal to pay an injunction led to sequestration, (and there would be no point in pursuing civil action if it were not to be followed up), the police could be enforcing the civil law as well, eg in helping the sequestrators to gain access to NUM premises. It must be doubtful whether this

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would help the police; indeed it appears that the police themselves do not consider there is much to be gained from civil action - see attached letter.

The Attorney General has now issued his paper on legal aspects of the coal dispute. While you may want to glance at it, it is too large and the issues too complex to be taken at MISC 101 tomorrow. You should, however, agree the forum in which it will be discussed.

AT

ANDREW TURNBULL

4 June 1984

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PRIME MINISTER

MISC 101(84)18th Meeting: Coal

Before moving on to discussion of policy issues you will want brief reports on the situation on the ground with particular reference to:

- any evidence of a drift back to work
  - the extent and nature of picketing
  - the amount of coal being moved by rail and road.
2. The main issues of policy which are likely to be raised are:
- the NCB/NUM talks
  - the handling of the Orgreave situation and the related question of the British Steel Corporation's recourse to the civil courts.

NCB/NUM talks

3. The Secretary of State for Energy will not wish, in this larger gathering, to go over the ground he discussed at your small meeting last week. But MISC 101 ought to be given some idea of the prospects for the NCB/NUM talks and the tactics for handling a breakdown, especially in relation to Thursday's debate and miners' lobby of Parliament.

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Orgreave and the civil law

4. At the last meeting (MISC 101(84)17th meeting) it was explained that there would soon be no more coke to move from Orgreave, that this would need careful handling to avoid the impression of a victory by the pickets, and that imported supplies would have to be used. The Secretary of State for Energy was asked to pursue this with the Secretary of State for Trade and Industry and the Chairman of the BSC and they will in fact be doing this immediately before your meeting.

5. The situation at Orgreave has also drawn public attention to the fact that BSC has not sought civil remedies against the pickets. This will no doubt have been discussed at the meeting with the Chairman of the BSC. The general issue of the legal options is discussed in the Attorney General's report which he is hoping to let you have this evening.

Next meeting

6. There will be an opportunity for further discussion under the Industrial Affairs item at Thursday's Cabinet.

*PLG*

P L GREGSON

4 June 1984

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PRIME MINISTER

COAL DISPUTE

As requested by Misc 101 I have carried out a review of:-

"any means of increasing the effectiveness of the enforcement of the criminal law to counter violence and intimidation; and the possible role of the civil law in restricting the effectiveness of the strike".

The Home Office, Department of Employment, Department of Energy and Scottish Departments were consulted but it has not been possible in the time available to obtain concurrence of their Secretaries of State in this report which is therefore submitted in my name only.

In considering the effectiveness of the criminal law we worked on the assumption that the principal objective, as always, must be the prevention of disorder (particularly that which precludes or attempts to preclude citizens from going to work) and of the commission of criminal offences; the prosecution and punishment of offenders will play an important role in achieving this objective but they must be viewed essentially as means of law enforcement and not an end in their own right. Every situation is different and an assessment of what approach is likely to be most effective in terms of the maintenance of law and order can only be made by the police officer who is in operational command at the scene. When dealing with groups of people assembled on a large scale there will frequently be difficult judgments for the police to make on whether their effort is best devoted to the detection and prosecution of offences or to containing disorder and preventing it from building up further. Our review has therefore comprised an examination of all aspects of the law enforcement machine



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in order to identify any deficiencies which might impair the effectiveness of the police effort. For this purpose we commissioned official papers from the Home Office (Appendix 'A'), the Scottish Office and Crown Office jointly (Appendix 'B') and the Department of Employment (Appendix 'C'). We have also taken account of the information contained in the minute by the Lord Chancellor to the Prime Minister of 16 May 1984 (Appendix 'D'). For convenience our comments and conclusions are set out under 4 headings:- The adequacy of the criminal law; the adequacy of police powers; police action of a preventive nature; and prosecution as a means of enforcement.

We start with the general comment that, although the Home ~~Office has~~ <sup>Departments have</sup> overall responsibility for the criminal law, many aspects of the daily operation of the criminal justice system are managed at local level and are not easily susceptible to central influence, even if that were desirable. We should not lay ourselves open in any way to a charge of interfering with the administration of justice.

#### THE ADEQUACY OF THE CRIMINAL LAW

Neither Scottish nor English law confers any immunity upon those who offend the criminal law in the furtherance of an industrial dispute. Broadly speaking the scope of the law in either country is the same. The authorities in Scotland have the benefit of a rather wider judicial interpretation of the term "breach of the peace" but, in the present circumstances, this seems to have no practical significance.

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We believe that in both jurisdictions the scope of the criminal law is sufficient to embrace all the mischiefs which have hitherto manifested themselves. An important procedural distinction exists between the common law offences relating to public order in Scotland and those in England and Wales. In Scotland these offences are triable either on indictment or summarily whereas the English offences of riot, unlawful assembly and affray are all purely indictable. The usefulness of offences of this nature lies in circumstances where a group of persons acting in concert have been responsible for violent and intimidating conduct but where there is little evidence as to which individuals were responsible for particular acts (eg a barrage of missiles) thus rendering individual prosecutions difficult or impossible. Unlawful assembly (defined as an assembly of 3 or more persons with intent to commit a crime by open force or with intent to carry out any common purpose in such a manner as to give firm and courageous persons in the neighbourhood reasonable grounds to apprehend a breach of the peace) has a particularly wide scope. In both jurisdictions prosecutions for these offences are regarded by the courts as appropriate only in relation to the most serious and violent disorder. Particularly in England where the purely indictable nature of the offence results in trial, often in a blaze of publicity, a substantial time after the offence; such prosecutions in the kind of situation which now faces us may merely create martyrs.

These difficulties are not peculiar to the present situation and the need for provisions covering conduct broadly equivalent to that covered by the offence of unlawful assembly but capable of being more readily invoked in cases

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of a less serious character and also being dealt with expeditiously in the magistrates court was recognised in the recommendations of the Law Commission in England with regard to offences against public order published on 25 October 1982 (Appendix 'E'). The relevant pages are annexed. It is recognised that any change in this area needs to be considered in the context of the law relating to public order as a whole and that in any event there seems to be no possibility of effecting primary legislation in the near future. It remains however a long term option relevant to situations of this nature generally. It must also be viewed in the context of the practical difficulties which arise in the context of attempts to make widespread arrests in circumstances of serious public disorder.

#### POLICE POWERS

There have been no suggestions that the police, either in England or in Scotland, lack the powers necessary to deal with the problems which the dispute in the mining industry has produced. Some controversy has been generated by the extensive use of the common law power of the police to stop people travelling to the scene of an actual or apprehended breach of the peace. The views which I expressed to the House in my Written Answer on 16 March were based upon the application of well-established principles of the common law to contemporary conditions. It is understood that a test case on this point will be \*heard in early June in a magistrates court in Nottinghamshire and that, whatever the result of that hearing, the case will proceed on appeal to the Divisional Court. My officials are in touch with the prosecuting authorities in Nottinghamshire

\* Today, I have learned.

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on an informal basis and are monitoring the situation. An adverse ruling by a senior court on the point of law involved would have serious implications for the effectiveness of police action and only controversial primary legislation could restore the position. For my part I am confident of our position as regards the issue of principle although a limited number of cases may occur in which the court concludes as an issue of fact that the circumstances surrounding the particular arrest did not justify the apprehension of the arresting officer of an immediate breach of the peace. Whilst such decisions would provide useful propaganda for the NUM they would not seriously affect the police effort. It is for consideration whether we should take contingency steps for the event of an adverse ruling on the central issue of law.

#### PREVENTIVE ENFORCEMENT OF THE LAW

There is no doubt that the police effort so far in the present dispute has achieved a greater degree of success than in any previous similar situation. The principal tasks for the police during the dispute have been to enable those who wish to go to work to do so and to police the picketing of other establishments to prevent disruption of the transportation of coal or other fuels. But the success in achieving these objectives has been costly both in financial terms and in terms of injuries sustained by police officers. The key to this success has been the deployment of thousands of additional police officers in the areas concerned. In England this has been achieved under the "Mutual Aid Scheme" provided for by s.14(1) of the Police Act 1964. Our information is that individual chief officers have not lacked the

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manpower which they have thought necessary and there is no impairment of the effectiveness of law enforcement arising from lack of resources.

A particular problem arising only in England has been the degree of intimidation suffered by families of minors who have continued to work. On 17 May the Home Secretary announced to the House of Commons a range of measures which individual chief officers have taken to assist in the prevention and detection of such acts. In essence the steps were the adaption of customary procedures for the prevention and detection of offences and identification of offenders to the particular circumstances prevailing. So far they appear to have been reasonably successful. No similar problem has come to notice in Scotland.

In spite of the factors indicated above, coupled with the recent increase in violence as demonstrated at Orgreave, at present we see no scope for increasing the effectiveness of the preventive police action.

#### PROSECUTION AS A MEANS OF ENFORCEMENT

This is the aspect of the present situation which requires most careful consideration. The major difficulty which always arises in large scale disturbances is in identifying the wrong doer. Evidential problems of this kind are almost insurmountable eg who threw the brick that fractured the picket's skull last week? Because prosecution is usually a sequel to arrest and detention, this must be taken into account by a police officer in a public disorder situation who must decide whether to seek to effect arrests or to contain the situation. Those considerations go beyond the

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immediate situation for, once an arrest is effected and a prosecution initiated, there are further resource implications in the attendant administrative procedures, the preparation of evidence and the subsequent attendance of officers at court. The figures appended to the paper prepared by Home Office officials indicate that extensive use has been made of prosecution as a means of law enforcement although in terms of the overall situation the numbers remain quite modest. Account must also be taken of the extent to which police attitudes and prosecuting policy may themselves have implications for the maintenance of public order. We would therefore regard as a pre-requisite to any initiative (whether formal or informal) on the part of central Government cogent evidence that chief officers of police regarded the present situation as unsatisfactory and impairing the effectiveness of the police effort. At the present no such indications have been received.

The Government has no control over the decisions whether to prosecute or the offences to be charged. Equally the Government has no influence over the sentences passed. We understand that most of the sentences have been small fines (usually paid by the NUM).

There can be some assistance given to magistrates courts to help with a large list and the work of the Crown Court, which will try the more serious cases, can be adjusted to ease the backlog. We must also try to avoid long delays to cases unconnected with the dispute.

There may be some manning difficulties if the strike goes on and large numbers of police officers have to attend

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court as witnesses.

We are therefore agreed that the Government must not, in any way, seem to be interfering in the administration of justice. But local factors can be properly taken into account and assistance for the effective and speedy disposal of cases cannot be criticised.

#### THE ROLE OF CIVIL PROCEEDINGS

The paper prepared by officials of the Department of Employment summarises the relevant law. The strike itself is legal insofar as the members of the NUM are merely on strike and in this respect the civil law can offer no remedy. But the fact that a significant proportion of the miners have continued to work coupled with the two legal actions recently brought by working miners against their Union leaders makes it possible that, if the unlawful picketing of NCB premises by NUM members were terminated, some miners would return to work. This would undoubtedly render the strike less effective but to what extent cannot be predicted.

The NCB have already obtained an injunction against Yorkshire NUM and local hauliers have obtained two injunctions against Wales NUM. Neither injunction has been obeyed and there is no reason to suppose that further injunctions against other NUM areas would command greater respect. Further enforcement is by way of application by the NCB (or the hauliers) based on the NUM's contempt and, if successful, this would eventually lead to sequestration of union assets. There is no reason to doubt the ability of the court to effect sequestration but whether such action would result in

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compliance with the injunction would depend solely on the attitude of the Yorkshire NUM. Proceedings of this nature are intended for the protection of private rather than the wider public interests and hence any decision by the NCB as to enforcement of the injunction will depend upon its assessment of the likely reaction of the miners (and they have a far better understanding of this) and the likely impact on the possibility of a settlement. Misc 101 may wish to give consideration to whether civil proceedings would be likely to stop the secondary picketing, encourage more miners to return to work and bring a speedier end to the dispute. But it is finally for the NCB to judge the stage at which, if at all, the pressure which enforcement proceedings would bring to bear on the NUM would outweigh any damage to the prospects of a settlement. I understand that the chief constables consider that invoking the civil law at this stage will not help them in enforcing the criminal law.

#### SUMMARY OF CONCLUSIONS

1. The substantive criminal law is adequate but we should give further consideration to the creation in English law of a summary offence similar in scope to unlawful assembly.
2. Police powers appear adequate but it is for consideration whether contingency plans should be made for an adverse ruling on law as to the right of police to require those journeying to a picket to turn back.
3. There appear to be no further steps available to the police by way of preventive enforcement of the law.

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4. As regards prosecutions policy and the handling of cases by the courts, overt intervention by central Government would be inappropriate. Our proper role is to ensure that the responsible authorities have all the support they need to deal effectively with the situation in their area.
5. It is impossible to predict the likely effect of further civil proceedings on the industrial action. Whatever advice Government may give, the final decision is one for the NCB.

*M.H.*

LAW OFFICERS' DEPARTMENT

4 June 1984

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Appendix 'A'.

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INDUSTRIAL ACTION IN THE COAL INDUSTRY: THE USE OF THE CRIMINAL AND CIVIL LAW

NOTE BY THE HOME OFFICE

Introduction

The Attorney General has been asked by MISC 101 to review and report upon "any means of increasing the effectiveness of the enforcement of the criminal law to counter violence and intimidation; and the possible role of the civil law in restricting the effectiveness of the strike".

2. This note concerns the criminal law aspect of this remit, so far as England and Wales is concerned (a separate note is available on the position in Scotland).

3. Since it is the effectiveness of the enforcement of the criminal law which is under consideration, it is assumed that questions concerning extensions or amendments to the law are largely outside the remit. In any event, such questions are secondary to that of whether the present law is adequate or could, with more effective enforcement, be made so; and, even if the review were to conclude that changes in the law were desirable, there appears to be no possibility of effecting them within a relevant time-scale. Accordingly, this note deals only with the law as it stands, except to mention the following. First, a review of the Public Order Act 1936 and related legislation is looking at whether the current law strikes the right balance between the right to demonstrate, and the rights and freedoms of others who may be affected by demonstrations. Work on the review is being expedited following the Libyan Embassy incident, but it is not possible to predict precisely when it will be completed. Secondly, an inter-departmental review is studying areas of the law relative to terrorism and incitement to terrorist activity, to see if there

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are ways in which the treatment of incitement or other offences might be made more effective.

4. Hereafter, therefore, this note is divided into three parts: the present criminal law as it appears relevant to the subject under discussion; the action taken to enforce it, including prosecutions (this seems to be the major question for consideration); and, for completeness, some material on how cases have so far been handled by the courts.

The present criminal law

5. The basic principle is that the fact that a trade dispute is in progress confers no exemption from any of the normal provisions of the criminal law. A very wide range of offences is liable on occasion to be breached by pickets, strikers or others as a means of increasing the effectiveness of industrial action, or in connection with it (for example, the figures which the police have provided show a number of charges of burglary and theft). The offences principally under consideration, however, can be grouped into (i) violence against the person and intimidation; (ii) obstruction and (iii) "public order" offences.

6. Any unlawful infliction of violence against the person is a criminal offence either under the Offences against the Person Act 1861 or at common law, or both. At common law, it is an offence to commit an affray (an unlawful physical assault involving such a degree of violence that persons of reasonably firm character are likely to be terrified). There are special provisions for protecting police officers: section 38 of the 1861 Act makes it an offence to assault with intent to resist arrest, and assault upon a constable is an offence under section 51 of the Police Act 1964.



7. As to intimidation, it is an offence to threaten to murder; to use or threaten violence to secure entry to premises; to use threatening or abusive words or behaviour with intent to provoke a breach of the peace; to utter menaces over the telephone; and to threaten to damage or destroy property.

8. Section 7 of the Conspiracy and Protection of Property Act 1875 makes it an offence, with a view to compelling a person to do any act which he has a legal right to abstain from doing, or to abstain from doing anything which he has a right to do, to intimidate him or his wife or children; to persistently follow him about; to hide his tools or clothes; or to "watch or beset" his house, place of work, etc.

9. Offences of obstruction may not of themselves amount to violence or intimidation, but may be the means by which violence or intimidation come to be exerted. It is an offence wilfully to obstruct a constable in the execution of his duty, wilfully to obstruct free passage of the highway and wilfully to cause an obstruction in any public footpath or thoroughfare.

10. The remaining common law "public order" offences are of unlawful assembly (defined as an assembly of three or more persons with intent to commit a crime by open force or with intent to carry out any common purpose in such a manner as to give firm and courageous persons in the neighbourhood reasonable grounds to apprehend a breach of the peace) and riot (defined as a tumultuous disturbance of the peace by three or more persons who assemble with intent to assist one another against any who oppose them in an enterprise and to execute the enterprise in a violent and turbulent manner).



11. Although it is not an offence in itself simply to commit a breach of the peace, a constable may arrest someone who is doing so or who he reasonable apprehends may do so, and a court may bind a person over to keep the peace.

12. Incitement to commit an offence is, by common law, an offence in itself. It is committed by anyone who threatens, encourages, induces, requests or exhorts someone else to commit a criminal offence. The persuasion may be implicit or explicit, oral or in writing. (Should the other person assent to the plan in question, however, a charge of conspiracy may be more appropriate.)

13. The conclusion which seems to emerge from the summary above is that probably anything which ought to be a criminal offence is so. Certainly, the most obvious manifestations of violence and intimidation are well covered, in some instances to the extent of duplication. No suggestion has been made by the police that there is any need for further criminal offences to be created.

14. Limitations on the effectiveness of the enforcement of the law are thus likely to arise not so much from the extent to which objectionable behaviour amounts to a criminal offence, or from the way in which offences are drawn, as from the difficulties (which affect the prosecution of all criminal offences to greater or less degree) of apprehending the offender and of gaining evidence that will stand up in Court. In some cases the difficulty may be that of being certain, in a mêlée, of the identity of an offender; in others, such as of criminal damage to a "blackleg's" home or telephone threats, the difficulty will lie in ascertaining who



was responsible or of persuading the victim to confide his suspicions. There may be difficulty, even when it is clear what someone has done, in proving the intent necessary for the establishment of an offence. Above all, however, in dealing with groups of people assembled on a large scale, there will be difficult judgments for the police to make on whether their effort is best concentrated on the detection and prosecution of offences or to containing disorder and preventing it from building up further.

The policing operation: context, scale, powers, arrests, offences and procedure

15. The principal task for the police during the dispute has been to enable those who wish to work (primarily miners in Nottinghamshire, Derbyshire, Staffordshire, Leicestershire, Warwickshire and in Lancashire, where the pits come within either the Greater Manchester or Merseyside force areas) to do so. Broadly, this has involved either preventing would-be pickets from reaching pits, or deploying sufficient officers at pits to prevent pickets blocking the way to working miners. The scale and character of the picketing have varied from place to place and from day to day. On most days, the highest number of pickets at any one site has been below 1,000, although on one day, at Haworth colliery, there were an estimated 10,000 outside the pit or in the local village. There are also commitments to the policing of picketing at non-colliery sites (eg wharves and ports through which coal or oil is being imported) and in respect of intimidation in mining towns (which is dealt with more fully below). There has also been a number of major demonstrations organised by the NUM, in, for example, Sheffield and Nottinghamshire. On 14 May, upwards of 12,000 supporters of strike action took part in a march and



rally in Mansfield. Between 2,000 and 3,000 did not attend the rally, but went drinking. In the afternoon, numbers of them attacked local inhabitants, property and the police. Of those arrested, 57 have been charged with riot.

16. The scale of the policing operation has been considerable. Section 14(1) of the Police Act 1964 provides that one chief officer of police may, on the application of another, provide him with constables or other assistance "for enabling the other force to meet any special demands on its resources". This assistance is known as "mutual aid". Since the dispute began, all forces in England and Wales without working pits in their areas have provided aid to the chief officers of areas with pits. The aid is provided in police support units (PSUs), each of 23 men. In the first week of the dispute a total of 424 PSUs (ie some 9,700 mutual aid officers) were deployed in Nottinghamshire alone, in addition to local officers. Up to 18 May, 10,971 mutual aid PSUs (252,000 officers) had been deployed in total. In recent weeks, the average daily mutual aid deployment has been about 190 PSUs (about 4,000 men). The numbers and duties of officers to be deployed on any particular operation are matters for the chief officer of the area concerned (on arrival, mutual aid officers come under the command of the local chief officer). But the meeting of requests for aid has been facilitated by the National Reporting Centre (a clearing house for requests, headed by the President of the Association of Chief Police Officers) and there is no general indication that individual chief officers have lacked the manpower which they have thought necessary. This may be pertinent, to the extent that the effective enforcement of the law depends on the availability of adequate police resources.



Police powers

17. As far as the Home Office are aware, and subject to the points made in paragraph 14 above, the police are employing the powers of prevention, arrest and prosecution available to them. In particular - and this has given rise to some controversy - some chief officers, notably the Chief Constable of Nottinghamshire, have made extensive use of the common law power of the police to stop people travelling to the scene of an actual or apprehended breach of the peace. Attached is a copy of a Written Answer on 16 March in which the Attorney General explained the nature of that power in the picketing context. The use of this power is a matter for the police, but the Home Office is satisfied that chief officers generally are aware of it. There is no evidence on which to doubt that they are also aware of any other powers which may prove relevant, although, of course, a policing operation on the current scale may identify problems (and confusions, if not excesses) which may take time to emerge.

Intimidation

18. Much publicity has been given to alleged acts of intimidation against miners who are working, their wives and families, and against their homes and other property. On 17 May, the Home Secretary told the House of Commons of a range of measures which individual chief officers had taken and were developing to try to assist in the prevention and detection of such acts. Variously, these measures include increasing the number of officers deployed in towns and villages which have been the scene of offences, including plain clothes officers, together with members of the Special Constabulary (who know the local people and areas well); turning back people who might be likely to commit offences; liaison with leaders in the communities, including local miners' leaders, to encourage the reporting of and other information about acts of intimidation; emphasizing the willingness and



capacity of the police to assist in their prevention, or to apprehend and prosecute offenders; and local publicity for the potential police involvement and role.

Other police procedures

19. It is primarily for the police to adapt their customary procedures for the prevention and detection of offences and the identification and prosecution of offenders as may be necessary in the particular circumstances prevailing. The Home Office has not conducted a general survey of these matters among chief officers, but some incidental information is available. For example, at least one force has a streamlined arrest procedure, under which people arrested are held in a large police vehicle which leaves the scene only when it is full, and an 'instant' photograph is taken, on the spot, of each arresting officer and the person arrested. This economises on vehicle use and, because the arresting officer does not have to leave the scene of the operation, on police manpower. In addition, at least one force has produced, with legal advice, a standard opening to any statement introduced in support of a prosecution dealing with the failure of a person to comply with a request to discontinue his journey (whilst the arresting officer has discretion whether to use the standard form of words, its provision has been criticised by the Parliamentary Opposition, and in the Police Federation magazine). Perhaps inevitably in operations on the current scale, which have their own novelty, there is the suggestion of some raggedness at the edges. For example, there were allegations that in March a number of miners detained on a particular day at Mansfield police station were asked 'political' questions, eg whether



they had voted for Mr Scargill in the election for the Presidency of the NUM, or how they would vote at a General Election at which the only candidates were of the Conservative and Communist parties. These allegations are now the subject of a formal complaint against the police which is being investigated under section 49 of the Police Act 1964. But it is the case that, early in the dispute, interviewing officers of the force concerned were provided with a standard list of questions, one of which was "Are you a member of any political organisation?" The Chief Constable has acknowledged that this was unfortunate. Its purpose was to assist in filling out information about the organisation of picketing, and the motivation of those involved. It seems to have been a bad example of a generally good police practice, viz the gathering of information to enhance preventive operations.

#### Arrests and charges

20. From 14 March to 20 May inclusive, there were 2,431 arrests in England and Wales in relation to events connected with the dispute. Table 1, attached, shows the numbers of arrests and charges by police force area. Table 2 shows the numbers of charges brought for particular offences.

#### Conclusion

21. In summary, it does not seem evident that the police are lacking in essential resources, are unaware of their powers or of relevant offences, are failing to adapt to the circumstances or are lacking in investigative initiative. The general line on allegations that the police have exceeded their powers, or have otherwise misbehaved, is that it is open to anyone to make a formal complaint, which will be investigated under the statutory procedures under section 49 of the Police Act 1964 and the Police Act 1976,



and that action by the police may also be challenged in the courts.

The handling of cases by the courts

22. Police reports indicate that, from 14 March to 20 May inclusive, 332 cases had been dealt with by the courts. 20 of the defendants were found not guilty. Table 3 summarises the penalties imposed in the remaining cases. It is, of course, possible that the more serious cases are generally taking longer to come on and thus that the penalties so far awarded may not prove wholly typical.

23. Enquiries of the courts suggest that there are, for example, something approaching 1500 cases now awaiting proceedings in magistrates' courts in Nottinghamshire. A survey of the position in the 4 magistrates' courts most closely concerned indicates, however, that they appear at present to be coping with the extra weight of cases: they report that the length of time for which a person pleading "not guilty" must wait before trial is not longer than is normal in those areas, or elsewhere. Extra courts have been held. It is open to the benches concerned to seek the temporary appointment of a stipendiary magistrate to assist in coping with the current workload. The approach would be made to the Lord Chancellor and the most hard-pressed courts have been especially reminded by the Lord Chancellor's Department of this possibility. It would not seem appropriate to suggest to the courts that they give particular priority to cases arising from picketing activity. Such cases could, of course, be expedited only at the expense of other cases awaiting a hearing, many of which may be thought as deserving of early conclusion as the cases involving pickets.

24. The overwhelming majority of pickets charged and brought before the court are being remanded on bail. The Bail Act 1976 permits a court when granting bail to impose conditions designed to ensure that the accused



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surrenders for trial, that he does not commit an offence while on bail and that he does not obstruct the course of justice. The most recent general condition being attached by, for example, Mansfield magistrates' court is "that [the defendant] shall not visit any premises or place for the purposes of picketing or demonstrating in connection with the current trade dispute between the National Union of Mineworkers and the National Coal Board otherwise than to peacefully picket or demonstrate at his usual place of employment". Recent newspaper reports suggest that more restrictive conditions, including ones of reporting to the police, residence at normal place of abode and overnight curfew, have been applied in cases where very serious charges have been laid against individual pickets.

Home Office  
50 Queen Anne's Gate  
London SW1



## Written Answers to Questions

Friday 16 March 1984

### ATTORNEY-GENERAL

#### Picketing (Criminal Law)

**Mr. Steen** asked the Attorney-General whether, in view of the recent activities of pickets, he will make a statement on the criminal law on picketing.

**The Attorney-General:** The statement that I made to the House on 19 February 1980 still applies in all its essentials, though there have, since that date, been certain changes in the relevant civil law which I shall explain later in this answer.

So far as the criminal law is concerned, the position is, as it always has been, that the criminal law of the land applies to pickets as it does to anybody else. Picketing is permissible, in terms of criminal law, only if it is peaceful picketing, that is to say, it is carried out for the purpose of peacefully obtaining or communicating information or peacefully persuading another person to work or not to work. The freedom to picket is not a licence to obstruct or intimidate.

This reflects the fundamental proposition of our law that each of us has the right to go about his daily work free from interference by anybody else. Each one of us is free, as an individual, to come and go as he pleases to his place of work. The law specifically protects our enjoyment of this right. If any one tries to deter us from exercising it by violence or intimidation or obstruction, he is breaking the law and may be punished. The freedom to picket does not confer or imply any right to stop vehicles: still less do pickets have the right to stop people going about their lawful business. Pickets have no right to link arms or otherwise prevent access to the place that they are picketing.

If pickets by sheer numbers seek to stop people going to work, they are not protected by the law since their purpose is to obstruct rather than persuade. The courts have recognised that the police may limit the number of pickets in any one place where they have reasonable cause to fear a breach of the peace. This may involve not only asking some of those present to leave but also preventing others from joining the pickets. In this connection, the code of practice which was issued under the Employment Act 1980, with the approval of both Houses of Parliament, indicates that in general the numbers of pickets should not exceed six at any entrance to a workplace. The 1980 Act itself provides that the provisions of the code of practice may be taken into account in proceedings before a court.

It is, of course, primarily the duty of the police to uphold and enforce the criminal law. It is for them to decide, consistently with that duty, what action any particular situation requires them to take. But there is no doubt that if a constable reasonably comes to the conclusion that persons are travelling for the purpose of taking part in a picket in circumstances where there is

likely to be a breach of the peace, he has the power at common law to call upon them not to continue their journey and to call upon their driver to take them no further. Any person who fails to comply with a police request in those circumstances will be committing the offence of obstructing a police officer in the course of his duty.

Turning now from the criminal to the civil law, it is and always has been a civil wrong to persuade someone to break his contract of employment or to secure the breaking of a commercial contract. However, the Trade Union and Labour Relations Act 1974, as amended, gives immunity from liability in respect of such a civil wrong to pickets who are acting in contemplation or furtherance of a trade dispute. But, since the Employment Act 1980, this immunity operates only for the benefit of a person who is attending a picket at or near his own place of work or for the benefit of a trade union official attending a picket at or near the place of work of a union member whom he is accompanying and whom he represents; and in either case only if the purpose of the picket is peacefully to obtain or communicate information or peacefully to persuade any person to work or not to work. Since the Employment Act 1982, trade unions themselves may be held liable for organising picketing which involves the commission of a civil wrong.

I hope that this re-statement of the legal position, which the Lord Advocate agrees reflects the main principles of the law of Scotland also, will serve to remove any doubts that might remain in any quarter about the strict limits within which pickets may seek to press their views on their fellow-citizens. As I said in my earlier statement to the House, it is the function of the law to protect the right of every person to make his own decision, free from violence or any other form of intimidation, on whether or not to work. The law permits no interference with that right and recognises no privilege or immunity vested in any person, merely because he is engaged in picketing, to act in a way which constitutes a criminal offence. That has always been the law and I am sure that those responsible for enforcing it will have the support and encouragement of the vast majority of the people of this country in ensuring that it is indeed enforced vigorously and without fear or favour.



## ARRESTS AND CHARGES IN RELATION TO THE MINERS' DISPUTE, 14 MARCH TO 20 MAY 1984

<u>Police force area</u>	<u>Number of arrests</u>	<u>Number charged</u>
Cleveland	5	5
Derbyshire	221	212
Durham	133	132
Essex	205	157
Greater Manchester	16	15
Hampshire	7	7
Humberside	3	2
Kent	48	47
Lancashire	8	4
Leicestershire	29	23
Merseyside	41	39
Northumbria	40	40
North Wales	14	13
Nottinghamshire	1143	1051
South Wales	60	60
South Yorkshire	180	176
Staffordshire	189	134
Warwickshire	83	68
West Yorkshire	6	2
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TOTALS	2431	2187
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Note: The cases where no charges have been brought are accounted for by arrests for breach of the peace which is not, of itself, an offence (though the arrested person can be brought before the courts to be bound over to keep the peace); cautions; people released on police bail prior to a charge being brought at a later stage; cases where the police will proceed later via summons; and cases where the station



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officer considering the evidence of the arresting officer has decided that no charge should be brought.



## CHARGES (ENGLAND AND WALES) 14 MARCH TO 20 MAY 1984

<u>Offence</u>	<u>Number of charges brought</u>
Riot	57
Section 5 of the Public Order Act 1936 (behaviour conducive to a breach of the peace)	1081
Obstruction of a police constable	794
Obstruction of the highway	337
Criminal damage	97
Assault on a police officer	94
Assault occasioning actual bodily harm	48
Grievous bodily harm	3
Theft	52
Resisting arrest	8
Offensive weapons	6
Conspiracy and Protection of Property Act	6
Burglary	1
Handling stolen property	1
Drug offence	1
Breach of the peace (cases where the arrested person is to be brought before the court to be bound over)	13
Breach of bail conditions	4
Attempted criminal damage	3
Other offences	29
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	2635
	<hr/>

Note: The fact that this Table shows more charges than people charged in Table 1 is accounted for by cases involving more than one charge against an individual.



PENALTIES IMPOSED BY COURTS IN CASES OF DEFENDANTS FOUND GUILTY,  
14 MARCH TO 20 MAY 1984

<u>Sentence</u>	<u>Number of persons sentenced</u>
Fines: Under £10	3
£10 - £24	33
£25 - £49	2
£50 - £74	68
£100 - £149	14
£150 - £199	22
£200 and above	20
No figure available	93
Bound over to keep the peace	139

Note: The total of the penalties imposed exceeds the number of persons who have been found guilty (see paragraph 22 of the paper).  
Some of the persons fined were also bound over to keep the peace.



INDUSTRIAL ACTION IN THE COAL INDUSTRY - WORKING GROUP ON THE USE OF THE CRIMINAL AND CIVIL LAW

NOTE BY THE SCOTTISH HOME AND HEALTH DEPARTMENT AND CROWN OFFICE

INTRODUCTION

1. This note concerns the Scottish criminal law aspect of the Working Group's remit. It deals with the position in Scotland under approximately the same heads as the note by the Home Office.

THE PRESENT CRIMINAL LAW

2. In Scotland, as in England, the basic principle is that the fact that an industrial dispute is in progress does not confer any privilege or immunity in relation to the application and operation of the criminal law.

3. The range of criminal offences available to deal with objectionable conduct in the course of industrial picketing is substantial and is considered to be sufficient. It includes such common law offences as mobbing and rioting, assault (aggravated or simple), threats, malicious damage, and breach of the peace; and such statutory offences as possession of an offensive weapon (contrary to the Prevention of Crime Act 1953 Section 1), vandalism (contrary to the Criminal Justice (Scotland) Act 1980 Section 78), criminal trespass (contrary to the Trespass (Scotland) Act 1865 Section 3), and obstructing a police constable in the execution of his duty (contrary to the Police (Scotland) Act 1967 Section 41). Section 7 of the Conspiracy and Protection of Property Act 1875 is also available.

4. Description of all the above-mentioned offences is considered unnecessary but reference to certain of them may be relevant.



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5. Mobbing is the assembly of a number of people acting together for a common purpose which is illegal, or which is to be achieved in an illegal manner, to the alarm of the lieges. According to the author of one standard textbook on Scottish criminal law, cases of mobbing "generally present features of violence and criminality of heinous description, but the crime is complete wherever there are concourse, illegal combination, and the production of alarm". This offence has recently been little used - partly at least as a result of a High Court decision in an appeal case in 1981. But the offence is available, and may be apt, to deal with the most serious disturbances at a picket line. There is some authority for the proposition that mobbing may also be committed before the mob have begun to carry out their purpose of tumult or intimidation, the crime being completed once the mob have assembled in order to carry out their illegal purpose, or at least as soon as they have begun to make their way to the place where they intend to carry it out, even if they are intercepted and prevented from creating any disturbance, or give up their purpose on finding unexpected difficulties in the way of its fulfilment. It is doubted, however, whether the Courts in Scotland would approve the use of the offence to deal with persons travelling to join a mass picket, unless the actings of those persons were in themselves sufficiently tumultuous and intimidating to constitute mobbing without reference to the mass picket. It is not envisaged that proceedings for this offence would be undertaken by the Crown in the present situation except to deal with extreme cases.

6. Breach of the peace and obstruction of police constables in the execution of their duty (contrary to Section 41 of the Police (Scotland) Act 1967) are the offences most likely to be of use in dealing with mass picketing. In the incidents with which the police have had to deal to date these have been the offences most commonly charged by the police and proceeded with by procurators fiscal. A breach of the peace is a public disturbance, such as brawling or fighting in public,

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shouting and swearing in the street, or any general tumult or interference with the peace of a neighbourhood. The High Court in Scotland has fairly recently held that there is no limit to the kind of conduct which may give rise to a charge of breach of the peace. All that is required is that there must be some conduct such as to excite the reasonable apprehension that trouble might ensue, or such as to create disturbance and alarm to the lieges in fact. Conduct which appears calculated to provoke an actual disturbance of the peace itself constitutes the crime of breach of the peace. The actions of mass pickets will often constitute a breach of the peace. So far as the Police (Scotland) Act offence is concerned, obstruction of police officers in the execution of their duty may require an element of physical obstruction. This would seem to be a likely element of the behaviour of pickets (actual or intending) in the present circumstances, however.

7. Section 7 of the Conspiracy and Protection of Property Act 1875 has been used on two occasions in recent years in Scotland to deal with strike picketing activities. In one case a conviction was obtained and upheld on appeal in a case concerning persistent following of civil servants carrying out their official duties by other civil servants who were on strike. In the other case the Crown successfully appealed against a decision of a Sheriff acquitting five accused persons who had occupied an Area Health Board Laboratory in the course of a strike and prevented medical staff from entering and using the laboratory. The Court held that the Sheriff's acquittal of the accused proceeded on an error of law since it was based on the incorrect view that Section 13 of the Trade Union and Labour Relations Act 1974 conferred immunity from prosecution in the circumstances in question. The Court held that the Section provided protection only against civil suits and not against prosecution for acts which are in themselves criminal or wrongful acts which form the essential ingredients of a criminal offence. The Section 7 offence is considered to be most apt for use in situations where the use of such common law offences as assault, mobbing and rioting, and breach of the peace is doubtful - for example, where there is harassment but no violence or intimidation, or occupation of premises but no

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disturbance of the peace. The offence is therefore considered to be something of a fall-back and its use is unlikely to be considered necessary or appropriate in the present circumstances.

8. As in England limitations on the effectiveness of the enforcement of the law are likely to arise from evidential problems, rather than because of the lack of appropriate offences. Reports received by procurators fiscal to date do not suggest serious evidential problems in relation to incidents at the actual scene of picketing. Cases involving the stopping of miners en route to join a mass picket may present such problems, for example in relation to proof of their destination and intentions. However, the first such case which has been reported by the police appears to be fairly strong and the prospects of successful prosecution are considered to be reasonably good. Another such case which is currently under consideration may present greater difficulty.

9. So far as the form of proceedings which may be taken is concerned, all common law offences may be prosecuted either by summary complaint or on indictment in Scotland. This includes breach of the peace. Statutory offences such as obstructing the police (contrary to Section 41 of the Police (Scotland) Act 1967) are summary offences but may be prosecuted on indictment along with another offence in respect of which indictment proceedings are competent (under the Criminal Justice (Scotland) Act 1980 Section 8). This allows a degree of flexibility in relation to the decisions as to the offence or offences to be prosecuted. The decision as to the offence with which the accused person is charged at the time of the incident is a decision for the police, of course, but it is for the procurator fiscal or Crown Counsel to decide on the appropriate offence for criminal proceedings.

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## THE POLICING OPERATION

10. As in England, the principal task for the police during the dispute, especially in its early stages, was to enable those who wished to go to work to do so: at a later stage, and after there had been a general close-down of work at collieries, the main task became keeping the way clear for the passage of lorries carrying coal from Hunterston to Ravenscraig. In carrying out their task, as the Secretary of State has recently emphasised to a deputation of Scottish Labour Members of Parliament, the police have been entirely impartial: their concern - and duty - is confined to upholding the law and preserving public order. Chief Constables are not subject to instructions from Ministers, and none have been given to them.

11. The main difference between the police operation in Scotland and that in England and Wales has been the absence of any requirement for mutual aid, and, therefore, the absence of any requirement for day-to-day co-ordination on the model of the (England and Wales) National Reporting Centre.

12. As in England and Wales, the scale and character of the picketing have varied from place to place and from day to day. Until early May, picketing at collieries and elsewhere, including power stations, opencast coal sites and some industrial premises, was relatively light. There followed a short period of mass picketing of the Ravenscraig steel mill and the Hunterston terminal, in response to which upwards of 1,300 police officers belonging to the Strathclyde force were deployed. With the resumption of rail deliveries to Ravenscraig this has again dropped to token levels. Between 14 March and 17 May a total of 514 arrests were made. Action has been taken, where appropriate, to stop busloads of miners travelling to the scene of picketing, and bus operators were warned that they might be breaking the law and of the possible consequences.



### Police Powers

13. The power of the police to stop miners travelling to the scene of a mass picket where a breach of the peace is occurring or is likely to occur has yet to be tested in the courts. Authority for such police action may be found in the statutory duty imposed on the police under Section 17 of the Police (Scotland) Act 1967 to "guard, patrol and watch so as to prevent the commission of offences, to preserve order, and to protect life and property". Proceedings are likely to be instructed shortly in the first case reported to procurators fiscal involving the stopping of a bus by the police and the subsequent alleged obstruction of the police by the persons who had been travelling on the bus. As noted above, the Crown is reasonably confident as to the successful outcome of such proceedings but is more doubtful (on the basis of the information presently available) as to the other case which has been recently reported involving the stopping of a number of buses a considerable distance from the mass picket which was their apparent destination.

14. As far as the Scottish Office are aware, the police are employing their available powers fully but prudently; and, in particular, they have taken account of the Written Answer on 16 March in which the Lord Advocate lent his support to the Attorney General's explanation of the nature of the police powers in the picketing context.

### Intimidation

15. There have been no formal complaints of acts of intimidation against miners who are working (for example on safety duties), their wives and families. It has therefore been unnecessary to mount special protection arrangements of the kind announced by the Home Secretary in the House on 17 May.



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16. In short, the Scottish police lack neither the necessary resources nor powers to deal with the problems which the dispute in the mining industry has produced.

The Handling of Cases by the Courts

17. The volume of cases which has so far required to be dealt with in Scotland has not yet caused any disruption to normal court timetables. As in England, pleas of not guilty have been tendered in almost all the cases which have so far called in court. Proceedings in the Sheriff Court have been considered appropriate, rather than in the District Court. Trials have been fixed in the picketing cases in just the same way as in the other cases going through the courts at the same time - that is, in late August/September for bail cases. One case in which the accused was remanded in custody has already been disposed of - after a trial which lasted for a full day and resulted in conviction on a charge of breach of the peace and a fine of £80. Custody cases require to be brought to trial within 40 days from first appearance in court, but almost all the cases are, and are likely to be, bail cases. An extra condition additional to the conditions imposed under the Bail etc (Scotland) Act 1980 has been imposed as a standard practice, requiring the accused to agree to stay away from the scene of mass picketing. It has not yet proved necessary to operate special courts, for example on Saturdays, or to use additional temporary Sheriffs. Some assistance from temporary Sheriffs may be necessary in due course to deal with trials.

SHHD  
Crown Office  
May 1984

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THE CIVIL LAW AND THE MINERS DISPUTEThe Strike

1. The strike of NUM members itself (and the national overtime ban which preceded it and is still in force) is lawful because it is primary action undertaken in furtherance of a dispute between NUM members and their employer and is "wholly or mainly" about the "terms and conditions of employment" - ie jobs and pay - of the strikers themselves (s.29 of the 1974 Act as amended by s.18 of the Employment Act 1982 provides the definition of "trade dispute"). No civil proceedings could therefore be taken against the union or its officials on the grounds that the strike is unlawful by the NCB or by customers - such as the CEEB - who cannot obtain coal simply because it is not being mined. The strikers themselves have, however, inevitably broken their contracts of employment and are subject to dismissal without any legal redress or compensation under statute or common law.
2. It is a different question whether the actions taken by the NUM and its Areas - which are separate trade unions - in the course of the dispute are in accordance with union rules. Union rules constitute a contract between the members and their union and if the executive breaks the rules it can be challenged in the same way as any other breach of contract (ie without any reference to statute law). Two injunctions have been granted to union members on these grounds. The first concerns the 5 year suspension from membership of members of the North West Area for ignoring union instructions not to cross picket lines. The second concerns a purported official strike call and instructions not to cross picket lines in the Nottingham Area (which have been largely ignored in practice) and is also, no doubt intended to prevent working miners being disciplined by their union. The first of these injunctions is now the subject of an appeal and both cases are due to go to a full hearing in due



course. Given the sometimes unclear drafting of union rules, the outcome of such cases can never be foreseen with certainty but there seems a strong likelihood that the NUM Areas concerned will be found to have acted in conflict with their rules. More importantly, the injunctions stand until a court decides otherwise. There is also the - probably remote - possibility of contempt proceedings, if (eg) the North West Area persists with its suspension of members.

3. The immediate effect of the injunctions will be to strengthen the determination of those NUM members who have defied union "instructions" and continued to cross picket lines and work. The fact - if it so proves - that the NUM leadership have broken the rules is likely to help to foster the view of other miners that they have been manipulated into a strike. The willingness of disaffected NUM members to challenge their leaders in the courts undoubtedly indicates how deep the divisions within the union have become.

#### The picketing

4. The vast majority of picketing by NUM members is and has been unlawful by virtue of s.16 of the Employment Act 1980 because it has been taking place away from the pickets' own place of work - at other pits, steelworks or the docks. On these grounds injunctions have already been granted to the NCB against the Yorkshire NUM and to 2 firms of coal hauliers against the South Wales NUM (by virtue of s.15 of the 1982 Act). Although in both cases picketing continued, contempt proceedings were not instituted. The funds of the NUM Areas concerned in organising unlawful picketing and - since the "special conference" on 19 April - probably also the funds of the NUM nationally remain at risk to these and other possible civil proceedings.



Other secondary industrial action connected with the dispute

5. Industrial action by employees outside the mining industry (eg railway workers refusing to move coal) is unlawful secondary action by virtue of s.17 of the 1980 Act) unless the employers of the employees concerned have existing contracts with the NCB and the action is aimed directly at disrupting the performance of those contracts. In fact it is understood that contracts for the carriage of coal are normally between British Rail and the customer (eg CEGB) rather than the supplier (NCB). It seems probable, therefore, that industrial action to prevent the movement of NCB coal is unlawful. Any action to stop imported coal is almost certainly unlawful secondary action. The regional "days of action" in support of the miners strike are also likely to constitute unlawful secondary action. Given the public expressions of support from the leaders of the unions' concerned for such secondary action as there has been, there is little doubt that the funds of the unions concerned (eg ASLEF) are at risk.

Remedies

6. Any person or firm suffering or threatened with economic loss as a result of unlawful interference by a union or its officials with a commercial contract to which he is a party - eg any customer or supplier of the NCB or anyone whose goods are "blacked" or whose employees are induced to break their employment contracts by unlawful picketing - is likely to have a cause of action. His remedy is to sue the union and/or its officials for an injunction and damages. If a union defies an injunction it is likely to have its assets sequestered (in itself a costly process for the union) until it satisfies the court that it has abandoned the use of unlawful industrial action. There is always the risk that individual union officials will be able to attract penalties by personal acts of contempt but the process of sequestration (which has been



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proved to be effective) avoids the problems of identifying individuals who are acting unlawfully (eg pickets and picket organisers) and the need to pursue particular union officials who may be both "men of straw" and willing "martyrs".

7. The fact that despite the unlawful nature of much of the industrial action, few employers have made use of the civil law remedies available to them in this dispute may well reflect the tactical judgements they have made and the ineffectiveness of the NUM's efforts to prevent the movement of imported coal and of the coal which is still being mined in Nottinghamshire and elsewhere.



FROM:

Appendix D

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.

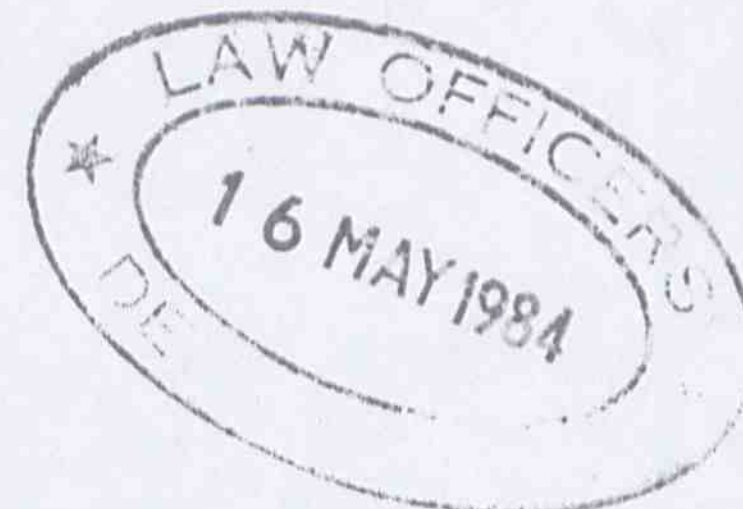
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HOUSE OF LORDS,  
SW1A 0PW

CONFIDENTIAL

Prime Minister



I understand that as a result of a recent Ministerial meeting, you would like information about the manner in which magistrates' courts in Nottinghamshire are dealing with defendants brought before them charged with offences arising out of picketing. I have made enquiries. The position, as at noon yesterday, was as follows.

Mansfield Petty Sessional Division has been used as "the clearing house", and all defendants in police custody are brought to that courthouse. So far 881 persons have appeared before a court of summary jurisdiction which in some cases has sat as late as midnight. A further 75 persons were to appear yesterday afternoon. The majority of individuals are charged either with breach of section 5 of the Public Order Act 1936 or with obstructing police, section 51(3) Police Act. These are summary offences. Additionally some are charged with assault and with criminal damage which are "either way" offences giving either party, effectively the defendants a right of jury trial.

As you will have read in today's press a further 60 defendants were to appear last night charged with riot. This is triable only on indictment and I understand committal proceedings cannot be contemplated for at least 3 months. If those proceedings are protracted and the lay justices require help, I will see that a stipendiary magistrate is appointed to deal with the committal.

By arrangement the cases have been divided between the Nottinghamshire courts as follows:-

Nottingham City - 115 cases

28 appeared on 14th May, 27 defendants pleaded Not Guilty and were adjourned to 3rd and 10th July. One defendant pleaded Guilty and was fined £5.

27 are to appear today, 25 on 21st May and 10 on 23rd May.

Newark - 42 cases

All are to be contested with staggered dates of hearing in June, July and August.

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Nottingham County and Bingham - 113 cases

All these cases are likely to be contested with dates of hearing on and after 20th June.

Worksop and East Retford - 245 cases

158 at pre-trial review stage and remainder to appear in June. 4 have pleaded Guilty, 3 fined £75 and £30 costs, the other £50 and £5 costs.

Mansfield - 312 cases

All are expected to be contested. Various dates have been fixed on and after 5th July.

There is a discrepancy in the calculations because some courts have relied on police figures rather than counting court register entries.

In addition, 200 defendants arrested on the Nottingham/Derby borders are to appear before the Chesterfield justices.

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end  
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[ I understand the Chief Constable has expressed reservations about the quality of some of the evidence upon which arrests have been made, and for this reason is not anxious for dates of trial to be fixed too soon. ] Doubts have been expressed about the power of the justices to "transfer" cases to other courts, to remand (as opposed to "adjourn") purely summary offences; and hence to apply bail conditions. There is to be a test case on 4th June involving four defendants which, I understand, is likely to be taken for Judicial Review under RSC Ord. 53 whatever the result. The decision of the Divisional Court will affect the course of similar cases elsewhere, and I understand the Judicial Review could be dealt with by the Divisional Court before the end of June. Additionally a point of jurisdiction may arise where coaches have been stopped well away from the pitheads and arrests made, and the defendants then taken to Mansfield.

All the defendants who have so far pleaded not guilty are represented by the same firm of solicitors. This is an important factor which will need to be taken into account by the courts when fixing the hearing dates, although it may be diminished in its impact by information which I have just received indicating that the solicitors concerned are making arrangements to distribute some of the cases to agents. A further factor is that many police witnesses will be coming from outside the Nottinghamshire area.

There is nothing to indicate that the courts need immediate help. They have made sensible arrangements to share staff and courtrooms as and when required. Magistrates assigned to one Petty Sessional Division within a county can sit in another court if required.



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The courts are aware that if their business justifies it they may apply to me for acting stipendiary appointments and where necessary I shall be ready to make such appointments.

At this stage any overt intervention by central government would be inappropriate, and probably ineffective.

I am copying this to the Home Secretary (to whom I have spoken briefly) and to the Attorney General who will wish to know about the probable proceedings under RSC ord 53.

H: of S<sup>r</sup> M  
16 May 84

\* The position with regards to evidence is not as stated in the body. The Chief Constable is anxious but delay causes the quality of the evidence to deteriorate.



EXTRACT FROM LAW COMMISSION (ENGLAND) REPORT RELATING TO  
OFFENCES AGAINST PUBLIC ORDER DATED 25 OCTOBER 1982

Unlawful assembly

4. At common law, and under the Working Paper proposals, unlawful assembly would be capable of penalising behaviour falling short of threats: it requires no more than a gathering whose purpose is to use threats. The Commission now takes the view that any offences which replace unlawful assembly should not penalise conduct unless it breaches the threshold, currently specified by section 5 of the Public Order Act 1936, of "threatening, abusive or insulting words or behaviour". This criterion is therefore an element of the offences now recommended to deal with threatening behaviour (paragraph 7, below).

5. Another feature of unlawful assembly at common law is that it can be charged both when a group are threatening to use violence or are provoking others to use violence and when a group are actually engaged in acts of violence. The offence proposed in the Working Paper covered both these situations. However, that definition was complex (it had to cover a common law offence of substantial complexity) and the Commission felt that it was seeking to cover and penalise with one penalty types of conduct which were different both in their nature and their degree of criminality. Furthermore, the Commission considered that there was a lack of an offence dealing with public disorder falling short of riot which referred explicitly to actual violence as an element of the offence. Accordingly the Commission now recommends that distinct offences should be created to cover the use by a small group of (a) actual violence (whether against persons or property) and (b) threatening or provoking behaviour. Threatening conduct which is intended to provoke or cause others to fear violence is different in degree from conduct which is merely likely to have that effect and accordingly threatening behaviour is subdivided into two different offences distinguished only by the absence of a mental element in the second.



6. The three offences derived from unlawful assembly should, in the Commission's view, be triable either way, since some of the conduct which they cover may be fairly trivial in character. In this connection, the Commission has been impressed with the comments of the Circuit Judges, the Justices' Clerks' Society and the D.P.P. upon the need for offences of this character to be capable of being dealt with expeditiously in the magistrates' courts.

7. The three offences would have the following elements:-

First offence

A person would be guilty of an offence if, without lawful excuse, he intentionally or recklessly uses acts of violence against persons or property while acting together with two or more others in a public or private place who themselves are using unlawful acts or threats of violence, provided that the conduct of the defendant and those others is such as would have caused any other reasonable person, if present, to be put in fear of his personal safety. It would be triable either way with a maximum penalty on indictment of 5 years' imprisonment and a fine.

Second offence

A person would be guilty of an offence if, with two or more others acting similarly and with similar intent, he uses without lawful excuse threatening, abusive or insulting words or behaviour in a public or private place with intent to cause any other person to fear imminent violence against persons or property, or to provoke the immediate use of such violence by any such person. It would be triable either way with a maximum penalty on indictment of 3 years' imprisonment and a fine.

Third offence

A person would be guilty of an offence if, with two or more others acting similarly, he uses without lawful excuse threatening, abusive or insulting words or behaviour in a public or private place which are likely to cause any other person to fear imminent violence against persons or property, or

No intent



to provoke the immediate use of such violence by any such person. It would be triable either way with a maximum penalty on indictment of 12 months' imprisonment and a fine.

^Affray







WEEKLY COAL AND POWER STATION STATISTICS (1)

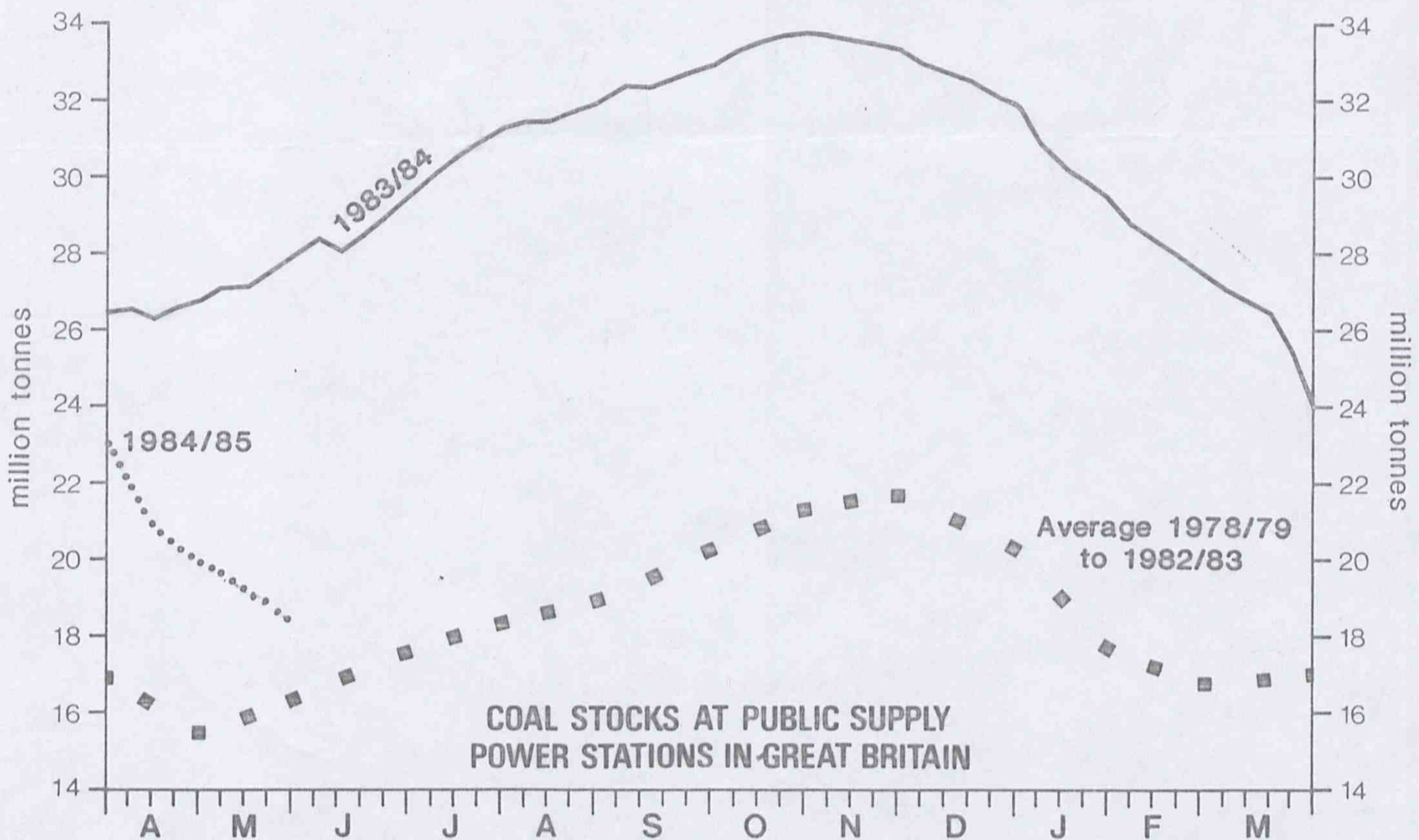
EcS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928

Week ending ..... 28 5 83: 5 5 84 12 5 84 19 5 84 26 5 84

(5)

COAL	PRODUCTION (m. tonnes)	deep mines	2.14 :	0.44	0.38	..	..
		opencast	0.29 :	0.31	0.25	..	..
		TOTAL	2.43 :	0.75	0.63	..	..
COAL	PRODUCTIVITY(2) (tonnes/manshift)	'overall' o.m.s	2.59 :	2.11	2.21	..	..
		'production' o.m.s	10.86 :	10.13	10.43	..	..
UNDISTRIBUTED STOCK (m. tonnes)		TOTAL	25.40 :	21.98	22.05	22.26	22.21
STATIONS	COAL STOCKS (m. tonnes)		28.40 :	19.63	19.20	18.82	18.41
	COAL CONSUMPTION	"	1.41 :	0.71	0.76	0.83	0.89
	COAL RECEIPTS	"	1.82 :	0.40	0.31	0.46	0.43
STATIONS	OIL STOCKS(3)	"	1.01 :	0.83	0.74	0.81	0.84
	OIL CONSUMPTION(3)	"	0.05 :	0.39	0.38	0.38	0.34
	OIL RECEIPTS(3)	"	0.03 :	0.44	0.29	0.45	0.37
POWER	ELECTRICITY SUPPLIED (4) (GWh)		:				
	Nuclear	"	664 :	965	938	820	858
	Other Steam	"	3,379 :	3,164	3,248	3,429	3,352
	TOTAL	"	4,043 :	4,129	4,187	4,250	4,210
	TOTAL - temperature corrected	"	3,934 :	4,147	3,986	4,141	..

(1) Great Britain unless otherwise stated. All latest figures are subject to revision.  
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.  
 .. data not yet available. (5) Includes May Day





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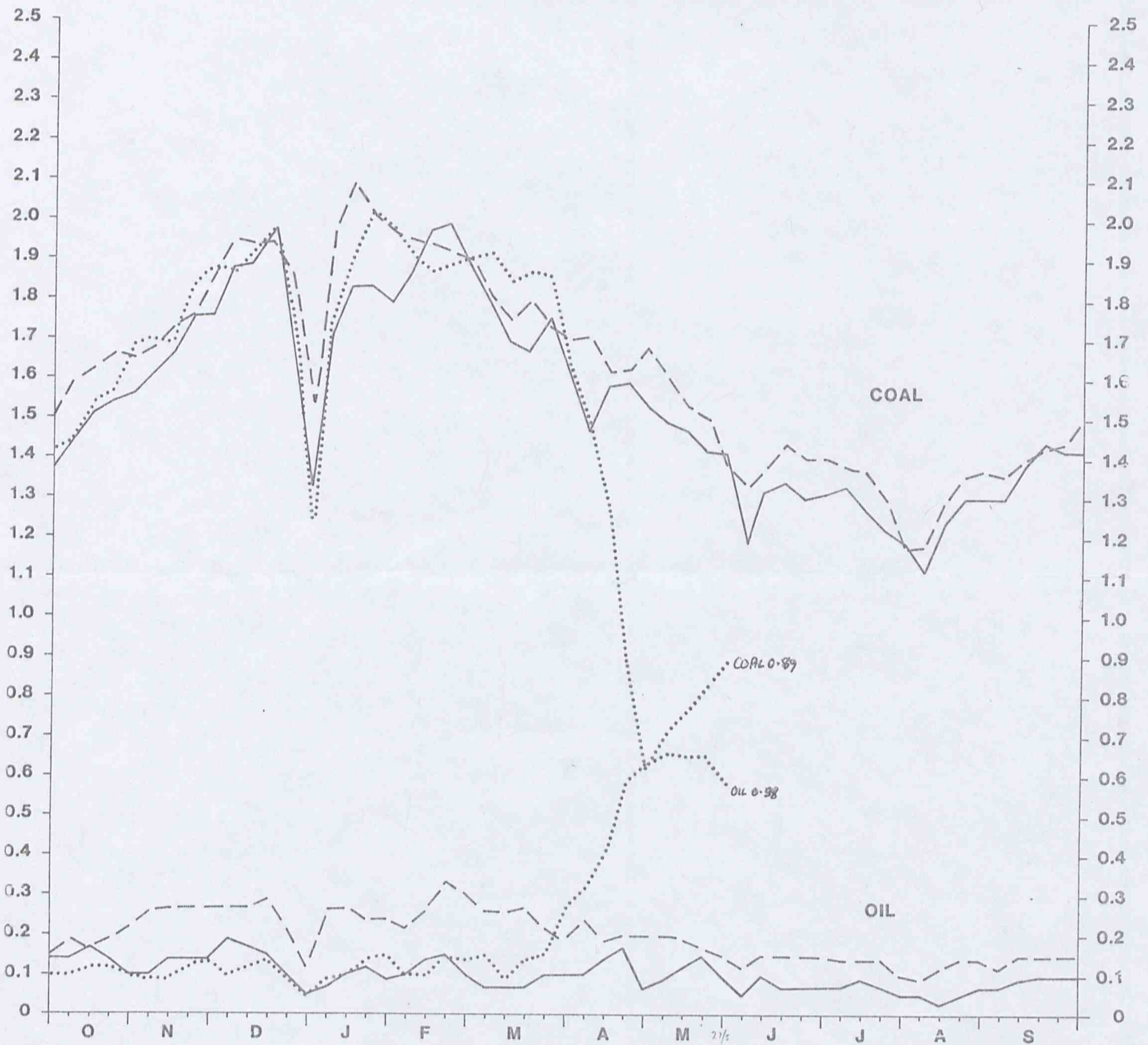
COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED) AT  
PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

- ..... 10/83 to 9/84
- 10/82 to 9/83
- - - - Average 1977/78 to 1981/82

Million  
Tonnes  
Coal  
or Coal  
Equivalent

Million  
Tonnes  
Coal  
or Coal  
Equivalent



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Public Relations

*Mr. Brand...*  
**Press Release**

National Coal Board  
Hobart House, Grosvenor Place  
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Encouraging New Jobs in Mining Areas

NCB to Set up Enterprise Company

file

The National Coal Board today (Friday) agreed to examine ways of co-operating in the coalfields with enterprise trusts, the Manpower Services Commission and other agencies in order to support efforts to bring in new businesses and new employment.

There is an increasing tendency, particularly among younger men, for redundancy payments to be used to start new careers in new industries. The initiative should benefit not only former mineworkers, but also the local community.

The NCB decided to set up a task force, led by Mr. Merrik Spanton, the Board member for personnel, consisting of other members of the Board and executives with relevant experience, to determine the right organisation and funding. The aim is to put recommendations to an early meeting of the Board, who will make available the initial resources. It is hoped also to attract support from the private sector.

Press Office (1880)

June 1, 1984



SUBJECT  
(NF copied to  
Mellis)

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Copy No. 5 of 5

10 DOWNING STREET

From the Private Secretary

1 June 1984

COAL DISPUTE

I attach a record of yesterday's meeting. I would be grateful if it were not copied outside Private Offices and were shown only to those officials who need to see it to carry forward the work agreed upon.

I am also sending copies to David Peretz<sup>2</sup> (Chancellor's Office), David Normington<sup>3</sup> (Department of Employment) and Mr Gregson (Cabinet Office).<sup>4</sup>

Andrew Turnbull

Michael Reidy, Esq.,  
Department of Energy.

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Copy No 3 Normington returned and destroyed 12/6/84



RECORD OF MEETING HELD AT 10 DOWNING STREET AT 1630 31 MAY  
TO DISCUSS THE COAL DISPUTE

Present were: Prime Minister  
Chancellor of the Exchequer  
Secretary of State for Energy  
Secretary of State for Employment  
Mr Gregson

The Secretary of State for Energy said a meeting between the NUM and NCB had taken place that morning. Mr Scargill had demanded that NCB withdraw its closure proposals before any progress towards a settlement could be made. The NCB representatives had asked the NUM what their proposals were for dealing with the problem of uneconomic pits, given the fact that a prosperous coal industry could not be developed without significant closures. After some discussion, the NUM sought an adjournment, promising to come back with its own ideas on the problems of closing uneconomic pits. At the Board Meeting on Friday, the NCB representatives would be instructed not to allow the talks to drag on as this might inhibit the drift back to work. The aim should be to bring the discussions to a head, to see if the NUM were serious about considering their attitude to closures. The likelihood was that they were not and that no agreement with Mr Scargill was available at present which would meet the NCB's requirements.

The Secretary of State for Energy said the only concession which the NCB were prepared to offer was that closures scheduled for the end of 1984 would not be completed until April/May 1985. In practice it would take this long to complete the procedures and the output of the pits concerned would be helpful for a few months in rebuilding stocks.

/The Secretary



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The Secretary of State for Energy said that if, as expected, the talks came to an early end, the Board would follow up with two letters to every miner. The first would be from the relevant Area Manager, the second from the Chairman. These would set out the NCB case and urge a return to work. The Board had identified three pits where a majority in favour of a return to work was thought to exist and special arrangements were being made to facilitate this.

Summing up this part of the discussion, the Prime Minister said the meeting endorsed these tactics. It would be wrong to seek an agreement now which compromised long term objectives. If it were apparent that genuine progress was not being made the talks should be quickly concluded, preferably before the debate in the House on Thursday 7 June.

The Secretary of State for Energy proposed two contingency studies:

- (i) The possibility of moving coal stocks from pits to power stations during the course of the dispute without losing the production currently being secured and without provoking retaliatory action elsewhere. Useful coal stocks at the pits were currently around 15 million tons and endurance could be greatly extended if access could be secured to them.
- (ii) The extent to which the ceiling on movements from pits to power stations, currently around 1.85 million tons a week, could be increased in the period after the strike. The Secretary of State for Energy thought that with an adequate

/planning

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planning time it should be possible to increase this figure which would reduce the cost reliance on oil burn to replenish stocks. He attached great importance to rebuilding endurance as the risk that the NUM might attempt a second strike was significant.

It was agreed that Mr Gregson's group should undertake this work.

The Chancellor of the Exchequer said a Supplementary Estimate was due to be presented to Parliament on 14 June. This was for £379 million, partly to cover the improved redundancy terms and partly to increase the deficit grant in respect of the 1983-84 losses. A large part of the latter was due to compensation payments for subsidence. In the normal course ~~of events such an estimate would~~ be presented to the relevant Select Committee in advance. This was due to take place on Monday. It would be unhelpful if these figures leaked out in the wrong context. It would be better to take the initiative and bring these figures out into the open, together with an explanation which emphasised the very high costs to the taxpayer of supporting the coal industry rather than the high costs of the dispute. The alternatives were a PQ or the provision of an explanatory memorandum to the Select Committee. On balance the PQ was probably better as to provide an explanatory memorandum for the Select Committee could create an unhelpful precedent. It was agreed that the Chancellor and the Secretary of State for Energy should discuss this problem further.

The Prime Minister asked about the inter-connector with France. The Secretary of State for Energy explained that the first cable should be completed around 1985 and the second cable two years later. Originally the concept had been that the inter-connector would be used for the exchange

/of electricity

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of electricity with France, making use of differences in the timing of peaks and troughs. Difficulties had arisen with the contract which had been negotiated by Mr Howell. Mr Walker said he was at present reluctant to sign it as it committed Britain to taking all the electricity that France offered, failing which substantial penalties would be levied. If the inter-connector were extended it would probably be for imports of electricity rather than exports but there would be little case for this once the efficiency of the coal industry had been improved.

31 May 1984

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SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ  
01 211 6402

Andrew Turnbull Esq  
Private Secretary to the  
Prime Minister  
10 Downing Street  
LONDON SW1

1 June 1984

*Dear Andrew*

COAL DISPUTE

My Secretary of State has been told by the Home Office representative at his daily coal meeting that the Chief Constable of South Yorkshire has expressed the view that civil proceedings against picketing would not directly produce any difference in the situation on the ground which the police have to cope with. The Chief Constable has not picked up any strong support among his men for the Police Federation's call for the use of the civil law.

The general feeling among Chief Constables who have been meeting for a conference this week is that civil proceedings would not solve any of the police problems. The Chief Constables are certainly not asking for such proceedings to be taken. Before expressing a firm view they would need to know in detail what was involved and what the results of such proceedings were likely to be. But at this stage their feeling is that civil proceedings could make things worse, and that the police will just have to stick things out.

My Secretary of State has asked that these views should be reported to the Prime Minister and other members of MISC 101.

Copies go to the Private Secretaries concerned.

*Yours sincerely  
M. F. Reidy*

M F REIDY  
Private Secretary

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NAT IND  
Coal Part 9



21 JUN 1953  
NEW YORK





PART 9 ends:-

Energy to AT 31.5.84

PART 10 begins:-

Energy to AT 1.6.84