

S
84

PREM 19/1580

SECRET

PART 17

CONFIDENTIAL FILING

Financial Position of the
Coal Industry
Mineworker's Pay

NATIONALISED
INDUSTRIES

PART 1: JUNE 1979
PART 17 MARCH 1985

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
2.3.85							
7.3.85							
11.3.85							
18.3.85							
21.3.85							
28.3.85							
24.4.85							
4.4.85							
12.4.85							
22.4.85							
23.4.85							
25.4.85							
26.4.85							
1.5.85							
13.5.85							
16.5.85							
21.5.85							
24.5.85							
29.5.85							
30.5.85							
1.5.85							
ENDS							

PREM 19/1580

PART 17 ends:-

Home Sec to Pm 31.5.85

PART 18 begins:-

~~AT to Pm 4.6.85~~

Weekly ~~at~~ Coal + Power Station Study.
3/6/85

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, 1 May 1985, columns 313 to 388: Coal Industry Bill

House of Commons HANSARD, 1 May 1985, columns 390 to 396: Coal Industry Dispute (Benefit Cases)

House of Commons HANSARD, 4 March 1985, columns 657 to 667: Coal Industry Dispute

Signed

S. Gray

Date

4/3/2014

PREM Records Team



NBPM

34

AF

31/5

Prime Minister

LESSONS OF THE 1984/85 MINERS' STRIKE

Sir Robert Armstrong sent me a copy of his minute of 20 May covering a note from the Chairman of the Official Group on Coal (MISC 57) on the lessons of the 1984/85 miners' strike.

I endorse the points for follow-up action listed at the ends of sections 2, 3 and 4 of the note by officials.

I am sending copies of this minute to the Lord President, the Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Wales, the Environment, Trade and Industry, Employment and Transport and the Attorney General, and to Sir Robert Armstrong.

L.B.

31 May 1985

NAT IND : Gal : PE 17.



BF 31.5.85



10 DOWNING STREET

C.F.

Please arrange - meeting
a Open Cast Coal Mining

L Pres no reply ✓

SS / Energy ✓ OK

SS / Enw ✓ OK

SS / Sect ✓ OK

SS / Wales no reply ✓

~~asked~~ RTA no reply ✓

10.00 Thursday 13 June

30 mins

LPC, Wales, + RTA to be
shown.

NDPM
AT 30/5

PRIME MINISTER

LESSONS OF THE 1984-85 MINERS' STRIKE

Sir Robert Armstrong's minute of 20 May invited endorsement of the matters identified for follow-up action in the report of the Official Group on Coal (MISC 57). I am pursuing those relevant to my Department, and I am otherwise content with what is proposed.

I am copying this minute to the Lord President, Home Secretary, Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Wales, the Environment, Trade and Industry and Transport, the Attorney General and Sir Robert Armstrong.

T K

30. May 1985



cc - Miss Turton
H. Butler (No 10) } minute
 only

70 WHITEHALL, LONDON SW1A 2AS

01-233 8319

From the Secretary of the Cabinet and Head of the Home Civil Service

Sir Robert Armstrong GCB CVO

Ref. A085/1446

LORD PRESIDENT OF THE COUNCIL

Until last year the Secretary of State for Energy was responsible, under the Opencast Coal Act 1958, for authorising opencast coal mining by the National Coal Board and issuing deemed planning consent. The arrangements were changed from April 1984, since when local authorities have been dealing with National Coal Board applications, and the Secretaries of State for the Environment, Scotland and Wales have exercised statutory powers under the Act.

2. The Prime Minister asked me to consider the case for reversing the transfer of responsibility following comments made to her by the Chairman of the National Coal Board, suggesting that the transfer was causing difficulty and delay for the Board.

--- I attach a copy of the minute which I have sent to the Prime Minister in response to her request.

3. She said that she would like to discuss this matter with you, the Secretary of State for the Environment, the Secretary of State for Energy, the Secretary of State for Scotland and the Secretary of State for Wales to all of whom I am sending copies of this minute and of my minute to her of 21 May. Her Private Office will be in touch with yours about arrangements for a meeting.

ROBERT ARMSTRONG

29 May 1985

NAT INDPT 17 COAL

RECEIVED
MAY 12 1985

30 MAY 1985



10 DOWNING STREET

NBPM

AF

30/5

CLOSED UNDER THE
FREEDOM OF INFORMATION
ACT 2000

From the Private Secretary

29 May 1985

Your Secretary of State saw the Prime Minister briefly today to discuss the current position in the coal industry. Amongst other matters which were raised, the Prime Minister referred to continuing reports of intimidation of working miners. She remained unconvinced that sufficient was being done to protect them from such intimidation and that the National Coal Board was sufficiently prepared to transfer those who requested it to other pits such as Selby. Mr. Walker said that he believed that the position was improving in this respect. While the initial policy of the Coal Board had been to punish the intimidators rather than to transfer the intimidated, they were now exercising much more flexibility. He himself had examined a considerable number of cases, many of which had resulted in transfers. He was not, however, convinced that a transfer was an appropriate remedy in each case. A blanket undertaking to transfer any working miner who sought it would give carte blanche to those bent on intimidation; wherever possible it was better to root out such behaviour rather than give in to it. Nevertheless, he proposed to continue to prompt the Coal Board to look sympathetically where a good case could be made out, and in this context had made it clear to many of the working miners' leaders that they could contact him personally with details. The Prime Minister said that she had been sent the names of 24 working miners who wished to be transferred, and Mr. Walker undertook to look into these urgently. A list is attached, and I should be grateful if you would arrange for such consideration to be given.

The Prime Minister also referred to the case of

The Prime Minister had heard that he was unable to work there now and had had to take another job in an area office at £4,000 a year less. Mrs. Thatcher would be grateful if your Secretary of State could look into this case also.

Perhaps you could arrange for the Prime Minister to be informed of the outcome of consideration of these cases.

Timothy Flesher

Geoff Dart, Esq.,
Department of Energy.

Fly

MR. TURNBULLMR. FLESHER

As you know, the Prime Minister is hoping to meet the Energy Secretary and Peter Gregson tomorrow afternoon.

Mr. Walker rang the Prime Minister from home this evening. He reported that Ian MacGregor had met the Area Executives in Edinburgh, and that they had unanimously pressed him to see NACODS. They stressed their view to him that a deal could be done on the modified procedure. They thought it absurd not to talk to NACODS on the grounds that they were operating an overtime ban. Ian MacGregor has agreed to meet the union at 4 p.m. tomorrow, with the Area Executives.

The Prime Minister stressed that it was important not merely to meet the union, but that Mr. MacGregor should know what he should say to them. The Energy Secretary believed that, in view of the representations from the Area Executives, Mr. MacGregor would be clear about that.

The Prime Minister made the point to Mr. Walker that there was widespread belief that the Government had let working miners down. She understood that Mr. MacGregor had written to colliery managers saying that working miners should not be transferred. This was completely unacceptable. Woodrow Wyatt had a list of working miners who were still being intimidated and something had to be done to help them. He was going to provide her with the names.

Mr. Walker noted that he had already taken up the cases of some 130 people. He agreed that Mr. MacGregor's instruction was quite unacceptable. He too was in touch with Woodrow Wyatt.

/ The

SECRET

- 2 -

The Prime Minister noted that she hoped to get away from Chequers at about 3.45 p.m., after the Sultan had left, for her meeting with Mr. Walker tomorrow afternoon.

MBA

(Mark Addison)

28 May 1985

SECRET

COPY NO 1 OF 2

We cannot let this go on. I will
contact P.W. & David Lawson to consider

PRIME MINISTER [⊕] Mr MacGregor still pursuing his independent tactics. Perhaps
live on NACODS. AT 24/11 Peter Greyson can take
this in hand now.

I enclose a letter I have sent to Ian MacGregor following the meeting I had yesterday with the leaders of NACODS. I am very concerned at the manner in which this is being dealt with because on Tuesday, at my weekly meeting with Mr MacGregor, he informed David Hunt, Sir Kenneth Couzens and myself that he had decided to do nothing concerning NACODS until after Whitsun since he felt that 10 days for them to meditate on the potentiality of coming to an agreement without continuing the overtime ban would have a good effect. To my great shock about 10 minutes prior to my meeting with NACODS, I was informed by my press department that the press had got hold of a letter which the Coal Board had sent to every NACODS member telling them that unless they dropped the overtime ban they would lose their incentive bonuses and their holiday pay would be adversely affected. This is a particularly tough attitude because, for example, in many pits last week there was record production in spite of the overtime ban and in many places the overtime ban was not being operated very effectively. It must be wrong to say that you will not get your incentive payments in spite of the fact that you are part of a team turning out record production figures.

I quickly phoned Mr MacGregor and asked how it was that on Tuesday he told me he was going to do nothing and on Thursday NACODS members were receiving such a letter. He hummed and hawed and pretended that such a letter was a natural thing to happen and was just a logical sequence of their action. This of course is not so. At the meeting with NACODS, they claimed they had people close to the Board in senior positions who believed that Mr MacGregor is out to get his own back on NACODS and to try to destroy their union. They had copies of all the past correspondence from Hobart House to regional industrial managers giving details of the manner in which NACODS could be defeated by threats such as those contained in the letter now sent out to all NACODS members.



I have no doubt that NACODS are very uneasy about the action and their members are divided. There are many who must be losing money from the overtime ban, and many others who would loathe getting involved in further industrial action. The pressures on NACODS to settle are, I think, considerable. In my conversations with the Board I gained the impression that there is a desire to have a battle in which NACODS is clearly defeated. That is why I have suggested in my letter to MacGregor he should table, quickly and publicly, what he has on offer for the new procedures; and repeat an assurance that Jimmy Cowan gave earlier in the week that no pits will be closed in future without going through the proper procedures. A further feature of this dispute is that MacGregor is arguing that as soon as he announces a closure he can make the men redundant or transfer them to other pits. The unions argue that in the past this has not been the case and that once a pit starts to go through the procedures the status quo was retained until those procedures are completed. I asked MacGregor for evidence that this was not the normal practice but I am afraid the evidence he produced to me showed that in fact it was. It showed that of five recent pits in two of them the status quo had been retained after the closure announcement. In two of them the run down had taken place with the permission and agreement of the union and only in one had there been some run down without union permission but with very strong union protest taking place. Looking back at pit closures prior to that we only have the evidence that basically the status quo has been retained during these procedures.

I think it will once again be looked upon as a dishonest act if having said he intended to modify existing procedures in order to improve them he now starts pursuing policies which are totally contrary to what has been the practice in closure procedures in the past. I will keep you informed of future developments.

Secretary of State for Energy

24 May 1985



Wed 8/6
at 10.00

10 DOWNING STREET

From the Private Secretary

Prime Minister ①

• NUM Rule Book

You have already seen Mr Walker's comments and we have now received comments from Mr King. The gist is that it would be extremely damaging if the rule book is adopted, though some of things it is trying to do as call strikes on say 20 of Executive and prevent members from striking union will not survive legal challenge.

Two issues remain:

(i) what can Government do to stop rule book being adopted?

(ii) are there any changes in law, required to thwart its provisions, (see para 5, 6 of Mr King's paper on trade union law).

Agree a meeting with Mr Walker, Mr King, Mr Tebbit and Attorney General?

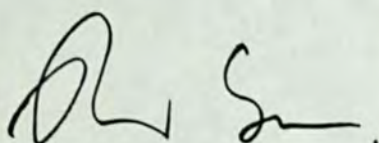
AT
24/5

Yes - urgently
ml

01-211-6402

Ian MacGregor Esq
Chairman
National Coal Board
Hobart House
Grosvenor Place
LONDON SW1

24 May 1985



As you know, I met Messrs Sampey, McNestry, Jones and Benham yesterday, at their request, to discuss the renewed strife in the coal industry.

You also know that I was shocked to discover a few minutes before this meeting took place that you had sent a letter to all NACODS members threatening them that their incentive bonuses would be stopped, and their holiday pay provisions adversely affected if they continued their overtime ban. This was contrary to what you had told David Hunt and myself on Tuesday when you told us you had decided to do nothing with NACODS until after the Whitsun holiday in the hope that ten days meditation would bring them back to negotiations.

I gather that the threat to their incentive payments has been very badly received in those areas where in spite of the overtime ban record production figures are being achieved.

At my meeting with the NACODS leaders I stressed the seriousness of this new industrial dispute to the long term interests of the industry. The Government had moved swiftly to demonstrate a new tangible commitment to the industry by means of a further huge financial injection. Marketing efforts by the Board, and by the Government through the Coal Firing Scheme, were being newly geared up. All this was now put at risk. I reiterated my own personal commitment to the future of the industry, and that of the Government. It was in no one's interest to argue that resources should continue to be committed to hopelessly uneconomic pits until the last moment that could be contrived under the Colliery Review Procedure. I confirmed the commitment of the Government and the Board to putting in place as soon as possible modifications to the Colliery Review Procedure reflecting the principles agreed with NACODS, pointing out that the minutes of the Board's meetings with the unions and Kevin Hunt's letter of 16 May demonstrated that intent on the part of the NCB. I gave an assurance on your behalf that you had no intention of by-passing the Review Procedure by running pits down during the review process to an irrecoverable level whatever the outcome of the Review. Such a policy would in any case be self defeating, since it would bias the independent review body in favour of the unions' case. I said that NACODS had a duty to pause before implementing the overtime ban, since agreement on the revised procedure was evidently close. To stand on the withdrawal of the March 27 letter was to ignore Mr Cowan's letter of May 10.



The NACODS representatives were bitter in their recriminations. They spoke of breakdown of trust, denying that the Board was either earnest or urgent in its attempts to reach agreement. They said that I was deceived in my assertions about the Board's intent. They cited Horden as an example of constructive closure and alleged coercion when men at Bates sought to rescind transfer applications once the application of the Review Procedure to Bates had been reaffirmed. They were evidently equipped with an internal Board document of 16 May about sanctions in response to the overtime ban, which they saw as being implemented through the letters to NACODS members about which I spoke to you just before the meeting. They also produced a letter from Kevin Hunt proposing a suspension of the ban, which I had not seen. They alleged access to Board sources revealing the purpose of destroying NACODS and there is no doubt that they have in their possession copies of many of the documents that have passed between Hobart House and the Regions containing recommendations as to how to deal with them over the overtime ban. For all this, there was certainly no unity of militant purpose. It was asserted that withdrawal of the 27 March letter and honouring the October agreement would alone achieve an immediate return to normal working. There appeared to be real interest in the proposition of suspending the industrial action.

My conclusion, from this meeting and from all I have heard of the facts of the situation, is that it would be in the best interests of the Board and the wider national interest if the Board were to make it clear that it has a set of proposals which it would be willing to put to NACODS immediately, in return for a suspension of industrial action while talks were taking place. The aim would be to secure an agreement, discharge the commitment of the Board and the Government in relation to the NACODS agreement of last October and clear the way for a planned programme of closures without industrial action; or, if NACODS refuse to agree, at least to satisfy all reasonable opinion that the Board had made a genuine offer. The components I suggest for an offer, and which I would like to discuss with you early next week are:-

- (a) a retabling of the Boards' proposal for an agreement on the modified Review Procedure on the basis of the Boards' own document and the exchange of letters of 9 and 16 May between McNestry and Kevin Hunt. The Board would say that this understanding between the Board and NACODS, flowing from the agreement of October 1984, would provide the foundation for agreement also with the other unions concerned. The Board would propose that the "status quo" issue be dealt with as a separate heading, as was implicitly accepted in McNestry's letter of 9 May.
- (b) A statement by the Board, which would in fact be no more than Mr Cowan has already indicated, that for the future (ie effectively from 1 June) there would be no further closures or closure proposals under that part of the Boards statement of 27 March dealing with the immediate aftermath of the strike since the post-strike review of collieries was now complete.
- (c) Some reasonable degree of assurance on the status quo question. This would no doubt have regard to past practice but would also take account of the reasonable requirements of management and would point to the opportunity for drawing the attention of the new independent body in the Review Procedure to any alleged attempt to achieve closure by fait accompli.



(a) and (b) would, as I understand it, simply reflect the Board's existing position. (c) should be in the form of a proposal which would make clear the Board's intention of fair dealing and reflect past practice. I would hope that a set of proposals of this kind would produce an agreement, or at the very least lead NACODS to take up Kevin Hunt's proposal for a suspension of their overtime ban. Given your obligations under the October agreement, it seems to me that this outcome, at little real cost to the Board, would be greatly preferable to relying on a simple attempt at an outright defeat of NACODS.

You will know from our conversation, and from conversations with the Prime Minister that the Government believes that it is essential for the Board to be seen to be implementing the agreement with NACODS on the Review Procedures. We believe it would be fatal for the Board and the Government if it were perceived by the public that we were back-tracking on that agreement.

I should like to discuss with you your proposals on these heads, when we meet early next week. We need to consider, too, their public disclosure to demonstrate the Board's good faith.

A handwritten signature in black ink, consisting of a large, stylized 'W' followed by a smaller, more intricate signature.

PETER WALKER



Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213.....6460.....

Switchboard 01-213 3000

Andrew Turnbull Esq
10 Downing Street
LONDON
SW1

24 May 1985

Dear Andrew,

REVISION OF THE NUM RULE BOOK

You asked for some further comments on the NUM's proposed rule 26 restricting the power to authorise official strike action to the NEC alone. A copy of the new and old rules is attached.

There is considerable cause for concern over the proposed new rule-book generally and, as you know, my Secretary of State dealt with the main points in his minute to the Prime Minister of 10 May. New rule 26 would give the NEC a dominant position in relation to Areas with respect to strike action, and in the light of recent events it is reasonable to view such a move with suspicion. It may be designed to prevent individual areas rejecting a strike call when an area ballot has gone against it. It might also be thought to empower the NEC to call all areas out on strike - that is, effectively to call a national strike - without the national ballot required by rule 26E for a national strike. Without a prior successful ballot the union would of course lose its immunity from legal action as a result of the government's legislation, but backed up by the union's new disciplinary system the call might nevertheless receive considerable support.

It is worth noting that in a different union the concentration of authority to call industrial action is not necessarily to be viewed with the same suspicion. The AUEW is, for example, changing its rules to ensure that only the national leadership and not, as formerly its district officials, can authorise official industrial action. This is partly a response to the union's involvement in the Austin Rover strike last November, when there was confusion about whether the unballoted action

SECRET



called by the Joint Negotiating Committee was official action. The proposed change in the rules will clarify the point and is to be welcomed as an example of a union taking a much firmer grip on its internal organisation.

Copies go ^{to} the Private Secretaries to members of the Cabinet and to Sir Robert Armstrong.

Yours sincerely,

David Normington.

D J NORMINGTON
Principal Private Secretary

SECRET

26. INDUSTRIAL ACTION

26.A In the event of any industrial action (which expression shall include strike action) involving members of an Area (whether confined to that Area or not) taking place or appearing to the relevant Area Executive Committee likely to take place, an appropriate Area Official shall report the situation to the Secretary of the Union as soon as practicable.

26.B The NEC and no other body or individual shall have the power to sanction as official under these Rules any industrial action taking place or appearing likely to take place by any group of members whether in one or part of one or more than one Area and may do so only in respect of industrial action which has been reported to it under 26.A above. No industrial action which is not official shall be authorised or ratified under any circumstances.

26.C The NEC shall have the power to call industrial action by any group of members whether in one or part of one or more than one Area and such action shall be deemed to be declared official. The NEC shall have the power to co-ordinate industrial action declared to be official in accordance with these Rules.

26.E In the event of a national strike of the whole membership of the Union being proposed by the Union in pursuance of any of the policy of the Union the following provisions shall apply:

That such a national strike shall only be entered upon as the result of a ballot vote of the members taken in pursuance of a resolution of Conference, and a strike shall not be declared unless a simple majority of those voting in the ballot vote in favour of such a strike. If a ballot vote be taken during the time such a strike is in progress, the strike may not be continued unless a simple majority of those voting in the ballot vote in favour of continuance. Such ballots shall be taken in accordance with regulations made by the NEC.

STRIKES AND LOCK-OUTS

41. — In the event of a dispute arising in any Area or applying to the workers in any Branch likely or possible to lead to a stoppage of work or any other industrial action short of a strike the questions involved must be immediately reported by the appropriate official of the Area in question to the National Executive Committee which shall deal with the matter forthwith,

41 cont and in no case shall a cessation of work or other form of industrial action short of a strike take place by the workers without the previous sanction of the National Executive Committee, or of a Committee (whether consisting of members of the National Executive Committee or of other persons) to whom the National Executive Committee may have delegated the power of giving such sanction, either generally or in a particular case and no funds of the Union shall be applied in strike pay or other trades dispute benefit for the benefit of workers who shall have ceased work without the previous sanction of the National Executive Committee.

NATIONAL ACTION

43. — In the event of national action being proposed by the Union in pursuance of any of the objects of the Union, the following provision shall apply:—

That a national strike shall only be entered upon as the result of a ballot vote of the members taken in pursuance of a resolution of Conference, and a strike shall not be declared unless 55 per cent of those voting in the ballot vote in favour of such a strike. If a ballot vote be taken during the time a strike is in progress, a vote of 55 per cent of those taking part in the ballot shall be necessary to continue the strike.

If a ballot vote be taken during the time a stoppage is in progress, such stoppage may not be continued unless 55 per cent of those

PROPOSED NEW RULE

26 F It shall be at the discretion of the NEC to determine whether any strike pay, or other
u trade dispute benefits shall be paid and if so, at what rates, but no such payments
shall be made unless and until the action has been declared to be official under
these Rules.

26 G The NEC may declare by resolution that a member has suffered victimisation in
their view for acting in accordance with the policy of the Union and is entitled to
support by the Union, and the amount of the victimisation benefit to be paid to
such member shall be such sum or sums as the NEC shall resolve.

CORRESPONDING CURRENT RULE(S)

BENEFITS — STRIKES, LOCK-OUTS AND VICTIMISATION

42. — It shall be at the discretion of the National Executive
Committee to determine whether any strike pay, or other trades
dispute benefits shall be paid and if so, at what rates.

42(cont)

The National Executive Committee may declare by resolution that a
member who has suffered victimisation (i.e. loss of or refusal of em-
ployment for acting in accordance with the objects of the Union) is
entitled to support by the Union and the amount of the victimisation
benefit to be paid to such member shall be such sum as the National
Executive Committee shall resolve.

Not Ind : Coal #17

24 MAY 1985

10 11 12 1 2 3 4 5 6 7 8 9

PRIME MINISTERLESSONS OF THE 1984-85 MINERS STRIKE

Ministers have been asked to endorse the follow up action on endurance, law and order and on other matters such as supplementary benefit and public presentation. We already envisage a meeting of a small group of Ministers to discuss endurance once Sir Walter Marshall's report on what CEGB can achieve is available. You may also want to have a meeting with a separate group of Ministers to ensure that the recommendations on law and order are vigorously pursued.

The report is extremely interesting, though it tends to present the strike as a uni-directional struggle in which the Government gradually overpowered the miners. It does not convey the fluctuating fortunes and how near, on occasions, the Government came to disaster. It does not, for example, bring out low points such as the wait for the result of the Notts miners' ballot, the first and second dock strikes, the moments when it appeared that NCB had conceded too much in negotiations, and the NACODS vote. The outcome did not become inevitable until the return to work picked up again in the New Year.

The key point was possibly right at the start on Wednesday 14 March when, by chance, Mr. MacGregor came to see you to discuss Euroroute, and reported that miners who wanted to get to work in Nottingham were being prevented by violent picketing. At the meeting which immediately followed you galvanised the Home Secretary, who in turn galvanised the police into keeping the entrances to the pits open. This led immediately to the activation of ACPO. If that first battle had been lost, the rest would have been academic.

It is clear, however, that the Government under-estimated the time for which miners could be kept out, even on limited supplementary benefit, by a combination of union solidarity and intimidation.

24 May 1985

AT
 Andrew - the report
 is too narrative, too long
 too little insight. - see p. 11
 not



done

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Thank you for your minute of 21 May (A085/1394) about transfer of responsibility for opencast coal mining consents.

The Prime Minister would like to discuss this matter with the Lord President, the Secretary of State for the Environment, the Secretary of State for Energy, the Secretary of State for Scotland, the Secretary of State for Wales and yourself. If you see no objection to doing so, could your office please distribute copies of your minute to the other Ministers concerned and liaise with Mr. Addison about setting up a meeting.

FEH

24 May 1985

CST

Mr Phe Murt
23/5

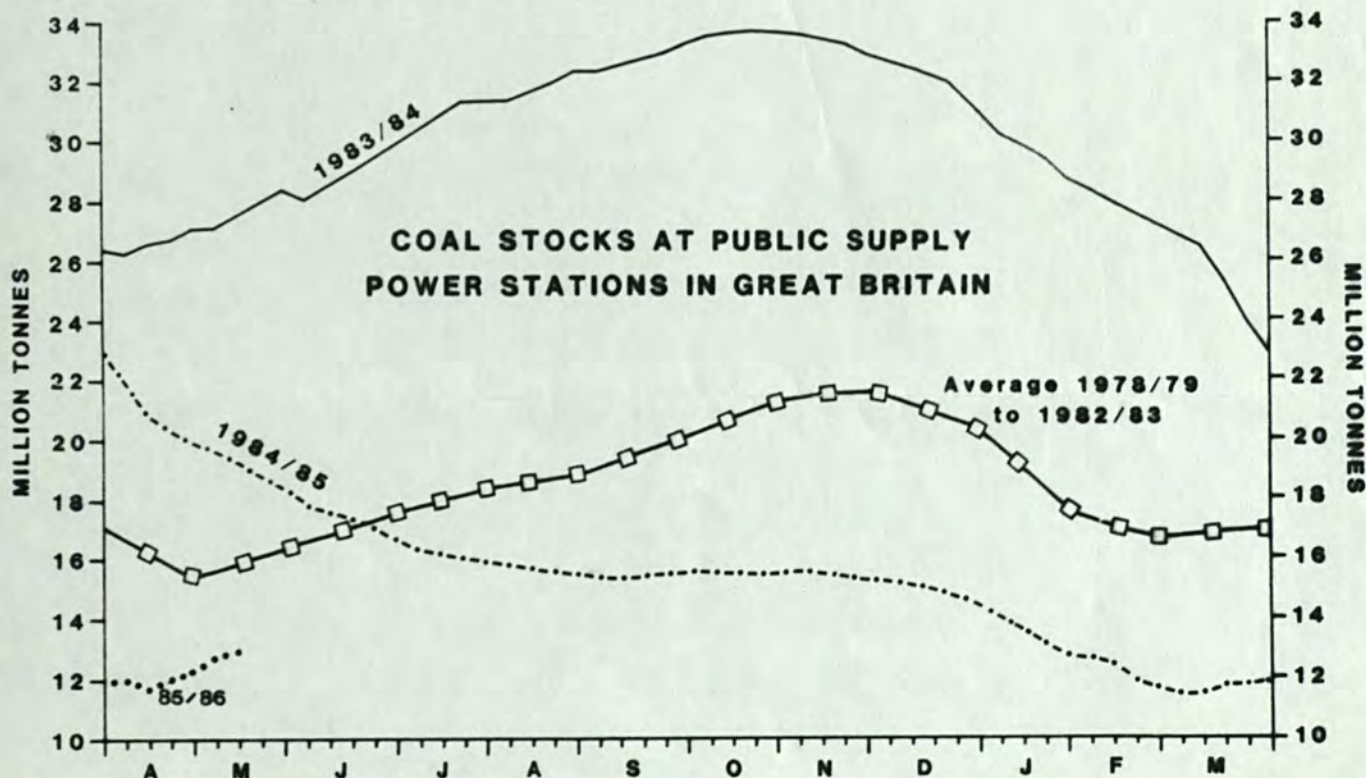
WEEKLY COAL AND POWER STATION STATISTICS (1)

23 May 1985

cS Division, Dept. of Energy, Thames House South, Millbank SW1P 4QJ. Phone: 01-211-6928
 Week ending 14.5.83 12.5.84 20.4.85 27.4.85 4.5.85 11.5.85
 (5) (5)

COAL	PRODUCTION		2.24:	0.38:	1.54	1.67	1.71	1.45
	(m. tonnes)	deep mines+						
		opencast+	0.30:	0.25:	0.32	0.36	0.31	0.27
	TOTAL	2.53:	0.63:	1.86	2.03	2.02	1.72	
PRODUCTIVITY(2)	'overall'		2.61:	2.24:	2.15	2.31	2.38	2.41
	(tonnes/manshift)	'production'	10.97:	10.64:	9.87	10.35	10.55	10.73
UNDISTRIBUTED STOCK								
(m. tonnes)	TOTAL	25.60:	22.05:	18.19	17.69	17.35	17.00	
POWER STATIONS	COAL STOCKS (m. tonnes)		27.54:	19.20:	12.05	12.33	12.79	13.09
	COAL CONSUMPTION "		1.47:	0.76:	1.56	1.66	1.62	1.49
	COAL RECEIPTS "		1.87:	0.31:	1.86	1.99	2.08	1.80
	OIL STOCKS(3) "		1.07:	0.74:	1.10	1.07	1.05	1.04
	OIL CONSUMPTION(3) "		0.07:	0.38:	0.02	0.03	0.03	0.02
	OIL RECEIPTS(3) "		0.03:	0.29:	0.01	0.01	0.01	-
	ELECTRICITY SUPPLIED (4) (GWh)							
	Nuclear "		755:	938:	1,025	916	1,021	1,002
	Other Steam "		3,591:	3,248:	3,513	3,952	3,735	3,419
TOTAL "		4,346:	4,187:	4,538	4,868	4,756	4,421	
TOTAL - temperature corrected "		4,235:	3,986:	4,621	4,544	4,628	4,315	

(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.
 (5) Includes May Day Bank Holiday.
 .. data not yet available. + includes licensed production.



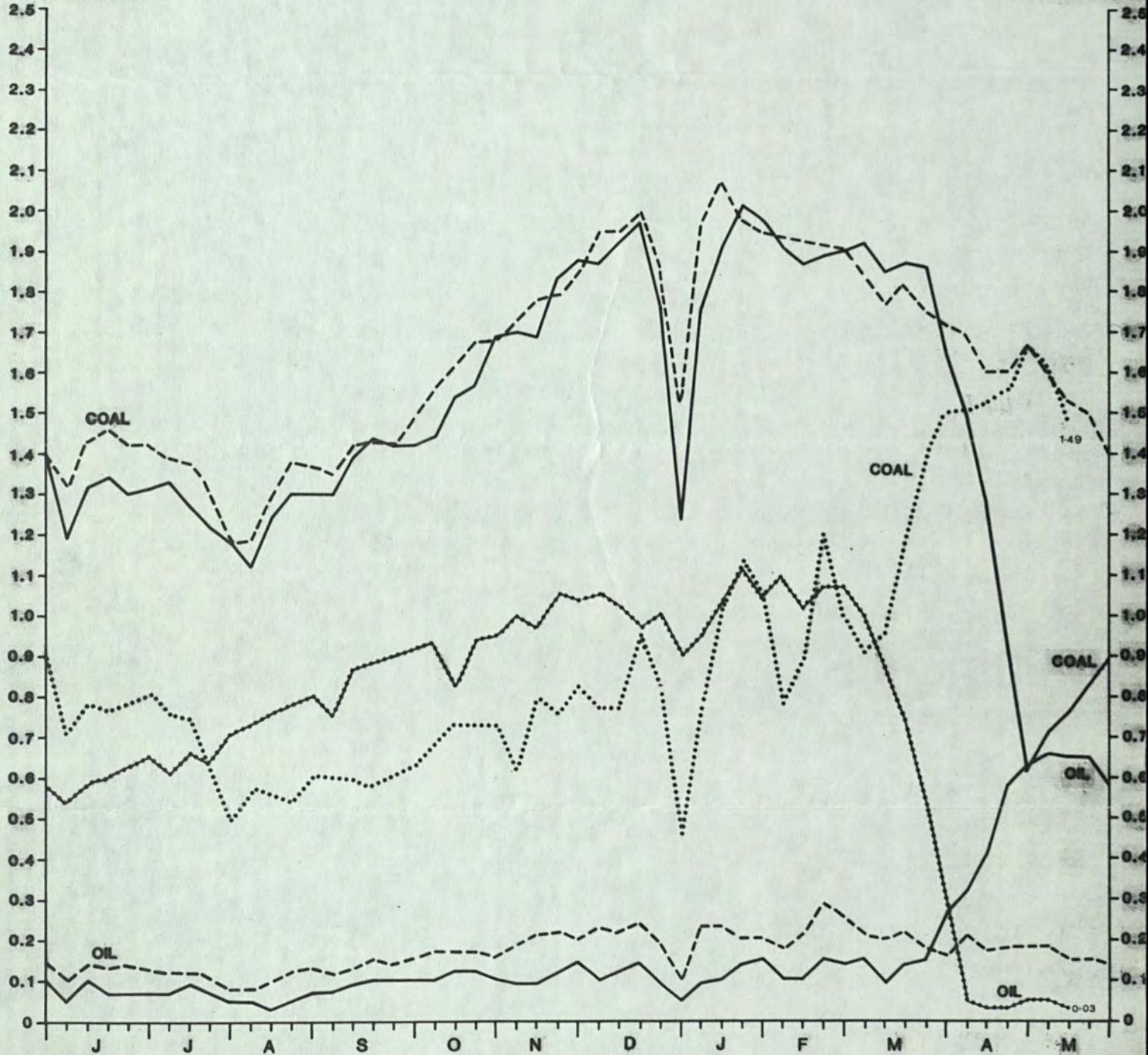
CONFIDENTIAL

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

COAL } June 84 to May 85
OIL } June 83 to May 84
————— } Average 1978/79 to 1982/83

MILLION TONNES
OF COAL OR
COAL EQUIVALENT

MILLION TONNES
OF COAL OR
COAL EQUIVALENT



CONFIDENTIAL

11/5

DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1580</i> (one piece/item number)	Date and sign
Extract/Item details: <i>Ryder to PM dated 23/5/85.</i>	
CLOSED FOR <i>80</i> YEARS UNDER FOI EXEMPTION	<i>12/3/2014.</i> <i>J. Gray.</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
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NUMBER NOT USED	

Instructions for completion of Dummy Card

Use **Black Pen** to complete form

Use the card for one piece/item number only

Enter the Department, Series and Piece/Item references clearly

e.g.

DEPARTMENT/SERIES
 <i>GRA 168</i>
PIECE/ITEM
 <i>49</i>
(ONE PIECE/ITEM NUMBER ONLY)	

Please Sign and Date in the box adjacent to the description that applies to the document being replaced by the Dummy Card

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Attached is a list of young men in Yorkshire who are being badly harrassed and having their lives made impossible because they worked during the strike. They have all applied for transfers to Selby or other pits. These have been refused by local management who make it plain that they regard them as a nuisance although they were heros during the strike. They have been told that if they do not work in their present locations, which have been made intolerable for them, they must take voluntary redundancy and go. This is tragic considering their ages.

Most of them on the list started working in November and December defying the pickets which took great courage.

All will be made redundant by August 3rd if nothing happens.

Those over fifty suffering the same treatment have not been included in this list.

DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1580</i> (one piece/item number)	Date and sign
Extract/Item details: <i>Undated list of names behind Ryder to PM dated 27 May 1985</i>	
CLOSED FOR <i>60</i> YEARS UNDER FOI EXEMPTION	<i>12/3/2014</i> <i>S. Gray</i>
RETAINED UNDER SECTION 3(4) OF THE PUBLIC RECORDS ACT 1958	
TEMPORARILY RETAINED	
MISSING AT TRANSFER	
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 <i>GRA 168</i>
PIECE/ITEM
(ONE PIECE/ITEM NUMBER ONLY) <i>49</i>

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PARLIAMENTARY UNDER
SECRETARY OF STATE

DEPARTMENT OF ENERGY
THAMES HOUSE SOUTH
MILLBANK
LONDON SW1P 4QJ

Direct Line 01-211 3932
Switchboard 01-211 3000

The Rt Hon Michael Alison MP
Private Secretary to
The Prime Minister
10 Downing Street
LONDON
SW1

23rd May 1985

Dear Michael

As you suggested I met the delegation of 36 people including 10 working miners and members of their families last night at 6.15 pm in Committee Room 19. Sir Michael Shaw was in the chair and other colleagues present were Donald Thompson, Elizabeth Peacock, Philip Oppenheim, Gary Waller, Marcus Fox, Piers Merchant, Martin Stevens, Sir John Osborne, John Whitfield and Gerry Malone my Parliamentary Private Secretary. Woodrow Wyatt was in attendance and the delegation was led by Mr Les Firth, CTU organiser in Yorkshire.

There was some hostility at the start of the meeting about what was alleged to be Conservative Party inaction in supporting the campaign against Arthur Scargill in its early stages and in particular in 1981 when Mr Will Richards campaigned against the NUM investment in the Walworth Road HQ for the Labour Party.

The main business of the meeting was however an explanation by individuals of their own, often distressing, circumstances facing intimidation underground and at home.

It became clear however that much of the background was historic and that there was acknowledged to have been a reduction in the level of intimidation at work following the robust attitude by the management at most collieries. There were however 5 collieries in Yorkshire where the position was said to be still serious - Manvers, Wath, Kiveton Park, South Kirby and Barnburgh.

The meeting suggested that there are probably only now 20 individuals who are suffering from very serious continuing problems and almost all of those wanted the Government to pressurise the National Coal Board to have them moved to Selby.

I am now following up with Ian MacGregor the individual cases brought to my attention at the meeting. I pointed out the great admiration of the Prime Minister and the Secretary of State for the courage shown by working miners and their families during the strike and their determination, with the National Coal Board, that intimidation would not be tolerated and should not succeed. I did however point out that



Ministers could not become involved in individual cases but all the points raised would be conveyed urgently to the Chairman of the National Coal Board.

I shall in fact be going underground at Selby tomorrow with Michael Eaton and will take the opportunity to raise the comments made at the meeting last night. I am also addressing the British Association of Colliery Management's annual conference in Scarborough on Friday when I shall take the opportunity of stressing the enormous responsibility owed by the industry to the working miners and the obligation of every manager to ensure that there is no continued threatening behaviour or intimidation of any kind.

Yours ever

David

DAVID HUNT

PERSONAL & CONFIDENTIAL

Prime Minister

Would you like me
to get this list to Mr. McGregor
and ask if x/ is true?

21.5.85

(I will of course ^{clear with} Mr
Walker's office if you authorize
me to do so)

FRB

22.5

Attached is a list of young men in Yorkshire who are being
badly harassed and having their lives made impossible because they
worked during the strike. They have all applied for transfers
to Selby or other pits. These have been refused by local management
who make it plain that they regard them as a nuisance although
they were heroes during the strike. They have been told that if
they don't work in their present locations, which have been made
intolerable for them, they must take voluntary redundancy and go.
This is tragic considering their ages.

I have not sent this list to MacGregor for the reasons I
mentioned to you. I think if you gave a push however something
might happen.

Most of them on the list starting^{ed} working in November and
December defying the pickets which took great courage.

All will be made redundant by August 3rd if nothing happens.

Those over fifty suffering the same treatment have not been
included in this list.

p.k.

Enc.

I think there is

another list coming today,

I had better write a

found letter to Mr. Burgess

and

DEPARTMENT/SERIES <i>PREM 19</i> PIECE/ITEM <i>1580</i> (one piece/item number)	Date and sign
Extract/Item details: <i>list of names attached to minute dated 21 May 1985</i>	
CLOSED FOR <i>80</i> YEARS UNDER FOI EXEMPTION	<i>12/3/2014</i> <i>S. Gray</i>
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SECRET

HOUSE OF LORDS,
SW1A 0PW

28B ~~40~~
Copy No 2

8722

23 May 1985

WBM

My dear Tom:

REVISION OF THE NUM RULE BOOK

with 28

In the second paragraph of your minute of 10th May 1985 to the Prime Minister you identified the objective of the new complex complaints procedure as seeking to deny members access to the courts and you mention the possibility of countering this by legislation.

The current legal position on resort to the courts concerning disciplinary complaints procedures can be found particularly in two cases -

- (a) Law v. National Greyhound Racing Club Limited [1983] 1 WLR 1302 where the court decided that a member of a non-public body could not mount proceedings for judicial review, and
- (b) Radford v. National Society of Operative Printers Graphical and Media Personnel (NATSOPA) [1972] ICR 484 where Plowman, J. held in the Chancery Division that access to the courts is open to a member of a trade union who seeks to show a breach of the rules of natural justice in the union disciplinary procedure, such as a breach of the right to notice of hearing, the right to information as to the charge against him, or the

The Right Honourable
Tom King, M.P.,
The Secretary of State
for Employment.

SECRET

SECRET

opportunity of stating his case. Plowman, J. also considered the argument that, where the rules of the union provide for an appeal from the decisions of the branch committee to the Executive Council and ultimately to the General Council of the union the member ought to have exhausted the appeal procedure before coming to the court. He found that the rules of NATSOPA did not require recourse to the domestic tribunal to be exhausted before recourse could be taken to the courts and he said "Accordingly, there can be no doubt that I have jurisdiction to deal with the matter, subject to a discretion to withhold it until the domestic remedies have been exhausted."

*There are a number of important and relevant trade Union authorities collected by Lord Wilberforce in *Calvin v Carr* [1980] AC 674*

The length of the procedure involving eight stages from mine to branch, through areas and regions to national level with balances between the Executive, the officials and appropriate conferences might, by itself, be seen as reflecting the decentralised rights of members in the federated national structure of the union and if so it might well be held not to be oppressive.

But it does not stand by itself, and it could very well be seen as an attempt to prevent access to the courts. A single tier compulsory appeal procedure is one thing. A compulsory visit to the Hampton Court Maze is another. I do not believe that it is beyond the wit of man to translate the distinction into law. It would probably not be possible or desirable to legislate for the NUM alone. The law must be in general terms and define the limits beyond which an internal remedy operates against freedom and public policy.

The summary of the proposed changed rule 29 in the NUM book shows that the domestic procedure, as amended, would require a member to exhaust the whole of the procedure's intricacies before he could seek such remedy from the courts as those envisaged

SECRET

SECRET

in Radford's case. I agree that such a restriction on individual rights should be countered, if need be in general legislation, so that members of a union retain reasonable access to the courts in case of breach of the rules, or the law, or natural justice or other oppression.

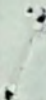
I am copying this letter to the Prime Minister, Peter Walker and other Cabinet colleagues and to Sir Robert Armstrong.

yrs:
L.H.

SECRET

29 MAY 1985

11 12 1
2
3
4
5



SECRET

28A



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

23 May 1985

Dear Robin,

WBJ

Lessons of the 1984-85 Miners' Strike

The Lord President has seen the report of the Official Group on Coal which Sir Robert Armstrong sent to the Prime Minister on 20 May. He is content with the specific points for follow-up action in the report.

Yours ever,

Janet.

JANET A LEWIS-JONES
Private Secretary

Robin Butler Esq

SECRET

NAT IND : Coal : Pt 17

NAVY COUNCIL OFFICE
WHITE HALL LONDON SW1A 2JL

COMMUNICATIONS
SECTION

29 MAY 1985

COMMUNICATIONS SECTION

SECTION

RANAMH

FILE



10 DOWNING STREET

23 May, 1985

From the Principal Private Secretary

To keep our records straight, I am replying to your letter of 23 May to Michael Alison, recording the conversation which Michael and I had with Gerry Malone this afternoon.

Gerry gave us a full account of your meeting with the working miners and their families, for which we were very grateful.

I gave Gerry Malone a note received by the Prime Minister with some names attached to it. I also told him in confidence who had sent it to her. He said that he would arrange for this to be checked against the list which you had already received and make sure that each case was looked into and a report obtained from the Coal Board on the merits of each one. I am sure that this is what the Prime Minister would want.

RB

David Hunt, Esq., MBE, MP
Department of Energy

67

CONFIDENTIAL



N D P A

~~CEAO~~

AT 2345

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

The Rt Hon Norman Fowler MP
Secretary of State for Social Services
Alexander Fleming House
Elephant and Castle
LONDON
SE1 6BY

22 May 1985

x Ref

UNEMPLOYMENT BENEFIT FOR REDUNDANTS

I wrote to you on 10 January ^{att.} about the need to review some aspects of the operation of the Social Security Act 1975, in the light of experience during the miners' strike.

Another aspect of that Act, with potentially widespread implications for all industries seeking voluntary redundancies to facilitate restructuring has now been brought forcibly to my attention. I am advised that the Chief Adjudication Officer has recently taken the view that men who take voluntary redundancy are not entitled to unemployment benefit for six weeks, by virtue of Section 20(i)(a) of the Social Security Act 1975. I understand that this decision has come as a surprise to the Departments centrally concerned, but that revised guidance, reflecting this view, is to be circulated by the Department of Employment to all unemployment benefit offices within the next few days.

Widespread disqualification from unemployment benefit on these grounds will have the consequence also of depriving redundant mineworkers of additional weekly benefits available under the Redundant Mineworkers' Payments Scheme. It will come as a complete surprise to the National Coal Board and will be regarded by redundant mineworkers as evidence of bad faith. Over 7,000 mineworkers now on notice of redundancy volunteered only after being counselled on the benefits they might expect. The large numbers involved reflect the effort now being made to resolve peaceably the restructuring problems of the industry.

This ruling may threaten other restructuring problems of concern to colleagues, whether in public sector or private sector industry. Where jobs must go, achieving the rundown by consent, through volunteers, must be a prime objective. It cannot be right that so basic a re-interpretation of the rights of such volunteers should be promulgated without Government control or response. Rather than wait for the storm to break and be forced onto the defensive, I suggest we should announce

CONFIDENTIAL

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at the earliest possible opportunity that if it should be finally held that, under present legislation, men who take voluntary redundancy are disqualified from receiving unemployment benefit for the first six weeks, then amending legislation with retrospective effect to the date of announcement will be introduced.

Copies of this letter go to the Prime Minister, the Chancellor of the Exchequer, and the Secretaries of State for Employment, Trade and Industry, Transport, Environment, Education and Science, Scotland and Wales.

A handwritten signature in black ink, appearing to read 'Peter Walker', written in a cursive style.

PETER WALKER

CONFIDENTIAL

22 MAY 1965

1 2 3 4 5 6 7 8 9 0

NBpm
BT
24/18
28.

MO 19/1

PRIME MINISTERLESSONS OF THE 1984/85 MINERS' STRIKE

Sir Robert Armstrong copied to me his minute of 20th May covering a note from the Chairman of the Official Group on Coal (Misc 57) on the lessons of the 1984/85 miners' strike.

2. The note by officials provides a comprehensive account of the miners' strike and of the lessons to be learnt from it. I endorse the points for follow-up action in the report on physical endurance, law and order and on other matters.

3. I am sending copies of this minute to the Lord President of the Council, the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Energy, Scotland, Wales, the Environment, Trade and Industry, Employment and Transport, the Attorney General and to Sir Robert Armstrong.

Ministry of Defence
22nd May 1985

Nat Ind : Coal 417



24 MAY 1905
11 12 1



10 DOWNING STREET

Prime Minister

You didn't finish this

one.

PERB

22.5.

Please set up
a meeting in

21/5

CONFIDENTIAL



u/s 1

Prime Minister

This looks like a strong case for a meeting with Mr. Jenkin, Mr. Walker, Mr. Younger, Mr. Edwards and Sir Robert Armstrong. It might also be useful to have Lord Whitlaw here. Shall I set one up?

Ref. A085/1394

MR BUTLER

REB
21.5

Your minute of 28 March sought advice on the scope for reversing the recent transfer of responsibility for opencast coal mining consents from the Department of Energy. This followed the comment to the Prime Minister by the Chairman of the National Coal Board (NCB) that the transfer was causing difficulty and delay for the Board.

2. Until last year the Secretary of State for Energy was responsible, under the Opencast Coal Act 1958, for authorising NCB opencast coal mining and issuing deemed planning consent at the same time. But the arrangements had been criticised as failing to allow proper consideration to be given to planning and environmental considerations. They were also out of line with the procedures for private sector opencast applications and other mineral working which are dealt with by the local planning authorities. The Ministers concerned decided in April 1983 that the right course would be to bring NCB procedures into line with those covering other mineral operations, and, with the Prime Minister's agreement, the intention to do this was announced in the White Paper 'Coal and the Environment' in May 1983 (Command 7788).

3. Local authorities have now been responsible for dealing with NCB applications since April 1984. But the requirement for separate authorisation by a Secretary of State under the Opencast Coal Act can be removed only by legislation. A short Bill had been planned for the 1984-85 Session, but this was put into cold storage during the miners' strike and, following the addition of the BNOC Abolition Bill to the programme and other developments, the Lord President informed the Secretary of State for Energy that there would not now be room for the Bill this



Session. In the meantime the authoritative powers are being exercised by the Secretaries of State for the Environment, Scotland and Wales, having been transferred to them administratively from the Secretary of State for Energy.

4. The transfer has produced two problems for the National Coal Board:

i. a political element has entered into some local authority decision about opencast sites. During the strike, the use of opencast sites and their stocks, especially in the working areas, made a contribution to endurance. Some Labour Councils looked upon opencast sites as non-NUM competitors to deep mines and tried to use their powers to impede opencast operations. In the year to 1 March 1984 ten sites were authorised by the Department of Energy. In the year to 31 March 1985 18 applications were made by the NCB but only 4 were approved by local authorities. The political element could have expressed itself under the old procedure by way of objections by local authorities leading to public inquiries, but the new procedures both invites obstruction by obliging them to take a view and make obstruction somewhat easier.

ii. until the Opencast Coal Act 1958 is amended the NCB must go first to the local planning authorities and then to the Secretary of State for the Environment (or in Scotland and Wales to the appropriate territorial Secretary of State). This in itself adds to bureaucracy and delay.

5. A return to the old arrangements would remove some of the National Coal Board's problems. But there would be political and presentational difficulties in such a reversal. The decision was announced in a White Paper and repeated in the Manifesto, detailed instructions and guidance were given to local planning authorities in a 1984 circular, which was also



sent to the main environmental groups, and local authorities
have already been operating the new arrangements for a year. To
reverse the decision and go back to the old procedure would
almost certainly provoke a row with the environmental lobby and
with at least some local authorities. Critics could argue that
the Government had itself recognised and acted on the need for
proper controls on opencast coal mining and was now abandoning
them. It is also doubtful whether a return to the old
arrangements would mean quicker decisions, as local authorities
could, by maintaining their objections under the 1958 Act, force
further public inquiries.

6. I understand that the Secretary of State for Energy (who
sent the Prime Minister a personal and confidential minute on
17 April on this subject) does not seek the return of the
planning powers to his Department; but he would like to see the
powers so used as to minimise delay in the issue of consents to
proposals for opencast working.

7. If, against this background, the Prime Minister judges that
her 1983 decision should stand, there are two possible ways of
helping the National Coal Board.

8. The first is to remove the requirement for two separate
consents by introducing the delayed legislation to amend the
Opencast Coal Act 1958. This would remove some delay and
bureaucracy. But it would not deal with the political problem
created by the attitudes of some local authorities.

9. The second would be to apply pressure to the local
authorities to operate the planning procedure reasonably. The
NCB would have to press their applications without inhibition,
lodging appeals without delay where appropriate. The
Secretaries of State for the Environment, Wales and Scotland
might need to issue new guidance to authorities and to use their
powers to call in particular applications.

CONFIDENTIAL



10. If the Prime Minister is attracted by either of these courses she might like to raise them with the Secretaries of State for Energy and the Environment in the first instance. The Secretaries of State for Wales and Scotland also have an interest because of their planning responsibilities in the two countries.

RA

ROBERT ARMSTRONG

21 May 1985

CONFIDENTIAL

RTAABH

SECRET



File V/L 277.
SUBJECT
cc Master

10 DOWNING STREET

From the Private Secretary

21 May 1985

COAL INDUSTRY

I attach a copy of Mr. Walker's letter to the Prime Minister of 9 May and records of the Prime Minister's meetings with Mr. Walker and Mr. MacGregor. I should be grateful if these could be retained in the Private Office and shown only to those who need to see them.

ANDREW TURNBULL

Mrs. Rachel Lomax,
H.M. Treasury.

SECRET



bc: P. Gregor

COPY No 3 of 3

10 DOWNING STREET

From the Private Secretary

13 May 1985

MEETING WITH MR MACGREGOR

The Prime Minister met Mr MacGregor today for about half an hour. He emphasised that, despite suffering a reverse in the recent strike, the NUM were regrouping for further challenges. The Prime Minister shared this perception. It was essential therefore to be prepared for further industrial disputes. The subsequent discussion covered the following issues.

(i) Closures and Redundancies

The Prime Minister urged Mr MacGregor to prepare a clear strategy for closures and redundancies. She feared that redundancies might be achieved without being translated into closures.

(ii) NACODS and the Review Procedure

Mr MacGregor described NACODS as the "chosen instrument" of the NUM for putting pressure on the Board. In the longer term, the solution was to change the legislation which enshrined the position of NACODS but this would take two years. The legislation was unsatisfactory as it defined how the NCB should carry out certain tasks rather than setting objectives and standards and leaving it for the Board to decide how to achieve them. The Prime Minister said it was essential for the Board to be seen to be implementing the agreement with NACODS on the review procedure. It would be fatal if the Government and the Board were perceived by the public to be backtracking. Mr MacGregor said he was pressing the idea of a single inspector but the unions still preferred a three-man review body - one of ours, one of theirs, and one acceptable to both.

He expected the result of the NACODS ballot to be a vote in favour of industrial action of 50-60 per cent, ie. over a majority but less than the two-thirds required in the rule book. There was likely to be strong support in the militant areas, matched by equally strong opposition in the working areas. He wondered, however, whether the Government legislation overrode the rule book. (I have since spoken to the Department of Employment who believe the position to be that an overtime ban would be industrial action in breach of

contract and hence within the scope of the legislation. This is, in effect, admitted by NACODS, who have referred to this on the ballot paper. A vote over 50 per cent would preserve the union's immunities but would not override the rule book. The latter does not refer specifically to overtime bans, merely to national strikes and stoppages. On the assumption that an overtime ban is a "stoppage", action to call such a ban with less than a two-thirds vote would be subject to challenge by NACODS members).

(iii) Management and Board Changes

The Prime Minister asked Mr MacGregor about his plans to strengthen the management and Board. Mr MacGregor said he had agreed with Mr Harrison that he should retire soon as Finance Director and as Chairman of Coal Products. This would allow Mr Cowan to retire as Deputy Chairman and take over as Chairman of Coal Products, a process which should be complete by July. He did not propose to appoint a replacement immediately but might appoint two or three Deputy Chairmen later in the year.

Mr Spanton would be retiring around September, though he would stay on as Chairman of NCB Enterprises. Mr Butler would take over as Finance Director and Mr Eaton would succeed Mr Spanton as Director of Personnel. The Prime Minister wondered whether Mr Stanton was the right person for NCB (E). Mr MacGregor said he would be supported by able young executives and would be assisted by two of the non-executives members of the Main Board.

Mr MacGregor explained the background to the establishment of the Executive Committee. Mr Northard was becoming Director of Operations and all the Area Directors would report to him. Mr Moses would be Technical Director. These two would form the centrepiece of the Board's operations. The Executive Committee met weekly, usually in the Midlands, though occasionally in London. It was agreed that the Prime Minister should meet the members of the Committee. I will be in touch to arrange how this might be done.

The Prime Minister asked Mr MacGregor for his thoughts on his own successor. Mr MacGregor suggested that Mr Roger Bexon, currently the Deputy Chairman of BP might be a suitable candidate. The Prime Minister asked whether there were any internal candidates as she felt that the issue of closures might be less contentious if presented by someone with a coal background. She suggested Mr Moses. Mr MacGregor's response was that Mr Moses would need considerable grooming for such a role.

(iv) Publicity

The Prime Minister felt that the Board had given NACODS too free a run and had only belatedly sought to present its side of the case. She urged that Mr Eaton should continue to present the Board's case, as he had done so successfully during the course of the strike.

(v) Coal Movements

Mr MacGreogor said that movements, at 2 mt a week, were meeting the schedule agreed with CEGB. Substantial movements were now being achieved from stocks held at open cast sites. Nevertheless, he felt that CEGB should be urged to rebuild stocks at Rotterdam as a precaution against another dispute. The Prime Minister said she would ask the Department of Energy to consider this idea.

(vi) Open Cast

The Prime Minister asked whether open cast output could be expanded, eg. by increasing operations where planning consent had already been agreed. Mr MacGregor said he had discovered that there was an unwritten agreement (it was not clear who the parties were) to limit open case production to 13 mt a year. He recognised, however, the case for going beyond this. The Board proposed to develop open cast operations in Ayrshire in parallel with the run down of Barony and Killoch. Transferring men from the declining pits to the new operations faced the difficulty that a change of union would be necessary.

(vii) Working Miners

There was a discussion about NCB's policy towards those working miners who had played a prominent role in the back to work movement. Robin Butler will be writing separately about this.

ANDREW TURNBULL

Michael Reidy, Esq.,
Department of Energy

FEPC - To see and return
RCS

NOTE FOR THE RECORD

NATIONAL COAL BOARD

The Secretary of State for Energy came to see the Prime Minister today to express his concerns about the Coal Board and about the performance of Mr. MacGregor as Chairman. This largely followed the account given in his minute of 9 May. Mr. Walker made the following criticisms:

- i) It was very difficult to get from the Chairman a clear picture of his intentions on closures and redundancies.
- ii) Mr. MacGregor's handling of the dispute with NACODS was very unsure. He seemed to be more set on having a showdown with NACODS than on securing agreement on a revised colliery review procedure. In principle, the NACODS ballot was one which ought to be decisively rejected; in practice, as a result of the Board's mishandling, it could well succeed. The handling of publicity generally erratic. For a time the Board had maintained no public presence at all but it had now reacted strongly though probably too late.
- iii) It was hard to reach any understanding with Mr. MacGregor about future Board appointments.

In summary, Mr. MacGregor appeared to be erratic and indecisive.

Mr. Walker said the best outcome for the Government was for Mr. MacGregor to serve his remaining term but in increasingly non-executive capacity. For the Chairman to leave now would appear as a vindication of the NUM/Labour Party position that his appointment was misguided. Mr. Walker believed that the next Chairman should have a coal industry background and be someone who could handle successfully the public relations aspects of the job. Beneath him there could

be a Chief Executive brought in from outside, perhaps with a financial background. By contrast, the Chairman seemed to prefer outsiders for the key Board positions. In particular he favoured Mr. Newbigging whom Mr. Walker regarded as unsuitable.

Mr. Walker said he was anxious to replace the Deputy Chairman, Mr. Cowan, as soon as possible. Mr. MacGregor had at one stage agreed that this should be done quickly but he was now procrastinating. Mr. Walker envisaged replacing Mr. Cowan with one of the existing senior managers on the Board who might subsequently go on to become Chairman. The main contenders were Mr. Eaton, Mr. Edwards, Mr. Moses and Mr. Wheeler. Mr. Eaton was well known publicly, had proved a good communicator but had a tendency to flap under pressure. Mr. Edwards had been successful on the marketing side but had no experience of production. Mr. Moses had been tough and successful in North Derbyshire but had no experience at national level. Mr. Wheeler, though extremely able, had generated a great deal of hostility with the unions which probably disqualified him for promotion in the immediate future. He was, however, young and would be a contender in a few years' time. On balance, Mr. Walker favoured Mr. Moses and he suggested that the Prime Minister should find an opportunity to meet him.

Mr. Walker mentioned that Mr. Siddall's health had improved greatly following heart surgery but to reinstate him at the Board would appear as a reversal for the Government.

The Prime Minister said that she would shortly be meeting Mr. MacGregor and would question him hard on:

- closures and redundancies
- the review procedure
- the dispute with NACODS
- Board appointments

AT

Andrew Turnbull

10 May 1985

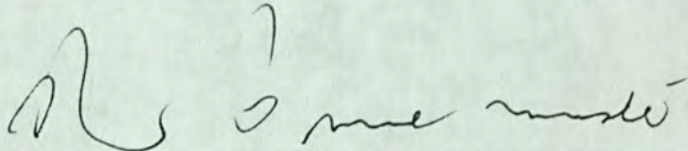
SECRET

Prime Minister

This is extremely disturbing <

BT 8/15

PRIME MINISTER



I want you to be aware of my very real concern at what is happening at the National Coal Board at present.

You will know that I have arranged to see Ian MacGregor once or twice a week. The purpose of this is not to interfere in the running of the business - indeed there has been no Government intervention apart from writing the cheques - but simply to keep abreast of developments and to understand how the NCB intend to end the huge financial drain and to bring the industry to break-even.

Over recent weeks we have discussed his strategy for the industry. In fairness to him the task of reconstruction is enormous, as we all recognise. The need for clarity of thought and direction is essential.

But even making allowance for the magnitude of the task I must report that I am far from satisfied with his performance. I have told you how, at various meetings, the figures he has given me show frequent and major changes through successive meetings. For example, at the meeting that took place on 1 May he said his target was to reduce men on colliery books from 171,000 to 140,000 by March 1986. Today he said the target figure for that date was 149,000, and when challenged said perhaps there was still hope of 145,000. The 140,000 seems to have receded to March 1987. His presentation, if not his perception, seemed muddled.

I have a much more immediate anxiety about the NCB's relationship with NACODS and its bearing on the standing and reputation of the Government. I do not want to see NACODS taking industrial action which the public thinks is justified because they believe the NCB is not honouring the NACODS agreement on pit closures. The outcome of the NACODS ballot is likely to be known over the weekend. Ian had previously told me how determined his management were to prevent the NACODS executive from inflicting further disruption upon the industry, and I understood from him that in this area he would continue to use Michael Eaton as his main public spokesman. He also said he was confident the NACODS executive would not obtain the necessary two-thirds majority from the members.

I sincerely hope he is right. The reality of the past two weeks in particular has been that NACODS spokesmen have enjoyed unparalleled access to the media which has gone virtually unchallenged by the Board. When David Hunt visited the Point of Ayr colliery he was shocked to discover that the mood on the ground amongst NACOD members was much inflamed by what they had been led to believe by their executive. The Board's industrial relations director told my officials today, in confidence, that he feared the result could now swing against the Board with the prospect of an overtime ban, perhaps leading to a strike if the Board then played their cards wrong. Michael Eaton has not appeared as the Board's spokesman: he has been sent back to Yorkshire because Mr MacGregor judges his most important task lies there.

Last night my press department phoned me after the nine o'clock television news, which I had not seen, to tell me there had been an item about the closure of two North East pits, and that again Mr McNestry had claimed the Board was violating existing agreements without consultation. Given the imminence of the ballot I telephoned MacGregor to ask how the Board would be responding. His immediate reaction was to criticise me for

paying too much attention to the threat posed by the union. He did however say that NACODS certainly had been consulted about the two closures. Thus, the Board had a good story to tell. So I urged him to tell it without delay.

When I had my regular meeting with him today he had obviously thought further about the matter, and has issued the attached statement. It is an attempt to be constructive, but there is a hostage in the last paragraph which implies that procedures are only working normally in the areas that worked during the strike. The Board's spokesman today, who had the unenviable task of trying to rescue the Board from the brink, was Mr Spanton, who performed quite well, though he is no dazzling star.

My discussion today was a difficult one, but I gathered more clearly than ever before that MacGregor is determined to have and to win a confrontation with NACODS even if this means a strike. I said I hoped this could be avoided and I reminded him of his earlier optimism about the ballot. I also pointed out that if by any chance his personal optimism was unfounded and a strike occurred both the Government and the Coal Board could face serious difficulties with public opinion. He seemed unmoved by this.

I have made it clear that if, by chance, NACODS do take industrial action of any kind, there must be the closest consultation between the Board and the Government about how it is handled. Apart from the reputation of the Government, this would affect the rebuilding of power station coal stocks.

Our discussion also touched on the question of Mr Cowan's retirement as Deputy Chairman. MacGregor is now talking of "midsummer" and does not wish to commit himself to June, as we earlier agreed, when Cowan was to become chairman of Coal Products Ltd. He said Cowan had reservations which might be

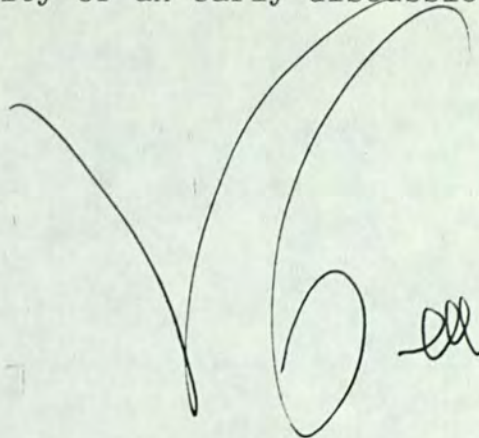
"worked out". But it is clear to me that he is shifting his ground on timing, if not substance.

The Coal Board is a leaky place. As it happens we had already had intelligence from several sources that Mr MacGregor is determined to keep Cowan on for a longer period.

MacGregor knows that I consider the time has come to grasp the nettle. Cowan's tenure as Deputy Chairman is proving very bad for morale at the Board. Indeed, I reminded MacGregor that this had been his view when he suggested a knighthood for Cowan.

I believe that we have a rather uncertain personality guiding events at present. He has an impossibly large task as Chairman and Chief Executive of a demoralised, ineffective, organisation. At minimum I believe we need to appoint one or two new Deputy Chairmen from June, despite the risk that MacGregor will disagree and that he could take this to its ultimate conclusion and resign. But I still believe this to be a necessary intervention.

I know that David Hunt and Ken Couzens share my view that there is a problem of sizeable proportions to be tackled urgently. I would welcome the opportunity of an early discussion with you.



SECRETARY OF STATE FOR ENERGY

9 May 1985



Public Relations

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

NO CLOSURES OUTSIDE COLLIERY REVIEW PROCEDURE

NCB's Assurance to Unions

An assurance that no pit will close without the opportunity of consideration under the Colliery Review Procedure has been given by the National Coal Board to the industry's trade unions.

The assurance was given yesterday (Tuesday) by Board Member for Personnel Mr. Merrik Spanton, to the leaders of NACODS, BACM and the NUM at their meeting of the joint sub-committee discussing modification to the Colliery Review Procedure.

The unions sought an assurance that there would be no closures outside the Review Procedure. "I made it perfectly clear that no pit would close unless it went through the Procedure" said Mr. Spanton.

That assurance applies to all coalfields and Mr. Spanton expressed surprise that NACODS Secretary Mr. Peter McNestry had questioned the Board's intentions in the North East.

The National Coal Board announced to the unions on March 27, 1985 that an urgent review was in progress to assess the condition of the seriously strike damaged collieries.

2/Cont'd...

"It was clear that in a limited number of cases the damage and future prospects may prove to be so bad that the cost of re-opening will not be justified" said Mr. Spanton. "At other collieries partial re-opening or redevelopment may be the right thing to do. Where temporary or permanent job losses have occurred, redundancies are being arranged and men are leaving under the Redundancy Scheme. The number of volunteers is substantially in excess of the jobs that will be redundant".

"The National Coal Board are consulting with the unions locally as soon as any decisions are taken which involve job reductions or other action short of closure. Whenever closure is proposed, the colliery will go through the Review Procedure."

Mr. Spanton said that by the end of June 1985 all of the damage would have been assessed and the appropriate decisions taken. From that date all collieries would be operating under the normal Colliery Review Procedure.

"It must also be emphasised that the normal Colliery Review Procedure is operating now in all of the Areas which worked during the strike," Mr. Spanton continued. "There have been few problems where safety cover was provided. The most serious problems have arisen where safety cover was not provided and where the collieries could not be properly inspected."

Press Office (2057)

8 May 1985

SECRET

Copy No: 4
of 4 copies

File

SUBJECT
cc Master 27C

NOTE FOR THE RECORD

COAL INDUSTRY

Following the meeting of Cabinet on 16 May, there was a brief discussion of problems in the coal industry. Present were: the Prime Minister, Chancellor of the Exchequer, Secretary of State for Energy and Mr. Gregson.

The Prime Minister said she had pressed Mr. MacGregor to make progress in negotiating a modified Colliery Review Procedure with NACODS; to produce a clear strategy for redundancies and closures; and to complete the changes in management and Board appointments. Ministers should be looking ahead to the kind of person who would succeed Mr. MacGregor, as the forthcoming vacancy at Deputy Chairman level would provide an opportunity to bring forward a suitable candidate. In principle, she saw merit in an internal appointment as the next Chairman. Someone with a coal industry background might find it easier to carry through a programme of closures. The leading candidates of this kind were Mr. Moses, Mr. Northard and Mr. Eaton.

In discussion, it was noted that none of these internal candidates had significant experience at the national level, and appointment of any of them would involve an element of risk. The meeting then considered possible external candidates. One was Mr. Roger Bexon, currently Deputy Chairman of BP. He was described as lively and articulate, but his background was in gas rather than coal. Mr. Ken Durham had a number of excellent qualities, but it was thought unlikely he could be tempted from Unilever. Another possibility was Mr. Bob Haslam. He had proved an effective manager at BSC and had the advantage of having started his career as an engineer in the coal industry.

/ The Secretary

SECRET

The Secretary of State for Energy hoped the current round of management changes and Board appointments could be settled by end-June. He agreed to reflect further on the points made in the discussion.

AS

Andrew Turnbull

21 May 1985

cc: Mr. Michael Reidy, Department of Energy
Mr. Peter Gregson, Cabinet Office
Mrs. Rachel Lomax, H.M. Treasury

IST

SECRET

PRIME MINISTER

COAL INDUSTRY

Coal Stocks

The attached return indicates that over the last three recorded weeks coal movements have been on the schedule needed to reach six months endurance (23 mt) by end October which you agreed with Mr. Walker and the Chancellor in March. When you spoke to Mr. Walker recently, you asked him to consider raising the target to 28 mt. His minute and the Annex attached set out the implications of this. His conclusion is that, setting aside the NACODS dispute, 23 mt is the most that can be achieved by movements from NCB pits. 28 mt could be achieved only by importing coal or by oil burn. Either would cost an extra £400-500 million on the PSBR. The issue has now become whether 23 mt can be achieved if the NACODS overtime ban continues for any length of time.

Agree a meeting to look at this issue again when the extent of disruption being caused by NACODS has become clearer? *Yes not*

Endurance

Material for a meeting on the lessons of the strike and on the preparations needed for another should be ready by about mid-June.

SECRET

SECRET

-2-

Closures and Redundancies

You pressed Mr. MacGregor to set out his objectives on closures and redundancies and he has now sent some material to the Department of Energy. A meeting to discuss this and the acceleration of open-cast mining will be needed soon after Whitsun.

AF

20 May, 1985

SECRET



27A

SECRETARY OF STATE FOR ENERGY

THAMES HOUSE SOUTH
MILLBANK LONDON SW1P 4QJ
01 211 7214Andrew Turnbull Esq
Private Secretary to the
Prime Minister
10 Downing Street
LONDON SW1

20 May 1985

Dear Andrew
COAL INDUSTRY

Thank you for your letter of 26 April, listing a number of topics discussed by the Prime Minister and my Secretary of State on 24 April. I set out my Secretary of State's views on the handling of these topics in this letter, which also takes account of relevant parts of your further letter of 13 May recording the Prime Minister's conversation that day with Ian MacGregor.

- (i) Replenishment of power station stocks. I attach a note on the logistics and financial implications of setting a target of 28 million tonnes of coal stocks at the power stations in substitution for the target of 23 million tonnes by the autumn (6 months endurance) agreed when Ministers last discussed this in March.

The CEBG and NCB are now working to an agreed programme designed to achieve the 23 million tonnes by October/November. My Secretary of State is monitoring achievement very closely. The programme is broadly on course, as Mr MacGregor indicated: although there is nothing to spare at present because a good performance on delivery has been balanced by higher consumption attributable to the unseasonably cool weather.

The uncertainties about achieving 23 m tonnes include the effects of the overtime ban by NACODS; the risk of industrial action on the railways; and the rate at which, disruption apart, the coal industry can complete its recovery to normal production.

On the higher target, both Boards are at present saying that 23 million tonnes is close to the maximum which can be achieved by this autumn by delivery of UK coal. This judgement assumes optimum use of the nuclear component, consistent with availability during the winter. The Boards are having to cope with the maldistribution of



stocks at both pits and power stations which resulted from the strike.

The NCB commercial interest is to rebuild power station stocks from UK coal to the limit of the possible. So when Mr MacGregor suggests that the CEGB should rebuild stocks at Rotterdam, that tends to confirm that there is not much scope for going beyond 23 m tonnes out of UK coal. In fact, however, the Rotterdam stock did not help endurance during the recent strike. The difficulty for the CEGB was not to obtain foreign coal but to import it. If importing can be freely undertaken, there is no great difficulty about obtaining coal overseas and little advantage in spending money on a Rotterdam stock pile.

Unless therefore the judgement of the two Boards is quite wrong - and our best assessment is that it is not - to achieve a further 5 million tonne increase in stocks by this autumn, or anything approaching it, would require large extra coal imports or a large extra oilburn, or some of both. Any combination of extra imports and extra oilburn to achieve an extra 5 million of stock would be likely to add between £400 million and £500 million to the PSBR, and rather more (because of oil duties) to the level of public expenditure. Both imports and oilburn would be visible and would require the acquiescence of the trade unions in the transport and electricity supply industries as well as in the coal industry itself.

There is therefore a judgement to be struck between the high PSBR and balance of payments costs of coal imports and oilburn, and the advantages of raising endurance by the autumn beyond 6 months. It is hard to believe that the NUM could again face a prolonged strike as soon as next winter. Mishandling of NACODS could produce loss of output but again it is difficult to envisage this leading to a stoppage of a large part or all of the coal industry for many months on end.

- (ii) Long term power station endurance. As your letter said, the CEGB is conducting an appraisal of the options which will not be available until June. A report for Ministers on lessons of the strike is also being prepared in the Cabinet Office (MISC 57). My Secretary of State proposes to consider both reports together and to bring to his colleagues his conclusions on longer term power station endurance in the light of that.



(iii) NCB programme: Closures and redundancies. My Secretary of State notes that the Prime Minister spoke to Mr MacGregor about this on 13 May. Since the end of the strike the NCB has been concentrating on short-term planning, but my Secretary of State has repeatedly pressed for a longer term programme leading to break-even. Provisional Area Budgets for 1985/6, with preliminary plans for 1986/7, were adopted by the Board on 10 May, and a brief summary of the Board's targets, for these 2 years only, was made available to my Secretary of State last week. My Secretary of State is anxious to discuss this plan with the Prime Minister and the Chancellor when the material made available by Mr MacGregor has been confirmed, examined and amplified. He is pursuing this urgently with Mr MacGregor.

(iv) Acceleration of opencast mining. My Secretary of State welcomes the proposal for an early meeting with the Secretary of State for the Environment on speeding up the present approval process for opencast sites. Some Labour Councils have shown reluctance to approve opencast operations which they see as unwelcome competition to deep mining and the NUM.

This situation has a bearing both on endurance and on the finances of the NCB. Opencast coal supplies do represent some element of diversification in the sources of UK coal for power stations and industry; and the manpower in them is mainly in the TGWU, not the NUM. The operations on site are undertaken by the private sector. Opencast operations are profitable to the NCB and loss of part or all of that profit would impair the Board's ability to achieve break-even by 1987/88.

It follows that the question of opencast mining, and of planning permission for it, arises on both items (iii) and (v) of your letter (the break-even plan and the longer term structure of the industry). My Secretary of State sees the immediate requirement as being to ensure a proper flow of planning approvals.

(v) Longer term structure of the coal industry. My Secretary of State feels that it would be much easier to consider sensibly the longer term structure of the industry when an effective plan for achieving break-even and eliminating grossly uneconomic capacity has been approved and put in place. For example, the shape and balance of the regions of the Coal Board will only be evident when the break-even programme is clear; and the future of opencast depends on it not being frustrated by



the planning machinery. He would be very ready to put in hand work in these areas as soon as there is a basis on which to build.

- (vi) Personnel changes in the NCB. My Secretary of State is in touch separately with the Prime Minister about this and has noted your record of the Prime Minister's discussion with Mr MacGregor on this subject.

I am copying this letter to Rachel Lomax and to Peter Gregson, with the same injunction that distribution is on the strictest need-to-know basis.

*Yours sincerely
Michael*

M F REIDY
Private Secretary



IMPLICATIONS OF STOCK BUILD TO 28MT AT CEGB POWER STATIONS
BY END OCTOBER 1985.

NOTE BY DEPARTMENT OF ENERGY OFFICIALS

1. As requested in the letter of 26 April from No.10, we have examined the logistic and financial implications of rebuilding coal stocks to 28mt by the end of October 1985. The following paragraphs reflect the present views of the CEGB and NCB but if Ministers decided that they wished to set a new target of 28m tonnes, further detailed consultation and planning with the two Boards would be essential. Views of what can be done to move stocks or to exploit the existing system change constantly, in both directions, in the light of experience, as was shown during the strike.

LOGISTIC IMPLICATIONS

2. The CEGB and the NCB are at present working to an agreed programme aimed at a stock at the end of October of 22.9mt. The two Boards judge that that programme is close to the maximum that can be achieved on the basis of UK coal. A target of 28mt would require a further 5mt of coal at CEGB power stations. There are two main ways of achieving this: increased coal imports or increased oil burn.

Increased Coal Imports

3. The CEGB's coal import facilities in the south eastern stations are being used to capacity in the present restocking programme, taking in both NCB coal from the North East and imports from the Rotterdam stockpile. Any further imports would therefore have to come in through limited port facilities and be trans-shipped by road or rail to the power stations. Possible routes would be Birkenhead to Fiddler's Ferry, Cardiff/Newport to Didcot and the East Coast ports to the Aire Valley stations. Such an exercise would require careful planning. The best estimate that we have been able to make is that up to 3m tonnes might be moved in the time available. The CEGB could probably obtain this quantity on the international coal market, though it might find itself obliged to enter into some longer term commitments in order to achieve delivery in such a limited timescale.

4. Increasing coal imports in this way would be a high profile operation. It might tempt extremists in some unions (e.g. NUS, NUR, TGWU) to try to interfere with it. Deliveries through South Wales ports and Merseyside might become targets, particularly if at the same time local pits were being closed.



Increased Oil Burn

5. If 3m extra tonnes of imported coal could be added to power station stocks by October, that could be raised to 5m tonnes by 1.2m tonnes of extra oilburn. This could be achieved without difficulty. In fact, only increased oilburn would guarantee achievement of the target. To provide the whole 5mt in this way would mean burning an extra 3mt of fuel oil. This could be achieved at the main oil-fired stations by running them up to 12 hours a day for 5 days a week. It would not be necessary to move to oil overburn at coal-fired stations. Such an operation would quickly become public knowledge and might be resisted e.g. by the NUS, but it would be less likely than coal imports to cause industrial relations problems.

Scottish Interconnector

6. There is some scope for exporting to the CEGB additional electricity produced by Scottish coal-fired stations. For several reasons these exports would be less than the full capacity of the interconnector, which would be equivalent to 1½m tonnes over 6 months. First, there is no advantage in burning oil in Scotland to increase these exports. Secondly, there is a need for work on one interconnector to begin linking it to the new nuclear station at Thorness. Third, the scope for taking Scottish electricity in the north of England is at present reduced because Blyth power station in Northumberland is at present being used to an exceptional degree to maximise the ability of the CEGB to take NCB coal. The stock gain to the CEGB is therefore difficult to quantify. It might be several hundred thousand tonnes over 6 months but less than 1m tonnes unless oil were burned. This would contribute to a 28m tonnes target for the CEGB and make some contribution to improving the endurance value of the total coal stock; but its effect is to shift coal from Scotland to England rather than add to total national stocks.

FINANCIAL IMPLICATIONS

7. Either increased coal imports or increased oil burn would impose heavy additional costs in 1985/86. Allowing for extra interest and stocking costs, a 5m tonne addition to coal stocks by importing 3m tonnes and burning 1.2m tonnes of oil would add about £420m to the PSBR (and over £300m to the import bill) in 1985/86. The delivered cost of coal would be high because of the routes which would have to be used. To achieve 5m tonnes of extra stock by burning 3m tonnes of oil would add about £480m

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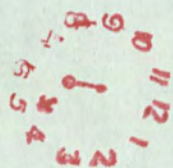
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to the PSBR, and much the same to imports. The cost to the electricity industry in both cases would be higher, mainly because of heavy fuel oil duty. It seems likely that they would make it a condition that the Government, rather than the consumer, met the financial consequences of such a programme by relaxing the EFL for 1985/86.

8. The extra 5m tonnes of stock-build by October 1985 might be regarded as a bringing forward of stock-building which would otherwise have taken place in 1986/7. On that basis the extra cost to the electricity industry in 1985/6 would be partly offset by a reduction of about £250m in coal purchases in 1986/7. But the reduction would be at the expense of the NCB, so there would be not net PSBR saving. And a loss of sales of this magnitude would be a serious setback to NCB attempts to breakeven. The effect of bringing the 5m tonnes of stock-building forward would be to achieve it by importing (coal or oil) rather than by UK coal output.

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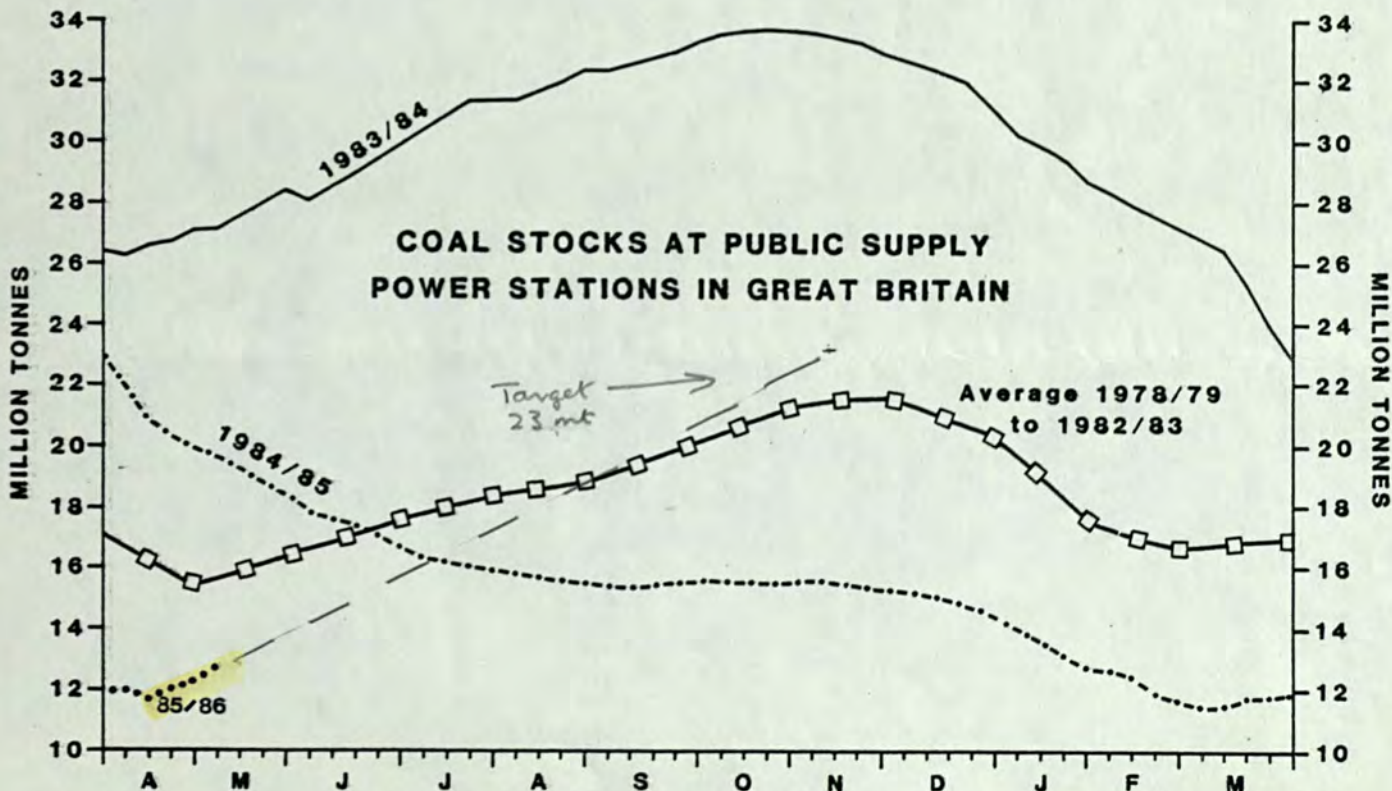
WEEKLY COAL AND POWER STATION STATISTICS (1)

20 May 1985

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

Week ending		7.5.83	5.5.84	13.4.85	20.4.85	27.4.85	4.5.85	
		(6)		(5)				
COAL	PRODUCTION							
	deep mines+	1.80:	0.43:	1.01	1.54	1.67	1.71	
	(m. tonnes) opencast+	0.22:	0.31:	0.05	0.32	0.36	0.31	
	TOTAL	2.02:	0.75:	1.06	1.86	2.03	2.02	
COAL	PRODUCTIVITY(2)							
	'overall'	2.47:	2.14:	2.01	2.15	2.31	2.38	
	'production'	10.64:	10.27:	9.22	9.87	10.35	10.55	
	UNDISTRIBUTED STOCK							
	(m. tonnes) TOTAL	25.61:	21.98:	18.50	18.19	17.69	17.34	
POWER STATIONS	COAL STOCKS	(m. tonnes)	27.14:	19.63:	11.74	12.05	12.33	12.79
	COAL CONSUMPTION	"	1.49:	0.71:	1.53	1.56	1.66	1.62
	COAL RECEIPTS	"	1.54:	0.40:	1.28	1.86	1.99	2.08
	OIL STOCKS(3)	"	1.12:	0.83:	1.11	1.10	1.07	1.05
	OIL CONSUMPTION(3)	"	0.05:	0.39:	0.02	0.02	0.03	0.03
	OIL RECEIPTS(3)	"	0.04:	0.44:	0.01	0.01	0.01	0.01
	ELECTRICITY SUPPLIED (4)	(GWh)						
	Nuclear	"	679:	965:	1,077	1,025	916	1,021
	Other Steam	"	3,549:	3,164:	3,507	3,513	3,952	3,735
	TOTAL	"	4,227:	4,129:	4,584	4,538	4,868	4,756
TOTAL - temperature corrected	"	4,227:	4,147:	4,542	4,621	4,544	4,628	

(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.
 (5) Includes Easter Monday. (6) Includes May Day Bank Holiday.
 .. data not yet available. + includes licensed production.



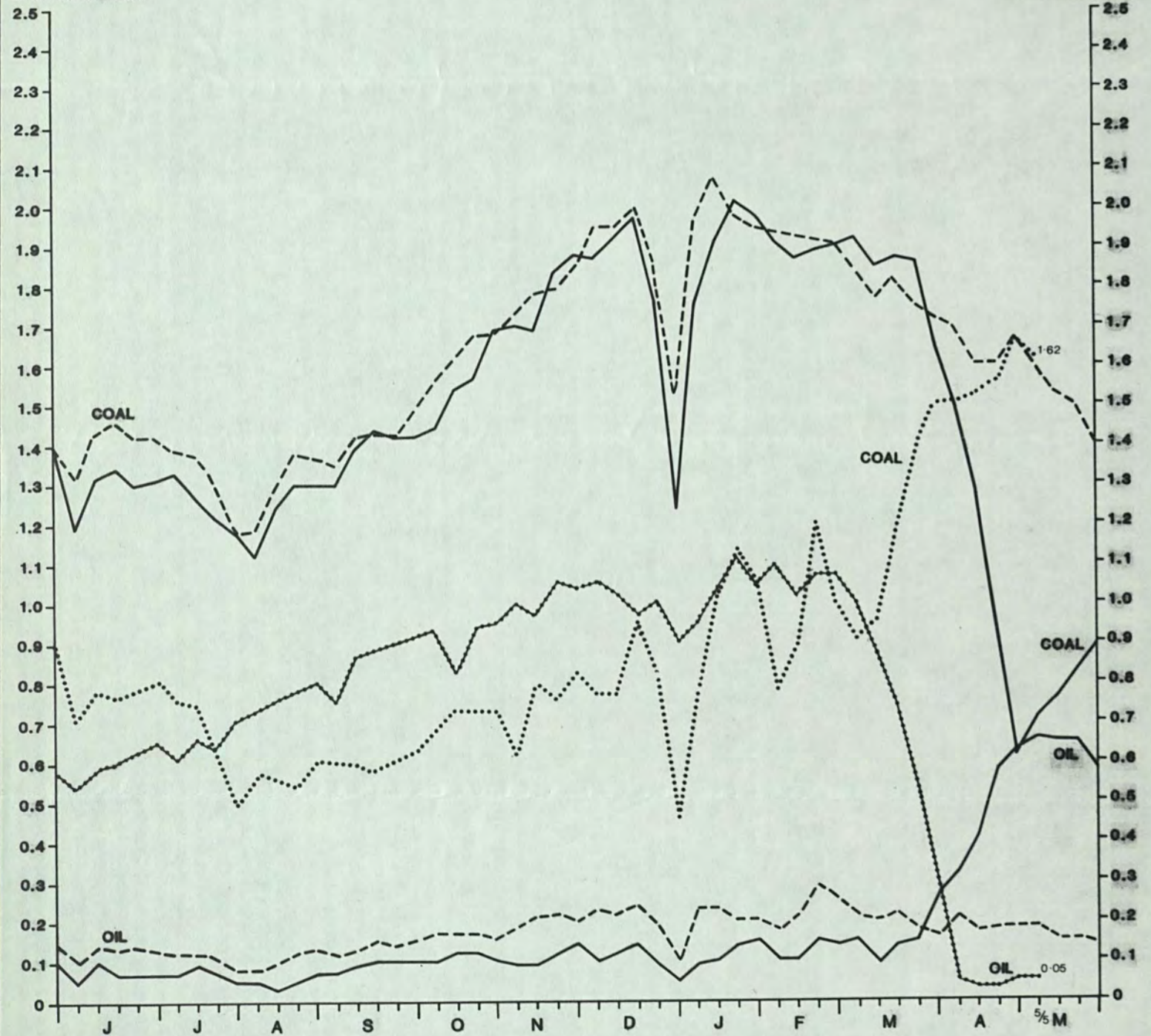
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COAL CONSUMPTION AND OIL CONSUMPTION (OIL-FIRED) AT
PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

COAL } June 84 to May 85
OIL } June 83 to May 84
----- } Average 1978/79 to 1982/83

MILLION TONNES
OF COAL OR
OIL EQUIVALENT

MILLION TONNES
OF COAL OR
OIL EQUIVALENT



CONFIDENTIAL

20 MAY 1985

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Ref. A085/1381

PRIME MINISTER

Lessons of the 1984-85 Miners' Strike

On 4 March the Ministerial Group on Coal agreed that the Official Group on Coal (MISC 57) should put in hand a study of the lessons of the coal dispute (MISC 101(85) 9th meeting). ← attached at back
 The Group's report is now attached.

2. As the Chairman's note explains Ministers are invited to endorse a number of specific points for follow-up action in the report: on physical endurance (paragraph 2.10), law and order (paragraph 3.31) and on other matters (paragraph 4.24).

3. In order to assist you in deciding whether a meeting is needed to consider the report, it would be helpful if the other Ministers who have been sent copies would let your office know as soon as possible whether they are content to endorse the points for follow-up action.

We shall meet to discuss.

4. I am sending copies of this minute and the attached report to the Lord President, Home Secretary, Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Wales, the Environment, Trade and Industry, Employment and Transport and the Attorney General.

RA

ROBERT ARMSTRONG

20 May 1985

LESSONS OF THE 1984-85 MINERS' STRIKE

Note by the Chairman of the Official Group on Coal (Misc 57)

The broad lessons of the 1984-85 miners' strike are clear and widely acknowledged. It ended in defeat for the miners for three main reasons: the work done before and during the strike to sustain power station endurance; the inability of the leaders of the National Union of Mineworkers (NUM) to secure either nationwide support for the strike from their own members or effective sympathetic industrial action from other trade unions; and the success of the police mutual aid arrangements in preventing those who did not voluntarily support the strike from being coerced into doing so.

2. A more detailed examination has been set in hand in many separate areas to see how any constraints encountered during the strike can be removed and how any new opportunities which emerged can be better exploited in the future. For example:

- i. the NCB is considering its future strategy;
- ii. the Electricity Boards are studying ways of improving power station endurance;
- iii. the Home Office will be reviewing various aspects of policing during the strike with individual Chief Constables, the Association of Chief Police Officers, and the local authority associations. The Scottish Office will keep in touch with this work;
- iv. the Department of Employment has considered the effect and operation of the industrial relations legislation enacted since 1979, and is in particular considering whether there should be further protection for individual members of unions against the threat of expulsion or other sanctions imposed by their unions.

3. Other particular matters being dealt with separately are: assistance through supplementary benefit for mortgage interest payments (in the social security review); financial assistance for strikers and their families from local authorities (in the Widdicombe Inquiry); and improvements in the law relating to public order (legislation planned for the next Session).

4. The outcome of most of this further work is not yet available. The Official Group on Coal (MISC 57) has however attempted in the attached report an overall preliminary view of the lessons of the strike, summarising the main factual information about it and identifying some specific points for follow-up action, many of them in the context of the separate detailed reviews in progress elsewhere.

5. Section 1 provides a short historical perspective of the strike supported by a detailed chronology in Annex A; Section 2 deals with physical endurance; Section 3 deals with law and order (the use of the civil law, policing and public order, and the workload on the courts); and Section 4 deals with various other factors affecting the strike (support from other unions, the financial resources of strikers, communications with the workforce and the public, and arrangements for coordination within Government).

6. Ministers are invited to endorse the specific points for follow-up action listed at the ends of Sections 2, 3 and 4, ie:

paragraph 2.10 (physical endurance) on pages 9 to 11

paragraph 3.31 (law and order) on pages 24 and 25

paragraph 4.24 (other factors) on pages 35 and 36.

LESSONS OF THE 1984-85 MINERS' STRIKE

Note by Officials

SECTION 1: INTRODUCTION

1.1 The strike by the National Union of Mineworkers (NUM) began on 12 March 1984. It had been preceded by an overtime ban since October 1983 in protest against the National Coal Board's (NCB) 5.2 per cent pay offer. The strike was against pit closures and the immediate occasion for calling it was the announcement on 1 March 1984 of the closure of Cortonwood colliery in Yorkshire followed by a paper on the need for output reduction tabled by the NCB at a meeting of the Coal Industry National Consultative Committee on 6 March 1984. The strike effectively ended on 5 March 1985 when a substantial majority of those still on strike returned to work without an agreement in accordance with a decision by a Special Delegate Conference of the NUM. A chronology of the major events is at Annex A.

1.2 The main phases of the strike were as follows:

i. the opening phase (March-early May)

During this phase the pattern of the strike was established. It became clear that the miners in Nottinghamshire and some other Midlands pits were determined to continue working and that efforts to picket them out had failed. It also became clear that the NUM leadership was not prepared to risk a national strike ballot, even after reducing the test to a simple majority. The initial round of measures to prolong power station endurance took effect.

ii. the main negotiating phase (late May-end October)

During this phase the NUM attempted to secure assistance from other unions to intensify and extend the effects of the strike to bring pressure on both the Government and the NCB to force concessions in negotiations. Political pressures were also fostered. Despite securing a pledge of "total support" from the TUC Congress early in September assistance from other unions was effectively confined to two short national dock strikes, sympathetic action by the rail unions which impeded the movement of coal, lighting-up oil and iron ore and a strike threat from the National Association of Colliery Overmen, Deputies and Shotfirers (NACODS).

This ended when agreement was reached with NACODS in late October, without a parallel agreement with the NUM.

iii. the closing phase (November-early March)

During this phase the failure to secure concessions in negotiations acceptable to the leadership and a growing awareness that electricity supplies would remain secure throughout 1985 precipitated a substantial return to work (15,000 during November and December, and an accelerating trend during January and February bringing the number of NUM members not on strike to over 50 per cent by the end of that month.) When a final attempt by TUC leaders to promote a settlement was rebuffed by the NUM Executive and the TUC made it clear that there was no further scope for negotiations, rank and file support for the strike, even in areas most loyal to the NUM leadership, effectively collapsed.

1.3 The main features of the strike were:

i. Following several failures to achieve support for strikes in national membership ballots the NUM President and National Executive Committee (NEC) decided not to hold a national ballot but to sanction strikes called by individual areas.

ii. In those areas which voted not to strike, intimidatory, violent and illegal picketing was organised, often with pickets supplied from striking areas, to prevent NUM members from working. That these efforts were unsuccessful was due to the determination of NUM members not to be bullied into action for which they had not voted and extensive police operations involving the participation of every police force in England and Wales under the mutual aid arrangements, and, of more than half the police forces in Scotland.

iii. The rapid introduction at the beginning of the strike of oil burn in power stations, taken together with high power station and accessible pithead coal stocks, maximum use of nuclear power stations and the Anglo Scottish interconnector and the production from working pits, meant that at no time did the strike jeopardise public power supplies.

iv. In spite of difficulties posed by the railway and seamen unions to the movement of coal from working pits an effective road movement system was organised that coped not only with moving coal to some power stations but also with moving coal, coke and iron ore to the major British Steel Corporation (BSC) works.

v. The direct loss of GDP in 1984-85 due to the strike is estimated to have been about 1.25 per cent; industrial production was reduced by about 3.5 per cent. The effects of the strike were mainly confined to the coal and electricity industries - manufacturing output in 1984 increased by 3.5 per cent, faster than in 1983. Public expenditure in 1984-85 increased by some £2.5 billion as a result of the strike, over two-thirds on additional oil-burn for electricity generation. This, together with higher net imports of coal, worsened the trade balance by about £4bn. Overall the economy withstood the strike in remarkably good shape.

vi. Despite promises of support for the NUM from other unions, the TUC and the Labour Party, very little practical support was actually given and that which was, proved largely ineffective.

vii. For most of the strike public opinion was hostile to the NUM leadership because of the lack of a national ballot, their failure to condemn and prevent violence and intimidation, and their perceived political stance and obduracy in negotiations. The NCB nevertheless received a bad press from time to time until late October when they appointed an effective regular spokesman (Mr Eaton).

viii. The strike gave rise to an unprecedented number of legal actions both civil and criminal. The successful use of the civil law against the NUM broke new ground in many important areas and particularly in the protection afforded by the common law to a union's members against the union. The volume of criminal cases created an exceptional workload for both magistrates and Crown Courts and special measures were taken in England and Wales in order to lessen delays in the handling of cases.

1.4 The remaining sections of this report deal in more detail with physical endurance (Section 2), law and order (Section 3) and other factors affecting the strike such as support from other unions, the financial resources of strikers,

communications with the workforce and the public and organisation within Government (Section 4).

SECTION 2: PHYSICAL ENDURANCE

Earlier planning

2.1 Work done prior to the strike had rested on the following analysis:

- i. The two most recent miners' strikes (7 weeks in 1972; 4 weeks in 1974) had been settled quickly on the miners' terms largely because of the threat to electricity power supplies.
- ii. Plans should therefore be made to permit power station endurance of at least 6 months based on power station stocks of coal and ancillary materials, and maximum use of oil-fired and nuclear capacity and of the Scottish interconnector.
- iii. Large industrial coal consumers (particularly the cement industry) should be encouraged, through financial incentives offered by the NCB, to build up stocks somewhat above the 10 weeks supply thought to be usual.
- iv. No special arrangements would be made for small industrial and commercial users or domestic customers.

2.2 By the time the overtime ban started at the end of October 1983 coal stocks at power stations in Great Britain were at an all time high of 33.6 million tonnes, adequate (together with supplies of ancillary materials such as lighting-up oil) for at least 6 months' endurance even allowing for high winter consumption. By the time the strike began in early March these stocks had been reduced to some 26m tonnes but this was still expected to provide 6 months' endurance at low summer rates of consumption. The assumed maximum rate of oil-burn was 350,000 tonnes a week, displacing about 650,000 tonnes a week of coal usage.

Endurance achieved

2.3 The CEGB was able to meet in full all demands placed on it throughout the year's strike and 5 months' overtime ban which preceded it. This included meeting the highest ever system demand of 46,215 MW on 17 January 1985. At the time the

strike ended endurance was expected to last for at least a further 10 months into early 1986.

2.4 The earlier analysis proved correct in the emphasis placed on power station endurance and the main methods adopted for securing it. The following developments had not, and probably could not have been, foreseen:

i. the willingness of most miners to stay on strike for as long as a year, despite growing financial hardship and little evidence of effective pressure on the NCB;

ii. substantial continuing coal production;
(Deepmined output in Nottinghamshire and the South Midlands rose from 70 per cent to 80 per cent of normal during the strike; overall deepmined output ran at about 20 per cent of normal until October and then increased to nearly 50 per cent by the end of the strike; opencast production ran throughout at around normal levels; deepmined and opencast production together increased from 27 per cent to 58 per cent of normal over the period of the strike).

iii. substantial continuing coal movement;
(Most opencast coal produced during the strike was not moved - see para 2.9 iii below. NCB deliveries ran at an average of about 600,000 tonnes a week, of which 400-450,000 tonnes went to the CEGB, until the autumn; thereafter deliveries were stepped up steadily increasing in total to around 1 million tonnes a week overall with nearly 700,000 tonnes a week to the CEGB, by the end of the strike; significant amounts of coal were moved by road to circumvent sympathetic action by the rail unions, with deliveries to the CEGB exceeding 500,000 tonnes per week on a number of occasions.)

iv. greater scope for oilburn than assumed earlier
(At maximum 550,000 tonnes a week, displacing over 1 million tonnes of coal.)

2.5 In Scotland no coal was delivered to power stations at any time during the strike and SSEB coal stocks fell from 2.5 million tonnes in March 1984 to around 0.5 million tonnes at the end of the strike. Nevertheless the Scottish

Boards met domestic demand without difficulty and maintained a substantial level of exports to the CEGB, in general limited only by the capacity of the interconnector, the operation of which was largely trouble free, or by the ability of the CEGB to absorb power at non-peak times. As with the CEGB the scope for oil-burn greatly exceeded expectations (79,000 tonnes a week during the second six months of the strike). Nuclear power made an important contribution in Scotland, particularly as a result of a higher achieved load factor at Hunterston B (78.6 per cent) compared with budget (66.7 per cent). Experience indicated that the Scottish system could have operated indefinitely without coal at the cost of some reduction in exports and the absence of breakdowns.

2.6 Industrial endurance proved to be much greater than had been foreseen. Apart from some switching to other fuels this was mainly because the NCB was able to maintain some supplies to industry throughout the strike (30 per cent rising to 80 per cent of normal deliveries) and because imports doubled, reaching 1 million tonnes a month by the end of the strike, of which three-quarters went to industry, particularly the BSC. Although the BSC had to reduce output for a time at particular plants either because supplies were running low or because quality problems were being experienced, there was no overall reduction in output over the period of the strike. Attempts to interrupt the supply to BSC of coal and iron ore (including two short-lived national dock strikes) and of coke (notably at Orgreave) did not succeed.

2.7 The only industrial sector to be seriously affected was that supplying material and equipment to the NCB, business worth about £1.3 billion per annum to British companies. Of the 90 members of the Association of British Mining Equipment Companies, many of whom are very heavily dependent on sales to the NCB, over half had to introduce short-time working, a number declared redundancies and several went into liquidation. Fuel costs were higher (by up to 15 to 20 per cent for imported coal) but this was mainly due to the firming of the US dollar in which coal and fuel oil are traded.

2.8 Domestic coal consumers appear to have been little affected. There was some anxiety about the supply of special smokeless fuels but merchants eventually secured what they needed from imports, albeit at a high price. The main domestic consumers affected by the strike were striking miners no longer receiving the benefit of concessionary coal.

Main lessons

2.9 The main lessons which emerge for the future are:

- i. the continuing vital importance of adequate power station stocks of coal and ancillary materials such as lighting-up oil; (It did not prove feasible to move coal either from pits in strike-bound areas or to power stations in strike-bound areas. Although CEGB power station coal stocks at the end of the strike amounted to nearly 11 million tonnes, nearly 7 million tonnes were concentrated in the Midlands power stations to which deliveries had been maintained. It was also difficult to deliver lighting-up oil to power stations in the strike bound areas.)

- ii. the benefit to be derived from partial continuing deepmined production;
(NCB management will need to find ways of reinforcing the resistance to militancy in the moderate areas, particularly those with an assured future. The ability of the moderate areas to preserve local autonomy against pressures from the present extreme national leadership of the NUM will turn on whether the leadership secures approval for its proposed new rule book in July and, if so, whether the moderate areas then choose to break away from the national union. The Government and the NCB will need to consider the position in the light of these developments. It is clear also that NACODS has a crucial role. A strike by NACODS members, or even a refusal to cross picket lines, can stop production in areas where miners are prepared to continue working. It is therefore desirable for the NCB not only to lessen the chances of support for industrial action by NACODS members by skilful handling and dealing with any legitimate grievances but also to find ways, if possible, of weakening the NACODS monopoly of essential safety work and supervision.)

- iii. the desirability in a future strike of access to opencast coal both in stock and newly mined;
(The difficulties arose from the support formally given to the NUM - though without impeding production - by the opencast workforce who are mainly TGWU members, the role of NUM members in weighing and dispatching opencast coal, and the local constraints on transport caused by the rail unions support for the NUM and the reluctance of local authorities to

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permit road transport as an alternative. The TGWU also saw an opportunity during the dispute to press for redundancy benefits comparable to those for deepmine workers but with careful handling the threat of industrial action was averted. The Government and NCB will need to consider how to maximise the contribution of opencast production in a future dispute.)

iv. the value of diversity and flexibility in the use of fuel for electricity generation;

(The extra scope of oil-burn was achieved by overload at oil-fired stations and by significant oil overburn at coal fired stations. This required not only great technical ingenuity on the part of the Electricity Boards but also delicate handling of industrial relations. It was also facilitated by the relatively slack state of the international oil market throughout this strike and the consequent ready availability of the additional quantities of heavy fuel oil required. The unions in the electricity supply industry had no sympathy on this occasion with the NUM but it cannot be taken for granted that they will always react similarly in the future. The chances of cooperation from power station workers and unions are likely to be enhanced if as little as possible of what they are asked to do can be seen as abnormal working. It is therefore desirable for the Electricity Boards to plan to develop still further the versatility in the system and to increase the range of activities which can be presented as normal working.)

v. the value of diversity and flexibility in movement of coal and other fuel;

(About 75% of power station coal is normally transported by rail. This figure fell below 30% during the strike as a result of sympathetic action by some railway workers which also stopped all rail deliveries of lighting-up oil to power stations. Nevertheless, almost all the coal available for transport was moved, because road haulage was expanded to levels (500,000 tonnes a week) much greater than previously thought feasible. Although for short haul journeys (up to about 20 miles) the costs of road haulage proved to be lower than those for rail movement, rail is likely to remain the predominant mode of transporting coal to power stations because of its inherent economic advantages for this type of

traffic over longer distances. It will however be important for CEGB to maintain its flexibility to switch to road transport in case of industrial action by railworkers. The strike showed that present arrangements allow a substantial and rapid switch. But industrial relations problems can arise at power stations where deliveries of coal and oil other than by rail are seen as abnormal. The CEGB will need to consider whether it would be advantageous to establish a normal pattern of road movement in some circumstances, and will no doubt have this consideration in mind when its 15 year contract with BR, including the exclusive dealing arrangements, which expires in 1991, comes up for quinquennial review in January 1986. The SSEB proposes to maintain a measure of diversity in its arrangements for supplying coal and lighting-up oil to Scottish power stations.)

vi. the contribution made by coal imports through small ports to industrial and domestic endurance;
 (Given the continued availability of coal from working pits, it did not prove necessary for the CEGB to run the industrial relations risk of attempting to import coal from the Rotterdam stockpile into the South East power stations, although this option remained available if the situation had deteriorated. The National Union of Seamen (NUS) and the TGWU would have tried to prevent this, as was seen when NCB coal from the North East was moved by sea very late in the dispute. Imports nevertheless made a valuable contribution to the endurance of industrial and domestic consumers. Apart from substantial increases through ports serving the major BSC works some 24 small ports were used for the bulk of the additional traffic; the biggest tonnages were handled at Colchester, Portsmouth, Exeter, Newport, Belfast, Heysham, Londonderry and Warrenpoint.)

Specific points for follow-up action

2.10 The main specific points for follow-up action are as follows:

- i. when the CEGB's costed detailed review has been completed in June, the Government will need to consider with the CEGB options for further increasing power station endurance and in particular:

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- a. any short-term action to improve flexibility to switch from coal to oil and gas, including the establishment of certain activities as "normal working";
 - b. the need to monitor the likely availability of additional supplies of fuel oil in the light of movements in the international oil market;
 - c. the possible case for expanding the Scottish interconnector (bearing in mind the increase in over-capacity in Scotland when the Torness AGR station is operational in 1988);
 - d. the possible case for expanding the capacity of the Cross Channel Link with France currently under construction;
 - e. any further action to expand stocking capacity at power stations, particularly in areas where deliveries are least likely to be possible during a strike;
 - f. the case for establishing the normality of carrying coal and lighting-up oil by road in certain circumstances, particularly in connection with the forthcoming quinquennial review of the BR-CEGB contract;
 - g. any further action to improve road access to power stations;
 - h. the impact of current commercial arrangements between the NCB and CEGB on the prospects for increased coal imports;
 - j. a longer-term review of the scope for further diversification in the means for generating electricity, by provision of additional nuclear capacity and in other ways;
- ii. the Government will need to discuss with the NCB:
- a. how best to reinforce resistance to militancy in the moderate areas, particularly in the light of the outcome of the NUM special rules revision conference in July.

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b. the scope for action to weaken the NACODS monopoly of essential safety work and supervision;

c. how to maximise the contribution of opencast production in a future dispute.

(iii) the Gov needs to visit the NCB that miners who worked during the strike must

SECTION 3: LAW AND ORDER

a) have a transfer if they wish and all reasonable removed

3.1 This section of the report deals with: expenses payable and

i. the use made of the civil law during the miners' strike;

ii. policing and public order;

iii. the workload on the courts.

b) no miner who worked should suffer financially because he worked, i.e. if he is moved to a surface job his pay must be made up to what he would have been

CIVIL LAW

Cases brought

3.2 In the course of the strike some 26 cases were brought against the NUM, its Areas and other unions under the civil law. In total at least 47 injunctions were granted and in the 18 cases brought by miners themselves relief was obtained in 15 (2 of these cases appear not to have been pressed to a decision) The NUM itself was fined £200,000 for contempt, its funds were sequestrated and ultimately a receiver was appointed to run its financial affairs. The South Wales Area was fined £50,000 and its funds were sequestrated.

3.3 Some 7 cases are known to have been brought by employers (and writs have been issued in an eighth case) and 7 injunctions were granted as a result of the Employment Acts 1980 and 1982. In addition a total of 18 cases are known to have been brought by members of the NUM against their own union nationally or their own Areas under the common law (without the need to rely on statute law). Fourteen of them were brought under the rules of the NUM itself (ie actions in contract) and resulted, inter alia, in the strike being found to have been called contrary to the rules of the union. Details of known cases are in Annex B.

Effects on the strike

3.4 The effects on the strike of this unprecedented scale of activity in the courts was as follows:

- i. the sheer volume of successful legal actions increased the pressures on the NUM leadership at an important stage in the dispute, ie October-November 1984;
- ii. the fact that the strike was found by the courts to have been called in violation of the NUM's own rules undoubtedly strengthened the hand of the working miners (and the Nottinghamshire Areas in particular) and diminished the prospects of supporting action by other unions;
- iii. the sequestration of the NUM (South Wales Area) funds did put a stop to secondary picketing in South Wales at the sites named in the court order. More generally, the sequestration of the NUM's national funds must have made it more difficult for the union to organise and co-ordinate strike activity;
- iv. the preponderance of civil actions brought against the NUM by their own members was a severe embarrassment to the NUM leadership and deprived them of the rallying cry that the union and its funds were being endangered by employers using Government legislation.

Longer-term effects on the NUM

3.5 The strike also saw a significant change in the NUM's attitude to the law and to legal proceedings. Although the NUM nationally refused to comply with the judgment of the court in the Taylor and Foulstone case (for which a £200,000 fine and sequestration of the union's assets were imposed) orders of the court were widely observed by the NUM Areas. The extent of compliance, where known, is shown in Annex B. Until their funds were sequestrated the national NUM refused to appear or be represented in court. Thereafter it was always represented and the leaders (including Mr Scargill) appeared in person on 1 December to appeal against the appointment of a receiver. At a later stage the NUM was even prepared to use the law itself. In late December they applied, unsuccessfully, for an injunction to restrain the Nottinghamshire Area from

deleting its rule that, where there was a conflict between national and area rules, national rules should prevail.

3.6 Many of the injunctions granted during the strike will remain in force so long as working miners fear disciplinary action by their unions. The organisations which grew up among working miners are likely to continue to use the law, or be ready to use the law, as they did during the strike eg the reported attempt to require the NUM to postpone pending elections to the executive until Part I of the 1984 Act comes into force on 1 October this year. Additionally, some actions for damages can be expected to come before the courts in future months. Perhaps most significantly of all, both the sequestration of the NUM's national funds and the appointment of the receiver are continuing, despite the ending of the strike. There is no reason to believe that the sequestration will end without the NUM's purging its contempt by apologising to the Court and undertaking to obey the orders of the court not to take disciplinary action against miners who worked during the strike. (The sequestration of the South Wales Area's funds has been ended without an apology to the Court but the judge made clear that the circumstances - notably the Area's observance of the Court's orders since sequestration was imposed - were special. They do not apply in the case of the NUM nationally which has continued to defy the orders of the court).

Wider implications

3.7 There have also been important wider implications for the use of law in industrial relations in respect both of statute law and of common law.

3.8 The remedies available under the 1980 and 1982 Acts* - particularly the ability to sue a trade union for organising secondary picketing - were used on a number of occasions during the strike. At the outset, in March 1984, the NCB secured an injunction against the Yorkshire Area for organising unlawful secondary picketing in Nottinghamshire but did not seek to enforce this injunction. No injunctions were sought subsequently by the NCB or at any stage by the BSC (although the BSC Chairman said he would not hesitate to use the law if one of his plants was threatened with loss of coal supplies) or by other

* Part II of the 1984 Act (strike ballots) which applies to industrial action initiated after 26 September 1984 did not come into operation until the strike was already 6 months old; redress under the Act is not available to union members.

nationalised industries, eg British Rail and the Electricity Boards. This was not because they were without cause for action or because there was any doubt about NUM liability. Employers who contemplated using the civil law did not decide against doing so because they were uncertain of obtaining a remedy. The considerations which led them not to take action were tactical not legal. In the case of the NCB the overriding aim was not to give the NUM leadership a new argument which could have been used to influence working miners to join the strike. BSC and the other nationalised industries were concerned not to take action which might disturb the continued cooperation they had established with their own employees and, in the case of British Rail, which might extend existing industrial action. However, a number of employers in the private sector sued the NUM using the provisions of the 1980 and 1982 Acts. The sequestration of the funds of the South Wales Area was a direct result of one such action which related to secondary picketing. Furthermore, the threat of legal action undoubtedly helped some employers (eg Coalite) to avoid being subject to damaging secondary action.

3.9 The 18 civil actions against the NUM by its own members under the common law were brought on a variety of grounds. One was a libel case but they have been mainly of two types:

- (a) actions in contract claiming that the union's rules - eg in relation to the calling of strike action - had been broken;
- (b) actions claiming that the picketing of working miners had been unlawfully intimidatory.

3.10 The main points of significance for the development of the law are as follows:

- i. The actions based on the union rule book have confirmed that a union's rules are a contract between the union and its members: If the union acts in violation of the rules the members have a remedy in the courts (an injunction and/or damages); and that, if a strike has been organised in violation of union rules, the courts can order the union not to call the strike "official" and not to threaten members with disciplinary action for crossing picket lines and working normally.

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ii. It has also been established that the trustees who hold a union's property* can be removed from office if they can be shown to be "not fit and proper" persons to have control of the union's funds and that a receiver, nominated by the union members who have brought the action, can be appointed by the court in their place. The appointment of a receiver (who is still managing the NUM's "income, assets, property and effects") is without precedent in trade union history.

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iii. Cases brought by NUM members have also resulted in important decisions for the civil law on picketing. The law has always expected employees to resist the inducements of pickets (just as it expects them to resist inducements to strike). If they do not they are in breach of their contracts of employment and liable to loss of earnings and even dismissal. The civil law remedies available to picketed employees - except in cases of personal injury or physical obstruction - have been uncertain, in contrast with the remedies available to employers which, for example in the case of secondary picketing, are clear and effective even where the picketing is entirely peaceful.

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iv. However, cases brought in February 1985 by working miners in South Wales and Yorkshire resulted in High Court decisions (not taken to appeal) which may have far reaching implications. In particular the court found that:-

(a) there is a tort of "unreasonable harassment" (said to be a species of "private nuisance") which gives an individual a cause of action if he is subjected to threats and abuse from mass pickets as he uses the highway to go to work;

* Because unions are not corporate bodies they cannot hold property themselves but are statutorily required to appoint trustees to do so: generally, but not always, these are senior officials of the union.

(b) that there is no distinction in law between pickets and demonstrators, even if they are physically separated and the latter are not stationed at the entrance to the picketed place of work;

(c) that the "right to picket" is no more than the right everyone has to do what he wishes provided that he does not infringe the rights of others: in other words that it carries no special immunity for committing civil wrongs (other than inducing breach of contract at the picket's place of work in a trade dispute) or criminal acts;

(d) that the trade union and other organisers of pickets have a legal duty to ensure that unlawful acts (such as violence and intimidation) are not committed by the pickets.

v. In framing the injunctions in these cases the court specifically and explicitly took account of the guidance on the number of pickets in the "Code of Practice on Picketing" (issued under the 1980 Act) and ordered the Areas concerned to ensure that there were no more than 6 pickets at the entrance to any of the collieries covered by the injunction.

POLICING AND PUBLIC ORDER

3.11 For the police service the miners' dispute, with the attendant mass picketing and disorder, posed public order problems which in their scale and duration were unparalleled in modern times. The duty of the police in this situation was to maintain order, to enforce the criminal law and to ensure that those who wished to work, or otherwise to go about their lawful business, were able to do so. These tasks entailed large-scale movements of police, the wide use of police powers to prevent and deal with criminal offences and breaches of the peace and, on occasion, the deployment of police horses and of officers in riot gear. The underlying structure of what is a locally based police service was placed under considerable strain by the measures necessary to deal with the public order situation, but it proved sufficiently flexible to make possible what was, all in all, a highly effective police response to the law enforcement problems posed by the dispute.

Experience during the strike

3.12 From a police point of view, the dispute fell into three main, overlapping phases. First there was the attempt to "picket out" the working miners, particularly in Nottinghamshire, by mass picketing, obstruction and intimidation. This attempt started in the week beginning 12 March and continued to result in serious disturbances and violence throughout the dispute. Assemblies of thousands of pickets were not uncommon: some 10,000 were at Harworth on 2 May. In the first week, more than 3,000 police officers from other forces were in Nottinghamshire alone under the "mutual aid" arrangements, to assist the local force. For a considerable period something over 7,000 officers were deployed on mutual aid throughout England and Wales in a major co-ordinated response to ensure that any miner who wished to work at any pit might do so. The Home Secretary made a statement in the House of Commons on 15 March, referring to the law on picketing and to the police operations, and making clear his full support for the actions of the police in taking every measure open to them within the law to keep the peace and protect the right to work. The Secretary of State for Scotland also made clear that he fully supported police operations in Scotland.

3.13 A notable feature of the police response was the use of common law powers to stop vehicles carrying pickets into the relevant areas in order to prevent breaches of the peace. The Attorney-General said in a statement, with which the Lord Advocate was associated, on 16 March that there was no doubt that a constable had these powers. Their exercise proved controversial, particularly when Kent miners bound for the Midlands were turned back at the Dartford Tunnel in March. But the action of the Chief Constable of Nottinghamshire in turning back would-be pickets when a breach of the peace was imminent was subsequently upheld by the Divisional Court. Police in Scotland also turned back coaches conveying miners to join mass pickets.

3.14 The second phase was the attempt to stop supplies reaching steel works. Convoys of lorries taking coke from Port Talbot to Llanwern under heavy police escort were attacked. But the most serious disorders were at the Orgreave Coking plant in South Yorkshire in May/June. On 18 June, for example, some 10,000 people assembled to stop the BSC removing coke from the plant. The disorder lasted for several hours, during which large numbers of missiles were thrown at the police, and vehicles and barricade were set on fire. To deal with the violence it was necessary to use mounted officers and officers equipped with shields

and helmets. 93 arrests were made at Orgreave on that day and 28 police officers were injured. Every lorry load of coke left as planned, and the convoys reached their destination safely. On occasions more than 1000 pickets beset the BSC works at Ravenscraig in Scotland and its associated ore terminal at Hunterston, which required the use of mounted officers.

3.15 The third phase began in November 1984, when some miners returned to work at collieries which had been strikebound until then. On 12 November, an estimated 12,500 pickets were active in England and Wales and 1200 in Scotland - three or more times the average daily turnout for the preceding months. After that, the main centres of violence were in Yorkshire, Northumberland and Durham. On 30 November, a taxi driver taking a miner to work at Merthyr Vale Colliery was killed when a piece of concrete was dropped onto his car from a bridge. Three people were charged with murder. After this incident the level of intimidation dropped sharply.

3.16 Throughout the strike there were numerous incidents of attacks on and intimidation of working miners and their families at their homes and elsewhere. There were cases of arson and criminal damage at NCB premises and at the premises of hauliers and coach operators who were carrying supplies or taking miners to work.

3.17 The number of police officers in England and Wales injured in the dispute was 1,390. 9,808 people were arrested and 10,372 charges were brought. Of the 5,656 people tried by 5 March 1985, 1,503 were acquitted, 160 were sentenced to immediate imprisonment (the longest sentence being 5 years), 37 to detention centres and 4 to youth custody. 2,550 fines were imposed. A total of 1,385,865 police officer man days were sent on mutual aid between police forces in England and Wales. In Scotland 112 police officers were injured, 1,504 people were arrested of whom 1,046 had been proceeded against by mid-March 1985 and 603 had been convicted.

3.18 Under the Police Act 1964 it is for chief officers of police in England and Wales to decide whether to ask for mutual aid from other forces, and whether to supply mutual aid when asked for it. It was a matter of concern to some police authorities during the dispute that the chief constable was able to incur

substantial additional expenditure by asking for mutual aid, or to send a substantial proportion of his force to other parts of the country, without the police authority having any say in the matter. The problem was particularly acute where the police authority sympathised with the striking miners. The South Yorkshire Police Authority, having told the Chief Constable that he should close the Orgreave plant, withdrew from him the discretion which he had under their standing orders to incur expenditure for the purpose of dealing with picketing without their express authority. The Attorney-General took action in the courts to prevent the Chief Constable being fettered in this way. Subsequently, the Police Authority proposed to sell off South Yorkshire police horses and halve the dog section, but did not proceed when the Home Secretary made it clear that further action would be taken in the courts if necessary. Following the dispute, some police authorities in England, Wales and Scotland are likely to press for chief constables to be made more accountable to them.

3.19 Recognising that the costs of policing the dispute would be exceptionally high and were likely to continue for many months, the Home Secretary and Secretary of State for Scotland announced that special arrangements would be made to increase central Government contribution towards the costs. The normal arrangements for financing police expenditure in England and Wales is for 50% to be met by the Home Office through police grant. Under the special arrangements, which were revised during the course of the dispute, when the total cost in a police area reached the product of a penny rate, the Home Office contribution increased to 90%. When the police authority's contribution reached the product of three quarters of a penny rate, all further additional costs were met from central funds. Comparable arrangements were made in Scotland. The final costs of policing the dispute in England and Wales are not yet known but will be in excess of £200m; the cost in Scotland was £4.98m. The Secretary of State for the Environment decided to exercise his power to disregard additional expenditure on policing the miners' dispute for grant holdback purposes.

3.20 The Ministry of Defence and local authorities provided accommodation and messing facilities for police reinforcements in mining areas but in some counties the local authorities were not prepared to co-operate. Peak demand involved 5,873 MOD bed spaces; six Army Districts and thirty-nine separate Army and Royal Air Force establishments were affected. A considerable amount of

planned Regular and Territorial Army training had to be re-scheduled and Cadet Force Summer Camps had to be relocated due to police use of service establishments. The MOD is recovering in the region of £3m for this assistance. At various times during the dispute the degree of service involvement was raised in the media, questions in Parliament and in letters to Ministers from MPs. In particular widespread media and political interest was aroused by suggestions that servicemen, dressed in police uniforms were assisting on picket line duties. It appeared that many of these suggestions, all of which were unfounded, had been put about for mischievous purposes by NUM members and their supporters.

Analysis of the experience

3.21 Two factors in particular enabled the police to make an effective response to the challenge presented by the dispute. First, the National Reporting Centre (NRC) at New Scotland Yard was activated at the beginning of the dispute, and was able to coordinate the supply of mutual aid in England and Wales. At times the police service was very stretched, but all the requirements for aid were met and the dispute showed that 43 police forces can work together effectively in response to a national crisis. There was a relatively small amount of mutual aid required in Scotland and arrangements were made directly between the Chief Constables concerned. There was no need for a Scottish equivalent of the NRC. Second, there is no doubt that the police were much assisted by the tactical planning and training which had taken place since the inner city riots of 1981. The dispute showed that the police were now much better prepared in equipment, in tactics and in the ability to work together. It was notable that despite scenes such as those at Orgreave the police were able to cope without resort to methods such as the use of CS smoke. Defensive equipment such as shields and helmets proved of great importance, and so did the use of police horses. It is unlikely that any other police force in Europe would have been able to cope with such disorders without resort to more aggressive methods, the use of which would undoubtedly have inflamed the situation further.

3.22 Ordinary policing throughout the country has naturally suffered, though it is not possible to say what effect, if any, the dispute has had on national crime figures. The financial consequences in some areas, in spite of the unprecedented scale of central Government assistance, have been severe. There is now a need to get the police service back to normal, and in particular to re-establish traditional policing in the areas most affected by the dispute.

Lessons arising from policing aspects

3.23 The need to review the policing of the miners' dispute to see what lessons are to be learned is recognised both by the Home Departments and by the Association of Chief Police Officers (ACPO). The following reviews are in hand:

- i. Chief constables will be reviewing the performance of their own forces and, as part of the normal process of inspection, H M Inspectors of Constabulary will be checking that this has been done thoroughly and effectively;
- ii. In addition chief constables collectively, through ACPO, will be reviewing the operations of the NRC; tactical options; equipment; legislation; the constitutional position of the chief constable; finance; logistical arrangements, including transport; communications; intelligence; and training. These reviews are expected to be completed by the end of 1985 and Scottish Chief Constables will be keeping in close touch with a view to identifying lessons for application in Scotland;
- iii. Some aspects of the financial and organisational arrangements will also need to be reviewed. The local authority associations have said that they think it essential that the mutual aid arrangements should be looked at again, and such discussions will inevitably cover the roles of the NRC and of police authorities. Discussions between the Home Office and the local authority associations about financing arrangements for mutual aid have already begun.

3.24 Certain gaps in the law have been identified in the course of the public order law review: and the following proposals in the Public Order White Paper may help to make the criminal law more effective in future industrial disputes:

- i. Amendments to the Public Order Act to make it possible for the police to impose conditions on "static demonstrations", including mass pickets. These conditions will be able to be imposed by the police when they reasonably apprehend serious public disorder, serious disruption to the local community or the coercion of an individual;

ii. To make the offence created by section 7 of the Conspiracy and Protection of Property Act 1875 (which makes it an offence to use violence, intimidate, follow, watch or beset a person with a view to compelling him not to do that which he has a right to do) an arrestable offence. In addition it is proposed to raise the maximum penalty from 3 months imprisonment or a £100 fine to six months or £2000.

iii. To introduce in England and Wales new statutory offences to replace the common law offences of riot, unlawful assembly and affray, on lines recommended by the Law Commission.

WORKLOAD ON THE COURTS

Nature of the problem

3.25 The miners' strike produced exceptionally high and abnormal workloads for magistrates' courts in affected areas in England and Wales and because of its length new cases continued to come before the courts for a prolonged period. Courts thus did not face a limited emergency, such as a football disturbance or a shortlived outbreak of public disorder occasions, but one which placed a continuing pressure on them. The magistrates' courts' service is geared to deal with the normal volume of business coming forward. Courts confronted with a sudden and considerable upsurge in work had problems on a number of fronts, eg in calling on their magistrates for more duties (and some were disqualified from dealing miners' cases because of personal and professional connections), fitting in longer sitting hours, finding extra courtrooms and securing staff to man the extra courts. Other factors affecting the speed with which cases could be dealt with, and outside the court service's direct control, related to how quickly prosecution and defence could be ready with their cases; the availability of police witnesses (a particular problem with many police officers coming from forces outside the affected areas); and the abnormally high proportion of defendants charged with either-way offences who sought trial at the Crown Court and asked for full, as against modified, committal proceedings.

Action taken

3.26 Faced with the emergency, courts did much to help themselves. Magistrates agreed to undertake extra duties, and courts sat outside normal hours - in particular to consider bail applications arising from mass arrests and so prevent

the overnight remand in custody of those arrested. In some counties courts with the heaviest loads transferred cases to those less seriously affected. Where possible, extra courtrooms were brought into use; and temporary staff were taken on or loaned from other areas to man the courts. Courts under pressure were encouraged to apply to the Lord Chancellor's Department for temporary stipendiary help, and a number did so.

3.27 Since 3rd September 1984 stipendiary magistrates have sat for varying periods in 15 different areas. The number of sitting days and the court locations have been as follows:-

<u>Court</u>	<u>Number of sittings between 3.9.84 and 29.3.85</u>
Chesterfield	190
Doncaster	49
*Merthyr Tydfil	134
Pontefract	29
*Pontypridd	124
Rotherham	139
St Helens	30
*Sheffield	104
Birkenhead	3
Easington	15
Mansfield	9
Scunthorpe	12
Nottingham	4
Dover	20
East Retford	5

These courts marked with an asterisk have permanent full time stipendiary appointments. In addition to those three, nine other provincial stipendiary magistrates and ten metropolitan stipendiary magistrates have been appointed to act in courts other than those at which they normally sit, along with eight practising barristers or solicitors, three justices' clerks and one recently retired metropolitan stipendiary magistrate. The actual length of each appointment has varied from one day to two weeks, but several of the stipendiary magistrates have been appointed on more than one occasion and have sat for a total of five or six weeks. This applies particularly to the provincial stipendiaries. At Chesterfield, Merthyr Tydfil, Pontypridd and Rotherham, stipendiary magistrates have been sitting full time from the beginning of September 1984. Complex cases or lengthy committals arising from the miners' dispute are still to be heard in Pontefract, Rotherham and Dover Magistrates Courts and arrangements have been made for stipendiary magistrates to sit at those courts up to early July.

3.28 The Crown Court has also had to cope with a considerable case load, and there has been delay in bringing cases to trial because many defendants having elected trial by jury then insisted on lengthy "old style" committals before the magistrates. This exercise of a right of trial placed a considerable burden upon the prosecution, who were then called upon to prepare a vast amount of paperwork for the committal stage. Many of these committals were the largest ever to pass through magistrates' courts; two involved in excess of 90 defendants; three others of between 60 and 80 defendants. Some of these have yet to come to trial in the Crown Court. On 31 March 1985 the Crown Court had 61 outstanding cases involving 546 accused persons. Steps have been taken at Circuit level to expedite trials.

3.29 In Scotland, the additional workload created for the prosecuting authorities and the courts was unevenly spread. Some areas were barely affected: in most of the others the local procurators fiscal made arrangements with the police to adjust the reporting of cases in a way which helped to spread the workload; as a result the additional workload was absorbed without any real difficulties other than in two courts (Alloa and Dunfermline Sheriff Courts) where additional shrieval resources were made available.

Lessons in respect of the courts

3.30 There would appear to be sufficient flexibility in Magistrates, Crown and Sheriff Courts to cope with the kind of workload which arose from this dispute, but in the event of a similar case load arising in future, the possibility of appointing additional stipendiary magistrates in England and Wales should be considered earlier.

Specific points for follow-up action

3.31 Apart from the proposals in the Public Order White Paper referred to in paragraph 3.24 the main specific points for follow-up action arising on law and order issues are as follows:

- i. the need for employers, particularly any public sector employer faced by a major dispute, to bear in mind the opportunities which have been demonstrated for effective use of the civil law, especially the common law protection for a union's members against their union and for employees against unlawful activities of pickets;

ii. consideration, in due course, of the results of the various reviews of policing during the strike being carried out by individual Chief Constables, ACPO, and the local authority associations;

iii. planning for speedier appointment of additional stipendiary magistrates in any future situation where a prolonged industrial dispute seems likely to impose an abnormal workload on the courts.

SECTION 4: OTHER FACTORS AFFECTING THE STRIKE

4.1 This section deals with the following other factors affecting the strike:

- i. the degree of support from other unions;
- ii. the financial resources of strikers;
- iii. communications with the work-force and the public;
- iv. arrangements for coordination within Government.

SUPPORT FROM OTHER UNIONS

4.2 The lack of effective support for the NUM from other trade unions had a major effect on the outcome of the strike. In terms of industrial action the effective support from other unions was limited to the following:

i. rail unions

In the first few weeks of the strike the National Union of Railwaymen (NUR) and the Associated Society of Locomotive Engineers and Firemen (ASLEF) agreed to ban all movement of coal and coke. Every day throughout the strike BR sent home over 100 NUR/ASLEF members because they would not handle or signal coal trains. Nevertheless a substantial number of coal trains (on average about 150 a week) ran during the strike, mainly in the working Midlands coalfields.

ii. seamen

The NUS instructed their members not to carry coal or oil to power stations. This ban was observed but had little practical effect. The coastal coal trade was frustrated early in the strike by stoppage of production at the North East pits. Eventually non-NUS crews moved coal from Cumbria to South Coast power stations, and as the strike neared its end, NUS crews moved coal from Cumbria and the North East where coal production had been resumed. Imported coal, for industrial and domestic use, was brought in by foreign crews. The CEEB had no problem in securing access to imported oil.

iii. dock workers

From 9-20 July and 24 August-18 September the TGWU mounted strikes on issues linked to the miners' strike (iron ore at Immingham, coal at Ravenscraig - in both cases for BSC). Both strikes collapsed for lack of grass-roots support; on the second occasion substantial numbers (between a quarter and a third) of registered dock workers defied a strike call for the first time and crossed picket lines. Although the CEEB did not judge it worthwhile to attempt to import foreign coal for use at power stations, substantial coal imports were brought in through the steel ports and many small non-scheme ports.

iv. NACODS

The National Association of Colliery Overmen, Deputies and Shotfirers (NACODS) balloted on 1 April for a strike over closures but the required two-thirds majority was not secured. In September 82 per cent voted to strike against closures, the NCB's attitude to the implementation of conciliation procedures and changes in the arrangements for paying deputies who refused to cross NUM picket lines*. A national strike was threatened from 25 October, mainly to force an initiative for a resumption of negotiations. Agreement was reached with the NCB on the outline for a revised colliery review procedure. It was never clear how far NACODS members would in the event have been prepared to stop production in the working areas.

* The provisions in the 1984 Act relating to strike ballots do not preclude the linking of issues in a strike ballot and this will be kept in mind in any further consideration of possible amendment of those provisions

4.3 Although the NUM received some limited support from these unions, it failed to secure support in the following important areas:

- i. road haulage
(mainly TWGU members)
- ii. power station workers
(the power engineers (EMA), the electricians (EETPU), and AUEW, GMBATU AND TGWU)
- iii. steelworkers
(mainly the Iron and Steel Trade Confederation (ISTC))

4.4 There was also little effective support from the TUC collectively. At the TUC Congress in September a resolution of support for the NUM was overwhelmingly adopted, albeit with strong opposition from the EETPU and EMA. This gave temporary reinforcement to the morale of striking miners but by late autumn was seen to have led to no increase in sympathetic industrial action. The TUC leaders tried to prevent the NCB/NACODS settlement in late October as a means of forcing a settlement between the NCB and NUM but failed. Thereafter their main concern was to see an end to the strike, even on a basis which merely saved face for the NUM rather than represented concessions of substance by the NCB. Their final effort in February which involved a meeting with the Prime Minister was significant in demonstrating both to the NUM leaders and to rank and file members that there was no possibility of further negotiations, thus reinforcing the pressure which led to the collapse of the strike.

4.5 Despite (or perhaps partly because of) the lack of industrial support, there was considerable trade union financial support in a variety of forms - interest free loans, lump sum donations (from union funds and from collections against members), regular monthly/weekly donations. Some of this support went directly to the NUM at either national or (particularly after sequestration of the NUM funds in October 1984) at area level; some (at least £269,000) was channelled through the TUC Solidarity Fund. It is likely that the NUM was kept afloat by the interest-free loans from other unions. TGWU and GMBATU both provided substantial loans and SOGAT 82 actively coordinated contributions from other unions. On the other hand both the National Association of Local

Government Officers (NALGO) and the Civil and Public Services Association were forced by membership objections to curtail donations from union funds and the NUS dropped a 50p a week levy following a High Court ruling that it was contrary to the union's rules.

4.6 Support from the international trade union movement was also limited. With the exception of the French CGT, unions in Western European countries expressed little support for the strike itself or showed much liking for the NUM leaders and their actions. Very little actual financial support went to the union and physical support was also limited. The CGT provided the most active support - moral, financial and physical - in the main because of its political linkages with the NUM. Eastern European countries (USSR, Bulgaria, Poland, Czechoslovakia) expressed strong solidarity and provided a certain amount of monetary support (eg £500,000 from Ukrainian miners). Outside Europe, miners in South Africa, USA and Australia expressed solidarity and provided some limited financial support.

4.7 In summary the main reasons for the general lack of support from other unions and the TUC seem to have been:

- i. even from the beginning about 30 per cent of miners were not on strike;
- ii. there was considerable doubt about the case for a coal strike without a ballot;
- iii. the NUM leadership were turning down offers which were better than those to which most other industrial workers could aspire;
- iv. generally speaking members were not prepared to put their own jobs at risk in support of some workers in another industry;
- v. Mr Scargill's "remoteness" from, and contempt for, the TUC - especially since his decision not to occupy the NUM seat on the General Council.

Lessons

4.8 It is clearly desirable for the Government and NCB to continue, where possible, to shape tactics and strategy so as to keep the NUM leadership, so long as it maintains its present militant character, isolated from the sympathy and support of the wider trade union movement.

FINANCIAL RESOURCES OF STRIKERS

4.9 The financial resources available to strikers are discussed under the following headings:

- i. support from the NUM;
- ii. social security;
- iii. local authority support;
- iv. hardship funds;
- v. support from creditors;
- vi. other expenditure.

Support from NUM

4.10 Neither the NUM nor the Areas paid strike pay. But there were limited funds at Area and lodge levels for the relief of individual cases of serious hardship. Stories about payments for picketing were diverse. At the outset of the strike some organisers of flying pickets were claimed to be receiving as much as £20 a day and others participating £5, but these payments were not available daily or for very long. By the turn of the year a daily payment of £1, with some assistance for petrol, seemed to have been much more common. Only a relatively small minority of strikers are likely to have received payments for picketing at any time.

Social security

4.11 Supplementary benefit was available throughout to strikers' families, subject to a deduction from the normal entitlement of £15 per week until November 1984 and £16 per week thereafter ("deemed strike pay"). For some, but by no means all strikers' families, the effect of the change was to

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nullify the annual increase in supplementary benefit payable from the same date. Up to 19 February, some £33 million was paid, representing about £20 per week for the average family. This was clearly an important cash contribution, but without other means could not itself have sustained the strike. During the strike it became apparent that claimants could claim in respect of mortgage interest even though building societies were deferring payments. Additionally, some miners were being found to be claiming accommodation costs when accommodation was in fact being provided free by friends and relations. (Action on the former issue is being considered in the DHSS review of social security arrangements.)

Local authorities

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4.12 Local authorities provided a considerable amount of support for the strikers and their families rather than for the union. This sometimes took the form of financial contributions to hardship funds (at least £3.5 million) but more commonly took other forms - food and clothing vouchers, free use of premises for food kitchens, concessionary use of sports and leisure facilities, rent and rate rebates. Some doubts were expressed about the basis on which local authorities raised money to support strikers and their families - relying mainly on statutory powers under Section 137 of the Local Government Act 1972 and Section 83 of the Local Government (Scotland) Act 1973 and it is intended to re-examine these matters during an enquiry into local government procedures and practices, already in progress under the auspices of the Secretary of State for the Environment.

Hardship funds

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4.13 Financial contributions from other sources were made through the TUC's hardship fund (at least £240,000) and through hardship funds set up and run by other groups such as churches' and women's support groups. The support groups organised street collections of money and food, concerts (many supported by well known personalities in the entertainment world) and food kitchens. Appeals at Christmas 1984 raised a fair amount of money (Guardian appeal - £360,000; "Women Against Pit Closures" appeal - almost £400,000) and other unions, both in the UK and overseas, donating food, toys, and gifts at Christmas. There is no way of estimating the total value of assistance of this kind. Most of the overseas support took this form. While there was little sympathy for the strike itself there was a great deal of sympathy for the plight of strikers' families.

Much of this was engendered by the accounts of hardship spread abroad by NUM envoys who went as far afield as South Africa looking for assistance. In addition the gifts of goods, toys and clothing, some countries (eg USSR, Italy, Netherlands) provided free holidays for miners' families.

Support from creditors

4.14 Strikers were generally able to defer payments of rent, rates and mortgages and the gas and electricity authorities do not appear to have pressed for the payment of bills. Finance companies owed payments on hire purchase agreements also seemed to be prepared to reschedule the debts, but there were reports of cars being repossessed. There is no good information that financial institutions were prepared to afford additional credit, although one case was reported of a miner being able to borrow money from his bank on the expectation of a lump sum redundancy payment. Credit from retail shops would be very limited indeed.

Other Expedients

4.15 Apart from any assistance derived from these various sources it must be presumed that strikers and their families survived as long as they did by forgoing expenditure, for example on holidays, by exhausting savings and by temporary employment, mostly in the black economy, so far as this was available.

Lessons

4.16 The main lesson to be drawn here is that any expectations that financial pressures would assist in ending this strike rapidly were ill-founded. It should however be borne in mind that Building Societies were not in a strong position to repossess property in mining communities, as the potential for subsequent sale would have been only to other actual or potential members of the same community - most of whom were in no position to purchase. Similar considerations may not apply in the case of individuals living amongst members of the wider community and it may be considered that the imminent prospect of having to forfeit the family home would be the single greatest factor likely to affect the readiness of strikers to prolong a strike. It should also be borne in mind that the close knit mining communities were able to draw on a shared experience of hardship to sustain the majority throughout the strike and it is for consideration whether other unions, where members do not live in similar communities, would find it practicable to organise successfully the kind of family support achieved during the miners' strike.

COMMUNICATIONS WITH WORKFORCE AND PUBLIC

4.17 Communications with the workforce and the public were of vital importance to the three parties in the dispute - the NUM, the NCB, and the Government. The main features of the activities of each of them are discussed below.

NUM

4.18 Despite regular attacks on media distortion, the NUM leadership and Mr Scargill in particular, took care from the outset to exploit every opportunity to put across the NUM's case. The emphasis was placed mainly on a simple message about resistance to pit closures which, in the context of high levels of unemployment, commanded some sympathy from the middle ground. Mr Scargill's fluency, rhetorical skills and understanding of the media gave him a considerable advantage in the early months over NCB spokesmen. As an individual however he aroused strong antagonisms because of his extreme political views which were well-known before the strike began. As the strike continued his failure to condemn violence, his intransigence in not accepting offers widely perceived to be reasonable, and exposure of his false claims about the likely effect of the strike on power supplies made him increasingly a liability for the NUM in communications both with the workforce and the public.

NCB

4.19 The NCB had two major achievements in communications. The first was the work done over several years in generating an understanding about the problem of uneconomic pits and the burden which this placed both on the coal industry and the country generally. The second major achievement was to develop the practice of communicating directly with the workforce rather than through the unions and to exploit the technique in new ways during the course of the dispute so as to encourage individual miners to return to work. The NCB's weakness was in underestimating for several months the importance of winning the day to day battle in the media, and, until the appointment of Mr Eaton in late October, in the lack of a readily available regular spokesman with public appeal.

Government

4.20 The difficulty which the Government faced at the outset was that it did not wish to play into Mr Scargill's hands by adopting a high profile and being driven into direct negotiations with the NUM. It was preferable that the dispute

should be seen as being with the NCB, a responsible employer trying to establish a sound future for the coal industry. Ministers nevertheless managed in Parliamentary and public speeches and by frequent briefing of Conservative members to underline important issues in the dispute, notably about the generosity of the redundancy terms, the reasonableness of the NCB's various offers and violence on the picket lines. As the dispute dragged on, the Government was obliged to adopt an increasingly high profile in the media, partly because of the problems encountered by the NCB and partly because of the growing pressure on the Government itself to bring about a resolution of the dispute. In any major public sector dispute the timing and scale of Government exposure in the media is a matter for careful judgment and each case has to be decided on its merits.

Lessons

4.21 The main lessons are as follows:

- i. Any public sector employer entering a major industrial dispute should identify and use from the outset a readily available, regular, authoritative spokesman who is likely to have public appeal;
- ii. The development of direct communications between management and workforce is not only conducive to better industrial relations but may also be of vital importance in a major dispute. The NCB will need to retain and extend new channels of communication especially at Area and local levels. Other public sector employers should be encouraged to adopt similar policies appropriate to their situations if they have not already done so.

ARRANGEMENTS FOR COORDINATION WITHIN GOVERNMENT

4.22 The main arrangements for coordination within Government were as follows:

- i. Pre-strike contingency planning

From 1982 onwards the Official Group on Coal (MISC 57) considered ways of increasing the stocks of coal and ancillary material held by the CEGB and SSEB. Following Ministerial approval of their

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recommendations, the Group monitored the arrangements to provide power station stocks sufficient to provide some 26 weeks endurance in the event of an all out coal strike. MISC 57 also undertook a specific exercise during the strike to consider what emergency arrangements might be made to move coal in certain eventualities. It was envisaged that any threat to essential supplies or the health and safety of the community would be dealt with using established contingency procedures, under the aegis of the Civil Contingencies Unit (CCU).

ii. Collective Ministerial consideration during the strike

The Prime Minister and other Ministers principally concerned met once or twice a week in the Ministerial Group on Coal (MISC 101). The dispute was also discussed at weekly meetings of the Cabinet.

iii. Daily monitoring

The Secretary of State for Energy and his Departmental colleagues met each morning to receive an up-to-date report on developments from officials of the Departments of Energy, Employment, Transport, Trade and Industry, the Home Office, the Scottish Office and the NCB. This underpinned the arrangements for consultation with colleagues and with the industries concerned. From the beginning of August onwards daily monitoring reports covering such matters as the number of pits working, miners returning to work, coal movements, any other major developments and a line to take were circulated by the Private Secretary of the Secretary of State for Energy to members of MISC 101 and the Cabinet Office.

iv. Ministers and management

Ministers met regularly with the Chairmen of both NCB and CEGB and when appropriate with the Chairmen of BSC and BR. There were periodic Ministerial meetings with the Chairman of SSEB.

v. Departmental arrangements

The Department of Energy set up a small unit in Coal Division to maintain contact on strike matters with the NCB and other Departments;

to circulate twice daily reports on pits and picketing; to prepare a weekly summary report on strike developments, with key statistics on coal stocks, output and movements; and to deal with correspondence, PQs, briefing for debates and meetings etc concerned with the strike. In the early weeks of the strike, as a precautionary measure and in the interests of having outline systems in place to deal with any supply difficulties, the Department of Energy sought the cooperation of the coal trade in getting its members to exercise care in setting priorities for coal supplies to certain types of customer. These arrangements were notified to Departments through the CCU. In the event there proved to be little need of them. The Department of Energy monitored developments and liaised with NCB, the coal trade, DHSS, and others as necessary to deal with local problems. The assistance of DTI Regional Offices to obtain early warning of any difficulties with industrial coal supplies, was also sought but in the event, no serious problems arose and these arrangements were very little used.

Lessons

4.23 The arrangements developed for dealing with the dispute within Government, which were tailored to its particular circumstances, appear to have worked well. In any future major dispute in the coal industry it would be sensible to adopt from the outset the arrangements made during the strike to obtain information on coal output, movements, consumption and stock levels and on the endurance prospects for electricity supply and industry.

SPECIFIC POINTS FOR FOLLOW-UP ACTION

4.24 The main specific points for follow-up action arising from this section of the report are as follows:

- i. eligibility of strikers receiving supplementary benefit for help with mortgage interest payments should be re-examined; (changes in supplementary benefit rules generally, as part of the Cabinet's review of social security, are likely to deal substantially with this problem)

ii. the powers of local authorities to provide financial support for strikers and their families should be examined by the Widdicombe Inquiry into local government procedures and practices;

iii. any public sector employer entering a major industrial dispute should identify and use from the outset a readily available regular authoritative spokesman who is likely to have public appeal;

iv. the NCB should retain and extend new channels of communication with the workforce, especially at Area and local levels; other public sector employers should be encouraged to adopt similar policies appropriate to their situations if they have not already done so;

v. in a future coal strike the arrangements made in 1984-85 to obtain information on coal output, movements, consumption and stock levels and on the endurance prospects for electricity supply and industry should be adopted from the outset.

CHRONOLOGICAL LIST OF MAIN EVENTS OF MINERS' STRIKE 1984-85March 1984

- Announcement of Cortonwood (1st) and Bullcliffe Wood (2nd) closures;
- Coal industry national consultative committee (6th) at which output reduction put to unions by NCB;
- NUM NEC meeting (8th) sanctioned strike on area by area basis;
- Strikes began 12th;
- NCB obtaining High Court injunction against Yorkshire NUM to prevent use of flying pickets (14th) but NCB subsequently (19th) granted adjournment of contempt motion;
- Kent NUM sought (20th) injunction to prevent police stopping flying pickets moving through Dartford Tunnel; the application was unsuccessful;
- Lancashire Area NUM called one week strike (23rd) to support case for a national strike ballot but decided (30th) on a return to work on 2 April;
- 25% oil burn enhancement and selected coal stock protection implemented by CEGB on 28th.

April 1984

- 50% oil burn and further stock protection implemented by CEGB (4th) followed by 75% (11th), maximum available (18th) and full endurance regime (26th);
- NUM NEC ruled out immediate ballot (12th);
- NUM special delegate conference (19th) changed rule 43 to require only simple ballot majority to authorise strike.

May 1984

- BSC announced introduction of emergency measures to bring extra coal into Ravenscraig (1st) followed (11th) by agreement between mining, steel and rail unions to provide sufficient coal;
- NUM NEC (11th) cancelled annual NUM conference and announced intention of lobbying foreign embassies and stopping coal imports;

- Scargill stated (14th) his aim to bring down the Tory Government. Mr Orme met Scargill (16th) to attempt mediation and subsequently Mr Orme met Mr MacGregor (21st);
- 18 working miners at two Notts pits obtained injunction to prevent NUM leadership declaring industrial action in Notts as official (18th);
- Lancs executive of NUM suspended union membership of working miners in area (21st);
- First scheduled NCB/NUM meeting cancelled (21st) when NUM made withdrawal of pit closure programme a pre-condition - but held on 23rd at NCB HQ with no productive outcome. NCB offered NUM talks on Plan for Coal;
- Mass pickets (23rd and 30th) at BSC's Orgreave coke plant;
- Second NCB/NUM meeting Yorkshire (31st) - Mr MacGregor not present.

June 1984

- Heavey picketing continued at Orgreave (4000 on 5th);
- Men returned to work for first time at Bilston Glen Colliery (5th) and some coal produced (20th);
- Third NCB/NUM meeting Yorkshire (8th) - agreement to further talks;
- Fourth NCB/NUM meeting Rotherham (13th) - acrimonious - both sides presented plans for future of industry;
- NUM NEC confirmed (14th) that there would be no national ballot;
- Overload implemented (19th) at Grain and Littlebrook power stations;
- Miners began (20th) blockade of five main BSC plants but steelworkers reject (21st) NUM demands that they cease production;
- High Court ruled (26th) that Lancs NUM could not call official strike without a ballot;
- 43 Kent miners dismissed (27th) for earlier occupation of Tilmanstone Colliery.

July 1984

- Oil overburn implemented at Tilbury and Blyth Power Stations (2nd);
- TUC Steel Committee rejected (2nd) NUM request for halt to steel production;

- Fifth NCB/NUM meeting (4th/5th) in London lasted 9 hours, sixth meeting (9th) in London saw both sides tabling draft agreements and disagreement over use of word "beneficial" by NCB in relation to criteria for closing pits; seventh meeting (18th) in London broke down after 13 hours;
- First 1984 dock strike began (10th) and ended 21st);
- NUM extraordinary delegate conference Sheffield (11th) defied High Court ruling by agreement to new rule 51 giving union leadership increased powers to expel, suspend or discipline members;
- Media coverage (week ending 27th) of "Silver Birch" and back to work movement;
- South Wales NUM fined (30th) £50,000 for contempt.

August 1984

- CEGB (1st) operated gas turbines over peak load period at six power stations and oil overburn at West Burton, Cottam and Rugeley B followed by use of gas (15th) for main generation at Hams Hall power station and oil overburn (20th) at Ironbridge and Willington power stations;
- NCB agreed (3rd) to leave their final offer to NUM on table;
- NUM special delegate conference endorsed (10th) their leaders rejection of NCB final offer and agreed to new rule 51;
- Miners ballot (17th) at Haig Colliery 106 to 37 not to join strike and 3 miners at Lea Hall Colliery obtained High Court order reinstating them as branch officials;
- Scargill/MacGregor live debate (22nd) on Channel 4 TV;
- TWGU National Docks Delegate Conference voted (24th) for immediate dock strike over berthing of Ostia at Hunterston;
- All four production faces at Polkemmet Colliery lost (27th/28th) from flooding following withdrawal of safety cover as NUM reaction to some miners returning to work;
- NUM and TUC officials pre Congress meeting (30th)

September 1984

- TUC Congress pledged "total support" for NUM (3rd). On same day working miners at Easington Colliery granted injunction to prevent disciplinary action against them by NUM;
- Further series of NCB/NUM talks began in Edinburgh (9th) continued in Selby and Doncaster (10th and 12th) and broke down (14th) without agreement after a 5 hour meeting in London;
- NACODS NEC agreed (12th) to ballot their members about strike action on cutback in capacity, attitude to conciliation procedures and guidelines for NACODS members crossing NUM picket lines. Result declared (28th) showed 82.5% in favour of strike;
- Second dock strike ended (18th) having been largely ineffective;
- TUC agreed (21st) to sponsor fund raising campaign for NUM and met Mr MacGregor (24th) to receive briefing on latest NCB/NUM talks;
- ACAS officials made first contact (24th) with both sides;
- Oil overburn implemented (25th) at Didcot Power Station;
- TGWU Delegate Conference agreed (26th) to ballot members at opencast sites on moving opencast coal. On same day NACODS officials met NCB;
- High Court ruled (28th) in response to cases brought by working miners - that strike in North Derbyshire and Yorkshire was unlawful.

October 1984

- Labour Party Conference (1st) passed motions giving full backing to strike and condemning organised police violence;
- NCB/NACODS meetings (1st and 2nd) - in light of NACODS ballot - resulted in suggestion of independent arbitrator on pit closures. Idea subsequently discussed between NACODS/ACAS (1st); BACM/ACAS (5th) - at which BACM suggested a new Plan for Coal should be prepared; NUM/ACAS (6th and 7th) and NCB/ACAS (8th);
- High Court imposed (10th) £200,000 fine on NUM for contempt;
- NUM and NCB began discussions with ACAS (11th) (NACODS also in building) which resulted in an ACAS proposal (12th) on third party arbitration which was accepted by the NCB but rejected (15th) by NUM and NACODS, after which the talks ended;

- NUM NEC reaffirmed (16th) continuation of strike and announced weekly meetings with TUC to coordinate TUC support policy. On same day NACODS announced strike action would begin on 25 October;
- Michael Eaton appointed as NCB spokesman (20th/21st);
- TGWU announced (22nd) result of ballot - no opencast coal would be moved;
- NCB/NACODS talks resumed (23rd) at ACAS with eventual TUC and NUM participation - following agreement NCB/NACODS the NACODS strike was called off (24th). Further NCB/NUM talks at ACAS for 10 hours (25th) and 10 more hours (31st) resulted in no progress;
- High Court ordered sequestration of NUM assets (25th) following non payment of £200,000 fine;
- The Libyan connection (NUM Chief Executive and Col Gaddafi) announced (28th) in Sunday Times.

November 1984

- NUM NEC (1st) called special delegate conference on 5th which voted to continue the strike and hold five rallies (Edinburgh (6th) Sheffield (8th) Newcastle (11th) South Wales (13th) Birmingham (14th)); also reaffirmed no national ballot and no change in composition of union negotiating team;
- £2.7 million NUM funds in Ireland frozen (4th) by Dublin High Court;
- BACM met NCB (5th). On same day lighting up oil delivered for first time to Drax, Eggborough and Fiddlers Ferry Power Stations and new surge back to work began;
- Renewed picket line violence (12th) in Yorkshire;
- TUC General Secretary "shouted down" during South Wales rally (13th);
- £4.63 million of NUM funds in Luxembourg frozen by local courts (14th);
- NUM NEC announce (15th) new publicity campaign in mining communities; on same day Scargill seeks further support at Russian Embassy; lighting up oil delivered to Aberthaw power station;
- 5032 miners returned to work in week ending 16th;
- North Wales NUM withdrew support for strike (20th) in view of lack of strikers in area. On same day coal deliveries restarted to Didcot and Brighton Power Stations;

- 5959 miners returned to work in week ending 23rd;
- McGahey and Heathfield met NCB (27th) in apparent attempt to restart talks;
- NUM successful appeal (29th) against freezing of assets in Luxembourg;
- 2159 miners returned to work in week ending 30th.

December 1984

- NUM special delegate conference (3rd) agreed to refuse cooperation with High Court appointed receiver and not to purge union's contempt. Also on 3rd a day long meeting of TUC/NUM Liaison Group took place;
- 668 miners returned to work in week ending 7th;
- Coal deliveries to Uskmouth Power Station re-established (11th) and coal produced in Yorkshire Area (12th) for first time since strike began;
- S of S Energy met TUC coal liaison team (14th); subsequently TUC Liaison Committee decided (17th) to take no further action before the New Year;
- 521 miners returned to work in week ending 14th;
- Nottinghamshire Area NUM agreed (20th) rule change to end their subordination to the NUM NEC from 1 January 1985;
- 174 miners returned to work in week ending 21st;
- S of S Energy announced (29th) there would be no power cuts resulting from the NUM strike during 1985.

January 1985

- "Heating" at Seafield Colliery (Scotland) (3rd);
- 712 miners returned to work in week ending 4th;
- NUM NEC decided (10th) to exclude Notts Area unless rule change agreed on 20 December was reconsidered (subject to vote of special delegate conference) and to enlarge negotiating team to include whole NEC;
- 20 South Wales miners began (11th) attempts to get injunction limiting number of pickets at certain collieries (injunction eventually granted on 11 February);
- 2365 miners returned to work in week ending 11th;

- Notts NUM Area Executive (12th) suspended Area General Secretary from all official posts;
- S Derbyshire and Leicestershire NUM Area Executives indicated (14th) support for Notts Area 20 December rule change;
- NACODS walk out (15th) from Coal Industry National Consultative Committee (in protest against NCB attitude towards negotiating with NUM) and later (16th) decide to boycott future talks with NCB at national level until NCB resumed negotiations with NUM and to ballot their members on the NCBs 5.2% pay offer;
- CEEGB met (17th) highest ever peak demand for electricity (46.215 MW) and highest ever CEEGB oil burn 561000 tonnes in week ending 20th;
- 2870 miners returned to work in week ending 18th;
- In a series of meetings Messrs McGahey and Heathfield (NUM) discussed informally (22nd) with Mr Ned Smith (NCB) the resumption of negotiations; Later that day the NUM met the TUC Monitoring Committee; S of S for Energy met the British Council of Churches (23rd) and Welsh Council of Churches (24th); S of S for Scotland met Scottish TUC leaders (25th); NUM NEC expressed dissatisfaction (24th) with NCB insistence on a written commitment to discuss uneconomic capacity prior to resumption of negotiations; Mr Heathfield met Mr Spanton (NCB) (29th) after which Heathfield reported to NUM NEC and TUC;
- 3386 miners returned to work in week ending 25th;
- Reduction of oil burn began (28th) at Didcot Power Station;
- NUM NEC agreed (30th) not to provide written undertaking requested by NCB - the latter announced there was no basis for resuming discussions; the same day the receiver paid the NUMs £200,000 fine from recovered NUM funds;
- TUC General Secretary reported (31st) to NUM NEC on his attempts to get negotiations restarted.

February 1985

- 1596 miners returned to work in week ending 1st;
- NCB decided (1st) still no basis for resuming negotiations; same day NUM approached ACAS and NACODS NEC considered position of their October 1984 agreement with NCB;

- Only productive coal face at Frances Colliery (Scotland) lost (3rd) due to severe heating;
- In further meetings NUM and NACODS leaders met ACAS separately, NUM met the TUC and NACODS the NCB - all on 4th followed (7th) by a joint NUM NEC/NACODS meeting and call for NCB to resume negotiations without preconditions. Meanwhile Chairman ACAS had informed NCB (5th) of results of talks on 4th and NACODS, following their ballot, accepted NCB pay offer for 1984/85;
- 3775 miners returned to work in week ending 8th; the same week BR moved 240 coal trains - the highest total since Summer 1984;
- Injunction granted (12th) in High Court restricting number of pickets to 6 at 11 Yorkshire collieries;
- In a further series of meetings S of S for Energy met NACODS (13th); General Secretary TUC met Chairman NCB (14th) and the following day at a TUC.NUM/NACODS meeting the two unions rejected proposals for a resumption of negotiations; on 16th and 17th NUM met ACAS, NUM and NACODS executives spent weekend at TUC HQ, General Secretary TUC met Deputy Chairman NCB and reported back to NUM/NACODS without progress being made; TUC met the Prime Minister (19th); within the next 36 hours S of S Energy met TUC, NCB met TUC, NUM NEC met with General Secretary TUC but the NUM rejection of all proposals was endorsed (21st) at an NUM special delegate conference in London;
- 2175 miners returned to work in week ending 15th and 2261 in the week ending 22nd;
- South Derbyshire NUM executive voted (18th) in favour of rule changes to give area greater autonomy and Notts Area NUM Council voted (25th) to end overtime ban;
- In period 25 February to 1 March 9383 miners returned to work - the 50% back at work total was achieved on 27th and 51% on 28th;
- NUM NEC met (28th) and called Special Delegate Conference for 3 March to discuss a return to work without an agreement.

March 1985

- NUM Special Delegate Conference decided (3rd) on end to strike and a mass return to work on 5th. Decision subsequently endorsed by all areas except

Scotland and Kent, who decided to carry on strike until NCB declared a general amnesty for miners dismissed during the strike. NCB and S of S for Energy stated there would be no general amnesty;

- Return to work on 5th saw some 60000 returning - meaning 85% of NUM no longer on strike;
- In the period 6-12 March all remaining strikers returned to work, Scottish Area voted (6th) to return on 7th and Kent voted (9th) to return on 11th;
- NUM NEC decided (7th) to continue overtime ban, press for a general amnesty and maintain position on pit closures.

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
1 LANCASHIRE AREA (Agecroft)	23 MAY	Injunction prohibiting 5 year suspensions from Area union for crossing picket lines and withholding union benefits from non-strikers.	
2 NOTTINGHAMSHIRE AREA (Pye Hill and Sherwood)	25 MAY	Injunctions preventing Area union from instructing miners to join the strike and from threatening disciplinary action against those working normally	
3 DERBYSHIRE AREA (Shirebrook and Williamthorpe)	4 JUNE	Injunction ordering Area union not to discipline working miners.	Union gave undertakings not to discipline miners for crossing picket lines.
Taylor, Roberts and Phillips	27 SEPTEMBER	Judge declared strike in Area unlawful and granted permanent injunction against disciplinary action.	
	9 NOVEMBER	Permanent injunction against the further use of union funds to support action previously declared unlawful and prohibiting the removal of accounting records until inspected by plaintiffs.	Three senior officials gave an undertaking to the Court not to use Area funds to support the strike and to provide accounting records and details of all future transactions to the plaintiffs' lawyers.
4 NORTH WALES (Point of Ayr) McKay	13 JUNE	Injunction ordering Area union not to discipline working miners, not to use branch funds for the strike or to describe the strike as official.	Pickets were withdrawn, as a result of the injunctions, enabling 480 of the 620 miners to return to work.
5 NOTTINGHAMSHIRE 17 members of Area Council	9 JULY	Injunction requiring Area union to hold an immediate Area Council meeting to consider how votes should be cast at special delegate conference on 11 July on proposed new disciplinary rule.	Area Council meeting held: delegates voted against the rule change.
	10 JULY	Injunction prohibiting all delegates at the special delegate conference from discussing the proposed disciplinary rule.	Although the new rule was passed at the delegate conference, the 10 July injunction had the effect of making action under it unlawful. This led the union to pass a further resolution endorsing the new rule at a special delegate conference held in August.
6 MIDLANDS (Lea Hall and Rugeley)	31 JULY	Injunction prohibiting Area union from treating the strike in the Area as official.	

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
7 DURHAM (Crookhall private coal company)	JULY	Injunction granted to nine miners banning their expulsion from the Area union for continuing to work.	
	11 JANUARY	Following expulsion from union, further injunction granted at an ex-parte hearing.	
	21 FEBRUARY	The Area union applied for a discharge of the injunction on the grounds that there was a lawful strike in the Durham area and that the miners had crossed picket lines in breach of union rules.	Area union responded by seeking to have the injunction discharged.
	5 MARCH	Mr Justice Walton directed that the injunction should remain in force until a full trial was held (before the end of July).	
8 DURHAM (Easington) Wilkinson	3 SEPTEMBER	Injunction restraining Area union from taking disciplinary measures against Wilkinson or from intimidating him. Union also ordered to carry out peaceful picketing only and not to beset his place of work or house.	Union stated publicly that it would comply with injunction but that peaceful picketing would continue. Picketing numbers reduced to around 6 on most days (though with a reversion to mass picketing on some occasions).
	12 OCTOBER	Union leaders ordered to take steps "within their power" to prevent other people from organising or causing any intimidation towards Wilkinson or unlawful picketing or besetting his place of work or home.	
9 SCOTLAND (Bilston) Fettes, Pupkis and McConnell	6 NOVEMBER	Judge refused to grant interim injunction requiring Area union to withdraw strike instructions until national ballot held.	
10 NATIONAL UNION (Manton) Taylor and Foulstone	25 SEPTEMBER	Injunction ordering National union not to describe the strike as official and giving temporary protection against disciplinary action until full trial.	Refusal to comply with orders of the court but was represented in court in proceedings following sequestration. Assets remain sequestered.
	10 OCTOBER	Fine of £200,000 imposed on the national NUM and £1,000 on Mr Scargill for contempt.	
	25 OCTOBER	Writ of sequestration issued and Price Waterhouse appointed as sequestrators.	

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
	9 NOVEMBER	The sequestrators reported to the court that £2.7m had been frozen on the orders of a Dublin judge.	
	28 NOVEMBER	The sequestrators reported to court that they had traced and temporarily frozen £4,630,000 in Luxembourg; and £503,000 in Switzerland.	
	31 JANUARY	Receiver gained possession of £4.9m from Nobis Finanz.	
	12 FEBRUARY	Judgment was reserved in the High Court in Dublin on who was entitled to the £2.7 million deposited in a Dublin bank.	
	3 APRIL	Some £217,000 released to the receiver by a Swiss Court.	
11 NATIONAL UNION (Group of 16 working miners)	16 NOVEMBER	Preliminary hearing of action to make NUM executive members personally liable for £200,000 fine.	First occasion on which the National Union acknowledged the courts by entering a defence.
	17 JANUARY	The case was adjourned with the agreement of the plaintiffs until after the election of the national executive committee.	Four moderate members of the Executive swore affidavits pledging to observe the law and uphold court orders.
12 NATIONAL UNION (Group of 16 working miners) Clarke and others	30 NOVEMBER	A temporary order appointing a receiver was granted to the working miners pending a full trial.	The NUM failed to reverse the initial order on appeal because it refused to give an undertaking that it would abide by past and future orders of the court. On 3 December a Special Delegate Conference voted to reject payment of the fine, to oppose purging its contempt, and to ban co-operation with the sequestrators or receiver.
	7 DECEMBER	Permanent orders granted removing Scargill, McGahey and Heathfield as trustees and appointing a receiver to hold the union's property.	
13 COKEMEN'S GROUP (Barnsley) Watson	4 DECEMBER	Barnsley Section ordered to allow Watson to inspect its minute books.	
14 POWER GROUP (Silverdale and Woolstanton) Carr and Hayes	12 DECEMBER	The Power Group agreed to hold new election for Group's NEC representative to settle the action.	
	14 DECEMBER	Mr Justice Scott informed that final details had been drawn up for the settlement of the action, and that fresh elections would be held before January 15.	Union agreed to hold fresh elections

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
15 YORKSHIRE (Manton Colliery) Taylor and Foulstone	13 DECEMBER	Proceedings to displace the trustees of the Area union and replace them with a receiver were adjourned.	
16 NATIONAL UNION Lynk and Prendergast	4 FEBRUARY	Libel writ issued against the national NUM leadership over a pamphlet issued the previous week throughout the coal field.	
17 SOUTH WALES (Cynheidre) Thomas	11 FEBRUARY	Injunctions granted limiting the number of pickets at 5 pits to 6 only and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with the injunctions and not to appeal.
	22 MARCH	Injunctions lifted.	
18 YORKSHIRE Group of working miners led by Mr W Sharp	12 FEBRUARY	Injunctions granted limiting the number of pickets at 11 pits to 6 and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with injunctions and not to appeal.
	24 APRIL	Injunctions lifted.	

II ACTIONS BY EMPLOYERS UNDER EMPLOYMENT ACTS 1980 AND 1982

SES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
1 NCB v NUM (Yorkshire)	14 MARCH	Injunction ordering Yorkshire Area to withdraw instructions for secondary picketing and to refrain from financing or otherwise encouraging unlawful picketing.	None.
	19 MARCH	NCB granted an indefinite adjournment of its application for contempt proceedings.	
2 WIGHT CONTRACTORS v NUM (S. Wales)		Injunction ordering S. Wales Area to withdraw pickets from its site	
3 R & G READ v NUM (S. Wales)	17 APRIL	Injunction restraining union from instructing or encouraging members to stop, approach or interfere with the free passage of the plaintiffs' vehicles or to abuse or threaten the drivers.	
	20 JULY	The S. Wales Area fined £50,000 for contempt and their funds sequestered for failure to pay the pay.	Picketing reduced to token proportions. In discharging the sequestration order the judge noted that the union had obeyed the orders of the court.
	12 MARCH	Sequestration order discharged	
4 R & G READ v TGWU	2 NOVEMBER	Injunction ordering union not to "encourage or instruct" its members to refuse to unload or weigh the companies' vehicles (following "sympathetic" blacking action at Cardiff docks).	Subsequent press reports indicated that the injunction was to be withdrawn following an undisclosed peace formula worked out between the two sides
5 H.J. BANKS & CO v NUM (Durham)	26 OCTOBER	Interim injunction ordering union to withdraw instructions to picket H J Banks' open-cast mine.	
	12 NOVEMBER	NUM and its Durham area ordered to call off pickets outside 5 open cast mining sites. Both unions restrained until full trial from procuring by the attendance of pickets at the sites, breaches of commercial contracts between the companies and their customers for the supply of coal.	

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
6 F T EVERARD & SONS v National Union of Seamen	14 JANUARY	Injunction granted for seven days restraining NUS from inducing or attempting to induce crews of ships belonging to the plaintiff to break their contracts of employment.	Members of the crews had refused to sail in line with official union instructions not to handle coal during the strike but following the granting of the injunction the crew voted to sail.
7 STEPHENSON CLARKE SHIPPING V National Union of Seamen	18 FEBRUARY	Injunction granted ordering the NUS to withdraw any instruction or advice given to the crew of the Pulborough not to sail or carry out their duties.	The General Secretary of the NUS withdrew his instruction to continue the action. The seamen initially voted to continue the action on an unofficial basis but the blockade was lifted on 28 February.
8 R & G READ V NUM (S.WALES)	5 MARCH	Writs issued against Area union seeking injunctions banning union members from blacking companies' lorries in retaliation for their activities during the strike.	



10 DOWNING STREET

From the Principal Private Secretary

16 May 1985

The Prime Minister was very grateful to you for your letter of 8 May about Mr. and Mrs. Fjaelberg, about which she had a word with you on Monday morning.

The Prime Minister has noted and warmly applauds the firm action which the Board has taken to prevent intimidation and to protect the miners who supported the NCB by working during the strike, often at great cost and risk to themselves. She thinks it essential that the Board should stand by these employees.

Mrs. Thatcher also accepts that the Board cannot give financial help with transfers to all miners who exercised their right to work during the strike. Nevertheless she takes the view that the policy must be sufficiently flexible to allow assistance to be given to people who were prominent in leading their colleagues back to work and therefore are particularly vulnerable to reprisals by militant colleagues. The Prime Minister was therefore particularly glad to hear that you had a source of advice on the names of people who required such special help and would be making the necessary arrangements to provide it.

(Robin Butler)

Ian MacGregor, Esq.

CST



10 DOWNING STREET

Robin,

Michael Reedy
phoned to say that
SS/energy has agreed
your draft letter to Ian
MacGregor (at flap) 13/5/85.

Sue

16.5.85.

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MR TURNBULL

15 May 1985

COAL

In 1982/3 Norman Sidall pushed up NCB's net rate of manpower reduction to some 22,000. This was sustained in 1983/4 with a further net reduction of 21,000. Contrary to some impressions, the rate of rundown slackened during the coal dispute, 1984/5, to 9,700. To be fair, a lot of voluntary redundancies arising from the strike are still in the pipeline. Some 7,000 are on notice to take voluntary redundancy. More industrial relations staff have been drafted in to process a surge of further enquiries. But not all can sensibly be released without either creating the need for recruitment or expensive transfers from other regions.

I understand from the Department of Energy that in the immediate aftermath of the coal dispute, the Board seemed to be intent on encouraging a massive and widespread shake-out through further voluntary redundancies. A net rundown of the order of 40,000 in 1985/6 was talked of. Presumably, this was seen as a necessary precursor to the restructuring of the industry around a core of economic pits. It implied the need for some relocation of miners and some retraining.

Subsequently, a more steady-as-she-goes attitude appears to have prevailed within the Board. Now the net rundown in 1985/6 is foreseen as 18,000-20,000 - no more than the rate established before the strike. In this connection, I should

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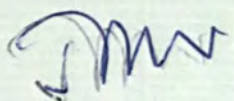
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add that the Department of Energy have just received the elements of a plan for 1985/6 and an outline for 1986/7. For the first time the figures appear to have some credibility and authority. I am told that the arguably-modest manpower reduction for 1985/6 is accompanied by some surprisingly optimistic financial forecasts.

This is where we should become very wary of presentational sleight of hand. The supply and demand forecasts will need to be checked carefully. (We understand from John Baker, full-time Board Member of the CEGB, that so far the Coal Board have not been interested in discussing the longer-term outlook for coal sales to the CEGB.) Even if coal produced is not sold, NCB customarily credit it to revenue. We could easily end up with some favourable-looking projections of NCB's accounts, but with the cash requirement from the Government largely undiminished.

We should not forget that the costs of closing pits are normally such that there is no positive impact on cashflow until year 3. This means that if the NCB is genuinely to get close to break-even by 1987/8 it will have to resume the pit closure programme with more vigour than is implied by the 18,000-20,000 rundown now apparently targeted.



JOHN WYBREW

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CONFIDENTIAL



NDIM

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

15 May 1985

The Rt Hon Peter Walker MBE MP
 Secretary of State for Energy
 Department of Energy
 Thames House South
 Millbank
 LONDON SW1

John P...

THE CUSTOMS AND CEEB OIL IMPORTS

You wrote to me on 23 April about the application of the UK regulations for petroleum products to past imports of fuel oil by the CEEB and the likely effects if there were any resultant duty charge.

Such a charge is unavoidable in respect of some imports. Extensive enquiries already undertaken by Customs show that since the commencement of the coal strike considerable quantities of mixed fuel oils from a variety of sources - including the USA - have been wrongly claimed as of Dutch Antilles origin for the purpose of obtaining the preferential - nil - rate of duty. Such imports should in fact have borne the protective duty rate of 3 ½ per cent.

Where claims for preference are shown to be incorrect Customs are obliged under Community law to take all steps to recover the duty underpaid and account for it to the Community as own resources. I am assured that Customs, under guidance from the Department of Trade and Industry, are not acting any differently from our Community partners. They raise a duty charge only in those cases which fail to qualify for preference in accordance with the origin criteria established by UK regulations. This has been made clear at meetings with the CEEB and representatives of the major oil companies.

As to a possible review of the rules of origin, I understand there is a move in this direction at Community level in Brussels at which DTI will play the major part for the UK. Such a review will undoubtedly be protracted and be concerned only with changes for the future. In the meanwhile Customs have no alternative in law but to continue applying the existing national rules.

I am copying this to the Prime Minister and Norman Tebbit.

Nigel Lawson
 NIGEL LAWSON

Crat

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16 MAY 1985

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10 DOWNING STREET

From the Private Secretary

13 May 1985

MEETING WITH MR MACGREGOR

The Prime Minister met Mr MacGregor today for about half an hour. He emphasised that, despite suffering a reverse in the recent strike, the NUM were regrouping for further challenges. The Prime Minister shared this perception. It was essential therefore to be prepared for further industrial disputes. The subsequent discussion covered the following issues.

(i) Closures and Redundancies

The Prime Minister urged Mr MacGregor to prepare a clear strategy for closures and redundancies. She feared that redundancies might be achieved without being translated into closures.

(ii) NACODS and the Review Procedure

Mr MacGregor described NACODS as the "chosen instrument" of the NUM for putting pressure on the Board. In the longer term, the solution was to change the legislation which enshrined the position of NACODS but this would take two years. The legislation was unsatisfactory as it defined how the NCB should carry out certain tasks rather than setting objectives and standards and leaving it for the Board to decide how to achieve them. The Prime Minister said it was essential for the Board to be seen to be implementing the agreement with NACODS on the review procedure. It would be fatal if the Government and the Board were perceived by the public to be backtracking. Mr MacGregor said he was pressing the idea of a single inspector but the unions still preferred a three-man review body - one of ours, one of theirs, and one acceptable to both.

He expected the result of the NACODS ballot to be a vote in favour of industrial action of 50-60 per cent, ie. over a majority but less than the two-thirds required in the rule book. There was likely to be strong support in the militant areas, matched by equally strong opposition in the working areas. He wondered, however, whether the Government legislation overrode the rule book. (I have since spoken to the Department of Employment who believe the position to be that an overtime ban would be industrial action in breach of

contract and hence within the scope of the legislation. This is, in effect, admitted by NACODS, who have referred to this on the ballot paper. A vote over 50 per cent would preserve the union's immunities but would not override the rule book. The latter does not refer specifically to overtime bans, merely to national strikes and stoppages. On the assumption that an overtime ban is a "stoppage", action to call such a ban with less than a two-thirds vote would be subject to challenge by NACODS members).

(iii) Management and Board Changes

The Prime Minister asked Mr MacGregor about his plans to strengthen the management and Board. Mr MacGregor said he had agreed with Mr Harrison that he should retire soon as Finance Director and as Chairman of Coal Products. This would allow Mr Cowan to retire as Deputy Chairman and take over as Chairman of Coal Products, a process which should be complete by July. He did not propose to appoint a replacement immediately but might appoint two or three Deputy Chairmen later in the year.

Mr Spanton would be retiring around September, though he would stay on as Chairman of NCB Enterprises. Mr Butler would take over as Finance Director and Mr Eaton would succeed Mr Spanton as Director of Personnel. The Prime Minister wondered whether Mr Stanton was the right person for NCB (E). Mr MacGregor said he would be supported by able young executives and would be assisted by two of the non-executives members of the Main Board.

Mr MacGregor explained the background to the establishment of the Executive Committee. Mr Northard was becoming Director of Operations and all the Area Directors would report to him. Mr Moses would be Technical Director. These two would form the centrepiece of the Board's operations. The Executive Committee met weekly, usually in the Midlands, though occasionally in London. It was agreed that the Prime Minister should meet the members of the Committee. I will be in touch to arrange how this might be done.

The Prime Minister asked Mr MacGregor for his thoughts on his own successor. Mr MacGregor suggested that Mr Roger Bexon, currently the Deputy Chairman of BP might be a suitable candidate. The Prime Minister asked whether there were any internal candidates as she felt that the issue of closures might be less contentious if presented by someone with a coal background. She suggested Mr Moses. Mr MacGregor's response was that Mr Moses would need considerable grooming for such a role.

(iv) Publicity

The Prime Minister felt that the Board had given NACODS too free a run and had only belatedly sought to present its side of the case. She urged that Mr Eaton should continue to present the Board's case, as he had done so successfully during the course of the strike.

(v) Coal Movements

Mr MacGregor said that movements, at 2 mt a week, were meeting the schedule agreed with CEGB. Substantial movements were now being achieved from stocks held at open cast sites. Nevertheless, he felt that CEGB should be urged to rebuild stocks at Rotterdam as a precaution against another dispute. The Prime Minister said she would ask the Department of Energy to consider this idea.

(vi) Open Cast

The Prime Minister asked whether open cast output could be expanded, eg. by increasing operations where planning consent had already been agreed. Mr MacGregor said he had discovered that there was an unwritten agreement (it was not clear who the parties were) to limit open case production to 13 mt a year. He recognised, however, the case for going beyond this. The Board proposed to develop open cast operations in Ayrshire in parallel with the run down of Barony and Killoch. Transferring men from the declining pits to the new operations faced the difficulty that a change of union would be necessary.

(vii) Working Miners

There was a discussion about NCB's policy towards those working miners who had played a prominent role in the back to work movement. Robin Butler will be writing separately about this.

ANDREW TURNBULL

Michael Reidy, Esq.,
Department of Energy

Coal



10 DOWNING STREET

From the Principal Private Secretary

13 May 1985

Andrew Turnbull has written to you separately about the main part of the discussion which the Prime Minister had with Mr. Ian MacGregor this morning. This letter is about assistance to working miners who may be particular targets for the reprisals of militant colleagues.

The Prime Minister emphasised the paramount importance of the NCB's supporting those miners who stood by the Board and exercised their right to work during the dispute. She pointed out that, if the Coal Board did not support fully such people on this occasion, it could not expect the support of them and their colleagues in a future dispute.

Mr. MacGregor referred to the difficulty of arranging transfers for those miners in striking areas who returned to work before the end of the strike, bearing in mind that there were up to 30,000 of them. He also referred to the difficulty of discriminating between one case and another in giving financial help. Nevertheless, he acknowledged that there were some cases which required special treatment and said that he was in touch with the President of the Working Miners Committee, Mr. Colin Clarke, who was providing him with a list of people with special grounds for help. In such cases Mr. MacGregor said that help would be given.

I think that it would be worth reminding Mr. MacGregor of the importance which the Prime Minister attaches to this by my replying to his letter of 8 May about the Fjaelbergs. Could you please let me know whether you would be content for me to reply to Mr. MacGregor's letter in the attached terms.

FERB

Michael Reidy Esq
Department of Energy

dg

VC (70)

DRAFT LETTER FROM MR BUTLER TO MR IAN MACGREGOR

The Prime Minister was very grateful to you for your letter of 8 May about Mr and Mrs Fjaelberg, about which she had a word with you on Monday morning.

The Prime Minister has noted and warmly applauds the firm action which the Board has taken to prevent intimidation and to protect the miners who supported the NCB by working during the strike, often at great cost and risk to themselves. She thinks it essential that the Board should stand by these employees.

Mrs Thatcher also accepts that the Board cannot give financial help with transfers to all miners who exercised their right to work during the strike. Nevertheless she takes the view that the policy must be sufficiently flexible to allow assistance to be given to people who were prominent in leading their colleagues back to work and therefore are particularly vulnerable to reprisals by militant colleagues. The Prime Minister was therefore particularly glad to hear that you had a source of advice on the names of people who required such special help and would be making the necessary arrangements to provide it.

PRIME MINISTERMEETING WITH MR. MACGREGOR

Unfortunately, we have been able to set aside only half an hour for this meeting. You should question Mr. MacGregor closely in the following areas:

i) Closures and Redundancies

- What is his estimate of the core of economic deep mine capacity around which the UK coal industry needs to be restructured? Has he translated this into pit closures and manpower reductions?
- How does this square with Mr. Eaton's recently reported statement that "we now have about the right sort of numbers of people in the industry, but a few more pits will have to close on the basis of economics"? Are these just soothing noises to encourage the shake-out of manpower through voluntary redundancies, to facilitate agreement on the modified Colliery Review Procedure, and to deny Scargill the ammunition he needs to retain control over the NUM Executive and obtain the new Rule Book?
- How many men are now on colliery books and how does that compare with the number before the strike? How many applications for redundancy have there been and how many of these applications have now been approved?
- What is the policy for running down manpower? Is it to match redundancies with pit closures or is the aim to maximise the outflow somewhat in advance of closures?
- What closure decisions have been taken in relation

to damaged pits?

- What is the state of play on other pits? Has the Board begun to feed uneconomic pits into the early stages of the Review Procedure, and if not why not?

ii) Review Procedure

- What is the state of negotiations with the unions?
- What form should the additional stage of the Review Procedure take; three wise men or a single inspector?
- Has any deadline been set for reaching agreement? (1 June was suggested in the MacGregor/Willis document which the NUM ultimately rejected).

iii) NACODS (to be adjusted if result of the ballot is available by Monday)

- How did it come about that NACODS has managed to achieve such support when the Board's supposed position is that it will honour the agreement and when men should still be anxious for additional earnings?

- (if NACODS win the ballot)

How will the NACODS executive use their mandate?
What impact would an overtime ban have?

iv) Board Appointments

- How does he see the future of the Deputy Chairman? Has the time now come for Mr. Cowan to make way for a younger man?
- Does he wish to continue with the present style which effectively combines Chairman and Chief

Executive or does he wish gradually to move to a more non-executive style of Chairmanship?

- How does he assess the various internal candidates?
- Does he have any outsiders in mind who could be brought in to strengthen the Board?
- Who will look after the Board's public relations?

v) Open Cast

- What plans do the Board have to expand open cast activity? Are there any sites which have planning permission but are not yet being developed or where output is still below the maximum authorised?

vi) Treatment of Working Miners

- Could the Board be a bit more flexible over the cases of working miners such as Mr. Fjaelberg who took a prominent position in the back to work movement?

AT

Andrew Turnbull

10 May 1985

Pure Monday ①
A bit better *AT 10/15*

WEEKLY COAL AND POWER STATION STATISTICS (1)

10 May 1985

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

Week ending 30.4.83 28.4.84 6.4.85 13.4.85 20.4.85 27.4.85
(6) (5) (6)

COAL

PRODUCTION (m. tonnes)	deep mines+	2.28:	0.27:	1.28	1.01	1.54	..
	opencast+	0.29:	0.07:	0.26	0.05	0.32	..
	TOTAL	2.57:	0.34:	1.54	1.06	1.86	..

PRODUCTIVITY(2) (tonnes/manshift)	'overall'	2.59:	1.90:	1.93	2.01	2.15	..
	'production'	10.78:	9.37:	8.91	9.22	9.87	..

UNDISTRIBUTED STOCK (m. tonnes)	TOTAL	25.61:	21.87:	19.10	18.50	18.19	17.69
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POWER STATIONS

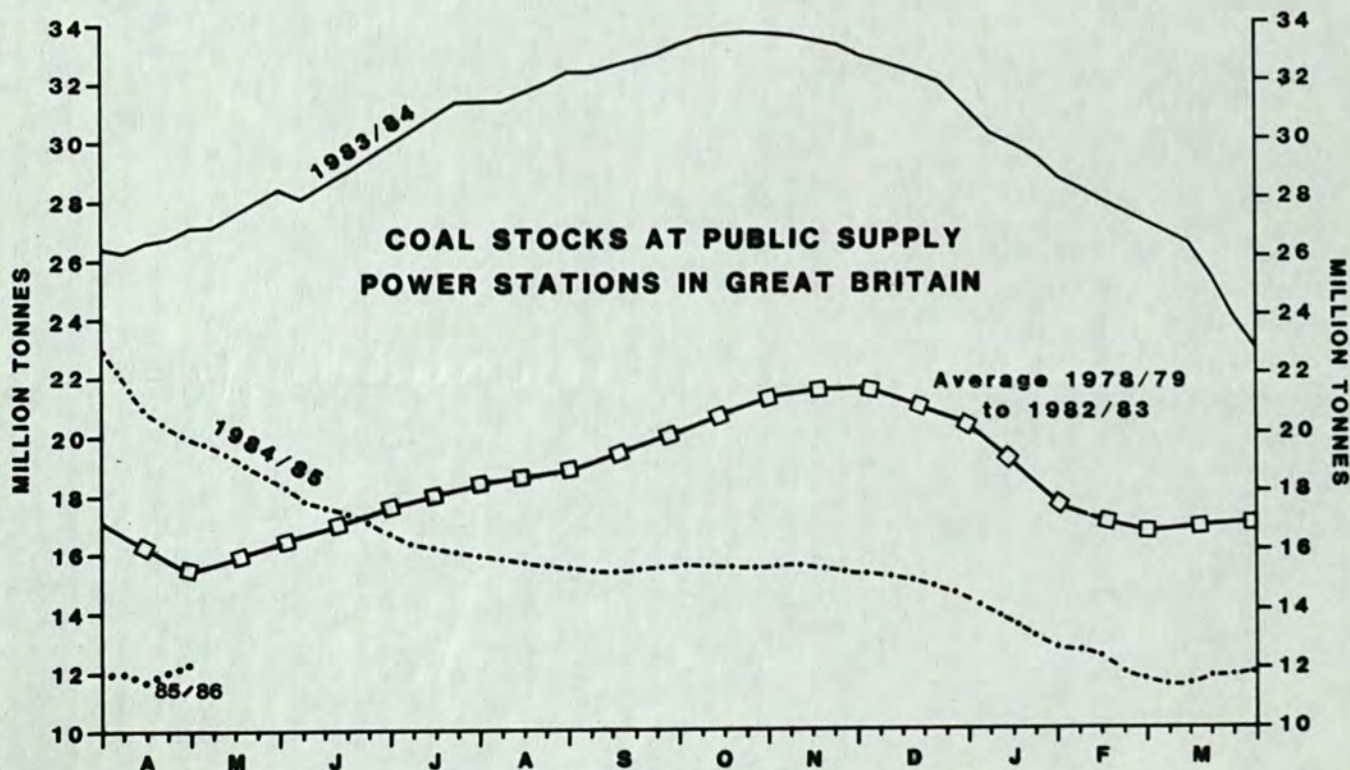
COAL STOCKS (m. tonnes)	27.10:	19.94:	12.00	11.74	12.05	12.33
COAL CONSUMPTION "	1.53:	0.62:	1.51	1.53	1.56	1.66
COAL RECEIPTS "	1.87:	0.21:	1.61	1.28	1.86	1.99

OIL STOCKS(3) "	1.13:	0.78:	1.12	1.11	1.10	1.07
OIL CONSUMPTION(3) "	0.04:	0.37:	0.03	0.02	0.02	0.03
OIL RECEIPTS(3) "	0.03:	0.32:	0.02	0.01	0.01	0.01

ELECTRICITY SUPPLIED (4) (GWh)						
Nuclear "	799:	896:	1,123	1,077	1,025	916
Other Steam "	3,639:	2,484:	3,510	3,507	3,513	3,952
TOTAL "	4,438:	3,744:	4,633	4,584	4,538	4,868

TOTAL - temperature corrected						
	4,387:	3,916:	4,984	4,542	4,621	4,544

- (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.
- (5) Includes Good Friday. (6) Includes Easter Monday.
- .. data not yet available. + includes licensed production.



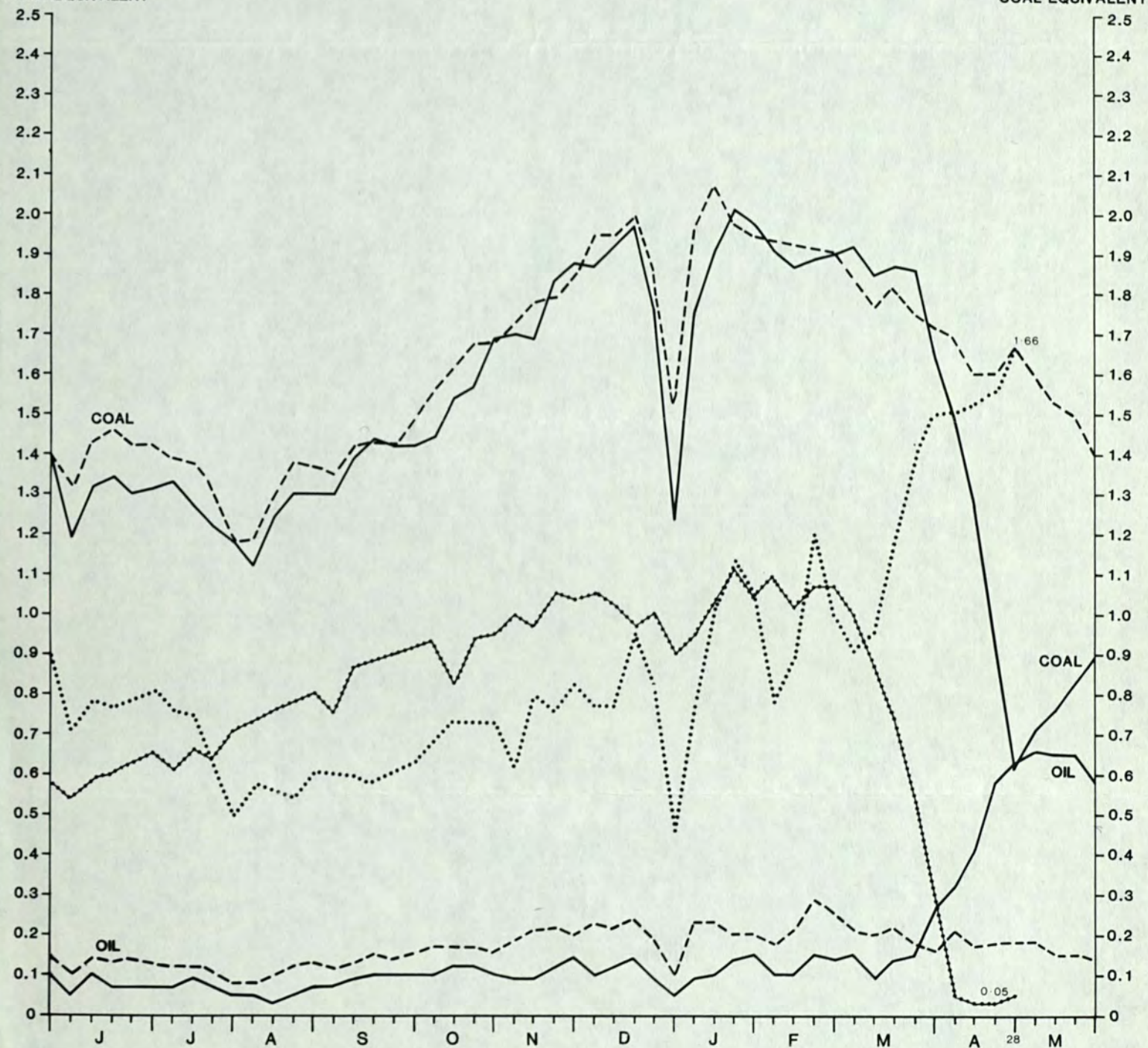
CONFIDENTIAL

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

COAL } June 84 to May 85
OIL } June 83 to May 84
————— }
- - - - - } Average 1978/79 to 1982/83

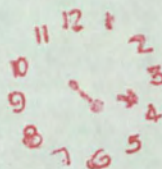
MILLION TONNES
OF COAL OR
COAL EQUIVALENT

MILLION TONNES
OF COAL OR
COAL EQUIVALENT



CONFIDENTIAL

10 MAY 1985



~~FERB~~ ^{FERB} - To see and return.

SUBJECT
cc Master

Copy No 1 of 2

P. Gregson

25A

NOTE FOR THE RECORD

NATIONAL COAL BOARD

The Secretary of State for Energy came to see the Prime Minister today to express his concerns about the Coal Board and about the performance of Mr. MacGregor as Chairman. This largely followed the account given in his minute of 9 May. Mr. Walker made the following criticisms:

- i) It was very difficult to get from the Chairman a clear picture of his intentions on closures and redundancies.
- ii) Mr. MacGregor's handling of the dispute with NACODS was very unsure. He seemed to be more set on having a showdown with NACODS than on securing agreement on a revised colliery review procedure. In principle, the NACODS ballot was one which ought to be decisively rejected; in practice, as a result of the Board's mishandling, it could well succeed. The handling of publicity generally erratic. For a time the Board had maintained no public presence at all but it had now reacted strongly though probably too late.
- iii) It was hard to reach any understanding with Mr. MacGregor about future Board appointments.

In summary, Mr. MacGregor appeared to be erratic and indecisive.

Mr. Walker said the best outcome for the Government was for Mr. MacGregor to serve his remaining term but in increasingly non-executive capacity. For the Chairman to leave now would appear as a vindication of the NUM/Labour Party position that his appointment was misguided. Mr. Walker believed that the next Chairman should have a coal industry background and be someone who could handle successfully the public relations aspects of the job. Beneath him there could

be a Chief Executive brought in from outside, perhaps with a financial background. By contrast, the Chairman seemed to prefer outsiders for the key Board positions. In particular he favoured Mr. Newbigging whom Mr. Walker regarded as unsuitable.

Mr. Walker said he was anxious to replace the Deputy Chairman, Mr. Cowan, as soon as possible. Mr. MacGregor had at one stage agreed that this should be done quickly but he was now procrastinating. Mr. Walker envisaged replacing Mr. Cowan with one of the existing senior managers on the Board who might subsequently go on to become Chairman. The main contenders were Mr. Eaton, Mr. Edwards, Mr. Moses and Mr. Wheeler. Mr. Eaton was well known publicly, had proved a good communicator but had a tendency to flap under pressure. Mr. Edwards had been successful on the marketing side but had no experience of production. Mr. Moses had been tough and successful in North Derbyshire but had no experience at national level. Mr. Wheeler, though extremely able, had generated a great deal of hostility with the unions which probably disqualified him for promotion in the immediate future. He was, however, young and would be a contender in a few years' time. On balance, Mr. Walker favoured Mr. Moses and he suggested that the Prime Minister should find an opportunity to meet him.

Mr. Walker mentioned that Mr. Siddall's health had improved greatly following heart surgery but to reinstate him at the Board would appear as a reversal for the Government.

The Prime Minister said that she would shortly be meeting Mr. MacGregor and would question him hard on:

- closures and redundancies
- the review procedure
- the dispute with NACODS
- Board appointments

AT

Andrew Turnbull
10 May 1985

MR TURNBULLFile with
LAT

10 May 1985

COAL - QUESTIONS FOR IAN MACGREGOR

1. Does he now have an estimate of the core of economic deep-mined capacity around which the UK coal industry needs to be restructured - of the order of 70 mt pa? Has he translated this into pit closures and manpower reductions - upwards of 50,000?

How does this square with Michael Eaton's recently-reported statement that: "We now have about the right sort of numbers of people in the industry, but a few more pits will have to close on the basis of economics"? Are those just soothing noises to encourage the shake-out of manpower through voluntary redundancies, to facilitate agreement on the Modified Colliery Review Procedure, and to deny Scargill the ammunition he needs to retain control over the NUM Executive and obtain the new Rule Book?

2. If so, how many more closures of irretrievable pits are in prospect before reverting to the Modified Review Procedure? What is the target date for having the Modified Procedure agreed? Are the parties divided over fundamental issues? What does the NCB intend to do if early agreement cannot be reached?

SECRET

- 2 -

3. Where do we stand on decentralisation, profit incentives for area and pit managements, and substantially-increased output incentives for faceworkers - the switch to a business-orientated US approach? Are there plans to change not only the structure but the culture of the industry? When will all this be unveiled and the initiative recaptured? (At present, we are steering an unhappy course between not antagonising the miners, thereby strengthening Scargill's hand, and disappointing our supporters at the apparent futility of the strike.)

4. Where have we reached with more opencast activity?

At Scola

PP JOHN WYBREW

SECRET



SECRET

24 AB

cc JK

D/R with full note from D'Emp & PU advice.

AF 13/5

PRIME MINISTER

REVISION OF THE NUM RULE BOOK

Peter Walker minuted you on April 26 about what is in effect a new rule book being proposed by the NUM leadership for adoption at conference in July. It is clear that the proposed changes have been designed with the union's experiences in the strike very much in mind and with the aim of protecting the union from at least some of the sort of actions brought by NUM members themselves during the strike.

In particular, the objective of a new complex complaints procedure is clearly to seek to deny members access to the courts. It would be possible to counter this change by prohibiting in legislation any purported restrictions on the right of individual members to seek a remedy from the courts.

The other principal effect of the changes would be a far greater degree of centralisation which would totally undermine the traditionally federated nature of the union. It is of course these amendments which some of the individual areas are likely to oppose most strongly and on which the changes to the rules might be defeated.

The proposals to indemnify officials, members of the executive and even conference delegates, for actions contrary to the

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rules or possibly to the law are extremely sinister. Some applications of such rules would almost certainly be found unacceptable on grounds of public policy if tested in the courts, for example if they were judged to encourage future criminal acts or sustain a contempt of court. It would however be possible to legislate to impose limitations on indemnities so that for example indemnity could not be given for criminal acts or contempt of court.

Another significant change is the proposal to remove the present right of members and their advisers to inspect the books and accounts of the union and the records of membership. If adopted, only members would have a right of access and then only to inspect the latest audited accounts. Until 1974 all union members had a statutory right to inspect the accounting records (not just the certified accounts) of their union at reasonable times with, if necessary, the assistance of professional advisers and this clearly could be restored to the statute book.

Two other interesting proposals tacitly recognise the existence of our legislation. The new rules include the requirement for the setting up of registers of members and more importantly also confirm Scargill's determination now to seek to avoid the requirement for re-election by relinquishing his casting vote on the executive. Since he himself made

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clear in campaigning for the office that he believed a president should be elected every 5 years, this is clearly an issue on which we shall have considerable ammunition and on which his own personal position will look least attractive.

We need to decide how we should respond if these changes are carried in July, and also whether we wish to pursue other changes as a result of the lessons we have ourselves learned during the strike. There are a number of points I shall want to discuss with colleagues including the issue of the timing of announcements of any possible proposals, and I shall be writing more fully when I have concluded my considerations.

I am copying this minute to members of the Cabinet and to Sir Robert Armstrong.

A handwritten signature in blue ink, consisting of a large, stylized letter 'D' followed by a smaller 'k' and a period.

TK

10. May 1985

SECRET

NAT IND : Ceal : Pt 17.

170 MAY 1985





cc I. Gregson
Prime Minister 24A

This is extremely disturbing <

AT 815

PRIME MINISTER

R. B. MacGregor

I want you to be aware of my very real concern at what is happening at the National Coal Board at present.

You will know that I have arranged to see Ian MacGregor once or twice a week. The purpose of this is not to interfere in the running of the business - indeed there has been no Government intervention apart from writing the cheques - but simply to keep abreast of developments and to understand how the NCB intend to end the huge financial drain and to bring the industry to break-even.

Over recent weeks we have discussed his strategy for the industry. In fairness to him the task of reconstruction is enormous, as we all recognise. The need for clarity of thought and direction is essential.

But even making allowance for the magnitude of the task I must report that I am far from satisfied with his performance. I have told you how, at various meetings, the figures he has given me show frequent and major changes through successive meetings. For example, at the meeting that took place on 1 May he said his target was to reduce men on colliery books from 171,000 to 140,000 by March 1986. Today he said the target figure for that date was 149,000, and when challenged said perhaps there was still hope of 145,000. The 140,000 seems to have receded to March 1987. His presentation, if not his perception, seemed muddled.



I have a much more immediate anxiety about the NCB's relationship with NACODS and its bearing on the standing and reputation of the Government. I do not want to see NACODS taking industrial action which the public thinks is justified because they believe the NCB is not honouring the NACODS agreement on pit closures. The outcome of the NACODS ballot is likely to be known over the weekend. Ian had previously told me how determined his management were to prevent the NACODS executive from inflicting further disruption upon the industry, and I understood from him that in this area he would continue to use Michael Eaton as his main public spokesman. He also said he was confident the NACODS executive would not obtain the necessary two-thirds majority from the members.

I sincerely hope he is right. The reality of the past two weeks in particular has been that NACODS spokesmen have enjoyed unparalleled access to the media which has gone virtually unchallenged by the Board. When David Hunt visited the Point of Ayr colliery he was shocked to discover that the mood on the ground amongst NACOD members was much inflamed by what they had been led to believe by their executive. The Board's industrial relations director told my officials today, in confidence, that he feared the result could now swing against the Board with the prospect of an overtime ban, perhaps leading to a strike if the Board then played their cards wrong. Michael Eaton has not appeared as the Board's spokesman: he has been sent back to Yorkshire because Mr MacGregor judges his most important task lies there.

Last night my press department phoned me after the nine o'clock television news, which I had not seen, to tell me there had been an item about the closure of two North East pits, and that again Mr McNestry had claimed the Board was violating existing agreements without consultation. Given the imminence of the ballot I telephoned MacGregor to ask how the Board would be responding. His immediate reaction was to criticise me for



paying too much attention to the threat posed by the union. He did however say that NACODS certainly had been consulted about the two closures. Thus, the Board had a good story to tell. So I urged him to tell it without delay.

When I had my regular meeting with him today he had obviously thought further about the matter, and has issued the attached statement. It is an attempt to be constructive, but there is a hostage in the last paragraph which implies that procedures are only working normally in the areas that worked during the strike. The Board's spokesman today, who had the unenviable task of trying to rescue the Board from the brink, was Mr Spanton, who performed quite well, though he is no dazzling star.

My discussion today was a difficult one, but I gathered more clearly than ever before that MacGregor is determined to have and to win a confrontation with NACODS even if this means a strike. I said I hoped this could be avoided and I reminded him of his earlier optimism about the ballot. I also pointed out that if by any chance his personal optimism was unfounded and a strike occurred both the Government and the Coal Board could face serious difficulties with public opinion. He seemed unmoved by this.

I have made it clear that if, by chance, NACODS do take industrial action of any kind, there must be the closest consultation between the Board and the Government about how it is handled. Apart from the reputation of the Government, this would affect the rebuilding of power station coal stocks.

Our discussion also touched on the question of Mr Cowan's retirement as Deputy Chairman. MacGregor is now talking of "midsummer" and does not wish to commit himself to June, as we earlier agreed, when Cowan was to become chairman of Coal Products Ltd. He said Cowan had reservations which might be



"worked out". But it is clear to me that he is shifting his ground on timing, if not substance.

The Coal Board is a leaky place. As it happens we had already had intelligence from several sources that Mr MacGregor is determined to keep Cowan on for a longer period.

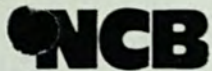
MacGregor knows that I consider the time has come to grasp the nettle. Cowan's tenure as Deputy Chairman is proving very bad for morale at the Board. Indeed, I reminded MacGregor that this had been his view when he suggested a knighthood for Cowan.

I believe that we have a rather uncertain personality guiding events at present. He has an impossibly large task as Chairman and Chief Executive of a demoralised, ineffective, organisation. At minimum I believe we need to appoint one or two new Deputy Chairmen from June, despite the risk that MacGregor will disagree and that he could take this to its ultimate conclusion and resign. But I still believe this to be a necessary intervention.

I know that David Hunt and Ken Couzens share my view that there is a problem of sizeable proportions to be tackled urgently. I would welcome the opportunity of an early discussion with you.

SECRETARY OF STATE FOR ENERGY

9 May 1985



Public Relations

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

NO CLOSURES OUTSIDE COLLIERY REVIEW PROCEDURE

NCB's Assurance to Unions

An assurance that no pit will close without the opportunity of consideration under the Colliery Review Procedure has been given by the National Coal Board to the industry's trade unions.

The assurance was given yesterday (Tuesday) by Board Member for Personnel Mr. Merrick Spanton, to the leaders of NACODS, BACM and the NUM at their meeting of the joint sub-committee discussing modification to the Colliery Review Procedure.

The unions sought an assurance that there would be no closures outside the Review Procedure. "I made it perfectly clear that no pit would close unless it went through the Procedure" said Mr. Spanton.

That assurance applies to all coalfields and Mr. Spanton expressed surprise that NACODS Secretary Mr. Peter McNestry had questioned the Board's intentions in the North East.

The National Coal Board announced to the unions on March 27, 1985 that an urgent review was in progress to assess the condition of the seriously strike damaged collieries.

2/Cont'd...

"It was clear that in a limited number of cases the damage and future prospects may prove to be so bad that the cost of re-opening will not be justified" said Mr. Spanton. "At other collieries partial re-opening or redevelopment may be the right thing to do. Where temporary or permanent job losses have occurred, redundancies are being arranged and men are leaving under the Redundancy Scheme. The number of volunteers is substantially in excess of the jobs that will be redundant".

"The National Coal Board are consulting with the unions locally as soon as any decisions are taken which involve job reductions or other action short of closure. Whenever closure is proposed, the colliery will go through the Review Procedure."

Mr. Spanton said that by the end of June 1985 all of the damage would have been assessed and the appropriate decisions taken. From that date all collieries would be operating under the normal Colliery Review Procedure.

"It must also be emphasised that the normal Colliery Review Procedure is operating now in all of the Areas which worked during the strike," Mr. Spanton continued. "There have been few problems where safety cover was provided. The most serious problems have arisen where safety cover was not provided and where the collieries could not be properly inspected."

Press Office (2057)

8 May 1985



B
SECRET AND PERSONAL

Prime Minister (2)
We are still awaiting
the King's assessment

HOUSE OF LORDS,
SW1A 0PW

8 May 1985

8/5
24

B

mt

Dear Peter:

REVISION OF THE NUM RULE BOOK

Your minute to the Prime Minister of 26th April 1985 and your Departmental assessment of these proposed changes shows the lengths to which Scargill and the National Executive Committee find themselves obliged to go to impose their will on their membership following the success of the judicial enforcement process as it applied during the recent industrial dispute.

Section 1 of the Trade Union and Labour Relations (Amendment) Act 1976 (which repealed section 6 of the Trade Union and Labour Relations Act 1974) removed express statutory control over the form of trade union rules and the procedures required to change them but it did not take such matters outside the general law of contract which is the essence of the rules governing any unincorporated body. Seen in that way -

(a) a rule intended "to indemnify National Executive Committee members against consequences of any actions, whether legal or not, done in the name of the union" would be void on grounds of illegality: it would not authorise any such payments by way of indemnity if it were to be adopted;

(b) a rule seeking to "avoid the consequences of a number of court rulings obtained by working miners during the recent industrial action, upholding the rights of individual members e.g. to inspect the accounts"

The Right Honourable
Peter Walker, M.B.E., M.P.,
Secretary of State for Energy.

cont...2

SECRET AND PERSONAL

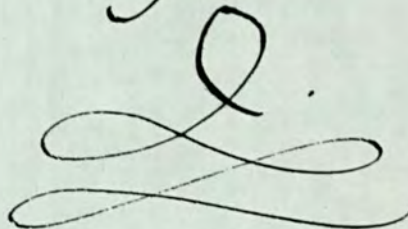
of the union with professional advisers" shows itself as a blatant attempt to frustrate the due process of the law: it bears the hallmarks of being void on grounds of public policy; but

- (c) the proposed object to seek "the complete abolition of capitalism" goes far outside its trade and is more specific but it seems no wider than the objects considered by the courts in Sherard v. Amalgamated Union of Engineering Workers [1973] I.C.R. 421 where the objects of the defendant union (which operated many closed shops) included "the furtherance of political objects of any kind". Phillips, J. was upheld in the Court of Appeal (Lord Denning M.R. and Roskill, L.J.) on the grounds that such objects are wide enough to include political objects including the calling of a strike in support of those objects. (The courts on this point had no cause to take the provisions of the Industrial Relations Act 1971 into consideration.)

As we have no direct Ministerial power to intervene I think it may be best to leave decisions on these matters at this stage to the members (and the internal stresses) of the union. If such changes are made to the rules then circumstances may well give rise to the possibility of proceedings by the Attorney-General to restrain a threatened illegality.

I am copying this letter to the Prime Minister and to other Cabinet colleagues.

Yrs:

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the bottom.

NAT. IND : Coal : Pt 17.

9
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3

59 MAY

NATIONAL COAL BOARD
HOBART HOUSE
GROSVENOR PLACE
LONDON SW1X 7AE

1. Mr. Turnbull
2. Prime Minister

This fills me with misgiving. It seems a very inflexible policy

CHAIRMAN

Ian MacGregor

Mr. Robin Butler,
Principal Private Secretary,
10, Downing Street,
London, SW1.

Dear Mr. Butler,

Thank you for your letter of 15th April about Mr. and Mrs. Fjaelberg.

The essential facts are that Mr. Fjaelberg returned to work last November and, at the end of the strike, was one of five working miners at Cwm colliery. Two of the five are still working. Mr. Fjaelberg went sick on the second day after the strike ended and has been off sick ever since; I understand that he has recently been admitted to a psychiatric hospital. Of the other two "working miners", one went off sick in the third week after the strike, and one went sick two weeks ago.

You may be assured that the Board's local management have been taking, are taking, and will continue to take every possible step to prevent intimidation of any men who worked during the strike, including Mr. Fjaelberg. Indeed, I know that the Fjaelbergs, in particular, have received extremely sympathetic treatment from the Board's South Wales management, and there have been several meetings with both Mr. and Mrs. Fjaelberg, together with a lengthy exchange of correspondence. The Board remain ready to help the Fjaelbergs.

The key problem appears to have been that Mr. Fjaelberg has insisted on a paid transfer to another coalfield. The Board's policy is not to pursue formal transfers under their Long-Distance Transfer Scheme for two main reasons. Firstly, to arrange transfers of men who feel they are being intimidated in any way would be an admission that such tactics by the hard-core militants were succeeding. The Board are determined that this will not happen. Secondly, you will appreciate, I am sure, that it would not be possible to transfer all these men who returned to work before the end of the strike and who may have since decided they wish to transfer (nearly 30,000 men, in all, returned to work before the end of the dispute in "striking" Areas). The number of normal vacancies arising is very small compared with the potential demand for transfer; and vacancies cannot be created at will. In the Board's view it would be quite inappropriate, and unfair to make exceptions to permit a few men to transfer with allowances and not others. In these circumstances, therefore, the Board regard formal transfers as neither desirable or practicable.

01-235 2020 We had letter for Mr. MacGregor in - next week -

allowing no special help for people particularly at risk because they had a high profile during the 8th May, 1985 strike.

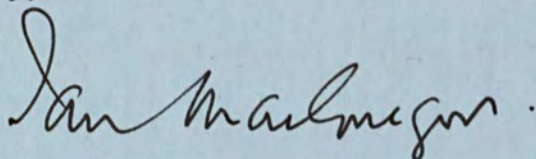
I have in any case asked the Secretary of State for Energy's office for a general report but, in view of the situation described in the note Mr. Walker gave you this morning, this is proving difficult to produce.

FERB
9.5.

Nevertheless, despite this policy, the Board's South Wales management did ascertain for Mr. Fjaelberg that there was a suitable vacancy available at Rufford colliery in North Nottinghamshire for which Mr. Fjaelberg could, if he wished, be considered - if he was prepared to move voluntarily. (A number of other "striking" miners have applied for and obtained jobs in other coalfields in this way - including one from Cynheidre - without any Board involvement at all). Mr. Fjaelberg was offered this possibility on 2nd April. He said, at that time, that he did not want to move to Rufford because it was too near Doncaster Area. He asked for a job in Leicestershire but unfortunately, there are no vacancies there because of the contraction in mining activity in that locality. Mr. Fjaelberg then apparently changed his mind and, on 11th April, said he would go to Rufford if the Board paid for the transfer. South Wales Area management explained they could not pay transfer allowances, in line with the policy applying throughout the industry (which I have described above). Unfortunately, because of the delay, North Nottinghamshire have since advised South Wales that they have now absorbed as many men as they can take, and the vacancy no longer exists. Mr. Fjaelberg has been so advised.

As I have said earlier in this letter, the Board remain ready and willing to help the Fjaelbergs as far as possible.

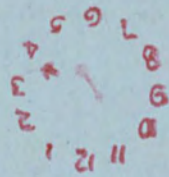
Sincerely,

A handwritten signature in cursive script, reading "Ian MacLennan". The signature is written in dark ink and is positioned below the word "Sincerely,".

3006/5/85/L/037/AJP

NAT. IND: Gal: A 17.

VAT



-9 MAY 1985



10 DOWNING STREET

Prime Minister ①

This is extremely disturbing.
Mr Walker makes three serious
accusations against Mr
MacGregor

- (i) he has no clear objectives
for devels and redundancies
over the next two years
- (ii) he is pursuing his own
vendetta against NACADS,
having been forced by his
own mismanagement to
concede too much to them
last October
- (iii) he has destroyed the old
NCB management without
putting anything in its
place other than a gerontocracy.

I will arrange a meeting
with Mr Walker and the Chancellor
as soon as possible to be
followed by a meeting with
Mr MacGregor

Thanks on this AT 8/5
urgent.

CF.
Pl. p.c.

PRIME MINISTER

As you know, you are still receiving a number of letters from miners who continue to suffer intimidation. We and the Department of Energy are ensuring that they are drawn to Ian MacGregor's attention.

You may be interested therefore to see an example of the Coal Board's response. It adopts a rather tough tone, but notes that the Board will take action when there is firm evidence of intimidation.

mt

MEAT

MARK ADDISON

8 May 1985

SL3AFS



DEPARTMENT OF ENERGY
Thames House South
Millbank
LONDON SW1P 4QJ

Tel: Direct Line 01 211 6402
Switchboard 01 211 3000

8 May 1985

Mark Addison Esq
with the compliments of

As discussed, an example of one of
the letters. I hope it fits the bill.

P R Evans
the Private Secretary to
the Secretary of State

Ian MacGregor

Mr John White
1 Marlborough Road
Dover
Kent CT17 9ND

10th April 1985

Dear Mr White

Thank you for your recent letter

Like many of the letters that I receive daily, your letter contains no firm evidence or description of the behaviour you are describing and so it is impossible for me to take action. I am afraid that the situation is such that there is a lot of talk but very few facts on which we can act. If specific instances are brought to my attention or the attention of local management then rest assured appropriate steps will be taken to combat any misdemeanours.

Every effort is made to protect our people from intimidation but unless we have hard evidence we do not have much to work with. You may have observed that immediate action is taken in cases where we do have evidence.

The question of transfers is not simple. The traditions of Areas and their concern about filling vacancies from the large pool of young people who are looking for work has been a jealously guarded "right" even in the moderate coalfields. In point of fact, to the extent it has been possible, we have been able in some parts of the country to achieve a modest number of transfers.

I find much in your letter with which I agree and you have identified the dedication of the militant people in the labour movement. For our part, we do understand and are working with the people involved to try to resolve any problems which are identified. When we have concrete facts, action is taken.

Finally, may I thank you for your kind words of encouragement and support

Sincerely,

3115

White

Ian MacGregor

10th April, 1985

S

Mr. John White,
1, Marlborough Road,
Dover,
Kent, CT17 9ND.

01411312021

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Finally, may I thank you for your kind words of encouragement and support.

Sincerely,

CONFIDENTIAL

Prime Minister
 (1) *old burn now phased out*
 (2) *stocks being moved from pit heads.* 8/78

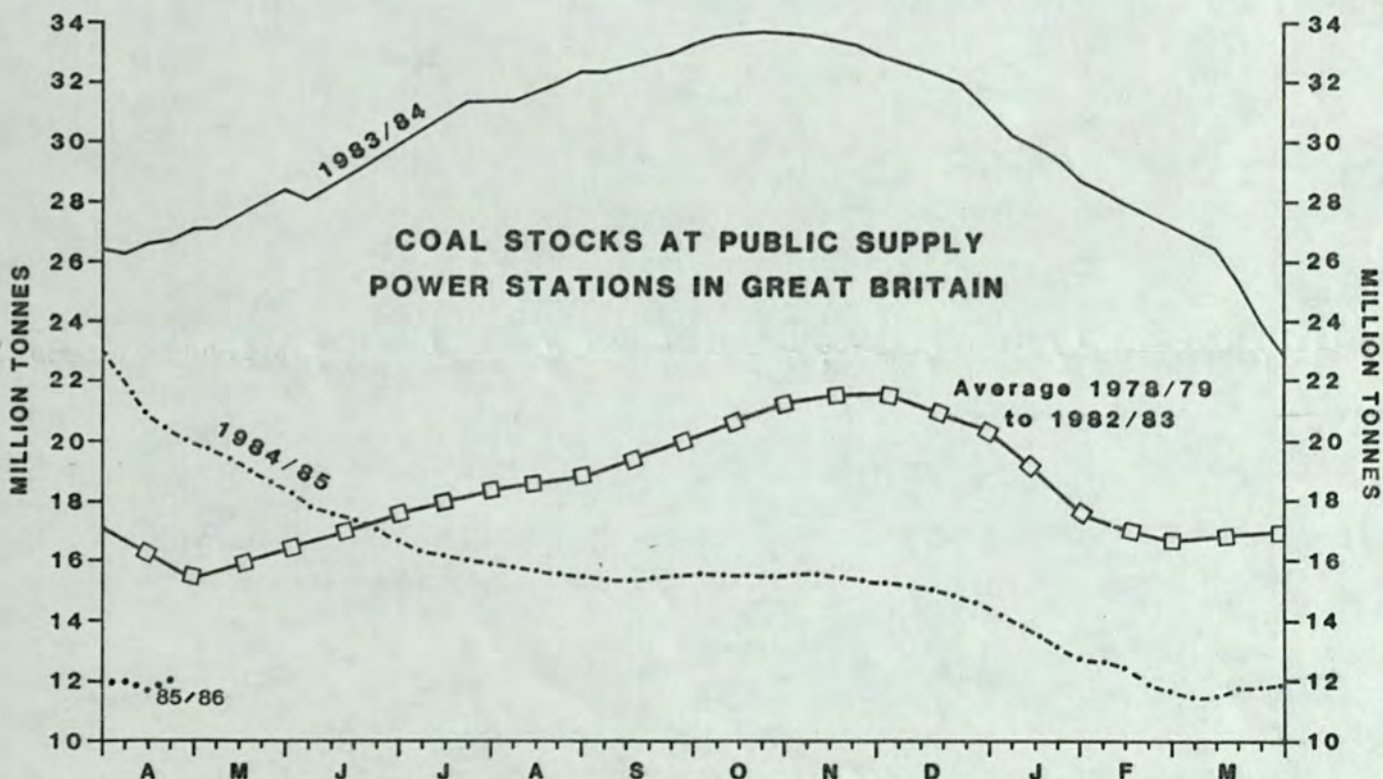
WEEKLY COAL AND POWER STATION STATISTICS (1)

3 May 1985

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

Week ending		23.4.83	21.4.84	30.3.85	6.4.85	13.4.85	20.4.85	
		(5)	(5)	(5)	(5)	(6)	(6)	
COAL	PRODUCTION	2.32:	0.45:	1.22	1.28	1.01	..	
	(m. tonnes)	deep mines+	0.33:	0.28:	0.38	0.26	0.05	
		opencast+	2.65:	0.73:	1.60	1.54	1.06	
	TOTAL						..	
PRODUCTIVITY(2)	'overall'	2.59:	2.13:	1.74	1.93	2.01	..	
	(tonnes/manshift)	'production'	10.89:	9.99:	8.47	8.91	9.22	..
UNDISTRIBUTED STOCK								
(m. tonnes)	TOTAL	25.59:	22.04:	19.93	19.10	18.50	18.19	
POWER STATIONS	COAL STOCKS	(m. tonnes)	26.76:	20.35:	11.92	12.00	11.74	12.05
	COAL CONSUMPTION	"	1.59:	0.89:	1.50	1.51	1.53	1.56
	COAL RECEIPTS	"	1.81:	0.34:	1.63	1.61	1.28	1.86
	OIL STOCKS(3)	"	1.14:	0.83:	1.13	1.12	1.11	1.10
	OIL CONSUMPTION(3)	"	0.10:	0.34:	0.20	0.03	0.02	0.02
	OIL RECEIPTS(3)	"	0.05:	0.12:	0.22	0.02	0.01	0.01
	ELECTRICITY SUPPLIED (4) (GWh)							
	Nuclear	"	789:	859:	1,048	1,123	1,077	1,025
	Other Steam	"	3,952:	3,393:	4,200	3,510	3,507	3,513
TOTAL	"	4,741:	4,252:	5,248	4,633	4,584	4,538	
TOTAL - temperature corrected								
	"	4,501:	4,301:	5,103	4,984	4,542	4,621	

- (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.
- (5) Includes Good Friday. (6) Includes Easter Monday.
- .. data not yet available. + includes licensed production.



CONFIDENTIAL

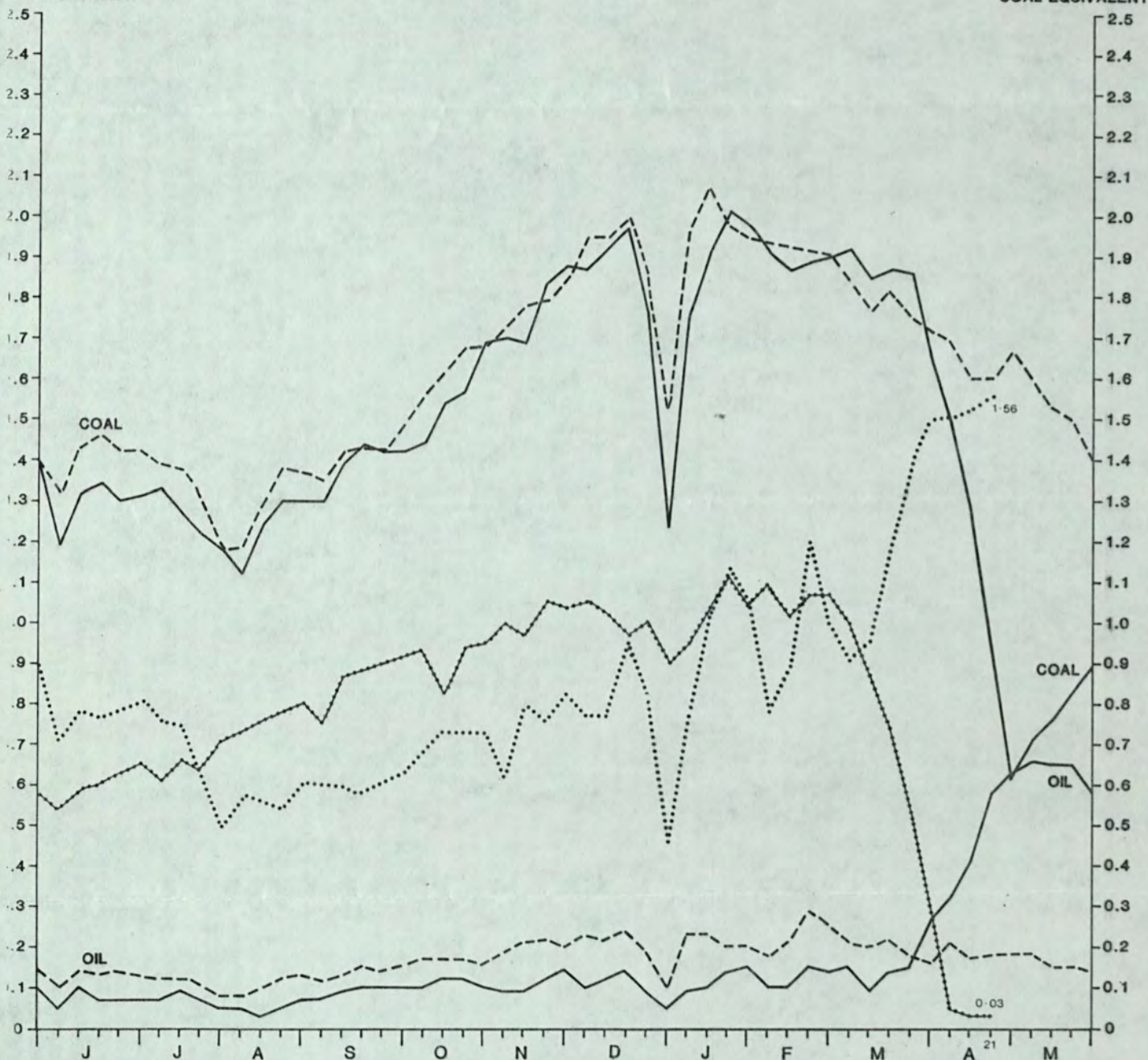
CONFIDENTIAL

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

COAL } June 84 to May 85
OIL } June 83 to May 84
————— }
- - - - - } Average 1978/79 to 1982/83

MILLION TONNES
OF COAL OR
OIL EQUIVALENT

MILLION TONNES
OF COAL OR
OIL EQUIVALENT



CONFIDENTIAL



COPY NO: 4

OF 4 COPIES

10 DOWNING STREET

From the Private Secretary

26 April 1985

Dear Michael.

COAL INDUSTRY

There are a number of issues on the coal industry which Ministers will need to consider in the coming months and for which it is necessary to agree a timetable for the work involved. When your Secretary of State came to see the Prime Minister on Wednesday on another subject, she raised a number of these issues with him.

(i) Replenishment of power station stocks

Your Secretary of State reported that NCB and CEGB had agreed a schedule of deliveries which would achieve 22.9 mt at power stations by end October. The Prime Minister wondered whether this was sufficient and suggested 28 mt. Your Secretary of State replied that when this had been discussed in March a target of six months' endurance had been set which 23 mt would provide. The Prime Minister would be grateful if your Secretary of State could consider the logistic and financial implications of aiming at a higher target.

(ii) Extending power station endurance

Ministers will need to consider a variety of options eg expansion of inter-connectors, dual firing (whether oil or gas), mixed firing, a further expansion of coal stocks, increased access to alternative coal supplies. The Prime Minister understands that the CEGB is engaged on a major technical appraisal of the options which is unlikely to be ready before early June.

(iii) NCB Programme for closures and redundancies

Your Secretary of State told the Prime Minister that NCB had still not set clear objectives for closures and redundancies for the next two years. He suggested that the Prime Minister might meet the Chairman to discuss his plans. This would need to be preceded by a meeting of Ministers.

(iv) Acceleration of open cast development

There are two separate issues; first, securing an adequate flow of planning consents, and secondly, the

priority which the NCB gives to open cast operations. On the first, advice is expected shortly from Sir Robert Armstrong, after which a meeting will be arranged with your Secretary of State and the Secretary of State for the Environment. The second can be dealt with in the context of (iii) above.

(v) Longer term structure of the coal industry

The Prime Minister is anxious that work should be set in hand on the longer term structure of the coal industry to consider such issues as regionalisation, privatisation, joint ventures and the hiving off of open cast operations.

(vi) Personnel changes on the NCB

Ministers will need to consider the successor to the Deputy Chairman and the consequential managerial changes.

The Prime Minister would be grateful for advice from your Secretary of State on a timetable for dealing with these issues.

I am copying this letter to Rachel Lomax (HM Treasury, copy no. 2) and to Peter Gregson (Cabinet Office, copy no. 3). Please could you ensure that it is shown only to those who need to know of its contents.

Yours sincerely

Andrew Turnbull

ANDREW TURNBULL

Michael Reidy, Esq.,
Department of Energy.

Nat Ind: Coal.



10 DOWNING STREET

Prime Minister ②

Mr King and Policy Unit
are looking at this, but you
will want to see it immediately.

I will arrange a discussion
when we have the additional
work ready.

AT

26/4

We shall need
to discuss soon.

We may

have to have emergency
legislation

mt

Note: - Spoke to David Northington
and told him of this matter. Requested
an early response from D/Emp

AT 29/4

PRIME MINISTER

REVISION OF THE NUM RULE BOOK

As you know, the NUM leadership has proposed radical changes to the existing Rule Book. I attach a preliminary assessment of the proposed changes which has been carried out in my Department.

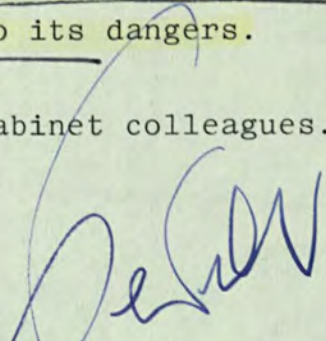
If implemented these would strike a mortal blow to union democracy by concentrating power in the hands of Scargill and the NEC, and drastically reducing the right of ordinary members to influence or challenge major decisions. They also, more explicitly than ever before, set as one of the union's strategic aims the complete abolition of capitalism, and indeed the entire document reflects all the predictable aspirations of the extreme left-wing.

Tom King's Department is also reviewing the new document, with particular reference to its implications for our industrial relations legislation. No doubt he will let you and others know of additional points he would wish to draw to our attention.

Issue will
be decided
at July
conference

You may wish to discuss the issues raised by this document, particularly the need to ensure that the country and the NUM moderates are fully alerted to its dangers.

I am copying this minute to Cabinet colleagues.



SECRETARY OF STATE FOR ENERGY

26 April 1985



REVISION OF NUM RULEBOOK

Summary

- The NUM rulebook revision does not simply amend the existing rules, it deletes them in totality and seeks to put in their place a rulebook designed to replace a federal union balancing powers between the areas and the centre by a centralised one controlled by its National Executive Committee (NEC) and Conference.

- In particular the new rulebook seeks to:
 - enable the NEC to call industrial actions short of a full national strike without a ballot;

 - circumscribe the powers of areas and change the rules regarding numbers of delegates to the NEC in a way designed to reduce representation from moderate areas;

 - further reinforce rule 51 introduced last summer to enable disciplining of members and areas who do not follow instructions from the centre;

 - indemnify the NEC members against consequences of any actions, whether legal or not, done in the name of the union;

 - reinforce the position of Mr Scargill as President and enable him to avoid a need for re-election under the Trade Union Act 1984;

 - avoid the consequences of a number of court rulings obtained by working miners during the recent industrial action, upholding the rights of individual members eg to inspect the accounts of the union with professional advisers .



- The political aims of the draughtsmen of the new rules are overt in new rule 4.0 which extends and reinforces the old rules 3(r) and 3(s) and gives, as one of the powers of the union:-

"To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism."

- The attempt to introduce these new rules will aggravate Divisions within the union. The leaders of the Nottinghamshire miners are reported to have said already that Nottinghamshire will break away if the new rulebook is adopted as drafted. Some militant areas with a long tradition of independence (such as South Wales) may also find the centralisation of powers difficult to accept. The introduction of an extremely short deadline for receipt of proposed amendments (by 26 April) can only be designed to ensure that such areas are faced with the new rulebook on a 'take it or leave it' basis before they have time to properly consider.

Background

1. So extensive are the changes that no simple comparison between the proposed and existing NUM rulebook is possible. The new rulebook has been written so as to make the objects and powers as wide as possible, thereby minimising the risk of successful challenge through the courts that any action was ultra vires. (Rules 3 and 4).

2. The concentration of new powers on the centre is extensive. For example:

- members are allocated to areas by the NEC, who may reallocate them at any time (Rule 5D (i)).
- The union (Conference/NEC) may oblige all members to pay any contributions, fines and special levies which they determine, (Rule 6A) and any member who following request, fails to pay for 13 weeks, ceases to be a member (Rule 6E).



- Every member shall comply with the rules, policy and objects of the union and with all directions thereunder. (Rule 5).
- The decisions of the NEC upon all matters of business which it transacts, shall be binding (subject to right of appeal to Conference) (Rule M).
- Conference shall have the power to create, dissolve, merge, combine or amalgamate areas and the NEC shall prescribe the rules of any new areas so created (Rule 17B).
- Each area, its officials and committees, shall comply with the rules of the union (Rule 17F).
- All Area Executive Committees, area officials/agents, branch committees and branch officers, shall be subject in all respects to the authority of the union and shall comply at all times with the directions of the NEC and Conference (Rule 18A).
- Even in matters of a purely area character, no area shall have power to complete negotiations or enter into agreements without the approval of, or under powers delegated by, the NEC (Rule 18C).
- The NEC shall have the power to call industrial action by any group of members whether in one, or part of one, or more than one, area (Rule 26C).
- On any question as to the application of the rules (including area rules) or a conflict between area rules and National rules, the ruling of the National President shall be binding (subject to appeal by the NEC and thence to Conference), (Rule 27C).
- The National Disciplinary Committee has extensive powers including expulsion of individuals, branches and areas where it decides that a member has been guilty of any of a wide range of offences, including having done (including omission) any act judged detrimental to the union. (Rule 30).

3. Equally wide ranging are the indemnities given to those who act on behalf of the union:-

- Every delegate to Conference shall be entitled to be indemnified by the union in respect of any act done as such a delegate by his or her participation in Conference, whether in accordance with the rules or otherwise, so long as such act was done with prior or subsequent consent of Conference. Act includes failure to act. (Rule 8H).



- Every member of the NEC indemnified for every act (including failure to act) whether in accordance with rules or otherwise, so long as the act was done with prior or subsequent consent of Conference or the NEC (Rule 9G).
- Every National Official indemnified in respect of every act done so long as that act was not contrary to the policy of Conference or the NEC (Rule 16).
- Every area official/agent indemnified so long as the act was done with prior or subsequent consent of the Area Council, any national official, the NEC or Conference (Rule 19C).

4. The rules broaden possible membership beyond the coal industry, and introduce the new categories of Associate Member and Honorary Member.

- The union shall be composed of workers employed in the coal mining industry and ancillary industries and such other industries and other undertakings as Conference shall from time to time determine. (Rule 2).
- The associated members shall be all those persons who, in the opinion of the NEC, are suitable (Rule 5B).
- The honorary members shall be all those persons who, in the opinion of the NEC, are suitable (Rule 5C).

5. The make-up of the NEC is changed by Rule 9B, which will have the effect of eliminating representation from Cumbria, and shortly from North Wales. One curiosity is that the rule does not say how many representatives shall come from an area with over 40,000 members, ie Yorkshire. It could be that the NEC propose to split Yorkshire into two areas, thereby increasing their representation on the NEC to 4.

6. Mr Scargill was elected National President in 1981. The new rules seek to protect his position both in relation to the need for re-election under the Trade Union Act 1984, and more generally.

- The president shall have no vote in any capacity (Rule 11).
- All full-time national officials elected on or after August 1983 shall serve for 5 years, but those elected before then hold office in accordance with the rules in force at the time of their election (Rule 14B).
- National officials can only be removed or suspended following a special procedure involving a 2/3rd NEC majority plus a 2/3rd area vote at a special conference, plus a 2/3rds member ballot vote (Rule 15A).



- No alteration shall be made to those parts of the new rules regarding the treatment of full-time officials elected before 1 August 1 August 1983 (Rule 27B).

7. Finally, the new rules introduce a highly complex grievance procedure (Rule 29), involving 8 stages and designed to ensure that aggrieved members cannot appeal to the courts.

22 April 1985



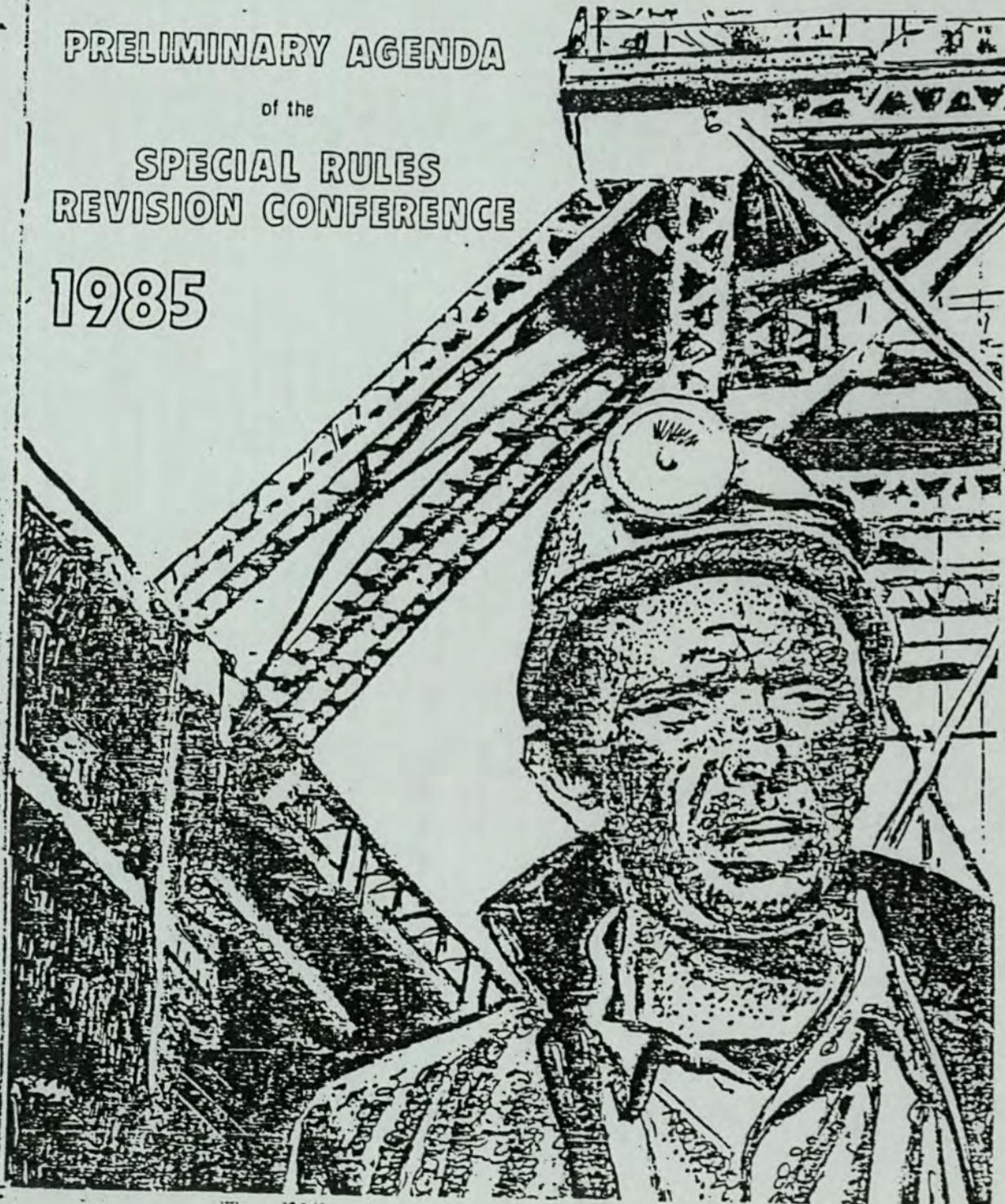
National Union of Mineworkers

PRELIMINARY AGENDA

of the

SPECIAL RULES
REVISION CONFERENCE

1985



39575

NATIONAL UNION OF MINeworkERS

PRELIMINARY AGENDA

OF THE

SPECIAL RULES

REVISION CONFERENCE

1985

to be held in

**The Ballroom
City Hall
Sheffield**

Commencing at the conclusion of the Annual Conference July 1985

SPECIAL CONFERENCE ARRANGEMENTS

Conference will commence at the conclusion of the Annual Conference for the purpose of Rules Revision at which the revised Rules, Model Rules and Standing Orders submitted by the National Executive Committee together with amendments thereto submitted by Areas will be considered and voted upon.

NOTE: Closing date for receipt of amendments is 26th April, 1985.

RULES REVISION

DELETE ALL EXISTING RULES, MODEL RULES FOR AREAS AND
STANDING ORDERS AND INSERT REVISED RULES, MODEL RULES AND
STANDING ORDERS AS FOLLOWS:

RULES OF THE NATIONAL UNION OF MINeworkERS

INDEX

1. NAME
 2. CONSTITUTION
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 4. POWERS
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 6. CONTRIBUTIONS AND LEVIES
 7. GOVERNMENT
 8. CONFERENCE
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 31. POLITICAL FUND
 32. ADMINISTRATION OF POLITICAL FUND
- SCHEDULE
MODEL RULES
STANDING ORDERS

1. NAME
The Union shall be called "National Union of Mineworkers" and is in these Rules referred to as "The Union" and its office shall be at St. James' House, Vicar Lane, Sheffield.
2. CONSTITUTION
The Union shall be composed of workers employed in the coalmining industry and ancillary undertakings and such other industries and undertakings as Conference shall from time to time determine.

3. **OBJECTS**

The objects of the Union shall be:

- 3.A To act as a Trade Union.
- 3.B To secure the complete organisation in the Union of all workers in or connected with the coalmining industry of the British Isles and all the industries and undertakings in which the Union has members or such sections of them as Conference may from time to time determine.
- 3.C To advance and protect the interests of members.

4. **POWERS**

The powers of the Union shall be all those that are necessary to pursue and implement the objects, and the specific powers following do not derogate from or limit the generality of this power:

- 4.A To negotiate and settle either nationally or locally (as may be necessary or expedient) all issues or disputes arising between members and employers or other bodies.
- 4.B To provide for members victimisation benefit, trade dispute benefit, legal assistance (including the payment of finer, costs and expenses), pensions and any other benefits or payments as may be determined in accordance with the Rules and policy of the Union.
- 4.C To promote legislation in the interests of members and oppose legislation contrary to the interests of members.
- 4.D To act as an association, organisation or intermediary for the purposes of any Conciliation Schemes for the coalmining industry of Great Britain and ancillary undertakings, and other industries or undertakings where the union has members.
- 4.E To employ or appoint or organise the appointment of persons, whether members or not, or make inspections or representations on the workers' behalf under the Mines and Quarries Act 1954 or any other Act of Parliament or statutory instrument or code of practice or under any collective agreement.
- 4.F To represent members of the Union and the interests of those industries and undertakings in which members are employed before and present evidence and information to Government, Parliamentary, Municipal, Local Government, Official and other Commissions, Committees and bodies of enquiry or investigation or Authorities.
- 4.G To assist members and their dependants in obtaining compensation for injury, ill-health, disabilities or death arising out of or connected with the members' employment and to contest or support financially or otherwise the contest of any legal question affecting the interest of members or their dependants or the industries or undertakings in which members are employed.
- 4.H To raise funds by contributions, levies, donations or otherwise.
- 4.I To establish and maintain a Political Fund in accordance with the Trade Union Act 1913, and any amendment thereof, and to apply such fund (and any other funds that may be legally applied thereto under the Statutes for the time being in force) for the furtherance in the interest of the members or industries or undertakings in which members are employed of any political object within the meaning of the Trade Union Act 1913.
- 4.J To federate, amalgamate, merge with or take over other Trade Unions.
- 4.K To assist financially or otherwise, join, affiliate to or co-operate with bodies, Constituent Associations, trade unions and individuals whether within the United Kingdom or abroad.
- 4.L To engage in or support educational works.
- 4.M To enter into, or participate in, the business of producing a journal or other publications, including film, television, video, books, records and tapes and mechanical recordings, the main purpose whereof is to further or promote the interests of the Union and the members thereof, whether solely or as a part of the interests of workers generally.
- 4.N To establish superannuation and pensions schemes for the benefit of the members, Officials and/or employees of the union and/or some of them (including

former members, Officials and employees) and/or their dependants, and/or to make grants and/or loans to and/or to establish trusts for the same and/or to provide housing for Officials and their families to continue in their retirement.

- 4.O To seek and secure the establishment of common ownership and control by the workers of their industries and of the means of production, distribution and exchange generally, with a view to the complete abolition of capitalism.
- 4.P To promote the passing of legislation to establish guaranteed levels of income for the members whether or not in employment.
- 4.Q To negotiate a National Wages Agreement covering the whole of the British Coalfields.

5. MEMBERSHIP

It shall be the duty of every member to comply with the Rules, policy and objects of the Union and with all directions thereunder.

5.A Full Membership

The following categories of persons are eligible for full membership of the Union and in these Rules the expression "member" means a full member unless otherwise stated:

- (i) All persons employed in the coal mining industry of Great Britain and its ancillary undertakings.
- (ii) All persons employed in those sections of Energy Industries and undertakings specified by Conference.
- (iii) All persons employed in such other industries and undertakings (or sections thereof) specified by Conference.
- (iv) All persons employed by the Union including full-time National or Area Officials/Agents.
- (v) All members who become Members of Parliament or of the European Parliament.
- (vi) With the express permission of the NEC, all members formerly employed in any of the above categories and who are temporarily engaged in undertakings or institutions in which the Union does not organise and who continue to pay full contributions.

5.B Associate Membership

The associate members shall be all those persons who in the opinion of the NEC are suitable to be associate members and who are admitted to associate membership by the NEC. The NEC shall be entitled to terminate at its absolute discretion the membership of the associate members at any time without giving reasons therefor. The NEC shall determine the categories and qualifications of persons who shall be eligible for consideration as associate members.

5.C Honorary Membership

The honorary members shall be all those persons who in the opinion of the NEC are suitable to be honorary members and who are admitted to honorary membership by the NEC. The NEC may terminate in its absolute discretion the membership of any honorary member at any time without assigning any reason therefor.

5.D Membership in Areas

- (i) Every member of the Union shall be allocated by the NEC to an appropriate Area and any member may be reallocated by the NEC at any time from one Area to another.
- (ii) No person shall be a member of an Area who is not a member of the Union.
- (iii) Where in consequence of changes in conditions of employment or otherwise the Union ceases to be solely or principally responsible for collective bargaining in respect of any member or members, or where a trade union other than the Union is recognised by the Union as the trade union entitled to represent such member or members, the NEC shall have power to terminate the membership of such member or members and shall have the power to direct the Area to which such member or members belong to terminate the membership of such member or members.

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5.E Eligibility

- (i) A person ceasing to fulfil the qualifications for his or her category of membership shall cease to be a member unless given dispensation by the NEC.
- (ii) An associate member shall not be eligible to vote, receive benefit, attend meetings (except by specific invitation) nor hold any office in the Union.
- (iii) A honorary member shall not be eligible to vote, receive benefit or hold office other than as a Trustee in the Union.

6. CONTRIBUTION AND LEVIES

- 6.A All members of the Union shall be obliged to pay or otherwise cause to be paid (by deductions from wages or otherwise) such contributions, fines and special levies as may be from time to time determined by the Union. A member shall be deemed to a "financial member" of the Union entitled to all the rights and benefits provided for his or her category of membership under the Rules, whilst that member is in membership and not in arrears of payment as provided below.
- 6.B Except where exemption has been otherwise granted by the NEC or Conference, a member shall cease to be a financial member when the extent of the member's arrears is the equivalent of eight weeks' contributions. Any such unfinancial member shall thereupon cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid and for a period of four weeks after the date of payment of all such arrears.
- 6.C "Arrears" shall include contributions, fines and such special levies as may from time to time be determined under the Rules.
- 6.D Except where exemption has been otherwise granted by the NEC or Conference any member who is in arrear but is not an unfinancial member and who claims and is entitled to be paid a financial benefit from the Union shall have the amount of the arrears deducted from any such financial benefit payable to the member or, in the event of the member's death, to the member's estate.
- 6.E Any member who is unfinancial and who after request fails to pay such arrears for a period of 13 weeks shall cease to be a member.
- 6.F Any person formerly a member who has ceased membership under this rule shall only be readmitted to membership upon payment of a fee not to exceed the arrears. Any member paying such a fee shall not be entitled to the rights and benefits of membership for a period of four weeks after the date of payment of the fee.
- 6.G A member on strike or locked out shall be exempted from payment of contributions and special levies in respect of any period during which the member was on strike or locked out and in respect of which he/she received no wages. For the avoidance of doubt this rule shall apply to strikes and lock-outs occurring before the passing of this rule as well as later.
- 6.H An associate member shall be exempted from paying special levies. An associate member shall be exempted from payment of all contributions other than those contributions determined by the NEC as being the contributions payable by the category of associate membership into which he or she falls.
- 6.I An honorary member shall be exempt from paying all contributions and special levies.
- 6.J The contributions to be paid to the funds of the Union in respect of full members shall be as follows:
 - a weekly contribution to the General Fund of the Union of a sum equal to 0.75p for each £1 of the adult surface minimum weekly wage in the coal mining industry or, in the case of a member who is under the age of 18 years, a weekly contribution of a sum equal to 0.5p for each £1 of the adult surface minimum weekly wage in the coal mining industry. For the purpose of this rule "surface minimum weekly wage" is five times the lowest adult standard grade rate in the coal mining industry.The foregoing shall not apply to the four weeks in each year when quarterly payments to the Political Fund are due for payment.

- 6.K The weekly contributions and any readmission fees shall be collected by the various Area Executive Committees through their Area Financial Officers and shall be paid to the Secretary of the Union within such time as the NEC shall direct.
- 6.L Each Branch of the Union shall be entitled to an allowance for Branch purposes and expenses of eight per cent of the said weekly contributions made by members of that Branch and each branch organisation shall have complete control and autonomy in respect of the expenditure of such allowance of eight per cent of the said weekly contributions of its members.
- 6.M Each Area or Branch in accordance with the provisions of its rules, may collect from its members contributions in excess of those provided for in these Rules for the purpose of provident, welfare and other benefits and shall retain control and autonomy over such funds.
- 6.N The NEC shall have power to call special levies and impose them on the members of the Union and such special levies shall be collected by the Area organisations and paid over to the Secretary of the Union provided that no levy other than a levy for industrial purposes of the Union, shall be called until such levy and its purpose has been submitted to the membership for approval.
- 6.O If any Area is in arrears in payment of its contribution or levies for more than two months, the Area in question and the members of the Union in that Area may at the discretion of the NEC be deprived of any of the benefits of the Union or of membership in the Union (including the right of their representatives to attend and vote at meetings of the NEC and the right of their Delegates to attend and vote at Conference) until two months after all arrears have been paid up.

7. GOVERNMENT

The government of the Union shall be by Conference as provided for in these Rules. In the periods between Conference the NEC shall administer the business and affairs of the Union and perform all duties laid down for it by resolution of Conference, and it shall not at any time act contrary to, or in defiance of, any resolution of Conference.

8. CONFERENCE OF DELEGATES

- 8.A The Conference of Delegates ("Conference"), in which the authority and government of the Union shall be vested, shall function in Annual Conference or Special Conference. The Annual Conference shall be held between the 1st June and 31st July in each year, or such other times as Conference may resolve. The duties of the Annual Conference shall be to transact the business of the Union and to discuss matters affecting the welfare of the membership; to consider motions submitted by the NEC and Areas; to receive the NEC's report of its proceedings and the financial and Auditors' report for the previous year.
- 8.B An Area shall be permitted to send in motions not exceeding three in number, to be placed upon the Agenda for the Annual Conference, and in addition an Area shall be permitted to send in amendments not exceeding two in number to the motions appearing on the Agenda for the Annual Conference.
- 8.C Motions for the Annual Conference agenda shall be in the hands of the Secretary not later than 14 weeks prior to the date of the Annual Conference in order that they may be sent to the Areas at least 12 weeks prior to the Annual Conference. Amendments to motions submitted by Areas shall be in the hands of the Secretary at least eight weeks prior to Annual Conference, and the final Agenda shall be sent to Areas not less than six weeks prior to Annual Conference.
- 8.D The NEC shall have power to exclude from the business to be considered by the Annual Conference any proposition that has been previously voted upon in the two immediately preceding Annual Conferences, and also any proposition that appears to the NEC to be contrary to the Rules of the Union, but in any case where the NEC decide that any proposition should be so excluded, that decision shall be recorded in the final Agenda for the Annual Conference and shall be subject to review by the Annual Conference.
- 8.E A Special Conference may be called at any time by the NEC. Any question arising thereat (with the exception of a question of alteration and/or additions to Rules or

a question which in the opinion of the Delegates present is one calling for immediate decision): shall be submitted to the decision of the Areas by a proxy vote or, if the Delegates present so decide, the members generally by a ballot vote, such proxy or ballot vote to be taken forthwith. A proxy vote shall for the purposes of this rule mean a vote exercised on behalf of each Area by an instrument in writing signed by a person or persons authorised in that behalf by the Area Executive Committee, and such instrument shall have the effect of exercising and recording votes to the number of the members of the Area which shall for the purposes of this rule be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December. A proxy vote shall be carried out in accordance with the regulations made and directions given by the NEC.

- 8.F Voting and procedure at Conference will be governed by the Standing Orders which shall form part of the Rules.
- 8.G Each Area shall be entitled to appoint two Delegates for the first 5,000 members (or fractional part thereof), and one further Delegate for each additional 2,500 members (or fractional part thereof). The number of members in an Area shall, for the purposes of this rule, be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December.
- 8.H Every Delegate to Conference shall be entitled to be indemnified by the Union in respect of every act done as such a Delegate by his or her participation in Conference whether in accordance with these Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference. For the purposes of this rule the word "act" shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply wherever the act as defined occurred whether the same occurred before the passing of this rule or later.

9. NATIONAL EXECUTIVE COMMITTEE

- 9.A The National Executive Council shall consist of:
- (i) The National Officials who shall not be regarded as representatives upon the NEC of any Area.
 - (ii) The representative members who shall be elected by each Area from amongst the members thereof to hold office until the conclusion of each alternate Annual Conference at which all representative members (whenever elected) shall retire.
 - (iii) Two representatives of and appointed by the Miners Parliamentary Group who shall not be entitled to vote.
- 9.B The basis of representation on the NEC shall be as follows:
- No Areas (or consolidated groups of Areas) with less than 1,000 members shall be allowed a representative on the NEC. If at any time, membership of an Area (or consolidated groups of Areas) falls below 1,000, it shall immediately relinquish its seat on the NEC.
- Areas (or consolidated groups of Areas) with less than 18,000 members, one representative.
- Areas (or consolidated groups of Areas) with 18,000 members or more but less than 40,000, two representatives.
- The representation automatically to rise and fall according to the increase or decrease of members.
- The number of members in the Area shall, for the purpose of this rule, be taken as being the number for which contributions have been paid to the Union for the twelve months ending on the preceding 31st December.
- 9.C Retiring members of the NEC shall be eligible for re-election.
- 9.D No member shall be eligible for nomination to the NEC unless he or she has been a financial member of the Union for at least 12 months immediately prior to such nomination.
- 9.E Branches shall be entitled to nominate members for election as representative members of their Area on the NEC and Area Executive Committees shall, when

- more than one nomination is submitted, arrange an election by individual ballot of the members taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918, and the name of the person so elected shall be communicated to the Secretary of the Union in time to be included on the final Agenda of the relevant Annual Conference.
- 9.F Any casual vacancy (including one caused by a representative member becoming a National Official) amongst the representative members of the NEC shall be filled by a person elected by the membership of the appropriate Area, to hold office until the conclusion of the next Annual Conference at which the other representative members of the NEC vacate their office.
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9.G Every member of the NEC shall be entitled to be indemnified by the Union in respect of every act done as such member whether in accordance with the Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word act shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.
- 9.H The NEC shall only be removed in the following way:
- A resolution to that effect must be passed by a majority of at least $\frac{2}{3}$ ds of the total Area votes taken by a card vote at a specially convened Conference and
 - Such resolution must be confirmed by a majority of at least $\frac{2}{3}$ ds of the members as ascertained by a ballot vote.
- 9.I A representative member of the NEC shall only be removed by a decision of the National Disciplinary Committee or in the following way:
- A resolution to that effect must be passed by a majority of $\frac{2}{3}$ ds of the members of the NEC entitled to vote, and
 - A resolution to that effect must be passed by $\frac{2}{3}$ ds of the total Area votes taken by a card vote at a specially convened Conference, and
 - Such resolution must be confirmed by a majority of at least $\frac{2}{3}$ ds of the members as ascertained by a ballot vote.
- 9.J The NEC shall meet at least once in every month, if practicable on the second Thursday in each month, and at such other times as may be decided upon by the NEC. In the event of an emergency the President (or, if the office of President be vacant, or if the President is abroad or incapacitated by illness or accident, the Vice-President) and Secretary are empowered to call special committee meetings. The President (or in his or her absence the Vice-President) shall act as chairman or chairwoman of the meeting of the NEC. If neither the President nor Vice-President is present within 15 minutes after the time appointed for holding the meeting, or if they have both given notice of their inability to be present, the members of the NEC present shall choose one of the number to be chairman or chairwoman of that meeting. Questions arising at any meeting of the NEC shall be decided by a majority of the votes. The President and the Secretary shall have no vote in any capacity.
- 9.K The quorum necessary for the transaction of the business of the NEC shall be 12, provided that if a quorum is not present within half an hour of the time appointed for the meeting the members present may resolve that the meeting be adjourned to a date and time resolved upon by them and if at such adjourned meeting, of which due notice shall be given to the members of the NEC, a quorum is not present within half an hour of the time appointed for the meeting the members present shall be a quorum.
- 9.L The NEC may delegate any of their powers to a sub-committee drawn from or individual members of the NEC and any such sub-committee or individual shall conform to any regulations or directions imposed by the NEC.
- 9.M An Area aggrieved by any decision of the NEC, or any such sub-committee or individual as aforesaid, shall have the right to appeal therefrom to Conference, whose decision shall be final. The decisions of the NEC upon all matters and business which it undertakes or transacts shall be binding subject to any directions given by Conference and subject to the aforesaid right of appeal. An

appeal to Conference shall not suspend the operation of a decision of the NEC, nor shall an over-ruling or variation by Conference of any decision of the NEC invalidate anything done in pursuance of that decision prior to its being over-ruled or varied.

10. NATIONAL OFFICIALS

10.A There shall be three National Officials, the President, the Vice-President and the Secretary. The President and Secretary shall be full-time National Officials as provided under these Rules. Upon any vacancy occurring in the office of a National Official the position shall be filled by ballot vote of the members of the Union.

10.B The remuneration of a full-time National Official shall be determined by Conference upon recommendation of the NEC.

10.C A National Official shall be paid reasonable and proper expenses, as determined by the NEC, for doing work on behalf of the Union.

11. PRESIDENT

In addition to performing whatever other duties may from time to time be entrusted to him or her as a full-time Official by the NEC, the President shall preside (but ~~shall have no vote in any capacity~~) at all meetings of the NEC, Annual Conference and Special Conference, and see that the business of the Union is conducted in a proper manner and according to the Rules, and that in the conduct or affairs of the Union the Rules are duly and properly carried out.

12. VICE-PRESIDENT

In addition to performing whatever duties may be entrusted to him or her as Vice-President under these Rules or by the NEC or Conference, the Vice-President shall deputise for the President in his or her absence and preside at meetings of the NEC, Annual Conference and Special Conference. The Vice-President shall be entitled to vote in the capacity of Vice-President and shall have no casting vote when presiding at meetings.

13. SECRETARY

13.A The Secretary who shall also act as Treasurer shall conduct the correspondence for and on behalf of the Union and the NEC and shall attend (but shall have no vote in any capacity at) all meetings of Conference and the NEC. The Secretary shall prepare and submit to the NEC and the Auditors a balance sheet showing the financial position of the Union for each year ending on 31st December. The Secretary shall receive all monies payable to the Union, other than those for which the disposition is otherwise specifically provided for by the Rules. The Secretary shall not retain under his or her control any sum or sums of money not immediately required for the purposes of the Union and shall see that all monies not so required shall, in consultation with the President, be paid into any bank or financial institution or be paid over to the Trustees. The Secretary shall also prepare the Annual Returns and transmit them to the Certification Officer and shall in this respect comply with all the statutory enactments for the time being in force.

13.B The Secretary shall cause Minutes to be duly prepared:

- (i) Of all appointments of Officials
- (ii) Of the names of the members present at each meeting of the NEC or any sub-committee thereof
- (iii) Of all proceedings and resolutions of the Annual Conference or Special Conference
- (iv) Of all meetings of the NEC and sub-committees (as signed by the Chairman or Chairwoman of the next appropriate succeeding meeting of the NEC) and any such Minutes shall be conclusive evidence of the matters stated in such Minutes.

13.C The Secretary shall cause to be distributed the published Minutes of the NEC and its sub-committees and of proceedings and resolutions of Conference to each Area's Secretary for the information of the Area Officials, Area Executive Committees and thereby, the members.

14. ELECTION OF NATIONAL OFFICIALS

- 14.A On the occasion of the election of a full-time National Official, each Area shall be entitled to nominate one candidate for the position of such National Official, provided that such nomination is confined to a person who is a full financial member and has been for at least 12 months.
- 14.B All full-time National Officials elected on or after the 1st August, 1983 shall serve for a period of five years from the date upon which they are declared elected. On retiring, full-time National Officials shall be eligible for re-election unless they have attained the age of 55 on or before the last day of the five year period, in which case they shall remain in office subject to Rule or until they retire in accordance with the Rules. National Officials elected before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the date of their election or until they retire in accordance with these Rules.
- 14.C Election of a full-time National Official shall be by Ballot vote of the members of the Union which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may prescribe regulations for the conduct of such elections.
- 14.D (i) On the occasion of the election of a Vice-President, each Area shall be entitled to nominate one candidate provided that such nomination be confined to a person who is a full financial member and has been for at least 12 months.
- (ii) The Vice-President shall hold office for two years and shall be elected at the same time as the representative members of the NEC. A retiring Vice-President shall be eligible for re-election.
- (iii) A casual vacancy (including one caused by the Vice-President becoming a full-time National Official) shall be filled by a person elected in accordance with the above regulations to hold office until the conclusion of the next Annual Conference at which representative members of the NEC vacate their office.
- (iv) Election of a Vice-President shall be by ballot vote of the members of the Union which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may prescribe regulations for the conduct of such elections.

15. REMOVAL OF NATIONAL OFFICIALS

- 15.A Subject to (15.B) below, a National Official shall only be removed or suspended from office in the following way:
- (i) A resolution to that effect must be passed by a majority of $\frac{2}{3}$ rds of the members of the NEC entitled to vote, and
- (ii) A resolution to that effect must be passed by $\frac{2}{3}$ rds of the total Area votes taken by a card vote at a specially convened Conference, and
- (iii) Such resolution must be confirmed by a majority of at least $\frac{2}{3}$ rds of the members ascertained by a ballot vote.
- 15.B If a National Official is expelled or suspended from membership of the Union or removed from office by the National Disciplinary Committee he/she will cease to hold the office of National Official.
- 15.C A National Official shall cease to hold the office of National Official on becoming or continuing to be a Member of Parliament, or a Member of the European Parliament, or a paid Official of Government unless he/she has the permission of the NEC which permission may be withdrawn.

16. INDEMNITY OF NATIONAL OFFICIALS

~~Each National Official shall be entitled to be indemnified by the Union in respect of every act done as such a National Official so long as such act was not contrary to the policy of Conference or of the NEC. If such act be not in accordance with the Rules then the National Official shall be entitled to be indemnified if the said act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word "act" shall include the not doing or the failing to do something as well as the doing of anything. For the avoidance of doubt this~~

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rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.

17. AREAS

- 17.A The members of the Union shall for the purpose of administration be organised into divisions of the Union to be known as "Areas" listed in the Schedule hereto as amended from time to time.
- 17.B The membership of any Area may but need not be members of one or more Constituent Associations.
- 17.C A "Constituent Association" means a registered trade union other than the Union itself comprising of members of the Union and which has been approved for that purpose by Conference. A Constituent Association may with the approval of the Union dissolve itself, merge, combine, amalgamate with or transfer engagements to any other Constituent Association, or merge, combine, amalgamate with or transfer engagements to the Union. Conference shall have the power to admit and expel a Constituent Association.
- 17.D Conference shall have the power to create, dissolve, merge, combine, or amalgamate Areas and the NEC shall prescribe the rules of any new Areas so created which shall include Model Rules.
- 17.E The NEC shall keep under review the organisation of the Union and shall make appropriate recommendations to Conference from time to time.
- 17.F Each Area and each Constituent Association, its Officials and Executive Committees shall comply with the Rules of the Union so far as those Rules are applicable.
- 17.G Each Area and each Constituent Association shall adopt and comply with the Model Rules and any amendments thereto.

18. GOVERNMENT OF AREAS

- 18.A Areas shall have such Area Councils and/or Area Executive Committees or Boards (all of which are in these Rules called "Area Executive Committees") and Area Officials/Agents, and there shall be such Branches in each Area, with such Branch Committees and Branch Officers as may be prescribed by the regulations applicable thereto. Except as regards the administration of any of their existing funds or contributions provided for in Rule 6.M, collected by the Area Executive Committee or Branch for the purpose of provident, welfare and other benefits. All Area Executive Committees, Area Officials/Agents, Branch Committees and Branch Officers shall be subject in all respects to the authority of the Union and shall comply at all times with the directions of the NEC and of Conference. The NEC shall be responsible for unifying the procedures that deal with all matters in all the Areas.
- 18.B The Area Officials/Agents and each Area Executive Committee shall be responsible to the NEC for:
- (i) The detailed organisation, membership and contributions as covered by their Area;
 - (ii) The establishment and maintenance of the Branches within their Area;
 - (iii) All negotiations for price lists, wages, compensation and other matters which purely relate in character to a work place, district or Area;
 - (iv) The submission of reports to the NEC of work done and proceedings taken at least once every month.
- 18.C The appropriate Area Official/Agent of each Area shall notify the Secretary of the Union of all applications for membership including applications to transfer from or to the Area or Constituent Association, and persons entering the industry who are eligible for membership, and he or she shall maintain and provide records of each member's name, address, category of membership, contribution record and such other particulars as the NEC may from time to time direct. The appropriate Area Official/Agent shall issue contribution/membership cards to members on request.
- 18.D The Rules of each Area and Constituent Association shall be the Model Rules and any amendments thereto and any such amendment shall automatically become

- an amendment to the Rules of each Area and Constituent Association on the date of adoption of the amendment by Conference or such other date as Conference may determine. The current National Rules shall be deemed to be part of the Area Rules. Each Area or Constituent Association may have such other Rules in addition to the Model Rules as it may decide provided that no such Rules shall conflict with any National Rules or Model Rules or with the policy of the Union.
- 18.E The Area Executive Committee shall supervise and co-ordinate the action of all the Branches in the Area in accordance with the Rules and policy of the Union and shall act for the Union in all matters of a purely Area character. Provided always that in the case of negotiations in connection with arranging an Area or District Agreement no Area shall have power to complete any such negotiations and enter into an Agreement thereon without the previous approval of or under power delegated to it by the NEC. The NEC, if it thinks advisable may withhold its approval of any proposed Agreement with a view to any outstanding points of difference being reconsidered or otherwise.
- 18.F A Branch in an Area shall (subject to the overriding authority of the NEC) exercise such functions as may be delegated to it by the relevant Area Executive Committee or as provided in the Regulations of the Branch and of the Area. In addition each Branch shall have complete control and autonomy in respect of the expenditure or administration of its existing funds and of that part of the weekly contributions of its members allowed to the Branch by these Rules, and of any contributions provided for in Rule 6.M.
- 18.G If an Area or a Branch in an Area shall commit one or more of the following offences it shall be liable to one of the penalties set out in (18.H) below:
- (i) Being in arrear for a period of two months in its contributions and/or levies to the Union and failing to pay such arrears within 14 days after notice has been given by direction of the NEC requiring payment thereof with express reference to the provisions of this rule;
 - (ii) Refusing to adopt the Model Rules resolved upon by Conference as being applicable to such Area or Branch;
 - (iii) Refusing to carry out the directions, regulations and orders of the NEC or of Conference.
- 18.H The penalties referred to in 18.G above are that such Area or Branch may:
- (i) Be excluded from the Union by resolution of Conference and upon such resolution being passed all the members of such Area or Branch shall automatically cease to be members of the Union other than those members or (in the case of an Area being excluded) those Branches who dissociate themselves from the relevant offence or offences.
 - (ii) Be suspended by resolution of Conference, in which case all the members of such Area or Branch shall be automatically suspended from the membership in the Union during the period of such suspension other than those members or (in the case of the Areas being suspended) those Branches who dissociate themselves from the relevant offence or offences.

Provided always that the NEC being satisfied that the cause of complaint has been remedied, may rescind the resolution of exclusion or suspension passed by Conference, except where the resolution in question expressly prohibits the rescission thereof by the NEC. The powers conferred by this rule are additional to and not in substitution for the relevant provisions of Rule 6.O.

19. AREA OFFICIALS/AGENTS

- 19.A Each Area shall have such full-time Area Officials/Agents as may from time to time be determined by the NEC.
- 19.B Area Officials/Agents shall be subject in all respects to the authority of the Union and shall obey all directions thereof and shall perform such duties as are prescribed in these Rules and laid down from time to time by the NEC. In addition they shall perform any duties or directions imposed by the Area Executive Committee. In the event of any conflict or question as to the duties, obligations, rights and entitlements of an Area Official/Agent, the matter shall be referred for

decision to the NEC or, in case of urgency to the National President and National Secretary. There shall be a right of appeal from the National President and National Secretary to the NEC and from the NEC to Conference whose decision shall be final and binding.

~~19.C~~ Every Area Official/Agent shall be entitled to be indemnified by the Union in respect of every act done as such an Official/Agent whether in accordance with the Rules or otherwise so long as such act was done with the prior or subsequent consent of the Area Council and/or National Officials (or any of them), the NEC or Conference; but the Area shall indemnify the Union if the Area Officials/Agents act was subject only to the consent of the Area Council but not any other of the persons or bodies set out above. For the purposes of this rule the word "act" shall include the not doing or the failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act as defined occurred whether the same occurred before the passing of this rule or later.

20. ELECTION AND REMOVAL OF AREA OFFICIALS/AREA AGENTS

- 20.A When the NEC agree to the election of a full-time Area Official/Agent, Branches shall be entitled to nominate one candidate for the position of such Area Official/Agent, provided that such nomination be confined to a person who is a financial member and has been for at least 12 months immediately prior to the nomination.
- 20.B Election of an Area Official shall be by ballot vote of the members of the Area and election of an Area Agent shall be by ballot vote of the members of the relevant district of the Area which shall be taken on the principle of "the transferable vote" as defined in Section 41 of the Representation of the People Act 1918. The NEC may determine that in order to reduce the number of candidates to a reasonable number where nominations exceed six, they shall be sent out for a Branch vote to reduce the number to not less than three candidates receiving 50 per cent of the total votes cast. The NEC may prescribe regulations for the conduct of such elections.
- 20.C Full-time Area Officials elected on or after the 1st August, 1983 in each Area of the Union shall hold their office for five years from the date on which they are declared elected. They shall be eligible for re-election unless they have obtained the age of 55 on or before the last day of the five year period, in which case they shall remain in office subject to Rule until they retire in accordance with these Rules. Full-time Area Officials elected on or before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the time of their election until they retire in accordance with these Rules.
- 20.D The reference to "Area Officials" in this sub-rule shall include Area Agents. Subject to 20.E below an Area Official/Agent shall only be removed or suspended from office in the following way:
- (i) A resolution to that effect must be passed by a majority of $\frac{2}{3}$ of the votes of the Area membership taken by a card vote at a special Area Council meeting, and
 - (ii) A resolution to that effect must be passed by a majority of at least $\frac{2}{3}$ of the total Area vote taken by a card vote at a specially convened Conference, and
 - (iii) Such resolution must be confirmed by a majority of at least $\frac{2}{3}$ of the members as ascertained by a ballot vote in the Area/District he or she represents.
- 20.E If an Area Official/Agent is expelled or suspended from membership of the Union or is removed from office by the National Disciplinary Committee he/she will cease to hold the office of Area Official/Agent.
- 20.F An Area Official/Agent shall cease to hold the office of Area Official/Agent on becoming or continuing to be a Member of Parliament or a Member of the European Parliament or a paid Official of Government unless he/she has the permission of the Area Council and of the NEC which permission may be withdrawn.

21. AREA OFFICIALS/AGENTS SALARIES

- 21.A The salaries payable to the Area Officials/Agents shall be fixed from time to time by Conference upon the recommendation of the NEC.
- 21.B The salaries of those Area Officials/Agents specified to be full-time by the NEC shall be borne out of the general funds of the Union, provided that in such cases as the NEC may decide, where an Area Official/Agent is partly employed on duties relating to the administration of funds under the control of the Area or of a Branch, a due and fair proportion of his or her salary shall be contributed from such funds, such proportion in case of dispute to be settled by the Auditors of the Union whose decision shall be final and binding.

22. AGE LIMIT FOR NATIONAL AND AREA OFFICIALS/AGENTS

- 22.A No person over 55 years of age or who would be unable to earn after election at least five years' contributory service in the superannuation scheme hereinafter mentioned shall be eligible for election as a full-time National or Area Official/Agent.
- 22.B Full-time Officials shall retire from office:
- (i) On attaining the age of 65; or
 - (ii) On attaining such other age as is specified in the superannuation scheme; or
 - (iii) On attaining such other age as is laid down from time to time by the NEC or Conference.
- 22.C In addition to the provisions of the National Union of Mineworkers Officials and Permanent Employees Superannuation Fund, the NEC shall have power to make other provisions by way of gratuity or pension or by way of supplement to the benefit of any retirement scheme for Officials or employees.

23. AUDITORS

- 23.A There shall be as Auditors a reputable firm of professionally qualified and independent Accountants who shall examine and audit the accounts of the Union and the Auditors shall be supplied with copies of the Annual Balance Sheet and Report intended to be laid before the NEC and the annual Conference and it shall be their duty to examine the same with the accounts and vouchers relating thereto and report thereon. The Auditors shall at all reasonable times have access to the books and accounts of the Union and Areas and they may in relation thereto question the Officials and Trustees of the Union.
- 23.B The Auditors shall be appointed by Conference and subject to re-appointment at Annual Conference shall continue to hold office at the pleasure of the Union. A casual vacancy in the office of Auditors shall be filled by the NEC subject to confirmation by the next Annual Conference.

24. TRUSTEES

- 24.A There shall be three Trustees in whom all the funds and property of the Union shall be vested. The Trustees shall be appointed by Annual Conference and shall continue in the office of Trustees during the pleasure of the Union. Conference may remove a Trustee from office and appoint any full or honorary member of the Union in his/her place. A Trustee may resign his or her office by notice in writing to the Union.
- 24.B In the event of a casual vacancy in the office of Trustee the NEC shall appoint a full or honorary member to fill the vacancy and to hold office as Trustee until retirement at the conclusion of the next Annual Conference. Such retiring Trustee shall be eligible for appointment by Annual Conference, but no full or honorary member other than such a retiring Trustee shall be eligible to be appointed as a Trustee by the Annual Conference unless he or she has been duly nominated as a candidate by the NEC or nominated (by a nomination received by the Secretary eight weeks at least before the date of the Annual Conference) by an Area, so that in either case the names of the persons nominated, or eligible for appointment shall appear on the final Agenda of business to be transacted at such Annual Conference.

A Trustee must be, and remain, a full or honorary member of the Union, and on ceasing to be such a member of the Union, shall automatically cease to hold the office of Trustee.

- 24.C Every Trustee shall be entitled to be indemnified by the Union in respect of any act done as such a Trustee whether in accordance with these Rules or otherwise so long as such act was done with the prior or subsequent consent of Conference or of the NEC. For the purposes of this rule the word "act" shall include the not doing or failing to do something as well as the doing of anything. For the avoidance of doubt this rule shall apply whenever the act defined occurred whether same occurred before the passing of this rule or later.
- 24.D All the real and personal property of the Union shall be vested in the Trustees and subject to the direction of the NEC and of Conference. The Trustees shall in connection with the property and funds of the Union at all times observe and carry out in all respects the orders and directions of the NEC and of Conference. The Trustees shall retain the custody of all Deeds, Certificates, or Scrip, representing the investments of the Union funds in some bank or other independent safe place of deposit.
- 24.E So much of the funds of Union as may not be wanted for immediate use or to meet the usual accruing liabilities of the Union or as are placed in a bank or other financial institution by the Secretary under Rule 13, shall be turned to account by the Trustees who shall have the power to invest those funds in such investments as shall from time to time be authorised by the NEC in the United Kingdom or abroad not withstanding that such investments may not be investments authorised by Statute for the investment of trust funds, provided that the Trustees consult with an appropriate independent investment adviser prior to making investments outside those authorised by Statute for the investment of trust funds. The Trustees shall have the power to sell or vary investments and to raise or borrow money on any of the properties or securities of the Union by way of mortgage or otherwise as the NEC thinks fit.

25. INSPECTION

Any full financial member shall be entitled to inspect the latest audited accounts of the Union at the Registered Office of the Union. This shall not entitle any person other than a member (whether acting for or on behalf of a member or not) to so inspect.

26. INDUSTRIAL ACTION

- 26.A In the event of any industrial action (which expression shall include strike action) involving members of an Area (whether confined to that Area or not) taking place or appearing to the relevant Area Executive Committee likely to take place, an appropriate Area Official shall report the situation to the Secretary of the Union as soon as practicable.
- 26.B The NEC and no other body or individual shall have the power to sanction as official under these Rules any industrial action taking place or appearing likely to take place by any group of members whether in one or part of one or more than one Area and may do so only in respect of industrial action which has been reported to it under 26.A above. No industrial action which is not official shall be authorised or ratified under any circumstances.
- 26.C The NEC shall have the power to call industrial action by any group of members whether in one or part of one or more than one Area and such action shall be deemed to be declared official.
- 26.D The NEC shall have the power to co-ordinate industrial action declared to be official in accordance with these Rules.
- 26.E In the event of a national strike of the whole membership of the Union being proposed by the Union in pursuance of any of the policy of the Union the following provisions shall apply:

That such a national strike shall only be entered upon as the result of a ballot vote of the members taken in pursuance of a resolution of Conference, and a strike shall not be declared unless a simple majority of those voting in the ballot

*No Area
Action
unless
Ballot*

vote in favour of such a strike. If a ballot vote be taken during the time such a strike is in progress, the strike may not be continued unless a simple majority of those voting in the ballot vote in favour of continuance. Such ballots shall be taken in accordance with regulations made by the NEC.

26.F It shall be at the discretion of the NEC to determine whether any strike pay; or other trade dispute benefits shall be paid and if so, at what rates, but no such payments shall be made unless and until the action has been declared to be official under these Rules.

26.G The NEC may declare by resolution that a member has suffered victimisation in their view for acting in accordance with the policy of the Union and is entitled to support by the Union, and the amount of the victimisation benefit to be paid to such member shall be such sum or sums as the NEC shall resolve.

27. RULES

27.A No alterations or additions to these Rules (or to the Rules for the Political Fund or for the administration thereof) shall be made except:

- (i) By a decision of not less than 2/3rds majority on a card vote taken at the Annual Conference, and then only after the proposed alterations or additions have been placed upon the Agenda of the Annual Conference by an Area or the NEC.
- (ii) By a decision of not less than a 2/3rds majority on a card vote at a Special Conference and then only after the proposed alterations or additions have been placed on the Agenda of such Special Conference by the NEC four weeks prior to such Conference.
- (iii) By a regulation or decision made by the NEC in exercising their power to make alteration in the schedule hereto.

27.B No alteration shall be made to those parts of these Rules which provide that full-time Officials/Agents who were elected before the 1st August, 1983 shall continue to hold office in accordance with the Rules in force at the time of their election until they retire in accordance with these Rules.

27.C On any question as to which the Rules (including the Model Rules) or Area Rules do not provide, or on any suggested conflict between Area Rules and these Rules (including the Model Rules), or on any question of interpretation of these Rules (including the Model Rules), the matter shall be referred to the National President who shall make a ruling which shall be final and binding subject to an appeal to the NEC and thence to Conference.

27.D Any breach of these Rules shall be regarded as detrimental to the interests of the Union.

28. DISSOLUTION OF THE UNION

The Union may be dissolved with the consent of 2/3rds of the members, ascertained by ballot vote of the members, taken in pursuance of a resolution of Conference. In the event of the dissolution of the Union notice shall be given to the Certification Officer in form prescribed by law.

29. GRIEVANCE PROCEDURE

No member or person claiming under these Rules shall make any application to any Court until the procedure established by these Rules is exhausted. Any grievance of any member or person claiming under these Rules or group of members or of such persons shall proceed as quickly as is reasonably practicable in the following manner unless settled at any stage. The matter of grievance shall be raised with the following and in the following order if not settled at any stage:

- (i) the Branch;
- (ii) the Area Officials;
- (iii) the Area Executive Committee;
- (iv) the Area Council;
- (v) the National Officials;
- (vi) the NEC;

- (vii) the Conference whose decision shall be final and binding except on a point of law;
- (viii) which point of law only may be appealed to Arbitrators appointed by agreement or in default of an agreement by the General Secretary of the Trades Union Congress.

30. DISCIPLINARY PROCEDURE

Disqualification of members, Branches, Areas and removal of Officers.

- 30.A There shall be a National Disciplinary Committee of the Union consisting of seven members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule of the Rules. No Area shall have more than one member on the National Disciplinary Committee. Voting shall take place on the basis of Area votes, one vote for every thousand members or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the 12 months on the preceding 31st December or the last available audit figure for such a twelve month period. The National Executive Committee shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect and the National Disciplinary Committee shall be dissolved and subject to re-election at dates to be fixed by the National Executive Committee being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Disciplinary Committee.
- 30.B No member of the NEC shall be eligible for membership of the National Disciplinary Committee, except as provided in paragraph 30.C below. Any member of the National Disciplinary Committee who becomes a member of the NEC shall cease to be a member of the National Disciplinary Committee. No member shall be eligible for membership of the National Disciplinary Committee if he or she is a full-time Official or officer of the National Union. The NEC shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Disciplinary Committee.
- 30.C Subject to paragraph 30.G below, the National Vice-President (see Rule 12) shall preside over meetings of the National Disciplinary Committee and to the extent provided in this rule shall be a member of it. In the absence of the National Vice-President, the National Disciplinary Committee shall appoint a chairman or chairwoman from among its members. A quorum of the National Disciplinary Committee shall be three members including the person presiding and shall be selected on a rotating basis.
- 30.D The National Disciplinary Committee shall have power to consider a complaint that a member:
 - (i) Has been found guilty by a court of law or tribunal of any act or omission contrary to Union policy or involving Unions funds or property;
 - (ii) Has ceased to be a member of any Branch of the Union;
 - (iii) Is in arrears with his/her contributions to the Union by eight weeks' contributions or more;
 - (iv) Has been found guilty by a court of law of any offence involving fraud or dishonesty in circumstances which may affect his/her fitness to hold office in or be a member of the Union;
 - (v) Has admitted involvement in any dishonest practice in relation to funds of any description entrusted to him/her;
 - (vi) Has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - (vii) Has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule;

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- 30.E The National Disciplinary Committee shall also have power to consider a complaint that a Branch or Area (as the case may be):
- (i) Has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
 - (ii) Has admitted involvement in any dishonest practice in relation to funds of any description entrusted to them;
 - (iii) Has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - X (iv) Has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this Rule.
- 30.F A complaint may be put before the National Disciplinary Committee by any individual member or members, or by a Branch, a Branch Committee, and Area Council, an Area Executive Committee or the NEC. Any such member, group of members or Union body may appoint a member or Official of the Union (including the case of a group of members or a Union body, one of themselves) to present their complaint.
- 30.G The Secretary in person or by a deputy shall act as secretary to the National Disciplinary Committee. Any complaint, together with a statement of the facts to be relied on in support of the complaint, shall first be sent to the Secretary. The Secretary shall consult the National President and if either of them considers the complaint or statement out of order, the Secretary shall refer it back to the complainant or complainants. The NEC (or the National Disciplinary Committee) shall resolve any such dispute if called on by the President or Secretary or the complainant or complainants to do so. The Secretary shall convey each valid complaint in writing to each member, Branch or Area, against whom the complaint is made, setting out the complaint in full and either setting out all the facts relied on by the complainant or complainants or, if appropriate, summarising them so as to enable each member, Branch or Area concerned to know the case he/she/it or they have to meet. The Secretary shall inform each such member, Branch or Area that he/she/it or they may reply in writing to the complaint in advance of the hearing, but this provision is without prejudice to the duty of the National Officials of the Union to ensure an expeditious hearing of any complaint which they consider requires an urgent hearing. Such National Officials of the Union shall convene a meeting of the National Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or members, Branch or Area concerned, appears to them to be suitable.
- 30.H No member of the Union shall sit as a member of the National Disciplinary Committee or preside at one of its meetings if that member is or has been personally involved in any matter giving rise to the complaint. If the application of this rule makes it impossible to secure a quorum of the National Disciplinary Committee, the NEC shall have power to nominate as many members of the Union, being eligible under paragraphs 30.A and 30.B of this rule, as will create a quorum to be temporary members of the National Disciplinary Committee. Neither shall any person act as secretary to the National Disciplinary Committee if he or she is or has been personally involved in any matter giving rise to the complaint.
- 30.I The National Disciplinary Committee shall have power:
- (i) To call any witness or introduce any evidence not advanced by either party, if the National Disciplinary Committee considers such witness or evidence may be material;
 - (ii) To take any procedural steps, including adjournment, which is considered necessary or advisable in the interests of fairness to either party or of the Union.
- 30.J When it has heard the evidence and arguments of each party, the National Disciplinary Committee shall consider in private whether it finds the complaint proved. No complaint shall be found proved except by the vote of a majority of

those present throughout the hearing. The presiding member shall not vote unless those members voting are evenly divided. If a complaint is found proved, the member or members, Branch or Area concerned shall be given an opportunity to make any representations they wish to what penalty if any should be imposed.

30.K The National Disciplinary Committee at the conclusion of the above procedure may impose such of the following penalties as it considers appropriate to the complaint which has been proved:

- (i) Expulsion from the Union;
- (ii) Suspension from membership of the Union;
- (iii) Suspension of a Branch or Area;
- (iv) Dissolution of a Branch or Area;
- (v) Removal from any office held in the Union;
- (vi) Disqualification from holding office, or any specified office or offices in the Union;
- (vii) Caution.

Any appropriate combination of the foregoing penalties may be imposed. Suspension from membership of the Union means disentitlement to hold office, to attend any Union or Union Committee meetings, and to receive any Union benefits, but without being relieved of the duty to pay contributions to the Union. The dissolution or suspension of any Branch or Area means that they shall be disentitled to have any of their members considered to hold office, to attend any National Union Committee meeting or receive any National Union benefits, but without being relieved of the duty to pay Contributions to the National Union. Any penalty of suspension, removal from office or disqualification from office shall be for a period specified by the National Disciplinary Committee, which shall have power to reduce such period if the member, Branch or Area concerned subsequently applies through the Secretary showing any new factor not present when the penalty was imposed.

30.L If, on hearing a complaint it appears to the National Disciplinary Committee that the complaint is not only unfounded but has been brought maliciously or frivolously, it shall put the matter to the complainant or complainants, and after considering any representations which they may wish to make, may require the complainant or complainants to pay in whole or in part the cost of a disciplinary hearing.

30.M The National Disciplinary Committee shall not exercise jurisdiction over a member under this rule where that member has already been tried under an equivalent rule of an Area.

30.N Any party to a disciplinary complaint who is dissatisfied with the decision of the National Disciplinary Committee shall have a right of appeal to the National Appeals Committee.

30.O There shall be a National Appeals Committee of the Union consisting of nine members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule to the Rules. No Area shall have more than one member of the National Appeals Committee. Voting shall take place on the basis of Area Votes, one vote for every thousand members, or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. The NEC shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect, and the National Appeals Committee shall be dissolved and subject to re-election at dates to be fixed by the NEC being not less than three years not more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Appeals Committee.

30.P No member of the NEC shall be eligible for membership of the National Appeals Committee except as provided in paragraph 30.O below. Any member of the

National Appeals Committee who becomes a member of the NEC shall cease to be a member of the National Appeals Committee. No member shall be eligible for membership of the National Appeals Committee if he or she is a full-time Official or officer of the National Union. The NEC shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Appeals Committee.

- 30.Q Subject to paragraph 30.H above, the National President shall preside over meetings of the National Appeals Committee and to the extent provided in this rule shall be a member of it. In the absence of the National President the National Appeals Committee shall appoint a chairman or chairwoman from among its members. A quorum of the National Appeals Committee shall be five members including the person presiding and shall be selected on a rotating basis.
- 30.R An appeal to the National Appeals Committee shall be notified to the Chief Executive Officer of the Union within fourteen days from the notification of the decision of the National Disciplinary Committee. The Chief Executive Officer of the Union in person or by a deputy shall act as secretary to the National Appeals Committee. The notice of appeal shall be in writing and shall set out the full grounds of appeal. Paragraphs 30.H/I/J/K and L above, shall apply to the National Appeals Committee as they apply to the National Disciplinary Committee. In addition no member of the National Appeals Committee shall hear an appeal relating to the Area of which he is a member of the Union or if he was a member of the National or Area Disciplinary Committee which decided the matter which is subject to appeal.
- 30.S The National Appeals Committee shall not be obliged to conduct a re-hearing but shall review as much of the material considered by the National Disciplinary Committee as the purpose to the appeal put before it, or as a National Appeals Committee itself considers relevant. It may consider any record of the National or Area Disciplinary Committee proceedings, and may call on the person who presides at the National or Area Disciplinary Committee hearing to inform the National Appeals Committee in the presence of the parties, of any relevant matters transacted at the hearing. It may hear or call for fresh evidence if in its discretion it considers it appropriate to do so. The National Appeals Committee may uphold a decision of the National or Area Disciplinary Committee or may allow an appeal in part or in whole, and, if it thinks right, substitute for any penalty or combination of penalties imposed by the National or Area Disciplinary Committee such penalty or combination appropriate in all the circumstances of the case at the date of the appeal.
- 30.T There shall be no right of appeal against a decision of the National Appeals Committee which shall be final and binding on all parties.
- 30.U Members of the National Appeals Committee and the National Disciplinary Committee and members required to attend any hearing shall be paid in accordance with Rule.
- 31. POLITICAL FUND**
- 31.A The powers of the National Union of Mineworkers shall include the furtherance of the political objects to which section 3 of the Trade Union Act, 1913, applies, that is to say, the expenditure of money:

- (i) On the payment of any expenses incurred either directly or indirectly by a candidate or prospective candidate for election to Parliament, the European Parliament or to any public office, before, during, or after the election in connection with his or her candidature or election; or
- (ii) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (iii) On the maintenance of any person who is a member of Parliament or European Parliament or who holds a public office; or
- (iv) In connection with the registration of electors or the selection of a candidate for Parliament or European Parliament or any public office; or

- (v) On the holding of political meetings of any kind, or on the distribution of political literature or political documents of any kind, unless the main purpose of the meeting or of the distribution of the literature or documents is the furtherance of statutory objects within the meaning of the Act, that is to say, the regulation of the relations between workers and masters, or between workers and workers, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members.

The expression "public office" in this rule means the office of member of any county borough, district, or parish council, or board of guardians, or of any public body who have power to raise money, either directly or indirectly, by means of a rate.

- 31.B Any payments in the furtherance of such political objects shall be made out of a separate fund (hereinafter called the "Political Fund" of the Union).
- 31.C Any members of the Union may at any time give notice on the form of exemption notice referred to in Rule 31.D, or on a form to like effect, that he or she objects to contribute to the Political Fund. A form of exemption notice may be obtained by, or on behalf of, any member, either by application at, or by post from, the National Office, or any Branch office of the Union or from the Certification Office for Trade Unions and Employers Associations, 15-17 Ormond Yard, Duke of York Street, London SW1Y 6JT.
- 31.D The form of exemption notice shall be as follows:

THE NATIONAL UNION OF MINEWORKERS

Political Fund (Exemption Notice)

I hereby give notice that I object to contribute to the Political Fund of the NATIONAL UNION OF MINEWORKERS, and in consequence exempt, in manner provided by the Trade Union Act, 1913, from contributing to that fund.

Signature

Address

Name of Branch

Date day of 19.....

- 31.E Any member may obtain exemption by sending such notice to the secretary of the Branch to which the member belongs and on receiving it, the secretary shall send an acknowledgement of its receipt to the member at the address upon the notice, and shall inform the Secretary of the name and address of the member.
- 31.F On giving such notice, a member of the Union shall be exempt, so long as his or her notice is not withdrawn, from contributing to the Political Fund of the Union as from the first day of January next after the notice is given, or, in the case of a notice given within one month after the date on which a new member admitted to the Union is supplied with a copy of these Rules, as from the date on which the member's notice is given.
- 31.G The NEC shall give effect to the exemption of members to contribute to the Political Fund of the Union by relieving any members who are exempt from the payment of party of any periodical contributions required from the members of the Union towards the expenses of the Union as hereinafter provided and such relief shall be given as far as possible to all members who are exempt on the occasion of the same periodical period.
- For the purpose of enabling each member of the Union to know as respects any such periodical contribution what portion, if any, of the sum payable by him, or her is a contribution to the Political Fund of the Union, it is hereby provided that in the last week in each quarter an amount equal to the contributions specified in Rule 6.10 is a contribution to the Political Fund of the Union, and that any member who is exempted as aforesaid shall be relieved from the payment of such sum in the last week in each quarter.

- 31.H A member who is exempt from the obligation to contribute to the Political Fund of the Union shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or disadvantage as compared with other members of the Union (except in relation to the control or management of the Political Fund of the Union) by reason of his or her being so exempt.
- 31.I Contribution to the Political Fund of the Union shall not be made a condition for admission to the Union.
- 31.J If any member alleges that he or she is aggrieved by a breach of any of the rules for the Political Fund, being a rule or rules made pursuant to Section 3 of Trade Union Act, 1913, he or she may complain to the Certification Officer, and the Certification Officer, after giving the complainant and any representative of the Union an opportunity of being heard, may, if he or she considers that such a breach has been committed, make such order for remedying the breach as he or she thinks just in the circumstances. Any such order of the Certification Officer may, subject to the right of appeal provided by Section 5A of the Trade Union Act, 1913, be enforced, on being recorded in the County Court, as if it had been an order of the County Court.
- 31.K Any member may withdraw his or her notice of exemption on notifying his or her desire to that effect to the secretary of his or her Branch who shall thereupon send such member an acknowledgement of receipt of the notification and inform the Secretary of the name and address of the member so withdrawing.
- 31.L The NEC shall cause to be printed, as soon as practicable after the approval of these rules for the Political Fund of the Union, a number of copies thereof having at the end copies of the certificates of approval sufficient for the members of the Union, and a further number for new members, and shall send to the secretary of each Branch a number of copies sufficient for the members of the Branch. The secretary of each Branch shall take steps to secure that every member of the Branch, so far as practicable, receives a copy of these rules, and shall supply a copy to any member at his or her request. A copy thereof shall also be supplied forthwith to every new member on admission to the Union.
- 32. ADMINISTRATION OF THE POLITICAL FUND**
- 32.A In the last week of each quarter all Areas shall pay to the Political Fund in respect of each member who is not exempted under Rule a contribution equal to the contribution specified in Rule 6.10. There shall be returned to each Area one-third of its members' subscriptions to be administered by the Area in carrying out the objects as set forth in the Trade Union Act, 1913. The proportion remitted back to the Areas shall only be used for the propagation of Labour politics, local or parliamentary in harmony with the Labour Party constitution.
- 32.B Unless the subscriptions as specified in this rule be paid for all members to the Political Fund any Area or Constituent Association so failing to pay will not be eligible to nominate candidates at Bye or General Elections, and therefore cannot receive either Returning Officers' fees or other costs incurred at such election from this fund.
- 32.C The number of Parliamentary or European Parliamentary Candidates shall be determined by the NEC from time to time.
- 32.D Before any candidate can be a Union candidate, such candidate must be and have been a financial member for at least five years or an honorary member.
- 32.E All candidates must either be nominated by:
- (i) The NEC; or
 - (ii) An Area with members within the Constituency to be contested is situated but only after such proposed candidate has been approved by the NEC and then submitted to the Labour Party National Executive Committee for final adoption.
- 32.F Members of Parliament elected under this scheme shall be paid from the fund the sum of £400 per annum, and such increases thereon as the NEC may determine from time to time. Sums to be applied to Members of the European Parliament will be determined by the NEC from time to time.

- 32.G In the event of an election each adopted candidate shall be allowed as election expenses an inclusive sum not exceeding 80 per cent of the legally permitted maximum or such other sums as may be confirmed from time to time by decision of the Labour Party Conference. In cases where there is no contest and an adopted union candidate is elected, there shall be allowed a sum to cover any expenses which may have been necessarily incurred.
- 32.H Where a Union candidate is the official Parliamentary Labour Party Candidate, there may be paid to the funds of the Constituency Labour Party concerned for organisation and registration expenses:
- (i) An annual sum not in excess of £600 in a Borough Constituency as defined by the Labour Party National Executive Committee or £700 in a County Constituency; but
 - (ii) Where a full-time Agent is employed, an amount in excess of the permitted maxima may be paid, but such amount shall not exceed 65 per cent of the agreed salary scale for Agents in a Borough Constituency or 70 per cent in a County Constituency;
- or such other sums as may be decided from time to time by decision of the Labour Party Annual Conference.
- 32.I The decision of the NEC shall be final and binding on all questions arising out of payments into and out of this Labour Political Fund.
- 32.J Areas nominating a candidate must supply the NEC with all information as regards the constituency for which the candidate is nominated:
- (i) As to the number of members of the Union entitled to vote in the said constituency.
 - (ii) The approximate number of Trade Unionists other than members of the Union entitled to vote.
 - (iii) The total number of electors.
 - (iv) Results of previous elections.
 - (v) What Labour political propaganda has been done and organisation there is in the constituency.
 - (vi) The method adopted, if any, to ascertain the desire of the Trade Unionists in the constituency for a Labour candidate.
- 32.K Any member elected a Member of Parliament or of the European Parliament under this scheme and contemplating retiring, shall inform his or her Area and the NEC of his or her intention of so doing, if possible, twelve months previously.
- 32.L There shall be paid from this fund all contributions and levies called for by the Labour Party Executive under the constitution of the Party.
- 32.M No alteration of these Rules shall be made unless such alteration has been agreed to by not less than a two-thirds majority vote recorded at an Annual Conference, or at a Special Conference convened for that purpose, and after they have been considered by the Areas.

SCHEDULE

<i>Constituent Associations</i>	<i>Area</i>
National Union of Mineworkers (Cokemen's Area)	COKEMEN
National Union of Mineworkers (Cumberland Area)	CUMBERLAND
National Union of Mineworkers (Derbyshire Area)	DERBYSHIRE
National Union of Mineworkers (Durham Area)	DURHAM
National Union of Mineworkers (Kent Area)	KENT
National Union of Mineworkers (North Western Area)	NORTH WESTERN
National Union of Mineworkers (Leicester Area)	LEICESTER
National Union of Mineworkers (Midlands Area)	MIDLANDS
National Union of Mineworkers (Northumberland Area)	NORTHUMBERLAND
National Union of Mineworkers (North Wales Area)	NORTH WALES
National Union of Mineworkers (Nottingham Area)	NOTTINGHAM
National Union of Mineworkers (Scottish Area)	SCOTLAND
National Union of Mineworkers (South Derbyshire Area)	SOUTH DERBYSHIRE
National Union of Mineworkers (South Wales Area)	SOUTH WALES
National Union of Mineworkers (Yorkshire Area)	YORKSHIRE

National Union of Mineworkers (Durham Mechanics' Group No. 1 Area)..	GROUP No. 1
National Union of Mineworkers (Durham Enginemen Group No. 1 Area)..	
National Union of Mineworkers (Northumberland Mechanics' Group No. 1 Area)	
National Union of Mineworkers (Group 2, Scottish Colliery Enginemen, Boilermen and Tradesmen's Association)	GROUP No. 2 COLLIERY OFFICIALS AND STAFFS
National Union of Mineworkers (Colliery Officials' and Staffs' Area) ..	
National Union of Mineworkers (Power Group Area)	POWER GROUP

MODEL RULES

1. NAME

The Union shall be called the "NATIONAL UNION OF MINEWORKERS (AREA)" and is in these Rules referred to as "the UNION", and its offices shall be at

The Union shall be a constituent part of the National Union of Mineworkers (hereinafter in these Rules referred to as "the National Union").

2. CONSTITUTION

The Union shall be composed of members of the National Union as may be allocated to the Area by the NEC, employed in the coalmining industry and ancillary undertakings and such other industries and undertakings as the Conference of the National Union shall from time to time determine.

3. OBJECTS

The objects of the Union shall be:

- (a) To act as a Trade Union.
- (b) To secure the complete organisation in the Union of all workers in or connected with the coalmining industry of the British Isles and all the industries and undertakings in which the Union has members or such sections of them as Conference may from time to time determine.
- (c) To advance and protect the interests of members.

Note: Additional objects of the Area shall be those which are set out in their Rule books. If there are any which are in need of amendment to bring them into line with the National Union, such amendments will be introduced at a later date.

4. CLAIMS FOR DAMAGES AT COMMON LAW

No assistance shall be given by the Union to any member in respect of any claims for damages unless the member concerned makes application for such assistance through his or her Lodge or Branch, on a specific form which will be provided on request by his or her Lodge or Branch for this purpose, and also notifies the Area General Secretary on a specific form, which will also be provided by his or her Lodge or Branch on request, that he or she (the member) has made application for assistance to his or her Lodge or Branch.

If the Lodge or Branch fails to act on the member's application or if the member is informed that such assistance will not be given, he or she shall have the right of appeal to the Area Executive Committee whose decision as to whether or not the Union shall give such assistance shall be final.

5. CONTRIBUTIONS

New Entrants

- (a) Members of a trade union (affiliated to the TUC) who become employed in or connected with the coalmining industry and ancillary undertakings or other industries and undertakings as the Conference of the National Union shall from time to time determine, shall be admitted to membership of the Union upon production of a Clearance Card or Transfer Certificate without being called upon to pay an entrance fee. The Clearance Card or Transfer Certificate must be handed to the Secretary of the appropriate Lodge or Branch within twenty-eight days immediately following the date upon which he/she commences work in or connected with the above industries or undertakings. The above provision shall apply to a member transferring his or her

membership from one Constituent Association to another within the National Union.

- (b) Youths under 18 years of age who apply for membership on their entering industry for the first time shall be admitted to membership and shall pay all contributions and levies in accordance with the Rules.

6. **ARREARS OF CONTRIBUTIONS**

Except where exemption has been otherwise granted by the NEC or Conference of the National Union a member shall cease to be a financial member when the extent of the member's arrears is the equivalent of 8 weeks' contributions. Any such unfinancial member shall cease to be entitled to the rights and benefits of membership until the whole of the arrears are paid, and for a period of four weeks after the date of payment of all such arrears.

Any member who is unfinancial and after request fails to pay such arrears for a period of 13 weeks shall cease to be a member.

Arrears shall include contributions, fines and such special levies as may from time to time be determined under the Rules.

Any person formerly a member who has ceased membership under this rule shall only be re-admitted to membership upon payment of a fee not to exceed the arrears. Any member paying such a fee shall not be entitled to the rights and benefits of membership for a period of four weeks after the date of payment of the fee.

A member on strike on the direction of the NEC of the National Union or locked out shall be exempted from payment of contributions and special levies in respect of any period during which the member was on strike or locked out and in respect of which he/she receives no wages.

7. **DEFINITION OF MEMBER**

The term "financial member" when used in these Rules shall mean:

- (a) a member who has duly paid all contributions, levies and fines payable by him or her, or
(b) a member who has not paid the contributions, levies and fines as they have become due, but whose arrears are less than a sum equivalent to eight weeks' contributions.

The term half member when used in these Rules shall mean a member under the age of 18 years, or a member employed in or connected with the coal mining industry or ancillary undertaking, or other industry or undertaking in which the Union has members in the Area who for the time being works on terms other than on a full-time basis but only for so long as he or she remains so employed other than upon a full-time basis.

8. **AREA COUNCIL**

Subject to the authority of the NEC of the National Union, the General Management of an incidental to the affairs of the Union shall be vested in an Area Council which shall be constituted in manner hereinafter mentioned.

The Area Council shall consist of the Area Officials and representatives appointed by the Lodges or Branches to represent such Lodges or Branches at the Area Council Meeting.

The member of the Area who acts as its representative as a member of the NEC of the National Union shall be entitled to attend at all meetings of the Area Executive Committee or Area Council of the Area by which he or she was appointed.

9. **APPOINTMENT OF DELEGATES**

Each Lodge or Branch (consisting of more than forty-nine members) shall from time to time appoint one of its members to be its representative and to act as its delegate at meetings of the Area Council.

No Lodge or Branch shall be represented by more than one delegate.

Provision shall be made for the Area Executive Committee to arrange for the grouping of Lodges or Branches where membership of such Lodges or Branches is under 50.

For the purpose of the Rules dealing with these particular questions, half members shall be considered equal to full members.

10. **HOLDING OF AREA CONFERENCE OR COUNCILS**
 Area Conference or Area Council meetings shall be held once every two calendar months and subject to the exception next hereinafter referred to, each of such meetings shall be held for a period of one day only. One of the Conference or Council Meetings shall be regarded as the Annual Conference. The Annual Conference shall be held for a period not exceeding three days. (If the Area Executive Committee consider that a Conference or Council Meeting once every two calendar months be unnecessary, the Area Conference or Council Meeting shall be held at such longer intervals as the Area Executive Committee may determine.)
 If the Area Executive Committee consider that a Council Meeting once every two calendar months is insufficient, the Council Meeting shall be held at such shorter intervals as the Area Executive Committee may determine, subject to the cost of such additional Council Meetings being the responsibility of the Area. Notwithstanding the foregoing, the NEC of the National Union, or in its absence, the National Officials, may authorise Special Area Conferences or Council Meetings if they consider circumstances warrant such action.
11. **AREA OFFICIALS AND AREA EXECUTIVE COMMITTEE**
 The Area shall elect such full-time Area Officials/Agents as may from time to time be determined by the NEC of the National Union and an Area Executive Committee shall be responsible to the NEC of the National Union for:
- (a) the detailed organisation, membership and contributions, as covered by the Area;
 - (b) establishment and maintenance of Branches within the Area;
 - (c) all negotiations for price lists, wages, compensation, and other matters which purely relate in character to a colliery or district;
 - (d) the submission of reports to the NEC of the National Union of work done and proceedings taken at least once every month.
- Subject to the over-riding authority of the NEC of the National Union, the Area Executive Committee may delegate to Branches in the Area such powers as may properly be exercised by the Area Executive Committee itself.
12. **HOLDING OF AREA EXECUTIVE COMMITTEE MEETINGS**
 Area Executive Committee meetings shall be held twice in each calendar month, or at such longer intervals as the Area Executive Committee may determine. Each of such meetings shall be held for a period of one day only.
13. **CONSTITUTION OF AREA EXECUTIVE COMMITTEE**
(NOTE: Present District Rules to continue to apply. The NEC of the National Union to consider the questions involved with the object in due course of progressively, and in consultation with the Areas, bringing about a greater degree of uniformity.)
14. **AREA OFFICIALS**
(NOTE: Subject to such amendments as are necessary to bring the Area Rules into line with the National Rules on the points referred to under the heading "Area Officials/Agents" the present District Rules will continue to apply. The NEC of the National Union are considering the questions involved, and in due course, and in consultation with the Areas, proposals will be submitted with the object of bringing about a greater degree of uniformity.)
15. **AUDITORS**
 Qualified Accountants shall be appointed by the Area Executive Committee (subject to the approval of the NEC of the National Union) to audit the Area Books and Accounts, and such Accountants shall issue their report at such intervals and in such form as may be prescribed by the NEC of the National Union.
16. **LODGES AND/OR BRANCHES**
(NOTE: Present District Rules to continue to apply. The NEC of the National Union to consider the questions involved with the object in due course, of progressively, and in consultation with the Areas of bringing about a greater degree of uniformity.)
17. **LODGE OR BRANCH GENERAL MEETINGS**
 Lodge or Branch General Meetings shall be held at least once in every month,

when the business of the Union and the Lodge or Branch shall be laid before the members present for their approval or otherwise.

Each Lodge or Branch shall fix its own time of meeting.

18. DISCIPLINARY RULE

Disqualification of members, Branches and removal of officers.

- 18.A** There shall be a Disciplinary Committee of the Union consisting of seven members of the Union who each have at least five years unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union and the Area Executive Committee shall make such arrangements as it considers appropriate for the conduct of such elections. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the last twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. *The first such election shall take place within six weeks of this rule coming into effect and the Disciplinary Committee shall be dissolved and subject to re-election at dates to be fixed by the Area Council being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the Disciplinary Committee.*
- 18.B** No members of the Area Council shall be eligible for membership of the Disciplinary Committee except as provided in paragraph 18.C below. Any member of the Disciplinary Committee who becomes a member of the Area Executive Committee or a delegate to the Area Council shall cease to be a member of the Disciplinary Committee. No member shall be eligible for membership of the Disciplinary Committee if he or she is a full-time Official or officer of the National Union. The Area Executive Committee shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the Disciplinary Committee.
- 18.C** Subject to paragraph 18.G below the Area President shall preside over meetings of the Disciplinary Committee and to the extent provided in this rule shall be a member of it. In the absence of the Area President and in the absence of the Area Vice-President also the Disciplinary Committee shall appoint the Chairman or Chairwoman from among its members. A quorum of the Disciplinary Committee shall be three members including the person presiding and shall be selected on a rotating basis.
- 18.D** The Disciplinary Committee shall have power to consider a complaint that a member:
- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
 - (ii) has ceased to be a member of any branch of the Union;
 - (iii) is in arrears with his or her contributions to the Union by eight weeks' contributions or more;
 - (iv) has been found guilty by a court of law of any offence involving fraud or dishonesty in circumstances which may affect his/her fitness to hold office in or be a member of the Union;
 - (v) has admitted involvement in any dishonest practice in relations to funds of any description entrusted to him/her;
 - (vi) has disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or area Officials of the Union as the case may be;
 - (vii) has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule.
- 18.E** The Disciplinary Committee shall also have power to consider a complaint that a Branch or Branch Committee:
- (i) has been found guilty by a court of law or a tribunal of any act or omission contrary to Union policy or involving Union funds or property;
 - (ii) has admitted involvement in any dishonest practice in relation to funds of any description entrusted to them;

- (iii) had disclosed any Union or National Union document to any outside body or person without authorisation from the National Officials or Area Officials of the Union as the case may be;
 - (iv) has done any act (which includes any omission) which may be detrimental to the interests of the Union and which is not specifically provided for in this rule.
- 18.F A complaint may be put before the Disciplinary Committee by any individual member or members, or by a Branch, a Branch Committee, an Area Council or Area Executive Committee. Any such member, group of members or Union body may appoint a member or Official of the Union (including in the case of a group of members or a Union body, one of themselves) to present their complaint.
- 18.G The Area General Secretary in person or by a deputy shall act as Secretary to the Disciplinary Committee. Any complaint, together with a statement of the facts to be relied on in support of the complaint, shall first be sent to the Area General Secretary. The Area General Secretary shall consult the Area President and if either of them considers the complaint or statements out of order, the Area General Secretary shall refer it back to the complainant or complainants, the Area Council shall resolve any such dispute if called on by the Area President or Area General Secretary or the complainant or complainants to do so. The Area General Secretary shall convey each valid complaint in writing to each member, Branch or Branch Committee against whom the complaint is made, setting out the complaint in full and either setting out all the facts relied on by the complainant or complainants or, if appropriate, summarising them so as to enable each member, Branch or Branch Committee concerned to know the case he/she/it or they have to meet. The Area General Secretary shall inform each such member, Branch or Branch Committee that he/she/it or they may reply in writing to the complaint in advance of the hearing but this provision is without prejudice to the duty of the Area Officials of the Union to ensure an expeditious hearing of any complaint which they consider requires an urgent hearing. Such Area Officials of the Union shall convene a meeting of the Disciplinary Committee to adjudicate on every complaint at such date and place as, having regard to any reasonable request made by the complainant or complainants or member, Branch or Branch Committee concerned, appears to them to be suitable.
- 18.H No member of the Union shall sit as a member of the Disciplinary Committee or preside at one of its meetings if that member is or has been personally involved in any matter giving rise to the complaint. If the application of this rule makes it impossible to secure a quorum of the Disciplinary Committee, the Area Executive Committee shall have power to nominate as many members of the Union being eligible under paragraphs 18.A and 18.B of this rule, as will create a quorum, to be temporary members of the Disciplinary Committee. Neither shall any person act as Secretary to the Disciplinary Committee if he or she has been personally involved in any matter giving rise to the complaint.
- 18.I The Disciplinary Committee shall have power:
- (i) To call any witness or introduce any evidence not advanced by either party, if the Disciplinary Committee considers such witness or evidence may be material;
 - (ii) To take any procedural steps, including adjournment, which it considers necessary or advisable in the interests of fairness to either party or of the Union.
- 18.J When it has heard the evidence and arguments of each party, the Disciplinary Committee shall consider in private whether it finds the complaint proved. No complaint shall be found proved except by a vote of a majority of those present throughout the hearing. The presiding member shall not vote unless those members voting are evenly divided. If a complaint is found proved the member, members or Branch concerned shall be given an opportunity to make any representation they wish as to what penalty if any should be imposed.
- 18.K The Disciplinary Committee at the conclusion of the above proceedings may impose such of the following penalties as it considers appropriate to the complaint which has been proved:

- (i) Expulsion from the Union;
- (ii) Suspension from membership of the Union;
- (iii) Suspension of a Branch;
- (iv) Dissolution of a Branch;
- (v) Removal from any office held in the Union;
- (vi) Disqualification from holding office, or any specified office or offices, in the Union;
- (vii) Caution.

Any appropriate combination of the foregoing penalties may be imposed. Suspension from membership of the Union means disentitlement to hold office, to attend any Union or Union Committee meetings, and to receive any Union benefits, but without being relieved of the duty to pay contributions to the Union. Any penalty of suspension, removal from office or disqualification from office shall be for a period specified by the Disciplinary Committee, which shall have power to reduce such period if the member concerned subsequently applies through the Area General Secretary showing any new factor not present when the penalty was imposed.

- 18.L If, on hearing a complaint it appears to the Disciplinary Committee that the complaint is not only unfounded but has been brought maliciously or frivolously, it shall put the matter to the complainant or complainants, and after considering any representations which they may wish to make, may require the complainant or complainants to pay in whole or in part the cost of a disciplinary hearing.
- 18.M The Disciplinary Committee shall not exercise jurisdiction over a member under this rule where that member has already been tried under an equivalent National Rule.
- 18.N Any party to a disciplinary complaint who is dissatisfied with the decision of the Disciplinary Committee shall have a right of appeal to the National Appeals Committee.
- 18.O There shall be a National Appeals Committee of the Union consisting of nine members of the Union who each have at least five years' unbroken membership at the date of nomination. Members shall be elected by a Branch vote of the Union in each of the Areas named in the Schedule to the Rules. No Area shall have more than one member of the National Appeals Committee. Voting shall take place on the basis of Area Votes, one vote for every thousand members, or fraction or part thereof. The membership for the purpose of this vote shall be the number for which contributions have been paid to the Union over the twelve months on the preceding 31st December, or the last available audit figures for such a twelve month period. The NEC of the National Union shall make such arrangements as it considers appropriate for the conduct of such elections. The first such election shall take place within six weeks of this rule coming into effect, and the National Appeals Committee shall be dissolved and subject to re-election at dates to be fixed by the NEC of the National Union being not less than three years nor more than three and one quarter years after each preceding election. A member shall be eligible for re-election to the National Appeals Committee.
- 18.P No member of the NEC of the National Union shall be eligible for membership of the National Appeals Committee except as provided in paragraph 18.Q below. Any member of the National Appeals Committee who becomes a member of the NEC of the National Union shall cease to be a member of the National Appeals Committee. No member shall be eligible for membership of the National Appeals Committee if he or she is a full-time Official or officer of the National Union. The NEC of the National Union shall arrange as soon as practicable for an election to fill any such vacancy or any vacancy caused by the death, cessation of Union membership or resignation of any member of the National Appeals Committee.
- 18.Q Subject to paragraph 18.H above, the National President shall preside over meetings of the National Appeals Committee and to the extent provided in this rule shall be a member of it. In the absence of the National President the National Appeals Committee shall appoint a chairman or chairwoman from among its

- members. A quorum of the National Appeals Committee shall be five members including the person presiding and shall be selected on a rotating basis.
- 18.R An appeal to the National Appeals Committee shall be notified to the Chief Executive Officer of the National Union within fourteen days from the notification of the decision of the Disciplinary Committee. The Chief Executive Officer of the National Union in person or by a deputy shall act as secretary to the National Appeals Committee. The notice of appeal shall be in writing and shall set out the full grounds of appeal. Paragraphs 18.H/I/J/K and L above, shall apply to the National Appeals Committee as they apply to the Disciplinary Committee. In addition no member of the National Appeals Committee shall hear an appeal relating to the Area of which he is a member of the Union or if he was a member of the National or Area Disciplinary Committee which decided the matter which is subject to appeal.
- 18.S The National Appeals Committee shall not be obliged to conduct a re-hearing but shall review as much of the material considered by the Disciplinary Committee as the parties to the appeal put before it, or as a National Appeals Committee itself considers relevant. It may consider any record of the Disciplinary Committee proceedings, and may call on the person who presides at the Disciplinary Committee hearing to inform the National Appeals Committee in the presence of the parties, of any relevant matters transacted at the hearing. It may hear or call for fresh evidence if in its discretion it considers it appropriate to do so. The National Appeals Committee may uphold a decision of the Disciplinary Committee or may allow an appeal in part or in whole, and may, if it thinks right, substitute for any penalty or combination of penalties imposed by the Disciplinary Committee such penalty or combination of penalties or combination of penalties as the National Appeals Committee considers appropriate in all the circumstances of the case at the date of the appeal.
- 18.T There shall be no right of appeal against a decision of the National Appeals Committee which shall be final and binding on all parties.
- 18.U Members of the National Appeals Committee and the Disciplinary Committee and members required to attend any hearing shall be paid in accordance with Rule.
19. **RELATIONSHIP OF AREA RULES TO RULES OF NATIONAL UNION**
On any question as to which these Rules or the National Rules (including the Model Rules) do not provide, or on any conflict between the National Rules (including the Model Rules) and these Rules, or on any question of interpretation of these Rules, the matter shall be referred to the National President who shall make a ruling which shall be final and binding subject to an appeal to the NEC of the National Union and thence to Conference of the National Union.
20. **POLITICAL FUND**
Area Rules will require to provide for the normal industrial contribution to be reduced in given weeks of the year to enable the Political contributions to be made within an amount of not more than the normal contributions.

STANDING ORDERS

1. The Conference (after first day) shall meet each day at 10.00 a.m. adjourn at 12.45 p.m., re-assemble at 2.15 p.m., and adjourn at 4.30 p.m.
2. There shall be appointed for the efficient conduct of the business of the Conference:
 - Doorkeepers
 - Tellers
 - Credential Committee
 - Business Committee
3. Doorkeepers shall be appointed whenever practicable by the Areas in rotation, in advance of the date of the Conference, to ensure their attendance at the Conference before the time of the opening.
4. Tellers, Credential Committee and Business Committee shall be elected in open Conference by a vote by show of hands.

5. A decision of the Chairman or Chairwoman can only be challenged by a motion "That the Chairman's or Chairwoman's decision be not upheld". Such motion, if seconded, shall be put to the meeting without discussion.
6. All voting in the first instance shall be by show of hands.
7. In the event of a vote by show of hands being challenged by any Area represented at the Conference there shall be taken a card vote upon the basis of Area membership. One vote for every 1,000 members or fractional part thereof. The membership for the purposes of the Card Vote shall be taken as being the number for which contributions have been paid to the Union for the 12 months ending on the preceding 31st December, or the last available audited figures for such 12 month period.
8. No motion shall be submitted to a meeting unless a written copy of it has been sent to the Secretary previously and printed on the Agenda in the order in which it is received. An emergency proposition can only be submitted to a meeting by consent of at least three-fourths of those voting at such meeting. All such emergency propositions to be submitted in writing beforehand to the Secretary.
9. A motion made "That the question be now put", may, at the discretion of the Chairman or Chairwoman, be put forthwith without amendment or debate provided that sufficient opportunity has been given for the expression of opinion both in favour and in opposition to the matter under discussion. Should the motion be adopted the movers of the proposition, amendment or negative, may reply to the debate, after which the Chairman or Chairwoman shall put the questions under discussion to the vote.
10. When an amendment to a motion is submitted no second amendment shall be discussed until the first amendment is disposed of. If an amendment is adopted, it shall then become a motion, upon which further amendments may be moved.
11. The mover of a motion or amendment shall be limited to ten minutes, and all subsequent speakers to five minutes. The mover of a motion and mover of the amendment only shall be allowed five minutes for reply, and shall confine their reply to answering objections raised during the debate. The mover of the motion to close the debate.
12. No person shall speak more than once upon any motion or amendment, but any person may rise to "a point of order", or ask a question, provided he or she does so as soon as possible and adheres strictly thereto.
13. These Standing Orders may by resolution, supported by at least two-thirds of those present and voting, be suspended so far as the time limit for speakers is concerned, either for any particular motion or all of them.

— NATIONAL EXECUTIVE COMMITTEE.

DEPARTMENT OF
ENERGY

Thames House South, Millbank, London SW1P 4QJ.
Press Office Direct Line: 01-211 4545 Out of hours: 01-212 7071/2/3

PRESS NOTICE

File

Reference No. 45

April 25, 1985

COAL INDUSTRY BILL PUBLISHED

The Coal Industry Bill, published today, makes provision for deficit grants totalling a maximum of £1,200 million for the last financial year (1984/85), the year of the miners' strike, and £800 million over the next two financial years to cover possible National Coal Board losses. Under the Bill, if in the event the audited accounts showed that the full £1,200 million was not required in 1984/85 the balance may be carried over to 1985/86 and 1986/87.

The intention to introduce legislation to enable payments of deficit grant to the NCB to continue during the period of reconstruction following the miners' strike was announced by Mr Peter Walker, Secretary of State for Energy, on March 19 this year. The Coal Industry Act 1980 was originally intended to cover deficit payments to the NCB for three financial years - 1983/84, 1984/85 and 1985/86 - to a maximum of £2,000 million. Because of the miners' strike, the amounts allowed by the Act only met the Board's deficits for 1983/84 and part of 1984/85. The new Bill therefore provides for further payment of deficit grant and extends by one year - to the end of March 1987 - the period in which deficit grants may be paid to the Board. It remains the objective that the Coal Board should break even without the need for deficit grant by 1987/88.

The new Bill similarly proposes to extend the possible period for operation of the Redundant Mineworkers Payments Scheme and the Concessionary Coal Payments Scheme by one year to the end of March 1987, keeping this in line with the new period for which deficit grant is payable, and enables the limit on total payments to be increased to a maximum of £1,800 million by Order if this is necessary. The Bill does not affect the benefits payable to individuals.

The new Bill also proposes extending the qualifying period for payments of pit closure grants by one year to the end of March 1987. Under the Coal Industry Act 1977, the present limit on total pit closure grant payments is £400 million. This limit remains, although the new Bill would enable the total to be increased by Order if necessary to a maximum of £450 million.

The Bill is designed to ensure that adequate legislative powers exist to meet needs which might arise during the National Coal Board's financial years 1985/86 and 1986/87. It is not an assessment of likely expenditure on pit closure grants and redundancy payments over the next two years and provides for the further approval of Parliament before the present ceilings on payments are raised by Order.

BACKGROUND NOTES

Redundant Mineworkers Payments Scheme and Concessionary Coal Payments Scheme

The Coal Industry Act 1967 provided for the introduction of a scheme to enable assistance to be given to people made redundant by the closure of coal mines or the consequent reduction in ancilliary services. Such a scheme was introduced in The Redundant Mineworkers (Payments Scheme) Order 1968, which specified the benefits payable.

The Act was subsequently amended and extended to enable a scheme to be introduced covering the provision of concessionary coal to redundant mineworkers in 1973 and to include redundant cokeworkers in 1980. The schemes now derive from the Coal Industry Act 1977 as amended most recently in the Coal Industry Act 1983 which covers the period up to March 30, 1986, and limits total payments to £1,200 million.

The benefits available to redundant mineworkers and cokeworkers are presently laid out in The Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order 1984 as amended, which covers men made redundant up until March 30, 1986 and provides the most generous redundancy benefits available to any group of industrial workers. Benefits include a lump sum payment and weekly payments for men aged 50 or over on redundancy.

Pit Closure Grants

The Coal Industry Act 1977, as amended, also provides for the payment of pit closure grants to the National Coal Board, enabling the Government to reimburse up to one half of the Board's expenditure under a variety of headings associated with the re-deployment of the Board's manpower and the elimination of uneconomic colliery capacity.

ANDREW TURNBULL

COAL ISSUES

When the Prime Minister saw the Secretary of State for Energy this afternoon she mentioned a number of points drawn from your minute of 23 April and agreed some action which I should be grateful if you would follow up:-

(1) Replenishment of power station stocks

The Prime Minister said that she was doubtful whether 23m tonnes were enough. She also referred to the need to increase the capacity of the interconnector as quickly as possible and to remove the obstacles to the approval of open cast. The Secretary of State recalled that the previous agreement had been for 23m tonnes and pointed out that the increase in the capacity of the interconnector would cost money. He said that it would be useful if the Prime Minister, the Secretary of State for the Environment and himself had a word about the acceleration of open cast approvals.

(2) Future of the Coal Board

The Secretary of State said that Mr. MacGregor had assured him - and Mr. Walker had confirmed the understanding in writing - that Mr. Cowan would have left his post as Deputy Chairman by the end of June and would have become Chairman of Coal Products. Mr. Walker said that Mr. MacGregor was still being difficult about Michael Eaton. Mr. Walker added that he regarded the candidates for Mr. MacGregor's successor within the Coal Board as being Mr. Moses, Mr. Edwardes and Mr. Eaton: while he had also had a high regard for Mr. Wheeler,

Mr. Wheeler had become a very unpopular figure as a result of the way in which he was reputed to have run the industry in Scotland.

(3) NCB closure/redundancy programme

Mr. Walker said that Mr. MacGregor had been very hazy about the reduction which would occur in the NCB's manpower. He had at first told Mr. Walker that it would be 19,500 by the end of the year. He had subsequently reduced the number to 14,500, and on further pressure to 9,500. Mr. Walker suggested, and the Prime Minister agreed, that they might jointly meet Mr. MacGregor, and Mr. Walker said that he would first brief the Prime Minister on the points to be put to him.

(4) Meeting with the NCB Executive

Mr. Walker said that he was planning to give a dinner in the Department for the NCB Executive and suggested that the Prime Minister came round for a drink beforehand at which she could meet and form an impression of the people concerned. The Prime Minister agreed to do so.

(5) NUM change of rules

Mr. Walker said that the Daily Mirror would be running an expose of Mr. Scargill's plans for rule changes tomorrow.

There are three specific bits of bollow-up action arising from this:-

- (1) We should arrange a meeting for the Prime Minister and Mr. Walker with Mr. MacGregor, and for Mr. Walker to brief the Prime Minister beforehand on the points to be raised.

(2) Please will you liaise with the Department of Energy Private Office about the date of the Secretary of State's dinner for the NCB Executive and the arrangements for the Prime Minister to look in for a drink beforehand.

(3) Please could you consider whether we need a short meeting between the Prime Minister, Mr. Walker and Mr. Jenkin about approvals for open cast mining.

P.F.R.B.

24 April 1985

SECRET

Treasury Chambers, Parliament Street, SW1P 3AG

Phillip Evans Esq
Private Secretary to the
Secretary of State for Energy
Department of Energy
Thames House South
Millbank
LONDON SW1

24 April 1985

Dear Phillip

COAL INDUSTRY BILL PRESS NOTICE

The Financial Secretary has seen a copy of the draft Press Notice and has suggested the following changes, which I have already given to you by telephone.

2. First, in the light of the recent correspondence between the Chancellor and your Secretary of State, the Financial Secretary considers that a further sentence should be added at the end of the second paragraph as follows:

"It remains the objective that the NCB should break even without the need for deficit grant by 1987-88."

3. Second, as regards RMPS, your Secretary of State's letter of 23 April said that, while he wished to discuss further with Ian MacGregor the handling of the time limit on the Scheme's present terms, he would take care in introducing the Bill to give no assurance that the present terms would be available beyond 30 March 1986. In view of this the Financial Secretary considers a sentence along the following lines should be added for clarification at the end of paragraph 3 of the draft:

"It does not necessarily mean that offers of redundancy under the present generous terms of the scheme will continue beyond 30 March 1986 when Parliamentary authority for these terms expires."

4. The Financial Secretary is content with the minor technical amendments to the first paragraph discussed by officials.

5. I am copying to the Private Secretaries to the Prime Minister and the Lord Privy Seal and to the Chief Whip.

Yours sincerely
Vivien Life

VIVIEN LIFE
Private Secretary

SECRET

T

25 APR 1985

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0 11 12 1
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cc P. Gregson 21A

PRIME MINISTER

COAL STOCK RE-BUILD AT CEGB POWER STATIONS

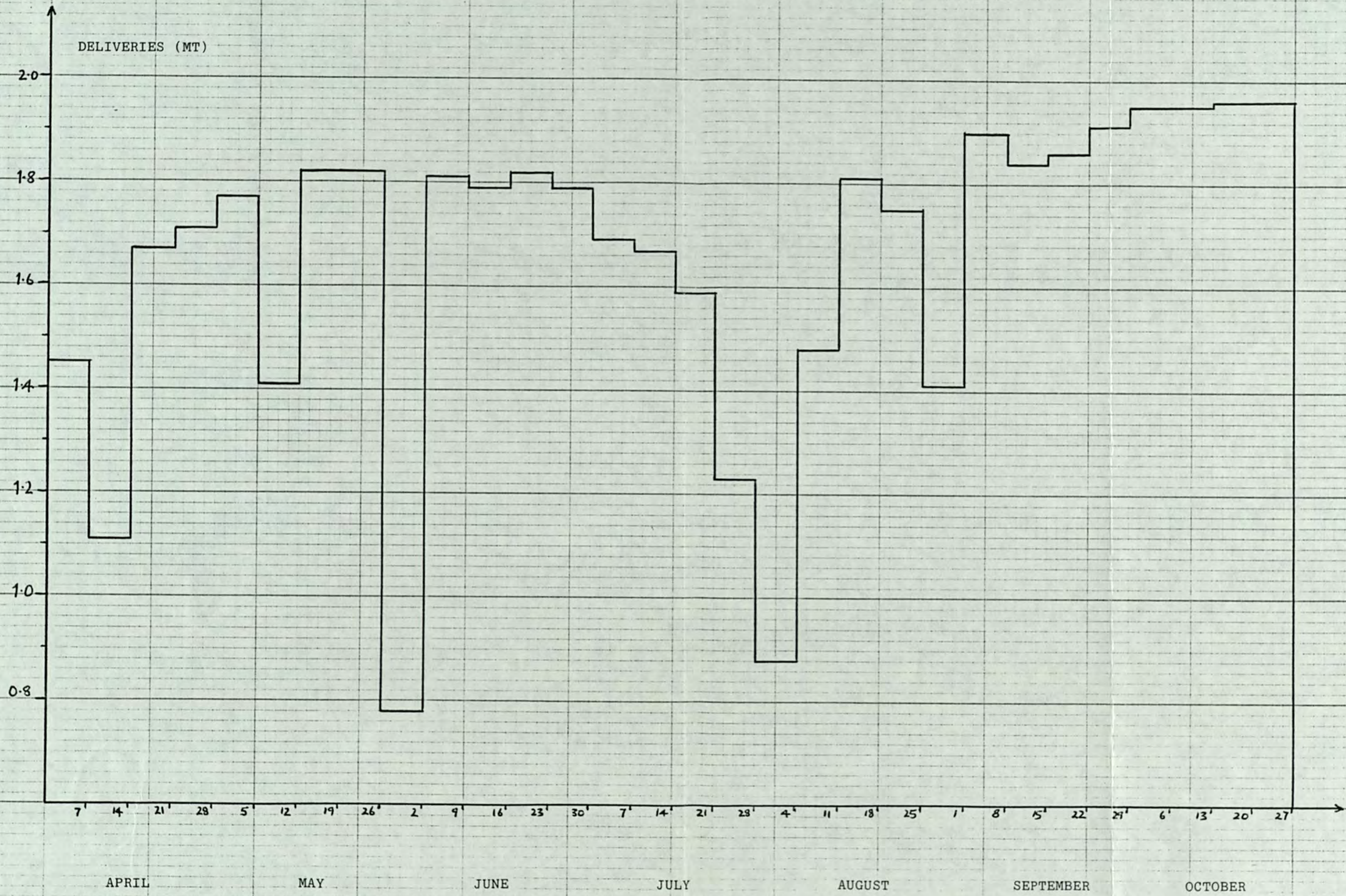
You may be interested to see the attached charts, which record my Department's present understanding of the expected weekly deliveries of coal to CEGB power stations and the expected pattern of stock build-up to the end of October.

These charts are based on the best information presently available from the Coal Board. Of course there are a number of uncertainties: for example, the expected build-up of stocks is based not only on the estimated delivery pattern but also on estimated coal usage during the period and is inevitably affected by weather etc. But we will be monitoring performance closely and I will arrange for the charts to be up-dated for you at regular intervals.

SECRETARY OF STATE FOR ENERGY

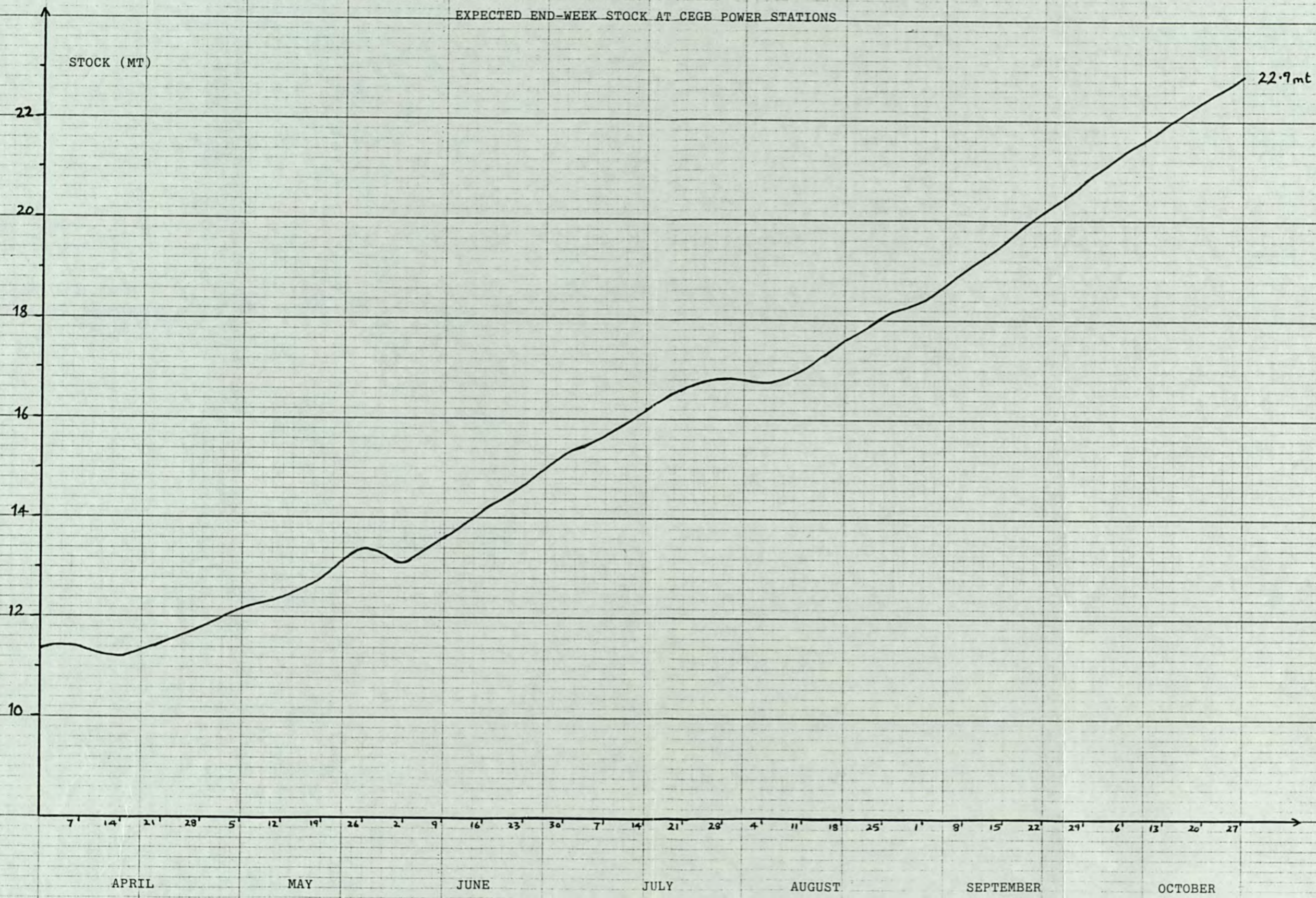
23 April 1985

EXPECTED WEEKLY DELIVERIES TO CEGB POWER STATIONS



E.R.

SECRET

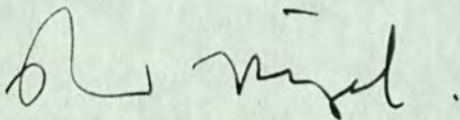


SECRET

01 211 6402

The Rt Hon Nigel Lawson MP
 Chancellor of the Exchequer
 HM Treasury
 Parliament Street
 LONDON
 SW1P 3AG

23 April 1985



COAL INDUSTRY BILL

Thank you for your further letter of 16 April.

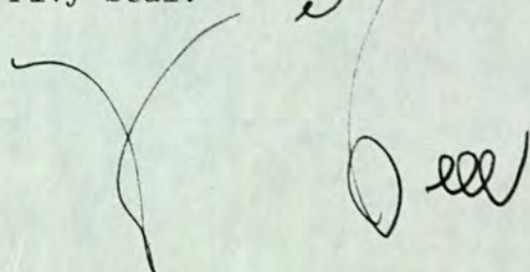
I have discussed the position with Ian MacGregor who has brought me up to date with his budgetary planning. I have made clear to him our desire to set an EFL as soon as an adequate foundation for this exists.

Once figures for this year have been set, Mr MacGregor will turn his attention to the medium term projections required for the IFR process. This should give us some outline corporate planning material by July, as you request, though the development of a full corporate plan will occupy the Board's planners through the summer and autumn.

Ian MacGregor understands that we will need to give a public indication of our financial expectations in introducing the bill. It would not, however, be helpful to him to have these spelt out so explicitly as to complicate his task of implementation.

As to the future of RMPS, I shall be discussing further with Ian MacGregor how to make best use of an announcement of a time-limit on the scheme's present terms, as the Prime Minister has proposed. As you know, the present terms are laid down in the Redundant Mineworkers and Concessionary Coal (Payments Schemes) Order, 1984, which in any case expires on 30 March 1986. I shall, as a minimum, take care in introducing the bill to give no assurance that these terms will continue beyond that date, even though the bill provides the legislative power to enable the Scheme to be extended to March 1987.

I am sending a copy of this letter to the Prime Minister, the Lord President and the Lord Privy Seal.



PETER WALKER

NAT IND: coal: pt 17.

(2)

PRIME MINISTER

COAL ISSUES

There are several issues outstanding after the strike.

i) Replenishment of Power Station Stocks

CEGB have now worked out a programme of deliveries which is set out in the attached charts. Progress will need to be monitored regularly. You will notice that deliveries are currently about 1.75mt a week, building up to just under 2.0mt a week. This should produce the 23mt in October which was agreed at an earlier meeting.

*we need
28m tons*

ii) Acceleration of Open Cast Development

There are two issues here. First, how can we secure adequate planning consents? Sir Robert Armstrong will be minuting on the division of functions between the Department of Energy and the Department of the Environment. Mr. Walker does not think the power should be returned to his Department but suggests a meeting with Patrick Jenkin to ensure that his Department is fully aware of the need for a steady flow of planning consents. The second is whether NCB itself is giving adequate priority to the expansion of open cast. Are they still not issuing contracts for developments which already have planning consents?

iii) Lessons of the Strike

Peter Gregson's report should be ready by about 20 May. This can be discussed by the core of MISC 101. The report is unlikely to produce answers itself but will identify further areas where action is needed in the rest of Whitehall.

iv) Further Extension of Endurance

The CEGB are currently studying a number of options eg still higher coal stocks, improved access to alternative coal supplies, expansion of inter-connectors, dual firing (oil or gas) and the expansion of mixed firing which proved so successful during the strike. You suggested that this might be discussed at a meeting during the Whitsun Recess. I understand, however, that the CEGB will not have completed the substantial technical work involved until the first or second week in June. I think Walter Marshall may be away for several weeks between now and then.

v) NCB Closure/Redundancies Programme

How does the Board intend to go about securing closures and redundancies over the next two years? Have any collieries been put into the early stages of the review procedure? What progress is being made towards establishing the modified procedure? Has the management structure of the Board been satisfactorily resolved? Who will have responsibility for presentation of the NCB's case when Michael Eaton becomes the Director of Personnel?

vi) Longer Term Plans for Restructuring the Industry

The Coal Bill which is about to be introduced provides finance for the next couple of years for the industry in its present form. What work is being done on the options for restructuring eg hiving off open cast, regionalisation, privatisation, joint ventures for new developments?

Agree Mr. Walker be asked to provide a timetable for considering each of these issues?

Yes *AT*



10 DOWNING STREET

Prime Minister (2)

In the latest reported week
coal stocks continued to rise
slowly and oil burn was
sharply cut back. But as the
week included Food Friday
the figures may not be
representative. →

AT

22/4

mf

WEEKLY COAL AND POWER STATION STATISTICS (1)

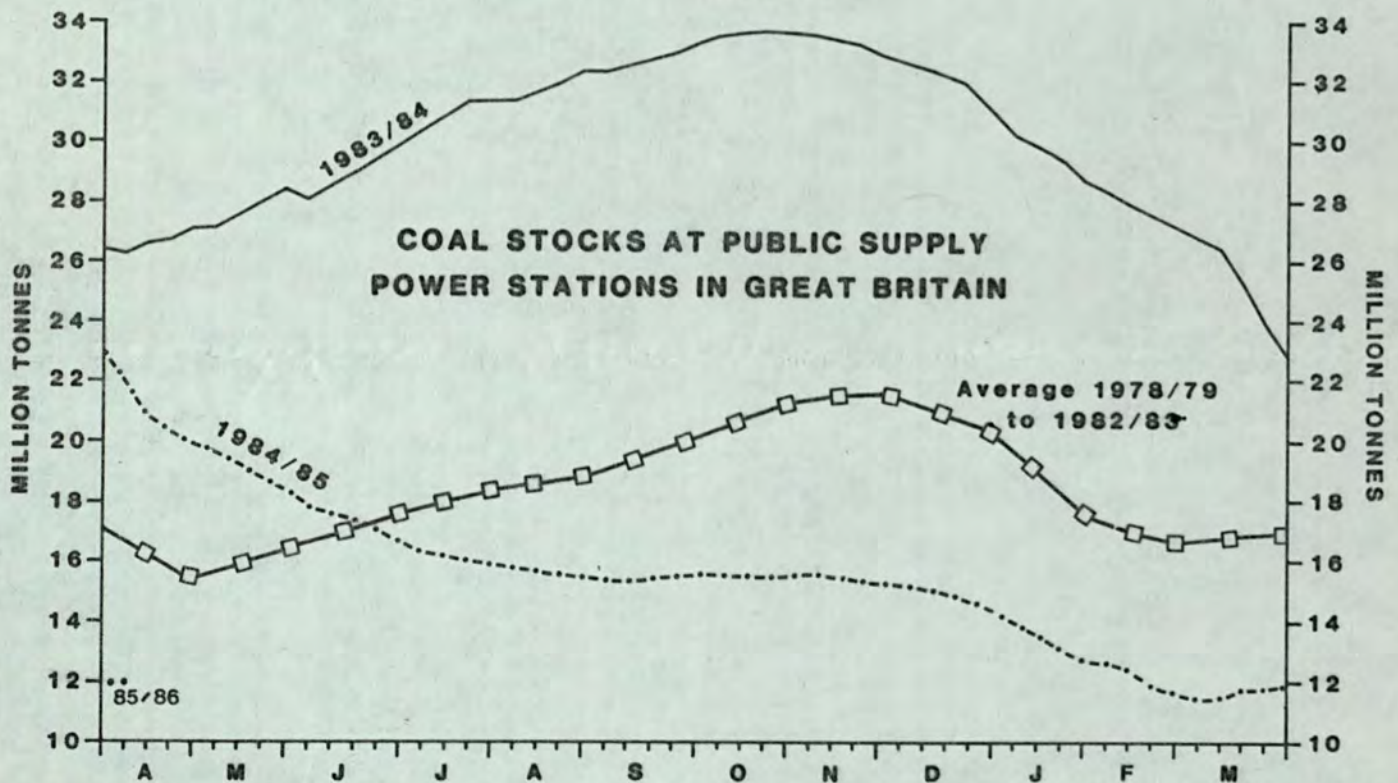
22 April 1985

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

Week ending 9.4.83 7.4.84 16.3.85 23.3.85 30.3.85 6.4.85
(6) (5)

COAL			9.4.83	7.4.84	16.3.85	23.3.85	30.3.85	6.4.85	
PRODUCTION (m. tonnes)	deep mines+	1.52:	0.46:	1.01	1.13	1.22	..		
	opencast+	0.02:	0.31:	0.33	0.32	0.38	..		
	TOTAL	1.54:	0.77:	1.34	1.45	1.60	..		
PRODUCTIVITY(2) (tonnes/manshift)	'overall'	2.36:	2.11:	1.42	1.64	1.74	..		
	'production'	10.24:	10.05:	8.46	8.65	8.47	..		
UNDISTRIBUTED STOCK (m. tonnes)		TOTAL	25.28:	21.59:	20.76	20.46	19.93	4 1/2 mt from low point ↓	
POWER STATIONS	COAL STOCKS	(m. tonnes)	26.30:	21.86:	11.67	11.76	11.92	12.00	
	COAL CONSUMPTION	"	1.47:	1.49:	1.19	1.41	1.50	1.51	
	COAL RECEIPTS	"	1.28:	0.32:	1.37	1.51	1.63	1.61	
	OIL STOCKS(3)	"	1.23:	1.12:	1.23	1.12	1.13	1.12	
	OIL CONSUMPTION(3)	"	0.05:	0.19:	0.43	0.31	0.20	0.03	
	OIL RECEIPTS(3)	"	0.03:	0.16:	0.41	0.19	0.22	0.02	
	ELECTRICITY SUPPLIED (4) (GWh)								
	Nuclear	"	841:	805:	1,065	1,040	1,048	1,123	
	Other Steam	"	3,551:	4,187:	4,287	4,396	4,200	3,510	
	TOTAL	"	4,392:	4,992:	5,352	5,436	5,248	4,633	
TOTAL - temperature corrected		"	4,160:	4,659:	5,155	4,948	5,103	4,984	

- (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.
- (5) Includes Good Friday. (6) Includes Easter Monday.
- .. data not yet available. + includes licensed production.



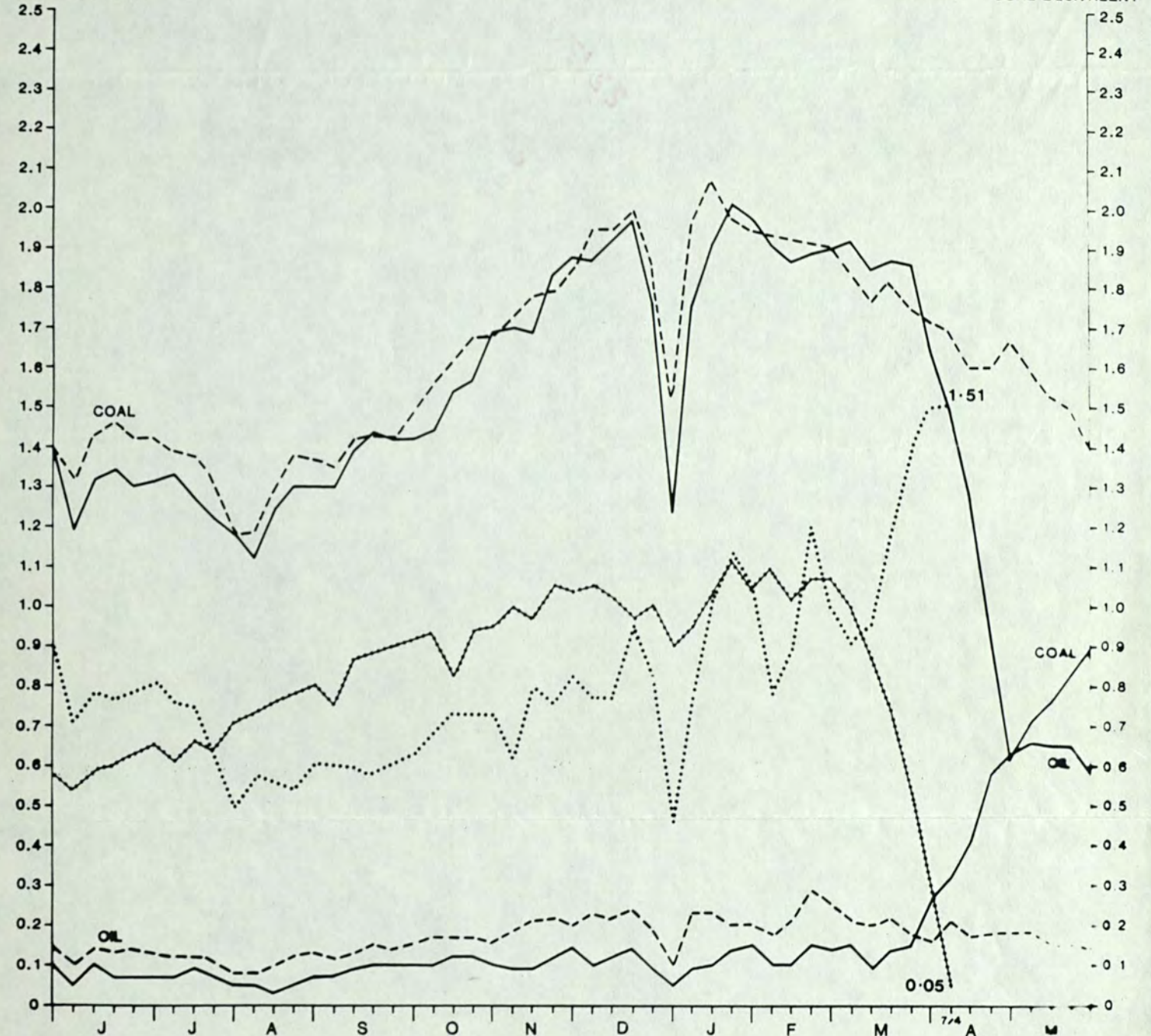
CONFIDENTIAL

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

COAL } June 84 to May 85
OIL } June 83 to May 84
----- Average 1978/79 to 1982/83

MILLION TONNES
OF COAL OR
COAL EQUIVALENT

MILLION TONNES
OF COAL OR
COAL EQUIVALENT



CONFIDENTIAL

22 APR 1995

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CONFIDENTIAL



FROM: CHIEF SECRETARY
DATE: 17 April 1985

PRIME MINISTER

**COAL INDUSTRY BILL AND MINeworkERS'
PENSION SCHEME**

I have seen Peter Walker's minute to you of 9 April about the mineworkers' pension scheme and the forthcoming Coal Bill, and your Private Secretary's letter of 15 April.

2 I see the difficulties over retrospection, but there must be a strong case for removing this anomaly for the future. As well as the deterrent effect to which Peter refers, there should be long-term savings to public expenditure (since the cost of making good pensions for any future strikers would reduce NCB's profits and increase their external financing needs). I agree legislation could be left over for the next Coal Industry Bill. In the meantime, I hope Peter will encourage Ian MacGregor to see whether there are any legal or administrative loopholes that the NCB can exploit to reduce the prospective financial burden on the Board.

3 Such pension costs from the recent strike that NCB cannot avoid over the next two years will have to come from the overall £2 billion figure for deficit grant agreed in Peter's letter of 28 March and Nigel Lawson's response of 10 April. That reinforces the need for early implementation of a sensible closure-programme for loss-making pits to which your Private Secretary's letter referred.

4 I am sending a copy of this minute to the Lord President, the Lord Privy Seal, the Secretaries of State for Employment and Energy, the Attorney-General; and to Sir Robert Armstrong and First Parliamentary Counsel.

AS
for PETER REES

CONFIDENTIAL

[Approved by the Chief Secretary]

*NRBPM
AT
17/4
CND*

*File with
AT*

16? Attached

att

WVT IND
Coal Pt 17



11 12 1
9 4 8
7 5 6
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17 APR 1983

COMPTON



cc/RTA
 (by agreement with
 D'En) AT 18/4

BIF via RTA submission.

PRIME MINISTER

77/4

Robert Armstrong

Following the talks that you had with Ian MacGregor recently Robert Armstrong wrote to my Permanent Secretary on the question of opencast coal.

I am very concerned about this because there is no doubt that a political element has entered into local authority decisions about opencast sites, and that there are some Labour Councils who look upon opencast as being non-NUM competitors to deep mines. They could certainly impede our progress with developing our opencast resources.

Alas, a decision was taken to transfer responsibilities for planning permission from my department to the Department of the Environment. The process was transferred to that Department but the authority for them to have the responsibility has not yet obtained statutory authority as there has been no time in the Parliamentary timetable to bring in the Opencast Coal Bill.

Ideally, I would like to have the planning powers but to announce that we were transferring them back to my department and that we would not proceed with the Opencast Coal Bill would create an impossible position for Patrick Jenkin with the environmental lobby. As a former Secretary of State for the Environment my own judgement is that it would be an intolerable position for him.

What, therefore, I believe we need is for you to have a private chat with Patrick and myself in order that he will operate his



planning powers in a manner in which plenty of consents will be given in those areas where opencast coal mining is taking place and where there are many more sites to be developed.

Unless he does this there will be a considerable down-turn in opencast production in each of the next three years and that is not in our interests financially or in terms of security of supply.

A handwritten signature in blue ink, consisting of several large, sweeping loops and a final flourish that ends in a small hook.

SECRETARY OF STATE FOR ENERGY

17. April 1985



10 DOWNING STREET

From the Private Secretary

16 April 1985

Dear Michael

COAL INDUSTRY BILL

The Prime Minister has seen the exchange of correspondence between your Secretary of State and the Chancellor of the Exchequer. She agrees that the Government should not commit itself to backing the RMPS indefinitely. Subject to the views of Mr. MacGregor, she feels there would be advantage in setting a time limit for the scheme on its present terms. The option could be left open of whether or not to renew the scheme or to renew it on less favourable terms.

I am copying this letter to Rachel Lomax (HM Treasury), Janet Lewis-Jones (Lord President's Office) and David Morris (Lord Privy Seal's Office).

Yours sincerely

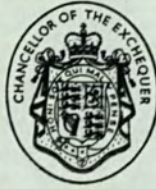
Andrew Turnbull

(ANDREW TURNBULL)

Michael Reidy, Esq.,
Department of Energy.

CST.

CCMO



18

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

The Rt Hon Peter Walker MBE MP
Secretary of State for Energy
Department of Energy
Thames House South
Millbank
London SW1

16 April 1985

*file with AT
17.4*

Stan Peter

attached

COAL INDUSTRY BILL

Thank you for your letter of 15 April.

As you point out, it is clearly important to establish Ian MacGregor's views on what we say when announcing the new limits on deficit grant and on the RMPS and I think it would be worth seeking them before we take a final decision.

You might also like to use the opportunity to urge Ian to provide figures for the EFL and corporate plan on the timetables I suggested. He should not be surprised by our concern on such matters. As regards uncertainties over the rate of power station restocking, I suggest he bases his figures on the objective we have already agreed. Clearly there are uncertainties about the level of restocking that will be achieved from NCB sources. But if in the event the outcome were significantly different from the figure assumed, it would have an equal and opposite effect on the EFLs of the NCB and ESI and I would be prepared to agree to offsetting adjustments.

I am copying this letter to the Prime Minister, the Lord President and the Lord Privy Seal.

*Yours
Nigel*

NIGEL LAWSON

WAT LTD
Coalfield

1985

12 1 2 3 4 5 6 7 8 9 10 11

file
STRICTLY PERSONAL

JM



*CF your pps
re the meeting
of wives at No. 10?*

10 DOWNING STREET

From the Principal Private Secretary

Kay 22/4

15 April 1985

Dear Mr. MacGregor,

The Prime Minister has asked me to write to you about the attached report in the Daily Telegraph of difficulties being encountered by Mr. and Mrs. Gordon Fjaelberg.

The Prime Minister knows that you are doing your utmost to help in a number of cases of this sort in which miners who went to work during the strike now feel themselves under threat. As you know, the Prime Minister feels strongly that those miners who stood by the Coal Board during the strike should now be looked after. The reason why she has asked me to write to you personally about this case is that Mrs. Fjaelberg was one of the three working miners' wives whom the Prime Minister received at 10 Downing Street and the Prime Minister therefore feels a particular personal commitment in this case.

I am copying this letter to Michael Reidy in the Secretary of State for Energy's office.

Yours sincerely,

Robin Butler

Ian MacGregor, Esq.
Flat D
54 Eaton Square,
London SW1

STRICTLY PERSONAL

881

MINER WHO DEFIED PICKETS CLAIMS 'BETRAYAL' BY NCB

By COLIN RANDALL

THE Coal Board was accused yesterday of turning its back on some of the miners who returned to work during the strike.

Mr Gordon Fjaelberg, 36, an underground repairer, who has been on sick leave for five weeks since complaining of serious intimidation by groups of returning strikers, has been offered a transfer from South Wales to Nottinghamshire.

But he said yesterday that he had been told by management there would be no question of Coal Board help toward the cost of moving house, put by Mr Fjaelberg and his wife at up to £5,000.

"After all the promises from the highest levels during the strike that our interests would be protected, I and other working miners are being not only let down but betrayed," said Mr Fjaelberg, who returned to work at Cwm Colliery, Beddan, near Pontypridd, Mid-Glamorgan, in November.

"We have been inundated with calls from other working miners who are seeking early retirement or voluntary redundancy, but find themselves being pushed from pillar to post, not knowing where they stand," he went on.

'Death threats'

"Whoever is responsible, the Coal Board should realise they risk a much bigger backlash of resentment than ever there was against the NUM during the strike."

Mr Fjaelberg worked two shifts at his colliery after the strike ended, but described the atmosphere as "murderous."

His wife Jane, 28, who was prominent in two anti-strike miners' wives' committees, said: "I think we are just seen as a bloody nuisance."

"We are effectively being forced out of our house under duress because there is no way my husband can go on working at his present colliery now the NCB says it has reverted to normal policy, which is not to make transfer allowances."

"They seem totally unaware that these are no longer normal times."

"They never will be until they sort out the problem of working miners although out of the 99,000 who went back we are only talking about a small handful of difficult cases."

A Coal Board spokesman in South Wales said: "Mr Fjaelberg's case is under active consideration."

"With regard to men seeking redundancy, this is being offered at collieries where manpower is being reduced. We are examining manpower requirements at all our collieries."

I copy per man folder
dsf



Public Relations

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

COAL BOARD TAKE ACTION ON INTIMIDATION

Mr. Ian MacGregor's Statement

National Coal Board Chairman Mr. Ian MacGregor stated today (Saturday):

The National Coal Board's management are carrying out their commitment to take resolute action to prevent intimidation against employees at work.

Throughout the NUM's strike I gave an assurance that we would safeguard the interests of working miners.

Our management will not tolerate any intimidation of individual workmen or groups of employees now that everyone is back at work.

Because of firm action already taken and the good sense of the overwhelming majority of miners, reported incidents of intimidation have been very few and they are getting less.

The fact is that in total they involve about one-tenth of one per cent of our workforce. Management's resolve to find the offenders and deal with them is absolute.

-2-

Strong disciplinary action will continue to be taken up to and including dismissal. For example:

- * Five men have been dismissed at the Phurnacite Works in South Wales following incidents involving another workman.
- * After an assault on a miner, four men were dismissed at Manvers Colliery, South Yorkshire, for gross industrial misconduct.
- * For persistent verbal abuse of workmates, two men at South Kirkby Colliery, Barnsley, were at first warned and subsequently dismissed.
- * The Board have a High Court injunction preventing 39 men dismissed in the Kent coalfield from entering the pit and "assaulting, molesting, abusing, intimidating or otherwise interfering with the Board's employees at or near their place of work."

There will be no hesitation to act against offenders but our local managers do need information to help trace the culprits.

One of the Kent working miners, who is leaving on voluntary redundancy, feels as strongly as I do about this distressing problem of intimidation, and also understands the difficulties in some cases.

3/Cont'd...

-3-

In a radio interview he said:

"It is not quite as easy as it sounds. You need hard evidence, facts... The difficulty is that people are reluctant to witness this sort of conduct towards fellow miners, so the management are obviously in a difficult position when it comes to disciplining people."

We want to act but we need facts.

In the Kent coalfield as soon as he heard the allegation that a miner had been hit on the head with a hammer while in the cage going down his pit, the colliery manager carried out a thorough investigation. Twenty people in the cage at the time were interviewed but in this case no-one identified the culprit.

Preventing or investigating assaults that take place outside the colliery must remain the responsibility of the police force and our managers work closely with them.

Free-phone services have been installed by us to help assure any working miners who may encounter problems outside working hours that local management are available to assist them. All they need do is leave a message and they will be contacted.

4/Cont'd...

-4- .

The 'phone-in service has been helpful for miners in different coalfields - though few calls have so far been made to us.

Only in a few places have problems arisen. I am impressed by the ability of the vast majority of men in the industry to bury their differences.

Because of the commonsense of the people involved, good relations have been quickly restored at so many of our mines.

I urge anyone in the industry to tell his manager about any incident of physical or verbal abuse. It would also be helpful to have any positive information and evidence from reporters who are writing on this subject.

The National Coal Board are equally concerned to prevent any incidents of violence or intimidation to former working miners and striking miners.

Immediate action will be taken as soon as we get evidence that will enable us to deal with the offenders.

- end -

Press Office (2050)

April 13, 1985

17

~~CCND~~

01-211-6402

Prime Minister;

The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer
Treasury Chambers
Parliament Street
LONDON
SW1P 3AG

This goes same way towards the Chancellor's news. Do you wish to re-emphasise the point 15 April 1985 about ending the RMPS, but in general terms rather than with a specific deadline?

— DR 144 Yes

COAL INDUSTRY BILL

Thank you for your letter of 10 April.

I agree we should signal to the Board that we now expect a sustained improvement in their financial performance; also that there should be no automatic expectation that we will be prepared to make further deficit grant available in future legislation. But we must recognise the slender basis upon which the figures are built, as I warned in my letter of 28 March. Because of this uncertainty, and because we have gone for figures lower than those suggested by Ian MacGregor, there is a danger, which you recognise in your letter, that the Board will not be able to contain their losses over the next few years to the figures in the Bill, and that we will be obliged to find ways of funding further losses.

We need therefore to present the Bill as a financial framework within which we expect the Board to work, and say that we have no present plans to continue deficit grant beyond 1986/87, but without boxing ourselves into commitments which we may not be able to fulfil.

I also agree we should not be locked into the present RMPS for an indefinite period. However, we have received no indication yet from Ian MacGregor of how he views the industry's needs and prospects beyond the two-year period covered by the Bill. Until we have assessed his detailed views, it would be unwise, and probably unhelpful to him, to set a date for terminating the RMPS.

As you say, we must now give a high priority to setting revised EFLs for the NCB and the ESI for 1985/86, taking account of the position after the strike. Ian MacGregor has told me that the NCB's external cash requirement for the year may be rather under £1200m, but there is at present no detailed analysis underlying this figure. And I think you make rather light of the considerable uncertainties connected with power station restocking. It is still unclear even for the period up to October how fast the NCB can rebuild production and deliver the expected tonnages. This uncertainty affects the EFRs of both the NCB and the ESI.

I understand that his views were to set a limit in line on the present redundancy payments

SECRET



We aim to resolve the uncertainties quickly and I have asked Ian MacGregor for an analysis of 1985/86 as soon as possible. If we can announce revised EFLs before Second Reading of the Bill, well and good. But there is no point in producing a second set of guesstimates, which will probably then have to be superseded again, in order to volunteer figures to meet the Bill timetable. And we certainly cannot risk delaying the Bill while the EFL problems are sorted out.

As regards Parliamentary presentation, I would avoid presenting the Bill as part of a detailed strategy for the industry, not least because to do so would lead to pressure for information on eg the rate of closures. We will have to say frankly what is true: that it is too early yet to present a new detailed strategy for the industry, and we have to regard this Bill as part of an interim or holding operation while reconstruction is completed and a new strategy worked out.

I am copying this letter to the Prime Minister, the Lord President and the Lord Privy Seal.

A handwritten signature in dark ink, consisting of a large, stylized 'P' followed by a large 'W' and a smaller 'll' at the end.

PETER WALKER

SECRET

WAT 1-27
Coal VE 17

APR 5 1985

12 1



10 DOWNING STREET

From the Private Secretary

15 April 1985

Dear Michael,

The Prime Minister has now seen your Secretary of State's minute of 9 April about the Coal Industry Bill and the Mineworkers' Pension Scheme. Subject to the views of colleagues she agrees with your Secretary of State that there should not be retrospective legislation on miners' pensions. Nor does she believe that the Coal Industry Bill is a suitable vehicle for prospective legislation to disqualify periods of strike for pension credit. Such a provision would best be discussed in the context of legislation on the restructuring of the coal industry rather than in a Bill to provide the finances needed by the National Coal Board over the next two financial years. For the moment the Prime Minister would prefer to concentrate on the implementation of a sensible closure programme for loss making-pits.

I am sending copies of this letter to Janet Lewis-Jones (Lord President's Office), Rachel Lomax (HM Treasury), David Morris (Lord Privy Seal's Office), David Normington (Department of Employment), Richard Broadbent (Chief Secretary's Office), Henry Steel (Law Officers' Department), Richard Hatfield (Cabinet Office) and First Parliamentary Counsel.

Yours ever

Tim Flesher

(Timothy Flesher)

Michael Reidy Esq
Department of Energy

SS

PRIME MINISTER

THE TRADE UNION CENTENARY

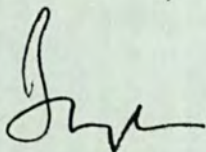
I had a call from Tommy Thompson, the opinion researcher, today in the light of your remarks about the miners' strike in Malaysia.

He claims that his latest survey suggests that you are not getting the credit for standing firm against the miners - ie that we downplayed the victory at the time and that you were right, subject to the reservation of making the point abroad, to emphasise that the Government had "seen off" the strike.

I told him that I was profoundly unconvinced that it would have been wise at the time to rub the NUM's nose in it, but that we ought progressively to get over the fact that the NUM lost - as indeed will other strikers in the future lose. I also take the view that the Labour Party/TUC performance during the NUM strike will be a serious liability at the next election, provided the point of their performance is steadily and regularly registered with the public.

Thus tomorrow at Questions is an opportunity to build on the platform provided by the Opposition over Easter.

Tommy Thompson says his research shows that the public strongly approves of what the Government is trying to do in closing uneconomic pits and very strongly blame the strike on the miners' leadership.



BERNARD INGHAM
15 April 1985

COAL BOARD TAKE ACTION ON INTIMIDATION

Mr. Ian MacGregor's Statement

National Coal Board Chairman Mr. Ian MacGregor stated today (Saturday):

The National Coal Board's management are carrying out their commitment to take resolute action to prevent intimidation against employees at work.

Throughout the NUM's strike I gave an assurance that we would safeguard the interests of working miners.

Our management will not tolerate any intimidation of individual workmen or groups of employees now that everyone is back at work.

Because of firm action already taken and the good sense of the overwhelming majority of miners, reported incidents of intimidation have been very few and they are getting less.

The fact is that in total they involve about one-tenth of one per cent of our workforce. Management's resolve to find the offenders and deal with them is absolute.

Strong disciplinary action will continue to be taken up to and including dismissal. For example:

- * Five men have been dismissed at the Phurnacite Works in South Wales following incidents involving another workman.
- * After an assault on a miner, four men were dismissed at Manvers Colliery, South Yorkshire, for gross industrial misconduct.
- * For persistent verbal abuse of workmates, two men at South Kirkby Colliery, Barnsley, were at first warned and subsequently dismissed.
- * The Board have a High Court injunction preventing 39 men dismissed in the Kent coalfield from entering the pit and "assaulting, molesting, abusing, intimidating or otherwise interfering with the Board's employees at or near their place of work."

There will be no hesitation to act against offenders but our local managers do need information to help trace the culprits.

One of the Kent working miners, who is leaving on voluntary redundancy, feels as strongly as I do about this distressing problem of intimidation, and also understands the difficulties in some cases.

In a radio interview he said:

"It is not quite as easy as it sounds. You need hard evidence, facts... The difficulty is that people are reluctant to witness this sort of conduct towards fellow miners, so the management are obviously in a difficult position when it comes to disciplining people."

We want to act but we need facts.

In the Kent coalfield as soon as he heard the allegation that a miner had been hit on the head with a hammer while in the cage going down his pit, the colliery manager carried out a thorough investigation. Twenty people in the cage at the time were interviewed but in this case no-one identified the culprit.

Preventing or investigating assaults that take place outside the colliery must remain the responsibility of the police force and our managers work closely with them.

Free-phone services have been installed by us to help assure any working miners who may encounter problems outside working hours that local management are available to assist them. All they need do is leave a message and they will be contacted.

The 'phone-in service has been helpful for miners in different coalfields - though few calls have so far been made to us.

Only in a few places have problems arisen. I am impressed by the ability of the vast majority of men in the industry to bury their differences.

Because of the commonsense of the people involved, good relations have been quickly restored at so many of our mines.

I urge anyone in the industry to tell his manager about any incident of physical or verbal abuse. It would also be helpful to have any positive information and evidence from reporters who are writing on this subject.

The National Coal Board are equally concerned to prevent any incidents of violence or intimidation to former working miners and striking miners.

Immediate action will be taken as soon as we get evidence that will enable us to deal with the offenders.

- end -

Press Office (2050)

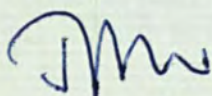
April 13, 1985

COAL INDUSTRY BILL AND MINEWORKERS' PENSION SCHEME

Unfortunately, two wrong's don't make a right. It is iniquitous that of all the nationalised industries, the coal industry alone allows periods of strike to qualify for pension credit without the requirement for employees subsequently to make good their contributions.

Leaving aside the high principle of retrospection, it would seem tactically unwise to hand the Government's detractors the allegation of vindictiveness against miners at a time when the tide of events is running steadily in your favour. Attitudes are clearly ripe for change. The big prize is still a restructured coal industry established on sound commercial principles. The Luddites should be given no ammunition to hinder that process.

We would support Peter Walker in concluding that retrospective legislation is out, and that righting the wrong for the future is not an appropriate subject for a Bill to provide the finances needed by the NCB over the next two financial years. That is better left for inclusion in the general package of legislation relating to the restructuring of the coal industry. However, we suggest that the reply should make it clear that you will accept Peter Walker's proposal, provided that the NCB's EFL is tight.



JOHN WYBREW

✓ 12/4

WEEKLY COAL AND POWER STATION STATISTICS (1)

12 April 1985

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

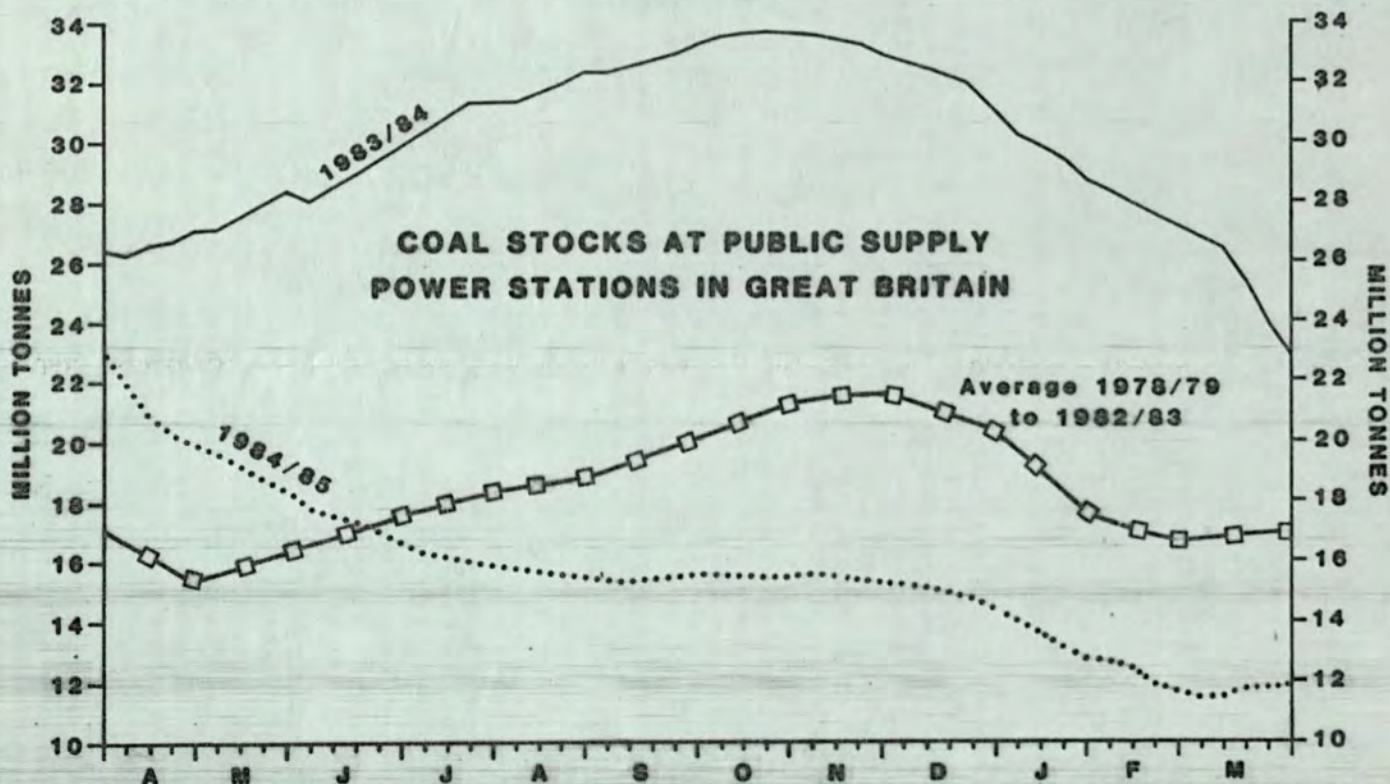
Week ending 2.4.83 31.3.84 9.3.85 16.3.85 23.3.85 30.3.85

PRODUCTION		deep mines+	2.17:	0.46:	0.87	1.01	1.13	..
COAL	(m. tonnes)	opencast+	0.27:	0.35:	0.31	0.33	0.32	..
		TOTAL	2.43:	0.81:	1.18	1.34	1.45	..
	PRODUCTIVITY(2)	'overall'	2.50:	2.08:	1.43	1.42	1.64	..
	(tonnes/manshift)	'production'	10.64:	10.30:	8.76	8.46	8.65	..
UNDISTRIBUTED STOCK								
	(m. tonnes)	TOTAL	25.26:	21.72:	21.17	20.76	20.46	..
POWER STATIONS	COAL STOCKS	(m. tonnes)	26.48:	23.01:	11.48	11.67	11.76	11.92
	COAL CONSUMPTION	"	1.62:	1.64:	0.96	1.19	1.41	1.50
	COAL RECEIPTS	"	1.68:	0.65:	1.02	1.37	1.51	1.63
	OIL STOCKS(3)	"	1.26:	1.14:	1.22	1.23	1.12	1.13
	OIL CONSUMPTION(3)	"	0.06:	0.16:	0.51	0.43	0.31	0.20
	OIL RECEIPTS(3)	"	0.08:	0.13:	0.44	0.41	0.19	0.22
ELECTRICITY SUPPLIED (4) (GWh)								
	Nuclear	"	829:	814:	1,011	1,065	1,040	1,048
	Other Steam	"	3,840:	4,351:	4,205	4,287	4,396	4,200
	TOTAL	"	4,669:	5,165:	5,216	5,352	5,436	5,248
	TOTAL - temperature corrected	"	4,486:	4,939:	5,288	5,155	4,948	5,103

(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.



CONFIDENTIAL

CC/100



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

11 April 1985

NGM

Dear Peter.

COAL INDUSTRY BILL

- with BTC / MEA

I have seen your minute of 9 April to the Prime Minister about additional provisions for the Coal Industry Bill. Without prejudging the conclusion, I am sure that a decision should not be unduly rushed and should only be reached after colleagues have had a chance to discuss the issues in the appropriate forum. To my mind this means that we cannot make a decision before next week at the earliest. You may take it that the Business Managers would be quite prepared to accept the short further delay in the introduction of the Bill that this might imply.

I am sending copies of this letter to the recipients of yours.

John Biffen

JOHN BIFFEN

The Rt Hon Peter Walker MBE MP
Secretary of State for Energy

NOT IN P. 17
COLL



15 APR 1965

11 12 1 2 3 4

~~Not for Release~~

DISCUSSIONS ON MODIFIED COLLIERY REVIEW PROCEDURE

NCB and Unions Agree to Joint Sub-Committee

The National Coal Board and the Industry's Trade Unions, today (Thursday) agreed to establish a joint sub-committee to discuss a modified Colliery Review Procedure.

This was decided at a special meeting of the Coal Industry National Consultative Council.

When a modified colliery review procedure was agreed between the Board and NACODS last October, it was also agreed that the other Trade Unions should be invited to become involved.

The three unions - NUM, NACODS and BACM - today each agreed to nominate two representatives to join three representatives from the NCB on the sub-committee.

NCB Chairman Mr. Ian MacGregor, who presided at the CINOC meeting, said arrangements would be made to call an early meeting of the joint sub-committee.

COAL PAY TALKS

AFTER THE MEETING OF THE NATIONAL JOINT NEGOTIATING COMMITTEE TODAY, THE NCB SAID:

"The NCB repeated their 5.2% pay offer to mineworkers from Nov 1, 1983, when they met the NUM at today's meeting of the industry's JNC.

"The Union accepted this offer. It will increase grade rates by between £6.80 a week for the highest grade of underground worker and by £4.90 for the lowest grade of surface worker.

"The Board then offered an increase of 5.2% on grade rates from Nov 1 1984.

"This would further increase grade rates by between £7.15 pw for the highest paid underground worker and £5.15 for the lowest grade of surface workers.

"The NUM stated that this offer would be considered by their NEC next week.

"After the two increases offered, the weekly grade rates would range between £144.25 for the highest grade of underground workers and £104.15 for the lowest grade of surface worker.

"Similar increases were accepted by NACODS and BACM.

"Deputy Chairman James Cowan, who led the negotiating team said it was essential to increase efficiency and productivity and return the industry quickly to normality after all the damage caused by a year of strike action."

NCB tell us that after the meeting, Scargill said that his JNNC members would recommend acceptance of the 1983 rise. NCB said they took this as acceptance, and therefore were making the 1984 offer.

At the JNNC, the NUM asked for bathing and changing allowances (47p per shift) to be consolidated into grade rates. NCB undertook to reply before next week's NUM NEC meeting (probably Tuesday).

mg/NCB April 11 1985



As 1
16

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

The Rt Hon Peter Walker MBE MP
Secretary of State for Energy
Department of Energy
Thames House South
Millbank
London SW1

10 April 1985

Prime Minister:

I doubt whether the
position with
clear enough by

The Chancellor broadly
agrees to Mr Walker's

figures, which you have already
included transfer payments, as you
requested. Endorse Chancellors
request in the outline of a Corporate
Plan to create Ministerial dissonance?

COAL INDUSTRY BILL

Thank you for your letter of 28 March about the figures for the
forthcoming Coal Industry Bill.

It was helpful of you to set out the issues surrounding the deficit
grant figures so fully. Ian MacGregor's forecast for 1985-86
and 1986-87 are somewhat higher than I would have expected in
relation to the provision sought for the RMPS Scheme. I have
no difficulty with funding a major reduction of manpower in these
years, but I hope that the rate of pit closures (which helps
reduce the deficit) can be kept to at least the rate we mentioned
at MISC 101 last month.

On that basis, there appeared to be a good prospect that the
NCB could meet Ian MacGregor's objective of getting back to break-
even by 1987-88. There would be a major advantage in being able
to say that the tranche of deficit grant provided in this Bill
is the last that this Government intends to provide. That would
give NCB a clear financial framework in which to operate and
give the whole organisation a target to work towards for 1987-
88. In broader terms, it would also show our supporters that
the costs of the coal strike had been worthwhile; and that, with
the Board's management, we intended to deliver financial viability
for NCB in this Parliament. There would of course be risks if
NCB do not succeed; propriety problems over continued lending
to the Board from the NLF might force us to seek fresh legislative
provision for grant. But I believe that the risks are worth
taking to secure a major prize - and setting the NCB a clear
public target would in itself be a help in bringing about the
desired result.

John

Peter

Dr

124



X ✓
 Similarly, it would be desirable to indicate that we do not expect to provide for further redundancies under RMPS terms beyond 1986-87, at the latest. Peter Rees has already mentioned his concern that we do not lock ourselves into this scheme indefinitely; and the improvements for the under-50s agreed in 1984 were intended to last for only two years anyway. It might also encourage miners to volunteer for early redundancy if they thought that these generous terms would not be available indefinitely.

It is difficult to form a detailed judgement on the figures proposed, and I recognise Ian MacGregor's problems in giving firm forecasts at this stage. But we really need to see the overall public expenditure position for the NCB before reaching a final view. Indeed it is hard to see how we could explain the figures in the Bill to the House without revised EFLs in place for NCB. I gather that consideration of the Bill in Legislation Committee has been delayed until 17 April. I should be grateful if we could make use of this additional time to arrange for Peter Rees to know what external financing requirements the Industries think they will need in 1985-86 before the committee meets; and if you could settle the figures with him in the usual way before Second Reading. It would be sensible to announce the electricity figure at the same time - the way should be clear following our decisions on power stations restocking and this year's price increases.

On that basis, I am content to agree provisionally with the figures you propose (£2,000 million for deficit grant, £1800 million for RMPS and £450 million for social grant). With the slight easing of the timetable, that should give an opportunity should you need it to consult with Ian MacGregor about how the figures might be presented publicly before we go firm on them at Legislation Committee.

X } I well understand the burdens he currently faces, but I hope that it will be possible for him to provide us with at least the outlines of a Corporate Plan by July so that we can consider it alongside this year's Investment and Financing Review. Perhaps we could also look to settle the Board's cost reduction aim at that stage too.

I am sending a copy of this letter to the Prime Minister, the Lord President and the Lord Privy Seal.

NIGEL LAWSON

A large, stylized handwritten signature in black ink, appearing to read 'Nigel Lawson'.

Good

10 APR 1985

Prime Minister:

Prime Minister
Surely the Govt.
Should at least take
the provision at X/
overleaf.

Agree with Peter
Walker, not to act
retrospectively on mine
person contribution, subject to
to caveat set out in the
note which is flagged?

CCNO

PRIME MINISTER

14.4

COAL INDUSTRY BILL AND THE MINeworkers' PENSION SCHEME

It just isn't right for
this kind of
loss-making
pits closed.
no

You will recall that we agreed in February that we should proceed urgently with preparation of legislation, for introduction this session, to provide additional finances for the National Coal Board. You will have seen my letter of 28 March to Nigel Lawson seeking early agreement to the figures for inclusion in the Bill.

I am now writing about another matter affecting the Bill, which is of both political and financial importance. I have for some time been concerned that under the existing rules of the Mineworkers' Pension Scheme miners might be eligible for pension in respect of periods on strike despite the fact that they paid no contributions. In addition, the NCB would remain under an obligation to pay employer's contributions in respect of these periods and would over a period carry the burden of making good any deficiencies in the pension fund resulting from the loss of employee contributions. For some time ahead all these costs would probably ultimately fall on the taxpayer. The cost of this situation for the period of the recent strike, including the employer's contributions for strikers, could amount to about £125 million, of which about half would have to be met in 1985/6.

I understand that when, in 1975, the Scheme was changed to provide a pension based on the best 3 years of earnings rather than a modest flat rate pension, it was also changed to allow strike periods to count for pension benefit for the future. In 1978 this concession was applied to the period before 1975 by a further change.

Against this background I decided before the strike ended to seek the advice of Michael Havers on the legal position and the possibilities for making changes. Ian MacGregor has naturally been anxious to avoid these liabilities. I now have Michael Havers' advice. He confirms that if we are to avoid having to protect strikers' pensions in this way, primary legislation will be necessary. I understand that he sympathises with the desire to change the present position. However, he draws attention to the fact that any legislation which applied to the period of the recent strike would mean interfering with rights already acquired under the Agreement into which the NCB entered in 1975; and doing so in



respect of a past period - the year or so since March 1984. Legislation which covered the recent strike period would thus have an important element of retrospection.

We could argue in Parliament that there was a very strong case in equity for removing this burden from the NCB and the taxpayer. We could permit strikers to make good their unpaid contributions for the strike period over say, 5 years and provide that matching NCB contributions would then be payable. We could argue that nobody in 1975 contemplated pension credit for a strike lasting a whole year. We could point out that the present rules penalised the working miners, who have paid their contributions throughout but will get the same benefits as strikers who paid nothing for a year. We could do our best to give the legislation a forward-looking flavour by focusing it on the employee contributions and deficiency payments which the NCB have not yet made, but may be due to make in the future. We could also avoid applying the new rule to those who have retired already, during or since the strike.

But whatever efforts we made, and however reasonable our case in equity, there would be no concealing the fact that we were altering the rules retrospectively for the period since 1 March 1984. Indeed, it seems almost certain that to achieve the main saving, that date would have to appear in the Bill. And the substance of the matter would be rightly seen as taking away pension credit from strikers in the recent coal strike.

I do not believe that we can do this. I believe we would have great trouble with many of our own people on the principle of retrospection. We would also be accused of vindictiveness. And it seems to me very unlikely that we could get the legislation through the House of Lords. Both the sanctity of agreements and the principle of retrospection would be argued against us. I conclude therefore that it would be a mistake to attempt to legislate on this point in respect of the strike period.

X { It would be possible to include in the Bill a clause which disqualified periods of strike for pension credit unless afterwards made good, but did so only from the date of Royal Assent. That would apply a modest extra deterrent to striking for the future, and would put the coal industry on what I understand to be the same basis as the rest of the public sector. There is of course no prospect



that the change could be effected by agreement with the NUM. But there would be no immediate gain to the NCB or to public expenditure and we would still be introducing a potentially controversial element into the Coal Industry Bill.

wpb 2/1
Given the speed with which we need to finalise the text of the Bill, I would be glad to know as soon as possible whether you and other colleagues are in agreement with the conclusion I have reached against legislation on this pension point. I also need urgent agreement on the figures discussed in my letter of 28 March. I would very much like to bring the Bill to L Committee on 17 April, and must do so without fail by 24 April.

I am copying this minute to the Lord President, the Chancellor of the Exchequer, the Lord Privy Seal, the Secretary of State for Employment, the Chief Secretary, the Attorney General; and to Sir Robert Armstrong and First Parliamentary Counsel.

Secretary of State for Energy

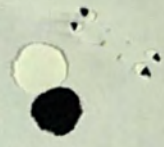
9 April 1985



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CJAL



9 APR 1965

COMMUNICATIONS
SECTION

COMMUNICATIONS SECTION

file

RHM



10 DOWNING STREET

THE PRIME MINISTER

4 April 1985

Dear Mrs. Hackett,

The miners who stood up for their right to work in the mining dispute were defending a fundamental privilege of a free people. We can be very proud of them. They withstood, and continue to withstand, the most extreme threats and intimidation with a courage which is an example to us all. The nation owes them a debt of gratitude.

The wives and families of the working miners have had similar dangers to bear and have stood beside their husbands and fathers with outstanding courage. I know from your husband how much he values the help and support which you have given him throughout this difficult time. I have had the opportunity to thank him and I am writing to say how much I also appreciate and admire your courage and that of other wives who supported and continue to support their husbands through these difficult times.

Very good wish.

Yours sincerely

Margaret Thatcher

Mrs. Hackett

285

Dove 289,
4/4

Dear Mr. Hackett
Please send in
Plans envelopes
2 no



10 DOWNING STREET

THE PRIME MINISTER

Dear Mrs. Hackett,

The miners who stood up for their right to work in the mining dispute were defending a fundamental privilege of a free people. We can be very proud of them. They withstood, and continue to withstand, the most extreme threats and intimidation with a courage which ^{is an example to us all.} ~~honour~~. ^{The nation} ~~owes them~~ ^{2 debts of gratitude.}

The wives and families of the working miners have had similar dangers to bear and have stood beside their husbands and fathers with outstanding courage. I know from your husband how much he values the help and support which you have given him throughout this difficult time. I have had the opportunity to thank ^{him} your husband and, ~~at his suggestion~~, I am writing to say how much I also appreciate and admire your courage and that of other wives who supported ^{continue to support} their husbands ~~in~~ ^{through these difficult times.} exercising their right to work.



Prime Minister:

PRIME MINISTER

MS

A routine
headline NUM
analysis.

Dr
12/4

Robert Smith

I attach a copy of a recent 1984 annual report by officials of the National Union of Mineworkers Yorkshire Area. I have received it from Ian MacGregor and colleagues will find it of interest. The report is essentially historical and contains a large number of allegations and claims which have been heard many times. However it illustrates fairly clearly the attitudes and present thinking of the NUM at Area level.

I am sending copies to Leon Brittan and Tom King.

Dee

SECRETARY OF STATE FOR ENERGY

3 April 1985

P R I V A T E

NATIONAL UNION OF MINeworkERS

(YORKSHIRE AREA)

R E P O R T O F T H E

A R E A O F F I C I A L S

1 9 8 4

* * * * *

Miners' Offices,

Barnsley

March, 1985

Colleagues,

This past year has been dominated by one event - this Union's historic fight for jobs and for the preservation of the communities in which our people live, and which are dependant on a thriving mining industry.

Even this report is presented in a most unusual format because of the pressures caused by the dispute.

Let us begin by making it clear that this Union did not want to take strike action. It would, however, have been a complete abrogation of our responsibilities had we not taken up the gauntlet thrown down by the Board. Making empty promises about trying to do something in respect of declining living standards and blatant threats to the livelihood of our people is not the way of this Union.

Talk comes cheaply - as has become obvious during the strike. Words falling on deaf ears and insensitive closed minds achieve nothing.

The announcements made by the Barnsley and South Yorkshire Area Directors about the imminent closure of Bullcliffe Wood and Cortonwood Collieries required action - not words. These announcements were only the tip of the iceberg, being closely followed by National announcements about drastic reductions in capacity. Even now, the magnificent response of the membership to the Area Council's call for strike action, issued on the 5th March 1984, is hard to believe.

Despite massive publicity, intended to erode support, every N.U.M. member supported the strike and illustrated the level of commitment to the policy of the N.U.M. on closures and the economic future of the industry. The level of response shocked both the Coal Board and the Government. It was not surprising that the full weight of the State machine was thrown against the Union in the months that followed. The attack started with allegations about there being no Ballot in the

The media campaign chose to ignore the 1981 Ballot result which had created an overwhelming mandate for action. This mandate was accepted by every member in the Yorkshire Area. What other explanation can there be for the magnificent response? It certainly cannot be explained away by glib allegations of "intimidation". The answer lies in reality with the overwhelming political awareness of our members and the moral indignation felt by many about the obscenity of mass unemployment.

If it was wrong, therefore, to stand up to the renewed attack on our communities, which were already badly affected by industrial decay and dereliction, then the leadership of the Union and the members who supported the strike, are all guilty. We do not, however, believe that the decision was wrong.

Of course, it was to be expected that the Board, prompted by the Government, would take a hard line. This was inevitable as the Government has gradually taken greater control of the administration of the industry since the installation of Mr. MacGregor. However, nobody could have foreseen the extent to which matters would be taken. What started as an employer's reactionary refusal to negotiate and discuss the future of the industry soon became a concerted attack on the membership of the Union, with one specific aim - the destruction of organised Trade Unionism within the mining industry. The reason for this is simple - one cannot enforce free market economics on people who are willing and able to combine together to resist such policies.

The ferocity of the attack and the financial commitment to it even now takes some believing. An overall loss to the Exchequer of between £3,000 and £5,000 million, damaged the sterling on unprecedented level and severe damage to the social fabric of the country, has all been described by the Chancellor of the Exchequer as a "sound investment for the country." We can only speculate on the sanity of individuals who might believe in such an argument.

Despite all the pressure, the bulk of our people stood firm right to the very end - much to their credit and the fury of those in charge

It did not come as a surprise to us when during the summer as the dispute was at its height, the 1978 Ridley Report saw the light of day in a re-published article in the "Economist" magazine. What was deeply shocking and offensive about the Report was the extent to which this administration has been prepared to go to perpetuate its policies. The five-point plan proposed in that Report has been implemented to the letter.

Of the many tactics used during the dispute, the most well publicised, devisive and shocking, has been the use of the Police and the full weight of the criminal justice system against our members and their families. This can only be seen as a blatant attempt to criminalise those participating in industrial action and to discredit the efforts of our people.

Since the first day of the strike, the police were in a very high profile. Within one month, we saw daily reports of mass arrests, indiscriminate road-blocks, restriction of the right of free movement from one County to the next, and a whole range of other abuses of civil liberties. Within one month over 300 of our members had been arrested, and by September, nearly 2,000 members were facing criminal charges. Today, that figure is nearer 4,000 out of a grand total of some 9,800 nationally.

Dozens of our members have been subjected to long periods in jail without any apparent justification. The Home Office itself admits that one in five of all those arrested during the dispute have never been charged with any offence. There are recorded instances of men spending long periods in jail, only for the Proesection to drop all charges! The police would, therefore, seem to have used the power of arrest as a means of social control - by preventing our members from demonstrating their support for the Union.

Research being done at Bristol University at the present time illustrates the extent to which the police have been prepared to go in order to exercise social control. Despite massive publicity about

large-scale violence and civil disorder, it is a fact that at the present time only 8 per cent of all those charged have allegedly been involved in some form of offence against the person. The vast majority have been charged with minor Public Order offences, such as obstruction (of the highway or a Police Constable) or "threatening behaviour." In many instances, simply to argue one's right to travel along the highway resulted in arrest for obstructing a Police Officer "in the execution of his duty." We must continue to question the licence which has been given to Police Officers during this dispute for obvious political reasons. Senior Police Officers have repeatedly during the dispute said that the Civil Law was none of their business and their duty was to uphold public peace. Nevertheless, in Nottinghamshire, instruction leaflets were given to Police Constables, which clearly confused civil remedies and the duties of Police Officers. The only discretion Police Officers have is to arrest those committing, or clearly likely to commit criminal offences on a picket line. The discretion should not be extended beyond this line.

Until this dispute, mere presence on a picket line (no matter how large) has never been in itself a criminal offence. As a result of a case taken before the Divisional Court by the Yorkshire Area, however, the Lord Chief Justice has suggested now that mere presence in a large demonstration can in itself constitute the commission of a criminal offence. This is a dangerous extension of police powers.

During the dispute we have also seen the re-emergence of very old Laws, which largely fall into discredit in recent years. Particularly the charge of "intimidation" contrary to the Conspiracy and Protection of Property Act 1875 has re-emerged. Serious charges under the Common Law have also been brought - such as unlawful assembly, affray and riot. The frequency of these charges increased during the summer months and thereafter. In many instances though, it can be seen that the charges have been brought for political reasons rather than any sound legal ones.

Dozens of our members have been subjected to long periods in jail without justification - deprived of the basic right to their liberty, despite the provisions of the Bail Act 1976. Indeed, this Act, which was intended to liberalise the Law has been used as a weapon of social control itself. Onerous bail conditions have been imposed on many arrested on picket lines. Some two-thirds of our men arrested have had bail conditions imposed upon them. The severity of these conditions has, of course, varied but all of them have had the common feature of preventing freedom of movement and freedom of association. On average, these conditions have been imposed for a period of one-hundred days, and very often acquittals have followed, or even more disturbing, the Prosecution has admitted it has no evidence to offer!

When in custody, men have been subjected to blatant political questioning.

Throughout the year the police grew in confidence because of the stone-wall support they were receiving from the criminal justice system at all levels and from their political masters. Bolstered by this we saw the police moving in large numbers into our own communities. Armthorpe, Grimethorpe, Rossington and Maltby during the summer at times became "no-go" areas. The midnight knock on the door became common-place. It can be seen that although the police were in the front line acting as shock troops, the system was close behind, exercising social control.

The courts showed an increased willingness to extend provisionally accepted definitions of Public Order offences. The Police Officer's discretion, so important on obstruction cases has been extended to almost absolute. There has been an increase in "policing by decree." The Home Secretary, on numerous occasions, made unwarranted comment in Parliament and in public, which obviously had an influence on the Judiciary and the Magistrates who were dealing with cases. In September, announcements were made about the appointment of Stipendary Magistrates (professional lawyers) to deal with cases. The Home Secretary made it clear that they were not being used against the miners, but were simply helping to ease the pressure in existing courts, which had come

Nevertheless, it is significant that more and more cases have been allocated to Stipendary Magistrates. Researchers at Bristol University have discovered the conviction rate before such Magistrates (as opposed to the ordinary Lay Bench) has increased markedly.

There is also some evidence to show that cases have been postponed in order to ensure that they were listed before the Stipendary Magistrate. These are clearly worrying developments and blatantly political decisions.

Perhaps most disturbing of all has been the development of a more centralised police force. The National Reporting Centre was responsible for the co-ordination of large detachments of officers from all over the country, sent to police the coalfields. The N.R.C. is, on the face of it, not accountable to any Police Committee or Parliamentary Committee. There are no records of its finances available to the laymen and the control it has exercised throughout this dispute is very considerable. Despite what the Home Secretary says and the Chief Constable in charge, it is not just an Advisory Body and an Information Exchange. If this was so, why was it necessary that every Police Patrol van carry an N.R.C. identification number, and why were individual units found to be reporting in to this central unit?

All these developments have to be seen in a wider context, and not simply as a response to the alleged widespread civil disorder. Ethnic minorities in inner cities have experienced such repressive policing for years. The tactics used throughout 1984 have been brought to a fine edge in Northern Ireland, and the lessons learned in the mining dispute are now being extended into wider public life. During 1984 there was also a Dock Strike. At one point, a large contingent of Liverpool dockers were sent to lobby the Immingham men on the day they were to ballot for strike action. Only a handful of those men reached Humberside. This was not due to mechanical failure in transport, but simply because the police blocked the M.62 and M.18 and prevented the lobby from continuing its journey. Therefore, this new law and method of enforcement is already in use against other Trade Unionists. Most recently, C.N.D. demonstrators felt the full force of the new police

force as Mr. Heseltine led his troops into battle at Molesworth at an estimated cost to the tax payer of £2 million.

The dispute, therefore, has brought home the meaning of 1984. We were not dealing with the left-wing protalitarian regime envisaged by Orwell, but we have been encountering something which is fast approaching a right-wing parallel. Much of this assumption of power by the State has been allowed to happen because of the general apathy of the public at large, and in particular, the Trade Union and Labour Movement.

We should have in the past - and should in the future - continue to question the role of the police in society. By failing to do this before the strike started, we have simply given away opportunity for reform. The Labour Movement needs to ask itself whether it is prepared to allow policing without accountability. It needs to define very clearly the type of Police Force it wants within this country. A lot has been said about Community Policing, but we need to define exactly what that concept means. More importantly, there needs to be a proper right of redress against the police. At present those rights of redress are almost non-existent. The three basic systems all have major faults. The police still investigate complaints made against them - there is evidence that the procedure is used simply as a means of gathering evidence for use in subsequent criminal proceedings. Private prosecutions do not attract Legal Aid and are expensive. What has also come to light during the dispute is that the Legal Aid Authorities have been exercising political decisions in refusing to award Legal Aid, both in the Criminal Courts and more disturbingly in the Civil Courts. This, in many instances, has precluded individuals from taking civil actions against the police for assault, wrongful arrest and false imprisonment, despite the fact that they have a genuine right of grievance.

The Civil Law has also been used in a blatant attempt to break the strike and the Union. In March, the Area fell foul of the Employment Acts of 1980 and 1982. Picketing in the Nottinghamshire Area was declared unlawful and the Union was served with an Injunction to stop

such activities. The Yorkshire Area was the first to face the real possibility of seizure of its assets by Court-appointed Sequestrators. The Coal Board, however, withdrew from the Enforcement procedure and we have no doubt that this was largely due to the magnificent support shown by our members at that time, and their repeated determination to continue the dispute whatever the Courts might seek to do to the Union's assets. We must not, however, close our eyes to the draconian implications of this new legislation. A Trade Union cannot function by willpower alone. Not only is the legislation itself restrictive from the point of view of pursuing industrial action, but the remedies that the Court are able to bring against the Unions are so drastic as to threaten the very life-blood of the Trade Union and can only be seen as strike-breaking in their effect. Very few of the originating actions proceed beyond the Injunction stage.

The remedies in the Employment Acts are all on the side of the employer and the 1984 Trade Union Act is no different. Substantial action for damages can now be brought against Unions exercising their basic right to take industrial action. The immunities afforded by early legislation have been wiped away, and the Union has been left at the mercy of the Common Law, which has traditionally been hostile to the very existence of Trade Unions. The Trade Union Act 1984 also attacks the rights of Unions to self-determination, by dictating how Rule Books are to be framed.

During September and October, the Union became embroiled in further legal actions brought by its own members. As these actions are still pending we would not wish to comment unduly upon them. However, we do feel free to comment on the responsible way the Area has acted when faced with such actions. We have at all times believed that we have a defence to the various actions brought against us, but we have to date been precluded by inequities of the Judicial system and a hostile Judiciary.

The hostility of the Judiciary towards the Union has been nowhere more manifest than in the treatment handed out to the National Union when it was found to be in contempt of court. Not content with seizing the Union's assets by way of sequestration, the Court subsequently endorsed an application for removal of the National Trustees, and the placing of the Union's assets in the hands of a Receiver. This action was totally unprecedented in Trade Union Law and has caused great concern in the business world. The Union therefore finds itself in a financial stranglehold as a result of trying to pursue the legitimate aims of its membership. This threat does not recede with the end of strike action, but actually becomes greater.

We believe that the redressing of the balance so much played upon by the Tory Government was not necessary and has gone too far. In reality, what the Law is being used for is the control of Trade Union activity in this country, with a specific view of minimising its effect. Weak Trade Unions mean that the way is open for massive cuts in the living standards of working people.

The Union has throughout 1984 pursued a vigorous legal strategy in order to provide protection for the individual and to protect Union assets. This has been very time-consuming and has inevitably diverted energies away from the dispute proper. It has also been a very expensive exercise and the full cost has yet to be calculated. The actions of the Criminal and Civil Courts have been a massive drain on the Union's financial resources, which have inevitably limited the Area's ability to provide money to combat hardship.

Perhaps the greatest enemy during the dispute, organised and instigated by this Government, has been poverty. The Union could never hope to combat the hardship problem as effectively as we would have liked. Since the Social Security Acts of 1980 and 1982, those on strike have been second-class citizens. The new provisions mean that families of those on strike lose automatically £16 per week from their Social Security entitlement in respect of "notional strike pay." This myth

is one perpetuated by the Government and is a blatant lie. The regulations make no distinction between a strike which is unofficial and official or whether there has been a strike or a lock-out.

The concept is simple - stop people taking strike action, whatever the provocation. Strike pay of the amount prescribed by the Social Regulations is beyond the reach of most Trade Unions. This Area, for example, would have been bankrupt within ten weeks of the dispute starting had such funds been made available and from the start of the dispute could have spent money on nothing else but such strike pay. Critics might do well to realise that the Union has throughout 1984 continued to carry out a whole range of other functions, some of which were incidental to the dispute and others which are carried out even in normal times.

The Union has also been fighting the system concerning other benefits such as Family Income Supplement and Unemployment Benefit for those not technically on strike (i.e. the apprentices and canteen workers). This campaign continues. Even Redundant members have been penalised and their Unemployment Benefit stopped. These men are no longer in the industry, and yet they are said to be "participating" and "directly interested" in the trade dispute!

What is clear from our dealings with the Social Security system is that the State is prepared to base all its adjudications on the whim of the employer. All Union evidence has been rejected about the nature and cause of the dispute. The D.H.S.S. have simply looked to the employer at all times.

Despite the fact that as a result of these policies, in some instances families were in receipt of £25 per week (for a family of four) the strike stayed solid for a very long period. Compare this income to the funds available to a convicted murderer's family (£42 per week for a wife and two children). The Union has, of course, organised hardship payments wherever possible and individual Branches have, in many instances, exhausted their local funds in the attempt to combat

From the time the N.U.M.'s assets were seized in October, we have been totally dependant upon the generosity of the wider Movement in this country and abroad, in fighting the hardship. We applaud the vast networks which have been set up both in this country and in Europe for the sole aim of supporting mining families. Food and clothing convoys became a common sight on British roads during 1984.

Perhaps the most singular phenomenon, born out of the hardship has been the development of Women's Action Groups. Women spontaneously banded together to form Support Groups for those in dispute. Women have organised and run Community Food Halls, collected food and money on a vast scale and gone out of their way to publicise the dispute. These groups have been the bed rock and cement of the communities, without which the progression of the dispute would have been severely hindered. We have no doubt that the spirit of the women has helped to create a greater sense of community and brought families closer together. The concept of equality has taken a step forward. Let us hope that the women now become involved in the wider Movement, in the Trade Unions and in the Labour Party. What we saw in 1984 was indeed Socialism at work!

So much has happened and so many issues have arisen during the dispute that it is understandable the media have diverted attention from the central economic argument. Violence was not, and never has been, the issue nor was the need for a Ballot. What was at stake and is still the case now, is the need for jobs and a secure future for our industry. Our members have fought hard and long for the right to job security and we remain committed to that ideal.

It has got to be morally correct to fight for job security and oppose the rundown of communities and the economic infra-structure of mining areas. The present Government's policies do not inspire confidence. At the time of rising unemployment, the Department of Trade and Industry during 1984 saw fit to bring forward proposals which will cut regional aid substantially in real terms and during the course of negotiations with the Board (limited though they were) the only proposed alternative

strategy to assist those communities affected by colliery closure, was the provision of a paltry sum of £10 million towards the cost of developing new industry. This is only a fraction of investment at some large collieries. It is not surprising, therefore, that there came a point in time when communities which were becoming increasingly desperate over their future, decided that enough was enough. At least one basic industry must - in many people's minds - be maintained within this region and other mining areas.

As we said at the outset, the Union does not engage lightly in strike action. We are, and always have been, acutely conscious of the hardship that such action was bound to create.

The fact of the matter is, however, that the Coal Board's Management record is not a good one. Throughout 1984 we saw increasing criticism of the Board's accounting methods and also the criteria upon which they based their economic decisions. This criticism came not only from political opponents but also from noted academics (e.g. The Glynn Report, "The Economic Case Against Pit Closures")

Similar doubts have also arisen about the Government's commitment to the country's energy requirements for the future. Short-term tampering with industries in order to make high levels of profits do not necessarily guarantee continuity of energy supplies. With the introduction of new Members to the Coal Board, the same short-sighted policy appears to have taken root in Management in this industry.

The Coal Board record honouring agreements is also not particularly good. We all know of the problems experienced with the new Fuel Agreement. Within months of making an agreement with NACODS (a new Review Procedure) the Board was refusing to negotiate with the full N.E.C. and clarify problem areas arising from this Agreement. Instead the Union were accused of intransigence. The Board turned increasingly to the hardship weapon, with a view to breaking the strike and the Union. Inevitably, some of our members succumbed to this weapon.

Management by decree has never been the way of this industry, but it would seem that the new style Coal Board is determined to follow such a policy. This is only going to lead to continuing industrial unrest and damage the prospects for this industry. If the Board wish to see an end to such unrest, the answer is simple - let Management and Union negotiate a proper and honourable settlement. The iron heel will never succeed.

We are all aware that at the time of presenting this report there has been a return to work and what a magnificent and proud day that was. This does not mean, however, that the dispute is at an end. How can it be when many of our members are left outside the colliery gates? This Union is committed to the reinstatement of those sacked during the dispute. We must continue negotiations at all levels with a view to pressurising the Coal Board into accepting these men back into the industry. From a financial point of view we need to protect these individuals and steps have already been taken in this respect with a Ballot pending on a Levy, to provide the necessary finance.

However, we reiterate that we must not fall into the trap of seeing this as a substitute for reinstatement. When the dust has settled we believe that it will become clear that the present allegations about "violent men not keeping their jobs" will prove to be unfounded. Every man has the right to have his case looked at individually and we believe that a close examination of the factors involved in each dismissal when looked at realistically will lead to a reinstatement. We do accept, however, that this will be a lengthy process. We issue a challenge to the Coal Board. If they want reconstruction and reconciliation, then Management must make concessions and take a realistic approach in dealing with the cases of those dismissed. To judge what has been presently reported in the National media, this is not yet happening, and will only continue to ferment the unrest in the industry.

Following the recent National Conference, the Yorkshire Area agreed to a return to work on humanitarian grounds. Our policy, as expressed

dispute until a negotiated settlement was achieved, but it is also clear that unity must be preserved, and for this reason we have accepted Conference decision to return to work (despite our own disagreement). We must now start to build on this unity and the magnificent solidarity the majority have shown throughout this dispute. Whilst it must be accepted that there was a marked hostility during the dispute to the Union and its membership, nevertheless, there has also grown up a substantial body of support. This much is self-evident from the amount of financial and physical support the Union has received over the past twelve months, without which the dispute could not have been continued.

We accept that a lot of this support is not from the economically powerful factions of society, but it is valued just the same. We do believe that the stand the Union has taken in respect of jobs and the future of the industry is understood and respected by a growing number of people in this country. We are afraid that many of the real issues behind the dispute have never been aired fully, and the validity of the argument has become lost in a wealth of propaganda which has in many instances only been concerned with side issues.

We all from time to time have expressed bitter disappointment at the lack of official response from the T.U.C. and other Trade Unions. We must now, however, let recrimination lead us into isolation. Many Trade Unions (e.g. ASLEF, NUR, NUPE, NUS and T & GWU) have provided magnificent support throughout the dispute. Individual members of all other Unions have also gone out of their way to support miners and their families. We only wish that the grass-roots support which clearly exists had been reflected at higher levels in some Trade Unions.

This grass-root support has had a political manifestation. During 1984, we successfully returned an increased number of Labour M.P.'s to the European Parliament. Local elections resulted in massive victories for Labour - this trend must be encouraged and taken further. We must start to broaden the line of resistance.

The issues central to this historic dispute must be taken further and in the wider context. The Labour Party must take a more active role in the fight for jobs and a commitment to alternative economic strategy. We must seek to protect services at all levels and we must start to get the message over to the great majority that the present policies of this Government favour only a small minority.

The first step in this campaign must be the call for an independent Public Inquiry into all the various aspects of the dispute. The structure and management of the industry, the energy market, the role of the police in industrial disputes, the use of the civil law in controlling industrial disputes, all require more detailed and independent investigation. This historic dispute has been the most lengthy, damaging and costly in modern times, and it would be wrong to allow public focus to be diverted from the many issues the dispute has raised.

Far from taking a back seat, this Union must take steps to re-structure itself, building on its strengths (of which there are many), recover from the drain of resources caused by the last twelve months and build itself quickly into an active and campaigning Trade Union. We must take steps to protect the Area from the threat to its very existence - the Receiver - who is presently in control of National Union assets. We must also seek to have the Union assets freed and must then set out to achieve unity and heal wounds, with a view to taking this Union forward in the campaign for social change.

Devisiveness, in-fighting and talk of break-aways is not the way forward. It only damages the interests of our members and their families in the long run. We would appeal to all those who talk of such things to think again about the damaging effect of such action. The Union has always been open to all its members and only seeks to implement the policies those members formulate. We would ask the membership to recognise that fact rather than listen to the voice of the politically ambitious, anti-Trade Union and anti-working class propagandists. We would ask those members involved in legal actions against the Union to consider the motives of those providing moral and financial support.

In closing, we would like to extend our personal thanks to all those Branch Officials who have been at the forefront of the struggle. Despite the tremendous pressures, these people have always been available to give advice, lend support and assist in the organisation of Union activities. The Union can be justly proud of its organisation for weathering the storm so well.

We would also like to thank members of staff who have dedicated so much time and effort to pursuing the policies of the Union and ensuring that Union administration has been kept on an even keel.

We would also like to extend best wishes to Doug Fellowes (the Head of the General Department) who retired at the end of 1984, and thank him for his years of loyal service to this Union.

Finally, we would like to extend our thanks to each and every member of the Yorkshire Area for their support during the course of the strike. The support of individual members and their families has been absolutely magnificent, and based on the solidarity and strength shown by the majority of the membership, this Union is far from down and out!

We can recover our strength provided we learn the lessons of the past year, but in turning our faces to the future we must retain our belief in the justice of our policies.

J. A. TAYLOR (President)
O. BRISCOE (General Secretary)
S. P. THOMPSON (Vice-President)
K. HOMER (Financial Secretary)

Pl. put
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dispute

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NOTE OF POINTS MADE BY WORKING MINERS AT A DINNER AT
SIR WOODROW WYATT'S HOUSE ON SUNDAY 31 MARCH 1985

1. A list of those present is annexed.
2. The situation had become in many ways more difficult since the strike had ended. Since the militant union officers had returned, they had taken over as if nothing had happened. Some managers, out of a desire to conciliate the militants, were failing to protect the working miners. Many distressing letters had been received from working miners. Apathy was already apparent among the rank and file. Smear campaigns were being run against non-striking branch officials which had resulted in Mr. Ellis being voted out as branch secretary in a Staffordshire pit which had worked throughout the strike. There was already evidence that the militants were preparing for another strike.
3. Three members of the Committee - Colin Clark, Tony Morris and Tony Ellis - had met the Chairman of the NCB on Thursday and shown him the letters they had received. They had been reassured by his response. He had told them that he would meet them again in ten days and tell them what action had been taken. All those present spoke highly of their confidence in Mr. MacGregor and paid a special tribute to Mr. Tony Hart. Mr. Clark said that he had been so strongly opposed to meeting the Prime Minister - lest it appeared to go over the head of Mr. MacGregor - that it had almost split the Committee.
4. They said that transfers to other pits for those being victimised were not generally the answer. But if those who had been loyal to the NCB throughout the strike felt that they could no longer take the victimisation, it was owed to them that they should be helped to move and not be financially worse off as a result. The moderate areas should not be swamped by incomers: they wanted jobs for their sons.

5. The point made by Mr. Ellis was that there were cases where miners should be helped to move house, though remaining at the same pit. It would be helpful if miners could be given houses on mixed estates not entirely composed of the mining community.

6. There were divided views on a suggestion that the moderate rank and file would have more influence if union meetings were held in the employers' time. Mr. Clark was worried that they would think that they were being bought. Others saw that it would not stop the militants from extending the meetings and ensuring that decisions were taken when the allocated time had run out and the rank and file had left.

7. The majority were in favour of transfers which would concentrate moderates in the pits with the best futures and militants elsewhere (this was not wholly consistent with the view recorded earlier that transfers were not the answer).

8. All agreed that the political message which needed to be conveyed was to remind people constantly of the violence and intimidation used during the strike so that it was not forgotten.

9. Mr. Clark was in favour of allowing individuals and groups in other areas which wanted to break away from the NUM, or were expelled, to join the Nottinghamshire area for the purposes of negotiating with the NCB. They said that many groups were considering this, in Warwickshire, North Wales, Lancashire and some in Yorkshire and South Wales. 600 craftsmen and allied workers in the North East were also likely to join the Nottinghamshire union. The NCB would only have to abrogate one agreement with the NUM in order to negotiate with Notts.

10. There was little response to the Prime Minister's suggestion that NUM members should be allowed to undertake open cast mining.

11. The general feeling round the table was that if Mr. Scargill were to stand for re-election now, he would be overwhelmingly elected.

12. It was suggested that Government money should not be given to union schools. Such money was designed to promote responsible trade unionism, but the schools taught militancy.

F.R.B.

2 April 1985

STRICTLY CONFIDENTIAL

28th March 1985

1. 7.30 p.m. There will be a cold help yourself buffet with no staff present so as not to impede conversation.
2. Colin Clark, President of Working Miners (Notts)
John Blessington, Secretary/Treasurer (Notts)
Tony Ellis, Vice President (Yorks)
Tony Morris, Press & Media Officer (Staffs)
Roland Taylor, (N. Derbys)
John Liptrott, (Notts)
Terry Hackett, (Stoke on Trent)
T. Holdman, (S. Wales)
Ewan Thomas, (S. Wales)



DEPARTMENT OF ENERGY
Thames House South
Millbank
LONDON SW1P 4QJ

Tel: Direct Line 01 211 6402
Switchboard 01 211 3000

with the compliments of

the Private Secretary to
the Secretary of State

- 2 MAY 85

CHAIRMAN
Ian MacGregor

March 1985

Dear Colleague,

This long strike is over. It has been severely damaging to the relationships between all of us who work in the industry. Workers have not just been in dispute with management; miners have been set against fellow miners, causing terrible strain to individuals, families and communities.

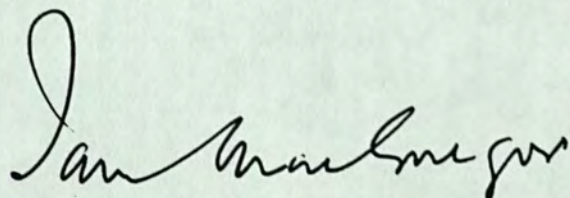
The strike has cost individual workers thousands of pounds in lost wages and the Board many millions of pounds in lost and damaged equipment. We have lost many coalfaces.

This strike was not of management's choosing nor of our making. Now that it is over, every effort must be made to restore harmony within the industry so that we can all resume our respective responsibilities to ourselves, our families, our communities and the industry that sustains us.

When normal working has been restored, management will discuss and settle important issues with your representatives, including your pay now and for the future.

Your colliery manager's first priority is the restoration of safe working. I am asking you for your personal co-operation in ensuring the safety of your fellow workers.

Sincerely,



CONFIDENTIAL

PRIME MINISTER

29 March 1985

COAL INDUSTRY BILL

There is no excuse for an organisation with the resources of the NCB to emerge from a prolonged strike without clearly defined objectives, covering the next 3 years, and a quantified Business Plan. No private sector business would be allowed by its shareholders and bankers to get away with this cavalier seat-of-the-pants approach to business management.

Unfortunately, both Peter Walker and Ian MacGregor are seat-of-the-pants men. Ian MacGregor talks toughly of the need to confront the realities of business life. But to work well he needs a Chief Executive capable of translating this tone into a quantified Business Plan, with an approved investment programme with target dates for important milestones, the associated budgets, and a system for monitoring performance and progress, both physical and financial. As it is, this ingredient is missing, and the recent Board reorganisation is unlikely to meet the need, at least for some time.

The "highly-tentative" NCB financing figures proposed in Peter Walker's letter have no solid basis. We would round down to £2 billion rather than up to £2.5 billion, but would put no faith in this instilling a sense of commercial

CONFIDENTIAL

CONFIDENTIAL

- 2 -

discipline in the NCB. They should be charged to give high priority to setting out their cash flow and profit objectives over the next 3 years. You might consider earmarking an E(NI) meeting for Peter Walker to review the NCB's Business Plan.

JW.

JOHN WYBREW

CONFIDENTIAL



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

01 211 6402

Prime Minister

The Policy Unit (flag attached) suggest acceptance of the figures in the Energy Secretary's letter (with £2 billion

28 March 1985

for the deficit grant) but urge an E(WI) meeting to prompt a more organised approach by the NCB to its planning. Do you agree i) Peter Walker's figures and ii) to the Policy Unit's proposal

Speed - but will this one go, all work from the meeting for Walker's use

The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer
HM Treasury
Parliament Street
LONDON
SW1P 3AG

Re med.

COAL INDUSTRY BILL

The new Coal Industry Bill, which it has been agreed should provide for the Board's financial requirements up to March 1987, needs to be introduced as soon as possible. This means we need to decide now on the amounts to be provided in the Bill for deficit grant, social grants and RMPS.

The Bill will make provision for deficit grant to cover the remainder of the Board's losses in 1984/5 and, separately, losses in the succeeding two years. I believe this is presentationally important in order to set behind us the losses arising from the strike and distinguish from them the much lower rate of underlying loss in the Board's activities.

Applying this principle we need to provide a further £1,200 million for 1984/5. The reasoning behind this is explained in the attached note and is already familiar to your officials. The figure includes a provision of some £300 million in respect of losses caused by the strike which will fall in 1985/6 but which, on present plans will be accounted for in the current financial year. There will of course be a corresponding benefit in the 1985/6 accounts.

For 1985/6 and 1986/7 the NCB's thinking is of course still developing. Ian MacGregor's latest estimate, which he would be the first to say is highly tentative, is for a loss of *£700 million in 1985/6 and £390 million in 1986/7. I frankly see little advantage in attempting to investigate these figures deeply at this stage, even if the time were available to us. I think we have to proceed on a round-sum basis.

If we added £1,090 million to the £1,200 million in respect of 1984/5, we would be looking at a round-sum figure of £2½ billion, which would then allow a small margin for error or possibly carry us into 1987/8.

* £700 million

SECRET



The only possible alternative is to go for the next practicable lower figure of £2 billion. That would have the advantage that we could tell our supporters we were only providing £800 million for future deficits. And there is of course an argument for giving a signal in this way to the Board that, having met the bill for the strike, we expect them to do everything possible to limit future deficits. If in fact the £800 million proved insufficient we would have to pay some of the 1986/7 financial year's deficit grant in arrear out of grant authorised by the next legislation in the 1986/7 Parliamentary Session; just as we are now paying 1984/5 in arrear out of the present Bill in the 1984/5 Session. But as you know, the price of payment in arrear is that we simply divert the Board into the National Loans Fund and add to interest payments which themselves have to be met out of deficit grant; so we are swelling both sides of the public accounts.

If you see advantage in the lower figure of £2 billion I would be ready in all circumstances to accept it.

We have not yet exhausted the amounts in present legislation for RMPS and pit closure grants but the Bill will need to make provision to move by Statutory Instrument beyond the existing limits up to new revised maxima. The very tentative figures we at present have from the Board suggest that these new maxima should be £1,800 million for RMPS and £450 million for pit closure grants (as compared to £1,200 million and £400 million respectively at present). There can be no precise analysis underlying these figures at this stage. I believe however that we should accept them, on the understanding that I will consult you in more detail about the underlying policy well before the time comes to use the power to increase the limits. If we underprovide, we shall run the risk of holding back the rate at which the Board can implement its closure strategy.

I would be glad to have your agreement to these figures (£2 billion - or £2½ billion if you prefer; £1,800 million and £450 million) so that drafting of the Bill can be completed urgently. I need to bring the Bill to Legislation Committee on 3 April and am indeed being pressed by the Lord Privy Seal to do so.

I am copying this letter to the Prime Minister, the Lord President and the Lord Privy Seal.

A large, stylized handwritten signature in black ink, consisting of a large 'P' and 'W' followed by a smaller signature.

PETER WALKER

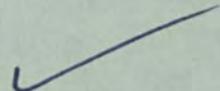
SECRET

ANNEX

DEFICIT GRANT 1984/5

	£ million
NCB's latest estimate of loss for 1984/5	1,875
LESS deficit grant already paid	1,108
Amount remaining to be funded	767
PLUS additional provision in respect of losses resulting from the strike falling in 1985/6 (1)	317
Total	1,084
Margin for contingency (2)	116
Total in Bill	1,200

- (1) the Board and their auditors are agreed that this provision should be made in 1984/5. The accounts will not however be finalised until late June, and to guard against a change in accounting policy at a late stage, which might transfer this amount back into 1985/6, it is intended to provide in the Bill that any unspent provision in respect of 1984/5 should be transferable to later years by Order.
- (2) apart from the desirability of rounding the figures, this margin is necessary to cope with any last minute accounting changes eg to provide for writing-off assets on collieries announced for closure up to the time when the accounts are finalised.



DAILY MAIL STORIES

REVIEW PROCEDURE

The National Coal Board are standing by the agreement made with NACODs in October. Unfortunately over 70 faces were lost during the strike and another 42 are causing concern but they are being realistic and if necessary transferring people from pits if they want to ~~xxx~~ or offering them voluntary redundancy.

INTIMIDATION

Again, the NCB are standing by those miners who worked normally during the dispute and management are continuing to take firm action to protect their interests. Anybody found guilty of intimidation against other miners can be dismissed from the industry and management will not tolerate any intimidation against those miners who worked during the dispute.

In some of the areas the NCB have installed a free-phone telephone number so that any miner who feels that he may be intimidated can get in touch with his local area management. But the Coal Board are hoping that commonsense will prevail and that harmony and good working relations will return to the industry.

ASG

File



10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

The Prime Minister has been told by the Chairman of the National Coal Board that the transfer of planning consents for mining and opencast operations from the Department of Energy to the Department of the Environment is causing considerable difficulty and delay. The Prime Minister mentioned this to the Secretary of State for Energy and he suggested to her that, while the operation has been transferred, no formal transfer of functions order has yet been made.

H | The Prime Minister has asked whether you could advise her on the present position, and whether there is scope for reversing this transfer of responsibility from the Department of Energy to the Department of the Environment.

FERB

28 March 1985

JG2AFV

File

NATIONAL COAL BOARD
HOBART HOUSE
GROSVENOR PLACE
LONDON SW1X 7AE

TELEPHONE
-235 2020
TELEX 882161 MOB

27 March 1985

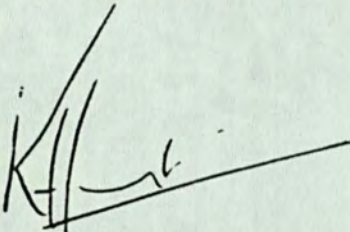
P E Heathfield Esq
Secretary
National Union of Mineworkers
St James' House
Vicar Lane
Sheffield
South Yorkshire
S1 2EX

Dear Mr Heathfield

In order to avoid any misunderstanding of actions that are currently taking place in the coalfields, the Board are issuing the attached Statement to all the Unions.

Area Directors will also be ensuring that this statement by the National Coal Board is promulgated at colliery level.

Yours sincerely



H M SPANTON

(similar letter also sent to Mr P McNestry & Mr A Wilson)

STATEMENT BY THE NATIONAL COAL BOARD

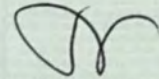
The Board are urgently assessing the problems caused by the strike at individual collieries and other locations.

It is clear that, in many Areas, damage has occurred which will take months to recover. In some circumstances where the cost of recovery cannot be supported by a viable long term future the damage may be judged to be permanent and irreparable.

Whilst detailed assessments are being made the Board are taking immediate action to reduce costs by means of voluntary and consequential redundancy. The Transfer Scheme will also form part of this post-strike recovery strategy.

Management will make every endeavour to give as detailed an assessment as practicable about the state of individual collieries and the action that is proposed. However, this immediate post-strike strategy should not be regarded as action within the industry's normal joint procedures. Those procedures will be fully resumed when the detailed assessments have been made.

27 March 1985



20 March 1985

PRIME MINISTER

273

COAL INDUSTRY

I saw Ian MacGregor yesterday.

The position of NACODS

He is concerned about the power given to NACODS by the current coal industry legislation. He is discussing with Peter Walker the possibility of amending the Act to place on management a general duty to ensure safety in the pits without laying down a NACODS monopoly. He observed that many miners write to him saying there are far too many NACODS members in their pit for the work they have to do. He suggested that your support for amending the rules would be most welcome.

Open-cast coal

He identified planning delays as the main obstacle to expansion. I did not get the impression of any vigorous programme under way, despite your urgings in the past. I said we would see that the current review of planning delay going on in the DoE included open-cast coal permissions. I reminded him of the possibilities for expanding output at sites that already have planning permission.

Restructuring the Board

He proposes to announce Board changes in the near future. His aim is to strengthen the central Board of the industry, bringing in or promoting people more likely to help him in his task of changing its culture. John Northard from Western Area, and Ken Moses from North Derbyshire, will be appointed; Mr Butler may become the new Finance Director. He may also want to announce one or two non-Executive Director appointments.

I raised the question of Mr Eaton and media relations, explaining the general enthusiasm for Eaton's performances in Government. He has returned to his region, and there are no plans for media appearances for him. He may, however, return to the centre in due course as Personnel Director, and could then be used again for media appearances. Ian MacGregor is keen to have a period when the Coal Board has a low profile.

Redundancies and closures

Ian MacGregor intends to encourage all areas and pit managements to press for the maximum number of voluntary redundancies in the immediate post-strike period. He doesn't mind imbalance in the rate of redundancies, as he will then switch people from the worst pits to the better pits.

He wishes to proceed at a lively pace with closure, and is happy to use the existing closure procedure as there has been no progress in even getting people to talk about the NACODS review procedure.

Finance

I asked what the cash flow position might be like in 1985/86. He said he had no idea, but the profit and loss account would look very bad in view of the closure and recovery costs they were now incurring. He intended to manage cash flow, which would be improved by the rapid movement of stock from pithead to CEGB, who would then pay for it.

Investment programme

I asked if he intended to return the investment programme to the level it was running at before the strike, or whether he wanted to keep it under more control in view of the likely bad cash position he would be experiencing.

He said that the old investment programme had been far too generous, designed by those who thought the only aim was to produce coal at whatever cost; and he would be reviewing the investment programme in a meaner spirit, trying to relate the investment to the potential returns it would earn.

Recovery of mines

The Coal Board have currently drawn up a list of damaged faces and pits, and are now going round the areas talking about the costs of reinstating, and the likely profits or losses that would be earned from the pits following their reinstatement. They do not intend to reinstate them all, although there is of course local pressure for such action.

Conclusion

I concluded by congratulating him on his stoicism over the last year, and by encouraging him in his efforts to change the culture of the industry and to press on with making it more economic. He denied reports of a major decentralisation programme. He takes the view that NACODS power is virtually broken for the time being, as the miners are desperately keen to stay back at work and to earn some money.

The opportunity post-strike

Now is our chance to regionalise the NCB. It will not last for long. Regionalisation of the NCB will help fragment the NUM, making it either a loose federation or even independent local unions.

One cannot see Scargill voluntarily acquiescing in such local autonomy. The moderate coalfields are unlikely to go out fully on a limb as separate entities negotiating the outstanding pay rises unless they know the NCB will respond sympathetically. The NCB must therefore demonstrate that a favourable response would be forthcoming.

Pay settlements are running at 5.75% and look likely to rise. A settlement by a section of the NUM of 5.2% (as has been accepted by NACODS) would be helpful to this year's pay round, and would make it difficult for the rest of the NUM to settle at a higher figure.

We suggest you talk to Peter Walker about:

1. Encouraging regionalisation from the NCB side.
2. Responding well to any effort by a regional NUM to bargain separately.
3. Taking open-cast more seriously.
4. When there will be some firm financial forecasts for 1985/6.

JOHN REDWOOD

H. R.

PRIME MINISTER

Peter Walker would like to see you
tomorrow about a NCB appointments matter.

(Timothy Flesher)

18 March 1985



File

10 DOWNING STREET

~~Mr. Turnbull~~

~~Robin Butler~~

You will want to be aware of
my correspondence with Peter
Walker.

MA

MICHAEL ALISON
11.3.85

PRIVATE AND
CONFIDENTIAL



10 DOWNING STREET

11th March 1985

Dear Peter,

Mr Brian Askew

You will remember that I mentioned this individual to you, as somebody who might be considered as a real outsider for the future Chairmanship of the National Coal Board.

Brian Askew, who is aged 54, is at present Chairman of the Yorkshire Regional Health Authority. Before that, he was Financial Director of Samuel Smith's Tadcaster Brewery, one of the largest private breweries in Britain. At an earlier period in his career he was employed in the steel industry - both before and after nationalisation - and conducted a major PR campaign in the 1960s to save Consett.

He has had specialised industrial experience in personnel and industrial relations.

He fought the York constituency as a Conservative candidate in the General Election of 1970.

He is the son of a Durham miner who lost his life in a mining accident in 1940.

*Yours ever
Michael*

MICHAEL ALISON
Parliamentary Private Secretary

The Rt Hon Peter Walker MBE MP



COPY NO 4 OF
4 COPIES

10 DOWNING STREET

From the Private Secretary

11 March 1985

REBUILDING POWER STATION COAL STOCKS

The Prime Minister held a meeting today to discuss the rebuilding of coal stocks following the strike. Present were the Chancellor of the Exchequer, the Secretary of State for Energy, Mr Gregson and Mr Redwood.

The Prime Minister said she had spoken earlier in the day to Sir Walter Marshall to congratulate him on the CEGB's performance in maintaining power supplies during the strike. They had agreed that the NUM would seek to call another strike. While this was unlikely next winter it could well happen the winter after that. The Secretary of State for Energy agreed with this assessment. The proposal he had put forward was that exceptional oil burn should be phased out as soon as possible. The CEGB had no orders for oil beyond 4 April. Thereafter, NCB and CEGB would seek to move as much coal from pits to power stations to raise the stocks at power stations from the present figure of 11 million tonnes to 21-22 million tonnes by end ~~April~~ ^{October} 1985. This would provide 6 month's endurance. If movements fell behind schedule, the question of oil burn could be reconsidered later in the summer.

In discussion it was argued that the build-up of stocks should continue still further for the 1986-87 winter. In the past the power stations had stored as much as 34 million tonnes so there was substantial spare capacity at present. Nevertheless, the CEGB should take such opportunities as arose to acquire more land where planning permission could be obtained without controversy. In planning for the future, it was necessary to establish what level of stocks were needed for operational purposes at pit heads. It is currently a matter of dispute between the Department and NCB. It was also noted that Thameside power stations would be supplied from the CEGB's stockpile in Rotterdam, rather than by ship from the North East. This would allow best use to be made of port facilities. It would require, however, coal to move by rail or road from the North East to Yorkshire power stations, a route which had not been used before.

CST.

Summing up the discussion, the Prime Minister said the Secretary of State for Energy's proposals were agreed. Ministers would want to consider at a later stage the question of endurance in the longer term.

Copy number 2 goes to Rachel Lomax (H M Treasury) and copy number 3 to Peter Gregson.

ANDREW TURNBULL

Michael Reidy Esq
Department of Energy

Note In the course of the discussion Mr Walker said NCB now expected to close 30-40 pits in the next 18 months, involving redundancies of 30-40,000 men. NCB planned to secure as many as voluntary redundancies as possible, as early as possible in order to have certain vacancies to offer men displaced from closed pits. The brunt of the closures would be in Scotland, Wales and the militant areas of Yorkshire.

AT
12/3

Subject

file D5G



Copy No. 7
of 7 copies

13

10 DOWNING STREET

cc Master

11 March 1985

From the Private Secretary

Dear Michael,

The Prime Minister held a meeting today to discuss the modified Colliery Review Procedure. Present were the Chancellor of the Exchequer, the Secretary of State for Energy, the Secretary of State for Trade and Industry, the Attorney General and Mr. Bottomley. Also present were Mr. Gregson and Mr. Redwood.

The Secretary of State for Energy said it was essential for NCB to be seen to be doing its best to implement the NACODS agreement. This required establishment of the independent review body. He strongly opposed the concept of a panel comprising a union man, a management man and an independent Chairman as this was a recipe for compromise decisions. He suggested that disputed closures should be referred to an Inspector drawn from the Panel of Inspectors maintained for planning inquiries by the Department of the Environment. Although disputed closures would be taken up to national level, it was preferable to constitute the Inspectors on a regional basis. They would be able to call upon specialist assessors, e.g. for advice on accounting or geology, but the recommendation would be theirs alone. They would be asked to report in about four weeks. This concept had several advantages. The choice of Inspector to consider any particular case was not subject to political control; and the Inspectors were used to cross-examination and to drawing upon assessors for technical advice.

In discussion it was noted that the four week deadline could not be achieved if the Inspector received new evidence. He should be asked to consider the evidence put forward by the parties during the earlier stages of the review procedure. It was likely, however, that the Inspectors would need guidance on the criteria they should use, though it would be difficult to secure agreement on these with the unions.

The agreement with NACODS revealed the latter's concern that the future of a pit could be determined by investment decisions taken some time in the past and they had sought some way of making representations at an earlier stage. Mr. MacGregor intended to introduce two year plans which

would be regularly updated. It was these rather than the independent review at the final stage which would provide the unions with the best opportunity for making representations at an early stage.

Summing up the discussion, the Prime Minister said Inspectors assisted by assessors were preferable to a representative Panel with an independent Chairman. The Secretary of State for Energy should seek the agreement of the Secretary of State for the Environment and the Lord Chancellor to the use of Inspectors in this way. He should then develop the proposal further in conjunction with the NCB. Consideration should be given to the criteria which the Inspectors should use.

I am sending Copy No. 2 of this letter to Rachel Lomax (H.M. Treasury), Copy No. 3 to Callum McCarthy (Department of Trade and Industry), Copy No. 4 to David Normington (Department of Employment), Copy No. 5 to Stephen Hyatt (Law Officers' Department) and Copy No. 6 to Mr. Gregson.

Yours sincerely

Andrew Turnbull

Andrew Turnbull

Michael Reidy, Esq.,
Department of Energy.

SECRET



Copy No. 1 of 7

12

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

8 March 1985

Dear Andrew

COLLIERY REVIEW PROCEDURE

I attach a paper for the discussion which the Prime Minister is due to have on Monday afternoon.

Copy number 2 goes to Rachel Lomax, number 3 to Callum McCarthy, number 4 to David Normington and number 5 to Steven Hyett.

Your sincerely

M F Reidy

M F REIDY
Private Secretary

SECRET

COLLIERY REVIEW PROCEDURE: INDEPENDENT REVIEW BODY

The NACODS Agreement

The agreement last October between the NCB and NACODS provided for the creation of an Independent Review Body within the colliery review procedure. It is to deal with any disputed closure and with conflicts over other issues which might have a bearing on the life of a colliery. The NCB is pledged to give "full weight" to its findings.

Present Situation

NACODS has as yet made no effort to elaborate on the bare bones of the agreement. The terms of the agreement contemplate that it will be worked out jointly between the Board and all 3 mining unions (see Annex). Formally, so long as the NUM is not ready to collaborate, no obligation on the NCB to make detailed proposals has matured. The Board has so far taken no initiative and its thinking is at an early stage. Indeed it is inclined to take the view, consistent with what was said in the abortive TUC document, that the present colliery review procedure must continue to be operated unless and until agreement is reached by all parties on the new independent element. For its part, NACODS may well go on arguing that the review procedure cannot be operated at all until the independent element is available.

Features of the Independent Review Body

Against this background I have been reflecting on what form the Independent Body might take and have had a very preliminary exchange of views with the Board. There are of course major financial and industrial issues at stake for the Government in the character of this Body and its role in closures and I am anxious to make our views on its establishment known to the Board.

In relation to many of the main features of the review body - eg its level of operation, timescale, scope - the Board's preliminary thinking is on acceptable lines. The NACODS agreement provides for the review body to operate at national level, as the final stage of the procedure, but the Board has in mind creating a regional link by proposing a series of panels, each specialising in cases arising in a particular region. There will be a need for the review body to operate to a set time limit; the Board is thinking in terms of four weeks. The right of each party to introduce evidence might be constrained by reference to

It has tabled earlier in the procedure (without limiting the review body's own right to request more). It is already established that the role is advisory only. As to the proper scope of the review body's considerations, the Board is exploring the possibility of limiting any economic evaluation to costs and revenues falling to the account of the Board, by reference to the considerations which the Board itself may, under the statutes, properly taken into account.

Composition and Appointment

This leaves the contentious issue of the composition of the review body and its manner of appointment. Some thinking at the Board favours the customary form in Coal Board conciliation machinery of a body of 3, including a nominee from both sides of the industry. I do not regard this as satisfactory: nor does Ian MacGregor. It encourages midpoint compromise. It would imply a need to find half-a-dozen regional chairmen acceptable to both sides.

I am inclined to favour constituting the review body (or each of its regional manifestations) as a single individual. He can be supported by assessors if he wishes. If the Secretary of State for the Environment and the Lord Chancellor agree, he might be appointed from the Panel of Inspectors maintained for planning enquiries by the Department of the Environment. Their normal role is quasi-judicial, whereas this role is only advisory, but that normal role symbolises their independence.

I should be glad to have the support of colleagues in guiding the Board on the above lines.

Secretary of State for Energy

March 1985

EXTRACT FROM NACODS AGREEMENT, 23 OCTOBER 1984

COLLIERY REVIEW PROCEDURE - INDEPENDENT REVIEW BODY

The Association has asked for a revision of the Colliery Review Procedure to ensure that it operates effectively and fairly within the industry. In your document of 26 September you asked specifically for:-

- (i) An early warning procedure where local members believe their colliery is deliberately, by various means, being run down as a prelude to closure investigations.
- (ii) Inside the Colliery Review programme, greater availability to Branch Officials, when preparing a case to oppose closure, of time and facilities to information.
- (iii) Any final notice of closure to be issued would allow National Officers time to consult the membership.
- (iv) Any final closure notice not agreed between the NCB and the Association to be subject to an appeal to an independent body.

As previously stated, the Board are very ready to re-examine the Review Procedure and to adopt any amendments which will improve its effectiveness. The Association will appreciate, of course, that this must be done in a way which will meet with the approval of all the parties concerned, including NUM and BACM.

The Board believe that the procedure as it stands is unique and is something that we should all make work. This will, of course, require the active effort of all the parties, not just that of management.

You clearly are concerned that the arrangements should work so that at local colliery level as well as area level there will be an early and continuing understanding of the prospects of the pit concerned. We believe our plans should be readily understood and updated in the form of two year plans reflecting both market and production opportunities. We believe that if this is

done it should remove the fear you have that actions will be taken covertly which would shorten the life expectancy of a pit without reaching an understanding among all the parties concerned.

Given that this is done we would expect that there should not be conflict over investment or other operational decisions. If, however, such conflict arose, that could be dealt with from that early stage within the Review Procedure so that all parties could be given ample time to brief themselves adequately.

If, at the end of this process, the matter was still in conflict and might lead to a foreshortening of a colliery's life expectancy, this question, as has already happened in the past, can be referred for national consideration and, indeed, would then be subject to the Independent Review Body and full weight given to its findings, just as would be the case in any question of a distinct closure proposal.



Copy No | 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

8 March 1985

Dear Andrew

REBUILDING POWER STATION COAL STOCKS

I attach a paper for the discussion which the Prime Minister is due to have on Monday with my Secretary of State and the Chancellor.

Copy number 2 goes to Rachel Lomax and copy number 3 to Peter Gregson.

*Yours sincerely
Michael L.*

M F REIDY
Private Secretary

REBUILDING POWER STATION COAL STOCKS

Even before the strike ended the CEGB had, with my agreement, stopped entering into new long term contracts for delivery of oil. With the end of the strike we have agreed that they should run down extra oil burn and this they are now doing. The purpose of this note is to set that decision in the broad context of the need to rebuild power station coal stocks.

CEGB coal stocks stood at 11.0 mt at the end of last week. I see two main alternative approaches to rebuilding stocks, both offering 6 month's endurance by the autumn of 1985:-

- A. to maximise the coal flow to power stations and continue oil burn at an enhanced level. We could then expect to achieve 6 month's endurance by, say, early June and could then either discontinue the oil burn or continue it to go well beyond 6 month's endurance. But the additional cost to the PSBR by June would already be nearly £1 billion.
- B. to maximise the coal flow so as to produce six month's endurance, but maintain the present plan to run down extra oil burn as quickly as possible. Maximising coal flow includes the largest possible movement of NCB stocks and new-wrought coal, making as much use as possible of British Rail. It assumes somewhat larger than usual deliveries of non-vested coal and the use of the CEGB's Rotterdam stockpile to supplement seaborne deliveries from the North East to South Eastern power stations, making full use of coal-handling facilities there.

This option seems likely to give 6 month's endurance by end-October/early November 1985, taking account of the availability during this winter of the first stage of the Cross Channel electricity link to France and an expected increase in nuclear output. There would be some extra costs from extra private transport and from winding down the oil burn. The PSBR costs of stock rebuild under this option are however modest - perhaps £50 million to £100 million -

because it relies on moving existing public sector stocks, much of them by public sector transport. A board analysis of the probable contributions to stock rebuild under this option is at Annex A.

The following factors seem to be relevant to the choice between these options, and to any variant of them:-

- (i) it looks very unlikely that the miners would attempt any widespread strike in the winter of 1985/86;
- (ii) rebuilding stocks by oil burn is fiendishly expensive;
- (iii) fresh choices could be made along the way which would extend endurance, if for any reason the industrial climate seemed to require it. Some oil burn could be re-introduced, for example, though massive resumption of oil burn would no doubt be conspicuous.
- (iv) the endurance estimates in paragraph 2 assume total discontinuance of coal supplies to power stations ie no Nottingham coal.

My conclusion is that Option B yields a very respectable level of endurance for the 1985/86 winter without imposing further heavy financial burdens on the nation. It would leave us able to review in the Autumn, and again in the Spring of 1986, whether six month's endurance was sufficient for the 1986/87 winter or needed further reinforcement; and with, of course, the possibility of earlier review if circumstances required it (eg industrial relations, or failure to achieve stock movement).

If this is agreed I will make arrangements in confidence with the NCB and the electricity supply industry to plan accordingly. I may need the help of colleagues in giving effect to certain aspects of the rebuild:-

- (a) maximum assistance will be needed from British Rail in coal movements, especially in moving stocks from the North East to Yorkshire power stations;

- (b) extra oil burn in Scotland has ended but the CEGB would hope to use the interconnector fully to draw on coal-fired generation in Scotland, equivalent to transferring Scottish coal stocks south;
- (c) the CEGB will need to adapt its merit order for power generation at modest cost in order to accommodate the redistribution of coal stocks.

The stock movement will of course become evident during the Spring and Summer but a stock rebuild will be expected and it will not be possible to deduce any particular level of endurance target from these movements, at least for many months.

There are of course important longer term questions on endurance such as the extent of dependence of deepmined NCB coal, the possibility of dual firing at coal-fired power stations and many other aspects of the scope for diversified sources of power generation. The immediate need is however for a decision on stock rebuild in 1985.

Conclusion

This note seeks agreement that the decision to run down oil burn as soon as possible should be confirmed and that discussions should be held with the CEGB and the NCB to maximise the flow of coal to the CEGB as described in Option B above.

Secretary of State for Energy
March 1985

POSSIBLE PATTERN OF COAL STOCK REBUILD

Stock at end March 1985	11-11½	mt
Deliveries to power stations to end October 1985		
- NCB coal	43-45	mt
- Non-vested coal	2½-3	mt
- Imports	1-1½	mt
	<hr/>	
Total	46½-49½	mt
CEGB coal burn	36½-39	mt
	<hr/>	
Stock at end October 1985	21-22	mt

The stock level required to give six month's endurance (now reduced by extra nuclear capacity, the forthcoming Channel Link and experience during the strike) varies throughout the year, ranging from some 21 mt in October to some 19 mt at the end of March.

Daily Coal Report - Friday 8 March 1985

Return to Work

97 per cent of NUM men are now not on strike. Only 6,100 are still on strike, mainly in Scotland (2,400), Kent (1,700) and Markham (1,300). There is to be a return to work at Markham on Monday, and a mass meeting in Kent tomorrow at which a return will be discussed.

100 pits are now producing coal, including 16 in South Wales. This number will rise as essential safety work is completed.

All NCB coke ovens are now working.

NUM

Mr Kinnock met Scottish NUM leaders today and called for an inquiry into the management of the Scottish coalfield during the dispute.

Coal Movements

By yesterday evening almost a million tonnes had been moved. Deliveries are now expected to build up steadily.

150 coal trains ran yesterday. All the coal available to British Rail was moved. No railmen were sent home for refusing to co-operate: an encouraging sign.

High Court

An application by the South Wales NUM for the discharge of an injunction preventing mass picketing at five pits in the area was today adjourned for two weeks.

Law and Order

Little change.

This is too complacent || There have been few reported incidents of recrimination against working miners, beyond verbal abuse.

West German Bomb Attack

A left wing revolutionary group has claimed responsibility for today's bombings in three German towns, and claimed that these were in support of British miners.

Line to Take

Life in the coalfields is now returning to normal. Despite all the efforts of Mr Scargill and the militants to prolong the dispute the commonsense of the miner has prevailed. It is only by the management, the unions and miners themselves working together that the industry can have a prosperous future.

Daily Coal Reports

We shall miss you! | Because the situation has settled down coal reports will no longer be issued on a daily basis. Members of MISC 101 will of course be kept informed as necessary of future developments in the dispute.

Distribution: Members of MISC 101, Paymaster General
Sir Robert Armstrong, Mr Gregson (Cabinet Office)

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 6070

MR TURNBULL

8 March 1985

COAL DISPUTE - ENDURANCE, AND NEW COLLIERY REVIEW PROCEDURE

1. Power Station Endurance Post Dispute

Energy plan to reduce the oil burn in power stations to normal levels during March. About 500,000 tonnes of unused oil will be stored through the Summer and consumed in the Autumn. The aim of stock movements will be to enter next Winter with power station coal stocks distributed at the right locations - all at minimum cost to the PSBR.

With the cross-Channel electricity link with France and additional nuclear capacity, this plan should result in power station endurance at the start of next Winter of about 6 months (22-24 million tonnes). That assumes a steady return to normality in the NCB, the import of CEGB's Rotterdam coal stocks and 1 million tonnes of other coal imports.

There are two important policy questions:

- are additional and expensive measures needed to give us more endurance for next Winter?
- should we act now to restructure the coal industry, including the closure of uneconomic pits?

There is no need to initiate expensive exceptional measures to increase endurance beyond the 6 months planned - at least not yet. But we should watch the weekly trends in industrial relations and output in the NCB over the next few months. If the climate is bad, and the outlook for next Winter ominous, pre-Winter endurance can and should be boosted rapidly by increasing the oil burn and/or importing more coal.

We must go ahead quickly with restructuring. Endurance can always be bought - at a price. A restructured coal industry with a profitable long-term future is, by comparison, priceless. And we are now in a unique position to succeed.

2. New Colliery Review Procedure

Press on with the new Colliery Review Procedure, but do not let it impede the restructuring of the industry. Nor should the Procedure compromise the NCB's responsibility to conduct its operations as a commercial business subject to the normal disciplines of the market.

The method for this does not appear to be at issue within Government or the NCB:

- The terms of reference for the Review Body should make clear that the scope of its advice to the NCB must be based on business considerations, and not on wider socio-economic issues.

CONFIDENTIAL

- 3 -

- As foreseen in the NACODS agreement, the Review Body will be constituted at a national level.

- The duration of individual reviews must be limited to 3-5 weeks.

- The Review Body should be small, authoritative and independent - not a representative gathering of partisan nominees from the various factions. The Chairman should be in the mould of a Public Inquiry Inspector, charged with providing coherent advice in consultation with the other members of the Review Body.

The more contentious policy questions concern the handling of the restructuring process if it proves impossible to devise a new Review Procedure acceptable to the various parties. Presentationally, it is important that the NCB should be seen to strive constructively for a sensible new Procedure. Whatever the outcome, the NCB must not be deterred from pressing ahead with restructuring the coal industry, if necessary under existing procedures. The NCB should aim at least to shed as much capacity in 1985/6 as was originally planned over the years 1984/5 and 1985/6. It is better to import coal for stockbuilding than throw good money after bad into reviving pits which have no future. And better still to move rapidly to a big opencast industry, if possible with private capital.

CONFIDENTIAL

Conclusion

1. press on with restructuring;
2. follow Department of Energy's ideas on Endurance but monitor carefully and be prepared to burn more oil if necessary;
3. hasten the Review Procedure;
4. expand opencast.

W. Scala

PP

JOHN WYBREW

CONFIDENTIAL



CF NO
NBSM AT
4/13

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Peter Walker MBE MP
Secretary of State for Energy
Thames House South
Millbank
LONDON SW1

8 March 1985

Dear Secretary of State

MINERS REDUNDANCY PAY AND PENSIONS

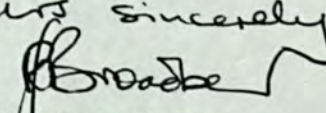
I understand that your Department has sought the Treasury's agreement to amending the terms of the Redundant Mineworkers Payments Scheme so as to restore most of the benefits that would be lost by strikers made redundant in 1985-86. It goes against the grain to some extent to make good lost benefit incurred deliberately. I do not necessarily see the present policy of avoiding compulsory redundancy through generous payments as being the only approach in the long term. These arrangements were devised with an eye to avoiding a major strike. Now that the risks of another confrontation are reduced, we might be able to achieve pit closures at a lower cost to the Exchequer.

Nonetheless, I see the practical arguments in favour of restoring the higher level of benefit so as to get pit closures underway rapidly in 1985-86. On the understanding that the present redundancy policy will be thoroughly reviewed in the course of post-strike planning (with Treasury officials involved), I am content for the RMPS Amendment Order to be presented next week as you propose.

On a parallel issue, I was disturbed to hear that there is a possibility of miners being eligible for pension in respect of periods on strike (even though neither they nor the Board have paid contributions). The legal position has still to be finally clarified. In my view, it would be indefensible if this led to the taxpayer having to make good any resulting deficiency in the mineworkers pension scheme. I hope officials can explore all avenues for avoiding such a situation arising, recognising that we will be taking legislation on the NCB's finances after Easter.

It occurs to me that the restoration of benefits under the RMPS scheme could readily be presented as magnanimity on the Government's part. In presenting the Order to Parliament, your colleagues might take the opportunity to make clear (if legal advice has gone against the Board) that the Government will take steps to avoid any burden falling on the taxpayer from defects in the pension scheme.

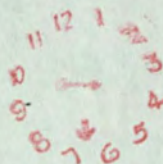
I am copying this letter to the Prime Minister

Yours sincerely

for PETER REES

[Approved by the Chief Secretary]

CONFIDENTIAL

11 MAR 1985



NI2378 3 XXX 184

PRESS ASSOCIATION NEWS AT 2 PM

...UNEMPLOYMENT FELL BY 17,282 IN FEBRUARY TO STAND AT 3,323,676 OR 13.7 PER CENT OF THE WORKFORCE - BUT AFTER SEASONAL ADJUSTMENTS THE UNDERLYING TREND CONTINUED TO RISE.

...SHADOW EMPLOYMENT SECRETARY JOHN PRESCOTT SAID THE JOBLESS FIGURES WOULD 'HAUNT THE CHANCELLOR' AND HE SHOULD PRODUCE 'A BUDGET FOR CREATING JOBS, NOT DESTROYING THEM'.

...NUM EXECUTIVE HAS DECIDED TO CONTINUE THE PIT OVERTIME BAN, TO PRESS FOR AN AMNESTY FOR SACKED MINERS AND TO CARRY ON WITH THE FIGHT TO SAVE PITS.

...LOCAL GOVERNMENT MINISTER KENNETH BAKER HAS URGED THE GREATER LONDON COUNCIL AND SIX METROPOLITAN COUNCILS 'TO FACE FACTS' AND REALISE THEY ONLY HAD 389 DAYS BEFORE THEY WERE ABOLISHED.

...AUSTRIAN POLICE HAVE BLAMED LIVERPOOL FOOTBALL SUPPORTERS FOR A SERIES OF ROBBERIES AND VIOLENT INCIDENTS WHICH HAVE OCCURED IN VIENNA SINCE TUESDAY.

...A YOUTH ACCUSED OF MURDERING THREE OF THE NINE RUC OFFICERS KILLED IN A MORTAR ATTACK ON NEWRY POLICE STATION HAS BEEN REFUSED BAIL BY A BELFAST JUDGE.

071401 MAR 85

Prime Minister ①

Daily Coal Report - Thursday 7 March 1985

Return to Work

Over 96 per cent of NUM men are now not on strike; fewer than 7,000 are still on strike. Detailed round-up attached.

NACODS leaders in Nottinghamshire, Derbyshire and Leicestershire have agreed to supervise NUM members wishing to work overtime from this weekend.

NUM

Today's meeting of the NUM executive agreed to "continue, intensify and broaden the campaign to save pits and jobs". It also agreed to continue the overtime ban, to press for an amnesty and to continue the dispute until every dismissed member gets his job back.

The union is to hold a pithead ballot on the proposition that members should pay 50p a week into a hardship fund for those sacked during the dispute.

Coal Movements

255,000 tonnes were moved yesterday.

105 coal trains ran.

Law and Order

Still skirmishing in some areas.

Line to Take

As yesterday.

Distribution: Members of MISC 101, Paymaster General
Sir Robert Armstrong, Mr Gregson (Cabinet Office)

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 6070

SCOTLAND

About 2,400 strikers remain at Longannet, Bogside, Castlehill, Solsgirth and Comrie. Some 70 men returned to work at these pits this morning.

All remaining strikers at other pits returned today.

NACODS are now working normally at all pits except Solsgirth, where partial cover is being provided.

NORTH EAST

All pits are now fully manned and there are no reports of any incidents today.

YORKSHIRE

Some 1,300 men are still on strike at Markham, but at a meeting today they voted to return to work on Monday. It is understood they will hold a rally tomorrow.

Around 300 men are still on strike at Manton over the dismissal of a colleague.

NACODS are working normally at all Yorkshire pits except Markham.

NOTTINGHAM

The Midlands area of NACODS today decided to rescind their previous decision and agreed to supervise overtime working.

KENT

There are still around 1,700 men on strike; only 4 new faces reported today.

NACODS are in today at all three pits and have gone underground with NUM men for the first time.

WESTERN

Everything is normal with no reported incidents.

SOUTH WALES

Although the morning shift at Garw struck over working with a blacklisted firm, the afternoon shift worked normally.

All other pits and workshops are now working normally and no strikers are left in the area.

COAL PRODUCTS

All plants normal and no reported incidents.



Ref. A085/695

PRIME MINISTER

Cabinet: Industrial Affairs: Coal

You will wish to record the Cabinet's congratulations to the Secretary of State for Energy on the conclusion of the dispute.

2. You may wish to invite brief reports from:

(i) The Secretary of State for Energy on:

the progress of the return to work;

likely problem areas in the immediate future (the amnesty issue; the attitude of NACODS).

(ii) The Secretary of State for Transport on the prospects for coal movement by rail following the lifting of the NUR and ASLEF blacking (these unions were due to meet the British Railways Board on 6 March to discuss this year's pay claim; there may be some indications whether there might be renewed disruption to coal movement).

30%

3. A meeting of MISC 101 has been arranged for Monday 11 March at 5.00 pm, subject to cancellation if no major problems arise in connection with the ending of the strike.

RIA

ROBERT ARMSTRONG

6 March 1985

SECRET AND PERSONAL

7

Daily Coal Report - Wednesday 6 March 1985

Return to Work

This morning there were still 15,000 men on strike. However the continued return in Yorkshire this afternoon has now brought this figure down to under 10,000. Around 95 per cent of the NUM - some 176,000 men - are therefore not now on strike.

The decision by Scottish NUM leaders to call off the strike there was little more than acceptance of the inevitable.

The decision by Cortonwood miners to return to work this morning is of obvious symbolic significance. Of less comfort, however, is the continuing dispute between NACODS and the local management at Kellingley pit.

A detailed round-up is attached.

Coal Movements

There are signs of positive progress on this front also.

428,000 tonnes were moved on the first two days of this week.

50 coal trains ran on Monday, and 103 yesterday (almost back to normal).

Law and Order

Skirmishing and demonstrations in various areas - see detailed round-up.

SECRET AND PERSONAL

Line to Take

Some 95 per cent of men are now at work in the industry. This is an encouraging sign. It also underlines the growing awareness among miners that little has been achieved in the past twelve months except damage to the industry and to jobs. It is in everyone's interests that safe, normal, working is resumed as quickly as possible, so that the damage can be limited and the industry put on a sound footing for the future.

Distribution: Members of MISC 101, Paymaster General
Sir Robert Armstrong, Mr Gregson (Cabinet Office)

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 6070

SCOTLAND

1,671 new faces reported this morning bringing those not on strike to over 70%.

Most of the remaining strikers are in the Longannet complex.

NACODS have not been working at Comrie and Castlehill and have given only partial cover at Solsgirth.

The reconvened area Delegate Conference voted today by 10 votes to 5 to return to work tomorrow.

YORKSHIRE

This morning there were around 8,000 remaining on strike in the four Yorkshire areas. This is now down to around 2,000.

Picketing was light, although there were Kent pickets at Barnburgh, Cortonwood, Manvers, Wath and the Manvers workshops.

Only two pits are now on strike, Barnburgh (which is expected to go back tomorrow) and Markham. There is to be a lodge meeting at Markham tomorrow but it is thought unlikely there will be a return to work. The dispute at Manton over the dismissal of a man is now over.

There have been a number of reports of fights in pit yards, etc. but nothing serious. At Fryston the NUM has said no action will be taken against men that have been at work other than sending them to Coventry.

A strike by 180 deputies and overmen at Kellingley colliery near Selby, North Yorkshire, continued today. The men, members of NACODS, say pit management allowed four NUM miners to do work underground normally done by deputies.

Coal movement by rail to Yorkshire power stations has resumed.

KENT

There were only 10 new faces this morning giving an attendance of 282. This leaves about 1,700 still on strike.

NACODS have been in at Snowdown but picketed out elsewhere.

SOUTH WALES

This morning Merthyr Vale colliery was on official strike following men's refusal to work with a man who had worked last week. The strike has now been called off with no concessions being made by the Board. The area have issued a press notice today saying that men refusing to work with strike breakers or to handle equipment supplied by blacklisted firms would be sent home without pay.

140 men from the Tondu workshops were sent home for refusing to connect equipment supplied by a firm on the NUM blacklist. These men are not considered to be on strike, and the area now say that no men are left on strike.

NORTH EAST

The orderly return has continued and the area now consider the strike to be over.

There was an incident at Ashington colliery this morning when John Smith, the lodge president and member of the Northumberland NUM executive was dismissed. It is understood an assault on a member of NACODS was involved but no details are being given in case Mr Smith wishes to appeal against dismissal.

Prime Minister ①
6 AT 5/3

Daily Coal Report - Tuesday 5 March 1985

Return to Work

The Coal Board estimate that around 60,000 NUM members returned to work today, bringing the total not on strike to around 160,000 ie 85 per cent of total membership.

Of the 26,000 who stayed out, the majority were in Yorkshire where Kent miners picketed several pits.

Kent miners also picketed some South Wales pits but most of the areas miners went to work.

In Scotland nearly 7,000 men reported - 56 per cent of the workforce. They included 712 new faces. Scottish miners' leaders will meet tomorrow to reconsider their decision to stay on strike.

A more detailed round-up is attached.

The Coal Board tonight called upon miners to rebuild relationships, and to pay special attention to safety especially in those pits which have been standing idle.

High Court

The Durham area of the NUM today failed to overturn a High Court injunction banning it from expelling nine miners under its new "Star Chamber" disciplinary code. The Judge ruled that the injunction must stand. He ordered an early trial of the working miners' claim for damages against the NUM.

SECRET AND PERSONAL

Line to Take

Today's massive return to work shows that the strike is effectively at an end. Every miner should now have as his goal restoration of the industry to normal working in a spirit of harmony and reconciliation. It is only by this means that the industry, and individual miners and their families, will be able to take advantage of the considerable opportunities that are available to them.

Daily Coal Reports

We propose to continue with these daily reports until the end of this week, by which time the situation in the coalfields should hopefully have settled down. Subsequent reports will be made if circumstances so require.

Distribution: Members of MISC 101, Paymaster General
Sir Robert Armstrong, Mr Gregson (Cabinet Office)

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 6070

SECRET AND PERSONAL

SCOTLAND

2 new faces today, 56% of the NUM workforce are back.

Attendances south of the Firth are largely back to normal with 94% back at Barony, 91% at Killoch, 77% at Bilston Glen, 73% at Polkemmet and 58% at Monkton Hall.

The Scottish Area NUM Delegate Conference is to reconvene to consider an end to the strike.

NACODS were reported to be working normally at most pits.

NORTH EAST

An orderly return, the Board expect the NUM attendance to reach around 90% by the end of today.

The only problems have been at Bates and Wearmouth and concerned shift rotas. Bob Clay MP was arrested with a number of others after a meeting of 500 miners at Wearmouth.

YORKSHIRE

Today's attendance is estimated at around 25,000, some 50% of NUM on books. Men returned today at 26 pits and the Selby sites. The Board expect a further 10,000 or so new faces tomorrow. 11 pits, including Cortonwood, are idle today because of the refusal of returning strikers to cross picket lines (mostly of Kent miners). The Kent pickets have now dispersed but the Area Board have no indication whether they will return tomorrow.

Savile, (N Yorks) produced coal for the first time today at Kiveton Park, bringing to an end the 24 hour protest. The men are expected to return at Manton in the morning. Kellingley, where there was a NACODS picket this morning, remains strikebound.

NORTH DERBYSHIRE

1166 new faces have reported back so far today, with a further shift to come. Attendance is already over 90% and no problems have been reported.

NOTTINGHAMSHIRE

574 new faces so far today. No problems reported.

SOUTH MIDLANDS

Kent excepted the remaining strikers have returned en masse. Only about 30 men are still on strike at Coventry but more are expected to return on later shifts.

KENT

Only 42 new faces today (only around 13½% are back).

WESTERN

1,663 new faces today. Only 295 NUM men (under 2%) are still on strike. This mornings problems at Bold, Hem Heath and Lea Hall have all been largely resolved. The largest remaining block of strikers remains at Bold where 90 are still out but 280 returned today.

SOUTH WALES

The area has returned to work en masse. All NUM and NACODS are now working normally at all pits.

5 MAR 1985

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Coal file

cc: AF
B1
JC

MS McKinnon (HMS)

Peter Walker speaking to IRN this morning (5 March 1985)

Asked about privatisation he said:

"I don't think there is any possibility of privatisation of the coal industry in its present state. Even without the strike it was needing £1.3 billion to keep it solvent. Now I think that if one goes into the future and one has an efficient and successful coal industry I think it would be well worth discussing with miners the potentiality of them having a real interest in their industry - a real stake in their industry. But one could not ask them to do that when of course it is a major loss making industry. But if it moves into being a profit making industry I think there is a lot to be said for discussing the concepts of the workers co-operative and management concepts and bringing a personal participation into it. But that is a long way ahead and certainly Government have considered no plans as far as privatisation is concerned

By the way I have given no thought to this at all, I am just saying that as a general objective if in the years hence you had a situation, and I think the basic feeling of the miners for historical reasons - their passionate desire to have nationalisation is an important factor and I think a factor which they may well in the future - young miners particularly - in view of the future that if it is a successful industry and making good profits, I think they would feel they would like to participate in that. Now there is no Government plan for this, there is no detailed concept of this. It is something which I think personally I dislike the system where people employed in an industry have no direct participation in it and therefore if in the future - this is a personal view - not a government view - there were ways of seeing that happen I would like it. But there is nothing going to happen in the next few years.

Lifetime of the present Parliament?

"No. If you look at the timescale of this government it is a timescale where the difficulties of getting this industry into

-2-

a good and successful shape and one which will take advantage of the very good coal reserves we have got it is certainly going to take the lifetime of this Parliament."

NSPM
AT 613

PRIME MINISTER

4 March 1985

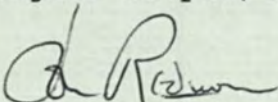
Now that the miners have returned to work, we need a clear line. May I suggest:

The return of the miners voluntarily after a long strike is an historic victory for common sense. For the first time for many years, there is a serious prospect of building a prosperous and expanding coal industry. But it can only expand if we invest in new pits, in low-cost production, and if we close down the most expensive and the outdated.

In 1984/85, an estimated £1,800 million of taxpayers' money has been spent to pay for investment, for the losses incurred by the strike, and to meet the usual bill for uneconomic activity. That's a new peak of subsidy for a major British industry of £180 a week per colliery worker: much more in subsidy per worker than many of the people earn who pay the tax to keep that industry going.

Even last year, before the strike the taxpayer put in £1,145 million in grants, or £115 a week for each colliery worker.

We can no longer afford dear coal, heavily subsidised mines, and a shrinking industry. Together we can build a low-cost, higher output, more successful coal industry.


JOHN REDWOOD

Prime Minister ①

Daily Coal Report - Monday 4 March 1985

5 AT
4/3

	<u>Number</u>
(i) Working normally	54
(ii) Turning some coal	26
(iii) Some men present	81
(iv) On strike/picketed out	13

mb

A further 1,059 new faces reported today, some 260 of them in Yorkshire, 200 in Scotland and the North East respectively, and 175 in Wales. These figures exceeded the Coal Board's expectations.

Area attendances were as follows:-

			<u>Change on</u> <u>last Monday</u>
Scotland	(24 hr attendance)	6,085	+ 651
North East	(24 hr attendance)	over 10,000	+ 1,000
Yorkshire	(24 hr attendance)	10,828	+ 2,386
North Derbyshire	(24 hr attendance)	6,640	+ 129
Western	(morning shift)	7,013	+ 197
South Wales	(morning shift)	1,739	+ 687
Kent	(morning shift)	237	+ 38

Coal Movements

Again the Coal Board moved just over 1 million tonnes last week.

54 coal trains ran on Friday.

Law and Order

No major disorder, though from various locations there were reports of angry exchanges between those still picketing and

working miners. There were also angry exchanges outside certain NUM offices between demonstrators and NUM officials.

In the period up to February 26 there were 9,750 arrests of which 7,879 people were subsequently charged. So far 4,112 have been convicted and 1,416 found not guilty. Almost half the charges were for breach of the peace, though 1,015 were people charged with criminal damage and there were 822 cases of violence ranging from assault on the police to greivous bodily harm.

1,391 police officers have been injured during the dispute.

NUM

Although Scargill predictably claimed today that "guerilla warfare" against the Coal Board would continue all the signs are that tomorrow's return to work will take place on a major scale. Although Scotland and Kent areas have voted to remain on strike, Lancashire, Durham and - most significantly - Yorkshire have endorsed yesterday's delegate conference decision for an organised return.

Line to Take

Draw on today's Parliamentary Statement by Secretary of State for Energy - attached.

Distribution: Members of MISC 101, Paymaster General
Sir Robert Armstrong, Mr Gregson (Cabinet Office)

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 6070

THE COAL DISPUTE

With permission, Mr Speaker, I wish to make a statement about recent developments in the coal dispute.

Yesterday, at a delegate conference of the National Union of Mineworkers, a decision was made to end the industrial action which has been conducted by some sections of the NUM over the past year. The conference decided that there should be a return to work tomorrow.

The Government regret that this unjustified dispute, which has taken place without a ballot, has done so much damage to miners, to mining communities and to the coal industry. Without this dispute, the industry would have received £800 million of capital investment during the past year; miners' pay would have been substantially above average industrial earnings; a thousand firms would have been persuaded to convert to coal; export orders would have been obtained; and any miner in a pit facing closure would have been given the opportunity of continuing to work in the industry or of taking advantage of early retirement provisions more generous than those available in any other industry.

The dispute has inflicted heavy damage on the coal industry, and on those companies which supply that industry with plant and machinery.

However, I am pleased to tell the House that during the period of this dispute, industry at large was able to obtain the energy supplies it required. There were no power cuts due to the dispute, and there are still nearly 12 million tonnes of coal stocks at Britain's power stations.

I would like to express the Government's appreciation to all those people whose efforts have ensured that Britain's energy

supplies have continued to be available.

I believe the country would also like to thank the police who, throughout this dispute, have ensured that organised mob picketing did not deprive people of their freedom to go to their place of work. Sadly, during the dispute, 1,391 police officers have been injured.

It is now vital that the coal industry swiftly returns to normal working and recovers from the damage of the past twelve months.

The National Coal Board have stated that obtaining full safety in all pits is their first priority, so that production can be restored.

Both the National Coal Board and the Government hope that the coal industry will now take full advantage of the considerable opportunities available both at home and abroad.

COVERING SECRET

Copy No ① of 4



Prime Minister ④ 4A
Historical interest

AT
4/3

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

4 March 1985

Dear Andrew

I attach the latest weekly report on coal
and power station statistics.

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

Yours ever
John

J S NEILSON
Private Secretary

COVERING SECRET

1 March 1985

1/14

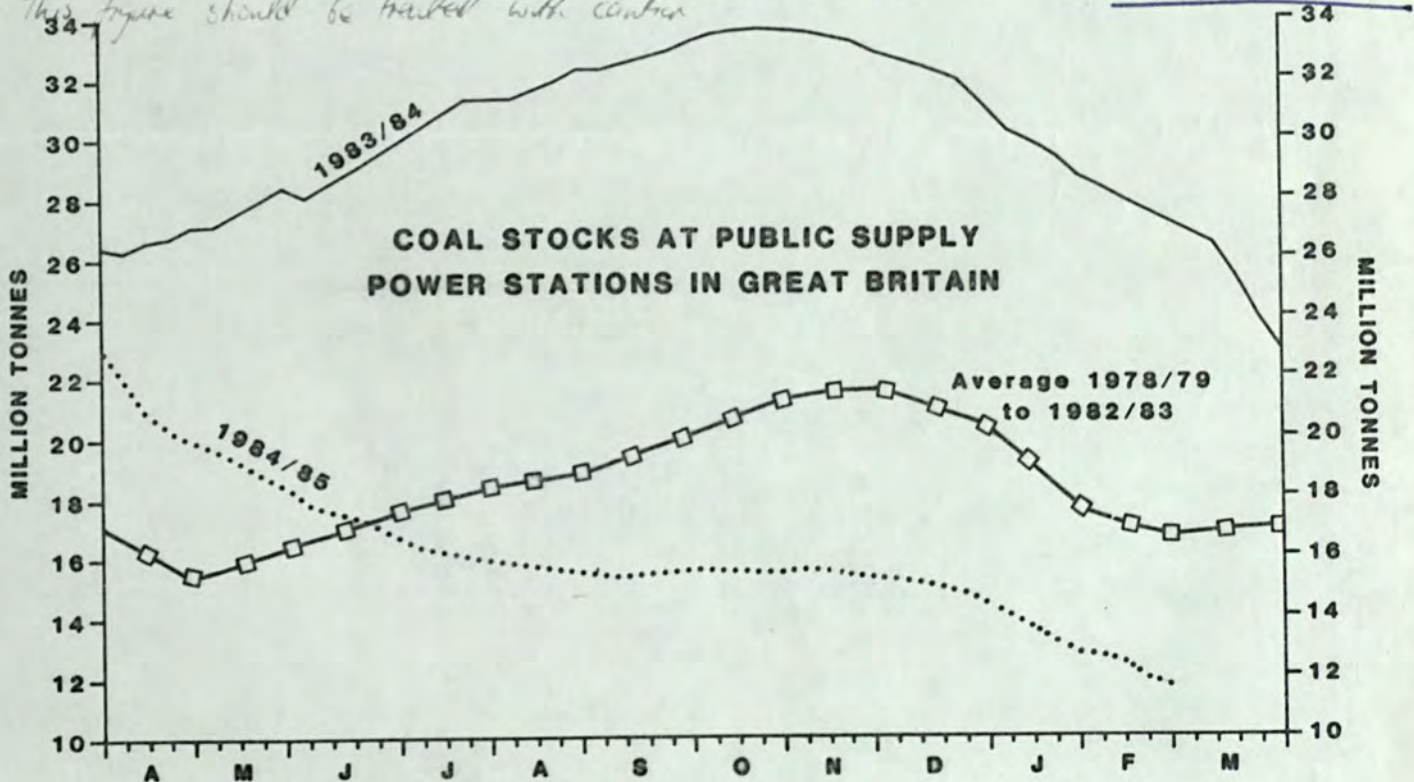
WEEKLY COAL AND POWER STATION STATISTICS (1)

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

Week ending 25.2.84: 2.2.85 9.2.85 16.2.85 23.2.85

C O A L	PRODUCTION						
	(m. tonnes)	deep mines+ opencast+	1.64 :	0.73	0.76	0.74	0.78
		TOTAL	0.29 :	0.27	0.29	0.30	0.32
			1.93 :	1.00	1.04	1.04	1.09
C O A L	PRODUCTIVITY(2)						
	(tonnes/manshift)	'overall' o.m.s	2.29 :	o o	o o	o o	o o
		'production' o.m.s	9.64 :	o o	o o	o o	o o
UNDISTRIBUTED STOCK							
	(m. tonnes)	TOTAL	22.67 :	20.53	20.61	20.74	20.99
P O W E R	COAL STOCKS (m. tonnes)		27.16 :	12.68	12.45	11.87	11.61
	COAL CONSUMPTION		1.90 :	0.78	0.89	1.20	1.00
	COAL RECEIPTS		1.50 :	0.65	0.66	0.62	0.73
P O W E R	OIL STOCKS(3)		1.21 :	1.07	1.08	1.05	1.04
	OIL CONSUMPTION(3)		0.08 :	0.65	0.60	0.63	0.63
	OIL RECEIPTS(3)		0.04 :	0.55	0.57	0.54	0.58
P O W E R	ELECTRICITY SUPPLIED (4) (Gwh)						
	Nuclear		940 :	1,213	1,140	1,113	1,117
	Other Steam		4,619 :	4,348	4,477	5,100	4,674
	TOTAL		5,560 :	5,561	5,617	6,213	5,791
	TOTAL - temperature corrected		5,432 :	5,778	5,617	5,370*	o o

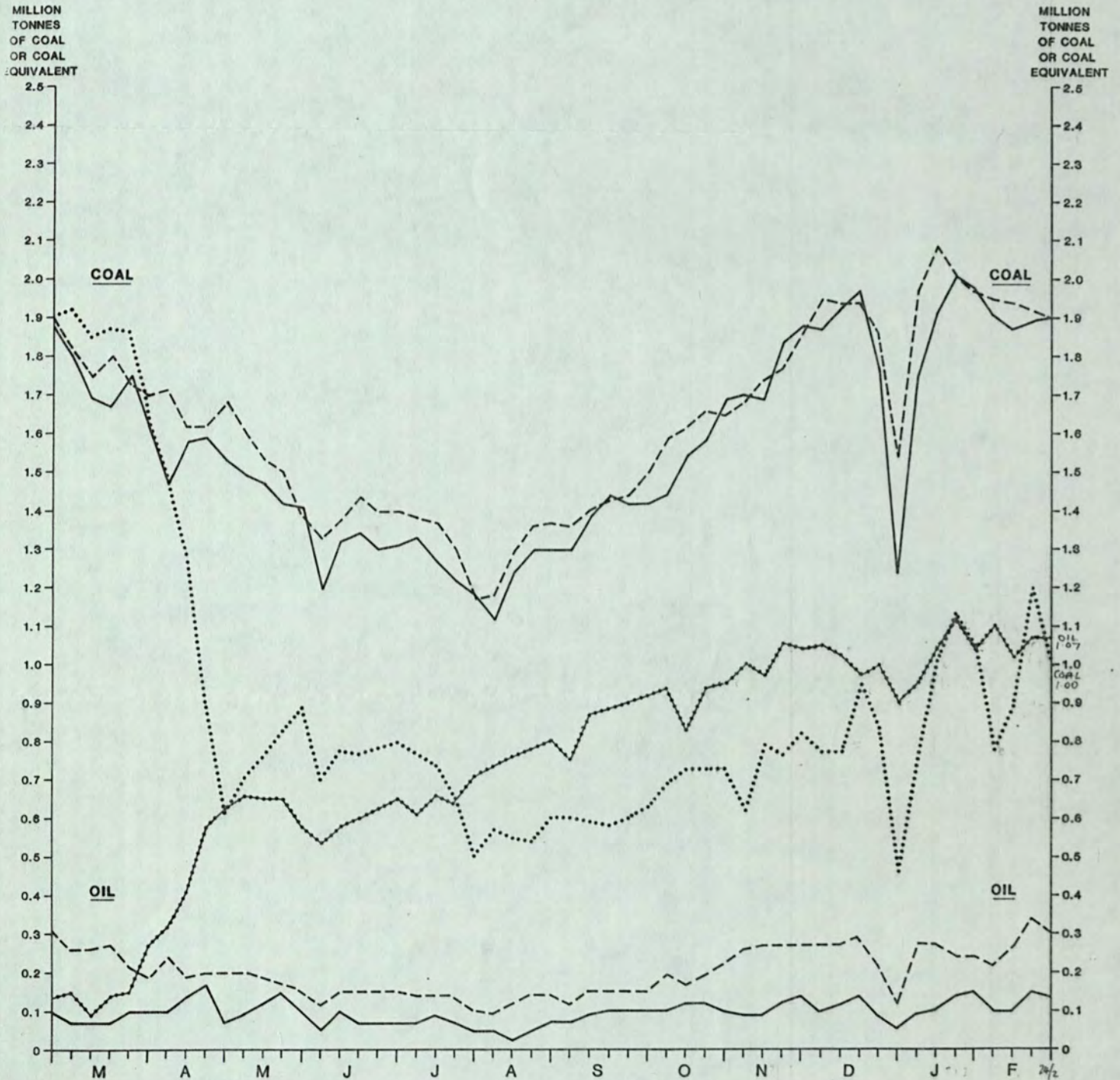
(1) Great Britain unless otherwise stated. All latest figures are subject to revision.
 (2) NCB mines only. (3) Oil-fired boilers only. (4) Steam stations only.
 .. data not yet available. + includes licensed production. * N.3 Abnormally large correction
 This figure should be treated with caution

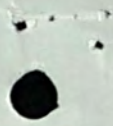


COAL CONSUMPTION AND OIL CONSUMPTION (OIL FIRED)
AT PUBLIC SUPPLY POWER STATIONS IN GREAT BRITAIN

Key

- COAL } March 84 to February 85
OIL }
————— March 83 to February 84
----- Average 1977/78 to 1981/82





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SECRET

4

P.01509

PRIME MINISTER

Mr Gregson envisages that MISC 101 would remain in existence for the time being as a Ministerial forum to discuss this work. It would need to meet only infrequently.

AT 4/3

Lessons of the miners' strike

The question may be raised at this morning's meeting of MISC 101 of whether a study should be undertaken of the lessons of the miners' strike. I am sure that such a study would be valuable covering such matters as endurance, policing, the uses made of the criminal and civil law, and the financial pressures on strikers.

2. If it is agreed that this work should be put in hand, the most convenient machinery for handling it would be the Official Group on Coal (MISC 57) which I chair and which did the earlier studies on withstanding a miners' strike. Soundings last week suggest that this arrangement would be acceptable to officials of the departments mainly concerned.

3. You will no doubt wish to mention this to the Secretary of State for Energy and check whether he is agreeable to the matter being handled in this way.

P L GREGSON

4 March 1985

SECRET

File

Roy Hattersley BBC news
Sunday 3 March

"I'm not suggesting, any more than I've ever condoned violence, that men who've been guilty of acts of grievous bodily harm should be pardoned and forgiven".

Neil Kinnock

News at One

Monday 4 March

KINNOCK BACKS PARTIAL AMNESTY

LABOUR LEADER NEIL KINNOCK SAID TODAY THERE COULD BE NO AMNESTY FOR THOSE MINERS CONVICTED OF "VICIOUS CRIMES" DURING THE DISPUTE.

BUT, IN AN INTERVIEW RECORDED FOR ITN'S NEWS AT ONE, MR KINNOCK SAID A "COMMONSENSE APPROACH" TO GIVING AN AMNESTY TO MOST MINERS SHOULD BE ADOPTED THROUGH THE MINING INDUSTRY'S DISCIPLINARY PROCEDURES.

"THAT IS THE MOST APPROPRIATE WAY TO DEAL WITH THOSE SACKED OR SUSPENDED," HE SAID. THIS SHOULD BE ADOPTED "IN ALL CASES OTHER THAN THOSE GUILTY OF SERIOUS CRIMES AGAINST PEOPLE OR PROPERTY."

HE SAID: "CLEARLY, NO ONE WILL GIVE SUPPORT TO THOSE WHO HAVE BEEN GUILTY OF VICIOUS CRIMES - THERE IS NO QUESTION ABOUT THAT. BUT THAT DOES NOT COVER MORE THAN A TINY MINORITY.

"THE REMAINDER ARE GUILTY, IF THAT IS THE APPROPRIATE WORD, OF EXTREMELY PETTY OFFENCES AND THAT DOES NOT JUSTIFY DISMISSAL."

MR KINNOCK ALSO SAID THAT A NEGOTIATED END TO THE DISPUTE WOULD HAVE BEEN PREFERABLE, BUT THE NACODS AGREEMENT STILL PROVIDED THE BASIS FOR A WAY FORWARD.

NUM DISPUTE: KEY FACTS

PITS WORKING

	<u>Nov 2</u>	<u>Jan 4</u>	<u>Today (4 March)</u>
Working Normally	45	47	54
Turning Some Coal	10	24	26
Some men	26	68	81
Idle	93	35	13
NUM not on strike	53,300	70,000	almost 97,000
	(28%)	(37%)	(52.9%)

EX STRIKERS RETURNING

Start of dispute - end October	5,880	
November - December 1984	16,868	
1985 to date	29 525	(890 today)
	52,273	

COLLIERY FACES LOST

Producing	38
Salvage	22
Development	1

In addition a further 80 faces are causing concern.

WAGES LOST

Per miner £8884. In the industry as a whole £803 million.



NUM WORKING AT BOLSOVER, COVENTRY, IRELAND AND MARKHAM

<u>Colliery</u>	<u>MP</u>	<u>At Work</u> [*]	<u>% of NUM</u> <u>on books</u>	<u>(% on 21/2)</u>
Bolsover	Mr Skinner	829	92.0	(90.7)
Coventry	Mr Nellist	930	80.0	(77.9)
Ireland	Mr Benn	358	53.2	(37.7)
Markham	Mr Benn	1668	81.5	(74.9)

* Numbers paid by the NCB last week.



AMNESTIES IN 1972 and 1974

Line to take

- No comparison can be made between events following the strikes in the early 1970s and the position now.
- Those strikes were official and involved all members of the NUM; there were therefore none of the acts of intimidation and violence against other miners that we have seen in this dispute.

Background

The NCB have no figures available centrally on the numbers of men dismissed or reinstated as a result of the strikes in 1972 and 1974.

Those strikes were "all in/all out" disputes and of short duration. The level of violence was much lower and there was not the friction between different groups of miners that there has been in the past year.

During this dispute 709 men have been dismissed by the NCB.

A breakdown of charges brought in the dispute to the end of February is attached.

Penalties of dispute

THERE have been 9,750 arrests, 10,335 charges relating to the pits strike and 7,874 people charged, according to the Home Office; 5,528 cases have been dealt with, leading to 4,112 convictions and 1,416 acquittals.

There have been 152 prison sentences and 61 other sentences involving some form of custody before or after trial.

The following table shows the number and nature of charges faced by miners by the end of February.

Offence	Number
Section 5 of the Public Order Act (conduct likely to cause a breach of the peace)	4,089
Obstruction of a police constable	1,682
Obstruction of the highway	640
Criminal damage	1,015
Criminal damage with intent to endanger life	4
Arson	15
Assaulting a police constable	359
Assault occasioning actual bodily harm	424
Grievous bodily harm	39
Theft	349
Resisting arrest	19
Offensive weapon	49
Conspiracy and Protection of Property Act 1985	275
Burglary	31
Handling stolen property	1
Drug offence	1
Breach of the peace	207
Breach of bail conditions	32
Attempt (various offences)	18
Drunkenness	62
Unlawful assembly	509
Railway offences	20
Affray	21
Riot	137
Incitement	1
Reckless driving	16
Threat/conspiracy to cause damage	13
Explosive offence	3
Threats to kill	5
Unlawful imprisonment	2
Other offences	294
Murder	3
Total	10,335

SECRET AND PERSONAL

Prime Minister ①

Daily Coal Report - Friday 1 March 1985

	<u>Number</u>
(i) Working normally	54
(ii) Turning some coal	26
(iii) Some men present	81
(iv) On strike/picketed out	13

Hickleton (Yorkshire) has moved from category (iv) to (iii).

By 6.30 pm 1,656 new faces had reported - a record return for a Friday and proof positive that the strike is crumbling. Over 1,000 of these were in Yorkshire.

The total figure for the week is 9,455. In all, over 96,000 are now not on strike, ie 52% of total NUM membership.

Area attendances were as follows:-

			<u>Change on last Friday</u>
Scotland	(24 hr attendance)	5,882	+ 683
North East	(24 hr attendance)	10,762	+ 2,252
Yorkshire	(24 hr attendance)	11,581	+ 3,931
North Derbyshire	(24 hr attendance)	7,182	+ 388
Western	(24 hr attendance)	12,485	+ 374
South Wales	(morning shift)	1,561	+ 1,052
Kent	(morning shift)	212	+ 56

Coal Movements

195,000 tonnes were moved yesterday.

57 coal trains ran.

SECRET AND PERSONAL

Law and Order

Still generally quiet

NUM

Given the influence of Scargill and his fellow extremists it would be foolish to predict the outcome of Sunday's NUM delegate conference - though the decision of South Wales, Durham and Lancashire NUM leaders to recommend a national return to work without an agreement is of obvious significance. Predictably Yorkshire leaders have called for the strike to continue.

Line to Take

It is in the interests of every miner, his family and community that the industry should return to normal working. The final offer made by the Coal Board and conveyed to the NUM by the TUC should be accepted without delay.

Distribution: Members of MISC 101, Paymaster General, Sir Robert Armstrong
Mr Gregson, Cabinet Office.

Enquiries: Michael Reidy, PS/SOS for Energy, Tel: 211 7214



SECRET

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P.01508

PRIME MINISTER

MISC 101(85)9th Meeting: Coal

You will wish to invite reports from:

- i. the Secretary of State for Energy on:
- the number of miners and pits working;
 - coal production and movements last week;
 - outcome of the NUM Delegate Conference on 3 March (at the time of writing S.Wales, Durham and Lancashire areas of the NUM were reported as prepared to recommend an immediate return to work without a settlement);
 - NCB plans for dealing with the situation that would face them if NUM members returned to work without a settlement
(it may be a little early for this but careful handling will be required throughout the industry particularly in the cases of those NUM members dismissed for offences committed during the strike and NACODS. It was reported on 28 February that NACODS members were refusing to supervise Nottinghamshire miners working overtime - thus preventing an effective lifting of the overtime ban. Possible options for NUM guerilla warfare were described in The Times on 1 March);
 - ways of further increasing the numbers returning to work if the strike is not called off
(are any further financial or other incentives possible or desirable?);
- ii. the Secretary of State for Transport on:
- any significant developments in the prospects for rail or sea movement of coal;



SECRET

iii. the Home Secretary on:

- law and order

iv. the Attorney General on:

significant developments in court actions
(it may be too soon to ask him about the dropping
of charges in Nottinghamshire, which he undertook
to look into at last Thursday's Cabinet; the
Chief Constable is now to be sued for damages for
wrongful arrest).

2. There will be an opportunity for discussion under the
Industrial Affairs item at Cabinet on 7 March. The next
MISC 101 has been arranged for Monday 11 March at 5.00pm.

P L GREGSON

1 March 1985



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

1 March 1985

Rear Andrew

POWER STATION ENDURANCE

I attach the latest weekly report.

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

Yours ever
John

J S NEILSON
Private Secretary



POWER STATION ENDURANCE

1 Coal deliveries to CEGB power stations last week amounted to some 0.73mt (including non-NCB sources). Coal burn was 0.98mt and stocks fell by 0.25mt. The Board's stocks on Sunday night (24 February) were 11.12mt with a further 0.49mt at Scottish power stations.

2 Total NCB deliveries last week were estimated to amount to some 1.00mt of which about 0.33mt went to customers other than power stations.

3 The average rate of deliveries to CEGB power stations over the whole period of the strike has been 0.54mt. The average over the past eight weeks has been 0.63mt, but this period includes the New Year holiday when deliveries are traditionally low.

4 The CEGB's estimate of the range of endurance outcomes is as follows:-

Future usable coal deliveries

System Endurance

	<u>80% Oil burn</u>	<u>100% Oil burn</u>
0.30mt/week	mid June	early November
0.40	late July	mid December
0.42	-	January 1986

Department of Energy

27 February 1985

PART 16 ends:-

(5)

cc(85) 7th Conc Min 4 LCA

PART 17 begins:-

ENERGY to AT Power STATS 1.3.85

