

PREM 19/3038

SECRET.

NEW FILE COVER

CONFIDENTIAL FILING.

Dispute between the National Graphical Association and the Stockport Messenger Group.

Print Unions Dispute at Wapping

INDUSTRIAL POLICY

November 1983

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
<del>15.5.86</del>							
<del>20.5.86</del>							
<del>26.1.87</del>							
<del>27.1.87</del>							
2.2.87							
16.2.87							
24.1.90							
13.2.90							

**CLOSED**

PREM 19/3038



PA  
PRIME MINISTER

POLICE COMPLAINTS AUTHORITY REPORT: WAPPING

As you may remember, a copy of this report was leaked a few weeks ago. The summary is to be officially released tomorrow at noon. The report concentrates on operational aspects of the incident and makes the following points:

- there were shortcomings in police command and control; but
- neither police nor organisers expected such a large number of demonstrators;
- there were deliberate troublemakers in the crowd;
- three tonnes of bricks and other missiles were thrown at the police.

AT

ANDREW TURNBULL  
13 February 1990

mb.

A:\PPS\WAPPING.DAS

SEEN by PM

PRIME MINISTER

WAPPING

Following the riot at Wapping on 24 January 1987 officers of the Northamptonshire Constabulary were asked to prepare a confidential report into the conduct of the police. This was made available last autumn to the Police Complaints Authority, the Commissioner of the Metropolitan Police (whom you will be seeing this evening) and to the DPP. It was on the basis of the information in the report that the DPP brought criminal charges against some of the police involved. Charges against six of them were dismissed by the Bow Street magistrate a few weeks ago and a further 15 appear before the magistrate tomorrow.

A copy of this report has been leaked and reported on the BBC news (the timing in the light of the case tomorrow is probably not a coincidence). The report criticises the "violent and undisciplined" conduct of some policemen and criticises the supervision of some of the senior officers.

The line the Met and the Home Office are taking is that the report is being studied and the Commissioner will report to the Home Secretary on any remedial measures.

A note will come over from the Home Office tomorrow in time for Questions.

AT

ANDREW TURNBULL

24 January 1990

PPS\WAPPING

CC 36



CABINET OFFICE,  
WHITEHALL, LONDON SW1A 2AS

Chancellor of the Duchy of Lancaster

Tel No: 270 0020  
270 0296

16 February 1987

Chris Capella Esq  
Principal Private Secretary to the  
Paymaster General  
Paymaster General's Office  
Department of Employment  
Caxton House  
Tothill Street  
LONDON  
SW1H 9NF

WBM

*Dear Chris,*

NEWS INTERNATIONAL DISPUTE AND INDUSTRIAL RELATIONS LAW

Thank you for the copy of your letter of 10 February to David Norgrove. <sup>WITH DN?</sup>

The Chancellor of the Duchy shares the Paymaster-General's concern that it should be kept clear in mind that, insofar as News International took advantage of the law to dismiss those who went on strike, they did so under provisions of long standing; similarly, where News International obtained injunctions against the pickets, this was under common law, not under recent legislation.

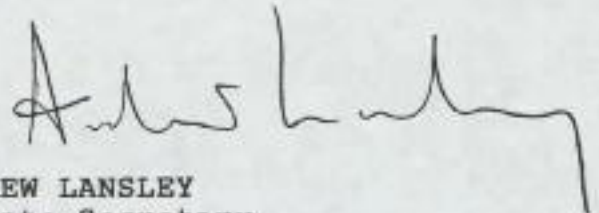
There is, however, the suggestion, particularly in the background note attached to your letter, that the relevance of the Government's legislation in governing such disputes should be played down. The Chancellor would not welcome this. He believes that it is important to recognise that the inability of trades unions to win industrial disputes by means of intimidatory behaviour or secondary action is widely welcomed by the public, and is firmly attributed to this Government's legislation. It would be unhelpful to distance the effects of that legislation upon the climate for industrial relations too far from its application in this particular dispute.

Indeed, the Chancellor notes that it is incorrect to suggest any lack of relevance of the Government's legislation to the dispute,

● since the actions brought under common law would have been ineffective, but for the 1982 Act which opened trades union funds to the Courts.

I am sending a copy of this letter to the private secretaries to members of the Cabinet, Michael Stark (PS/Minister of State, Privy Council Office), Murdo Maclean (PS/Chief Whip) and to Trevor Woolley (PS/Sir Robert Armstrong).

*Your Sincerely,*

A handwritten signature in cursive script, appearing to read "Andrew Lansley".

ANDREW LANSLEY  
Private Secretary

CONFIDENTIAL

ECL



10 DOWNING STREET

LONDON SW1A 2AA

*From the Private Secretary*

2 February 1987

WAPPING

Thank you for your letter of 29 January explaining why the Home Secretary proposes to stick with the date of 1 April for the implementation of the Public Order Act. The Prime Minister has noted this.

P.A. BEARPARK

Stephen Boys Smith, Esq.,  
Home Office.

CONFIDENTIAL

JB



CONFIDENTIAL

53



QUEEN ANNE'S GATE LONDON SW1H 9AT

29 January 1987

Dear Mark,

WAPPING

*ms*  
Prime Minister<sup>2</sup>

*The key point is that the p[ro]c[es]sion would be ready to start the new process until 1 April.*

Thank you for your letter of 27 January.

*MS 307*

The Home Secretary immediately considered the possibility of accelerating the implementation of the Public Order Act in the light of last Saturday's demonstration at Wapping. He decided against bringing the date forward, and in press interviews after his statement<sup>3</sup> said that the relevant provisions would be introduced on 1 April, which was the date which we have been planning to meet.

The reasoning behind this decision is as follows. So far as Wapping is concerned, the Commissioner already has power, under the Public Order Act 1936, to impose conditions on a public procession if he reasonably believes that it will occasion serious public disorder. With the consent of the Home Secretary, he may also ban such a procession if, in his view, the imposition of conditions will not be sufficient to prevent such disorder. The Metropolitan Police have not so far used these powers at Wapping because the marches to the plant have not themselves been the occasion for serious disorder (such disorder has only broken out after the march has reached its destination). Moreover, it is easier to police a relatively orderly march whose route is known rather than to attempt to police various scattered groups seeking to reach the plant independently.

Sections 12 and 13 of the Public Order Act 1986 substantially re-enact the powers in the 1936 Act where a procession is expected to lead to serious public disorder. In addition the police may impose conditions (but not ban) a procession where they reasonably believe that it may result in serious damage to property, serious disruption to the life of the community or the purpose of the organisers is intimidatory (including serious public disorder these are known as "the four tests"). Section 14 of the 1986 Act creates new powers to impose conditions on (but not ban) public assemblies. These powers are exercisable where one of the four tests is met. In such a situation, the police may impose conditions relating to place, duration or numbers. It is important to bear in mind that only such conditions may be imposed as appear to the senior police officer necessary to prevent such disorder, damage, disruption or intimidation. It is also important to bear in mind that conditions are challengeable in the courts by way of an application for judicial review. It is an offence for organisers or participants knowingly to fail to comply with conditions, but it is a defence to prove that the failure arose from circumstances beyond the defendant's control. In such proceedings the defence could also challenge the lawfulness of the conditions.

CONFIDENTIAL

So the new powers over both processions and static assemblies add quite substantially to the range of options open to the police when one or more of "the four tests" applies. These clauses in the Act were not of course drafted with Wapping in mind. It will be for the police, not the Home Secretary, to decide whether, and if so how and when, these powers might usefully be applied to Wapping. (They would of course be applied only to the organisers of the procession or assembly, and would not add to the existing range of powers available against individuals who commit acts of violence during processions or assemblies). The Metropolitan Police will want to consider this carefully, and may well be wary of the early use of new powers subject to judicial review in the highly charged atmosphere of Wapping. This is something on which the Home Secretary will want to keep in informal touch with the police. But he is anxious not to arouse expectation of the immediate use of the new powers at Wapping, which would certainly be the result of bringing forward the date of implementation. The police would then be put into a very awkward position.

The date of 1 April was chosen because the police have strongly urged that this was the earliest possible date because of the need for preparation and training.

Law,  
S W

S W BOYS SMITH

Mark Addison, Esq.,



END POL

WRAPPING

11/83



DS

10 DOWNING STREET  
LONDON SW1A 2AA

From the Private Secretary

27 January 1987

Dear Mr Fittall,

WAPPING

You will remember we spoke this morning about the timetable for bringing into effect the relevant provisions of the Public Order Act. The intention at present is to do so on 1 April. The Prime Minister continues to believe that there is a good case for bringing that date forward, and that supporters of the Government will find it hard to understand why if this is not done. She remains unconvinced that the powers would not have been helpful in the context of last Saturday's demonstration at Wapping.

I should be grateful for an urgent note on this: I hope it will be possible to let us have something by close of play on Thursday.

Yours sincerely,

Julia Bowes

Duty Clerk

pp. Mark Addison

William Fittall, Esq.,  
Home Office.

TO BE RETURNED  
AGAIN TO THE OFFICE

WAPPING: HOME SECRETARY'S STATEMENT: 26 JANUARY 1987

With permission, Mr Speaker, I will make a statement about the disorder at Wapping on Saturday evening.

I understand from the Commissioner of Police of the Metropolis that the disorder followed a march from central London marking the anniversary of the News International dispute. The police estimate that 12,500 people took part. When the march reached Wapping at 7.15, disorder broke out almost immediately. Cordons of police officers in ordinary uniform came under attack with missiles. At about 7.40 a lorry being used by the demonstrators was overturned, and an attempt was made to set it on fire. Disorder then continued for some hours. Missiles were thrown at the police, including rocks, bottles, ball bearings, darts, railings, scaffolding poles and pieces of paving stone. The police used mounted officers, and foot officers in protective equipment, to restore order. I understand that calm returned by about midnight.

In all, 162 police officers were injured. The injuries included a broken bone in the hand, injuries to the face and legs and concussion. Two officers were detained in hospital overnight. I am glad to say that they have both now been discharged. The police know of 40 members of the public who were injured; there will have been others whose injuries did not come to police attention. I understand that 67 people were arrested of whom 65 have now been charged with public order and other offences. 15 of these are print workers.

This is the latest in a series of disturbances connected with demonstrations at Wapping. Over the last year, including last Saturday, 572 police officers have been injured, 1,462 people have been arrested, and over 1.2 million police man-hours have been spent. The total additional policing cost up to the end of 1986 is estimated at £5.3 million.

It is clear that some of those attending Saturday's demonstration armed themselves with ferocious weapons intent on violent attacks against the police. No serious attempt was made to stop the lorries leaving the plant, and they were able to do so without significant difficulty.

It also seems clear that the organisers of these demonstrations are unable to prevent violence or to control the activities of all their supporters. They must now find some other way of making their point, without providing occasions for violence and disorder.

I have conveyed to the Commissioner my full support for the action taken by the Metropolitan Police to deal with this disgraceful incident, and my sympathy for the police officers who have been injured. The vicious attack on Saturday evening had nothing to do with peaceful protest or the peaceful furtherance of a dispute within the law. I trust that it will be condemned unreservedly by both sides of the House.

PRIME MINISTER

David Norgrove 'phoned at midnight last night about Wapping. He said there were between 10 and 12,000 demonstrators; 40 police were injured, 20 of them taken to hospital but none serious; 10 demonstrators were injured; 48 arrests. The crowd was beginning to disperse at that time.

60 medical  
attention

? any more?

Barbara

25 January 1987

3

CONFIDENTIAL

②

*One Rint  
to note.*

Ref. A086/1495

MR WICKS

*N.L.W.  
20.5.*

attached Thank you for your note of 15 May about IAG(86) 9.

2. The three people mentioned in paragraph 2 of that report are known to the police. One of them, Bill Hicks, has been charged with a specific act of violence at Wapping. The evidence about the other two is not, in the police view, sufficient for any charge to be brought.

*REA*

ROBERT ARMSTRONG

*mt*

20 May 1986

CONFIDENTIAL



FIND POL

WAPPING DISPUTE

11/83

SECRET



10 DOWNING STREET

*From the Principal Private Secretary*

SIR ROBERT ARMSTRONG

IAG(86)9

The Prime Minister has read with interest the industrial assessment prepared by the group of officials on Wednesday 14 May. She has asked, in connection with the statements in paragraph 2 about the organisers of the attack on the Wapping main gate, whether this information is being used to bring the relevant people to court.

N L Wicks

15 May 1986

SECRET

MS2BWY

file

1

A handwritten signature or set of initials, possibly 'N.L.W.', written in the bottom right corner of the page.

PM's Comments on  
Cedewood.



10 DOWNING STREET

Is the information  
in para 2 being used to  
bring the relevant people  
to court?  
no

1A9 (86) 9

14.5.86

Subversive Activities in the  
Print Unions - Dispute at  
News International.



pa.

10 DOWNING STREET

cc Bernard Ingham

I hope you were consulted about this. If you weren't, complaints please to Hester Muckton in the first instance.

The PR has double underlined "woo" so I take it she is not averse to a meeting. Perhaps you could keep in mind.

DWS

THE NOESGROVE

25/9.

Thank you. I was totally unaware of this. I am sure the PR will wish to help such discreetly. We shall give the new paper the usual service, and will try to be helpful. I have my own views about "wooing" newspapers. I would like to be in many meetings with Strat. Graham 25/9

PRIME MINISTER

## EDDIE SHAH'S NEWSPAPER

Eddie Shah came to lunch today. His new newspaper, as yet unnamed, will be launched in the first weeks of March next year, with an initial print run of 1,500,000 copies with high-quality colour on front, back and centre pages.

Cover-price will be 18p: he could have done it for 12p, but he is anxious to get the newsagents on his side by giving them 33% rather than the 28% offered by other papers.

Advertising rates will be only one-fifth of those in other Fleet Street papers. A full-page monochrome ad will cost £4,800, compared with £23,000 or more for the Express or Mail. The price advantage is still stronger with colour: a full page in colour will cost £9,600, or less than half the Fleet Street monochrome rate. At these figures, Shah will capture a considerable amount of advertising from television.

Production will be almost entirely non-union. There will be no typesetting: journalists will type their copy into a computer; the copy will be sub-edited and page-planned on screen and automatically film-set to the specified font and measure.

Printing will be on modern presses based initially in three locations: London, Birmingham and Manchester. Later, further presses will be installed at Bristol, Brighton and Carlisle.

Colour quality will be achieved by using heavy-grade, 52-55 gsm paper and first-class origination using Crosfield computerised

C O M M E R C I A L - I N - C O N F I D E N C E

enhancement, merging and scaling. Graphic design will be to magazine standard, with regular use of pictures and diagrams. On most days, the news story of the day (eg the Mexican earthquake, or Prince William's first day at school) will be on page 1.

Distribution will bypass the rail and road unions altogether. Printing will start as late as 10.30 pm, thanks to the locally-based presses, and copies will be delivered by road to 200 franchisees each distributing to 200 newsagents.

Borrowings of less than £10m., raised from friends such as Charles Forte, will achieve all this. ICFC were unwilling to help because they were frightened of the unions, but no part of the operation will be vulnerable to union action, and the minimal capital base and overhead will ensure that existing proprietors will be unable to undercut Shah's operation. However, he does expect competition from other new start-ups within two years.

Politics will depend on the individual issue: the paper will not, as others do, declare itself for a particular party and toe the party line regardless. Each issue will be treated on its merits. There have been some suggestions that the new paper will take an SDP line. Shah says this will not be the case. He puts such rumours down to the fact that John Harris is on his board. He appointed Harris not for political reasons but because Harris was one of a very small handful of people who helped him during his dispute with the unions at the Stockport Messenger. Harris apparently used his contacts among Chief Constables to ensure that Shah's building was properly defended against union mobs.

C O M M E R C I A L - I N - C O N F I D E N C E

Shah described himself to me as "an absolute, out-and-out Thatcherite", but he has one or two reservations. First, he says the Government did very little to make sure his building was defended by the police. He says Andrew Neil had to ring Leon Brittan personally and beg him to send in police; otherwise, nothing would have been done and he would have lost the battle. Secondly, he feels the voters are becoming bored with the Government because, despite the radical promises, "nothing is happening. For two or three years, nothing has happened." He would like to see the Government setting the pace with some radical but reasonable policies: in particular, he thinks there should be "people tax-allowances, not capital tax-allowances": the Government should find ways of giving companies the cash incentive to get unemployed people back to work. En passant, Alan Walters has already been talking to David Young about some practical and politically achievable ways of helping the unemployed.

One thing was very clear from our conversation: whatever else happens, Shah is very anxious that there shall never be another Labour Government. He says he is willing and able to print facts about Labour, and particularly any Soviet connections, which other newspapers cannot print because of censorship by the print unions. If we can give him hard facts, he will use them. Furthermore, although he is determined not to be seen as a union-basher, he thinks that the trades unions have done untold damage in this country and that the steady implementation of reforms designed to bring them under the same law as everyone else should be continued.

C O M M E R C I A L - I N - C O N F I D E N C E

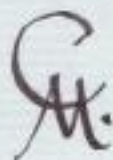
Shah will not be an interfering proprietor: but his editor, Brian MacArthur, and his staff will be expected to listen to ordinary people and reflect their views to Government and the big institutions, which, he thinks, are out of touch with popular feeling. Above all, his new paper will support all genuine democratic systems and the freedoms which flow from them, a theme he got from Norris McWhirter, whom he calls "my guru".

Shah is honest, forthright, articulate and very likeable. He has had a good Press since he announced the launch of his newspaper. Even the Guardian (see the attached cutting from today's paper) has a good word for him. My guess is that he will become a regular, popular and well-headed performer on television once his paper is established. When it is running profitably, he intends to use the profits to move on and do something new.

If his paper does as well as I think it will, and if it wins the acceptance and then the trust which I think it will, it will carry considerable weight in the run-up to the next Election. That weight ought to be on our side, but we shall have to woo it.

Though Shah's anxiety to steer clear of visible involvement with any one political party will make him very reluctant to accept an invitation to meet you unless it can be guaranteed that the fact of the meeting will be kept confidential, I recommend that you invite him in for an early meeting.

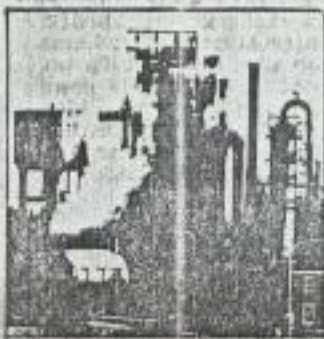
CHRISTOPHER MONCKTON



24 September, 1985



# On to the big time with the guy from the sticks



**WORKING**  
**Sep BRIEF 24**  
**GOVERNMENT**  
**John Torode**

THE WAY Eddy Shah tells it, things started to go wrong with the print unions over the annual Christmas party.

"The National Graphical Association chapel came up and said they wanted overtime to attend the party because it was on a day off. They also wanted transport. I thought that was a bit unfair because we were a small company and it was costing us £1,500—we give away TV sets and things as prizes—and there they were asking to be paid to come," he says.

Shah shakes his head in mock amazement. "It took about two-and-a-half days of negotiation before we had the nerve to say no. And it was a major decision. We'd heard about the NGA and what they could do."

Very similar stories abound in the gossip shops of Fleet Street—except that they usually end with a face saver and a sweetener. Eddy Shah, a provincial publisher of freesheets and relatively new to the business of living with some of the toughest unions in the land, did not compromise.

The row spilled over into a complex squabble about new technology, closed shop deals, secondary picketing and the first major test of Conservative industrial relations legislation. It ended in nightly scenes of televised riots, arrests, legal boycotts and the NGA £1 million out of pocket. It also demonstrated that the Government would use the police power necessary to uphold the new law while the TUC was a busted flush for those who wanted industrial action to smash Tebbit's Law.

It was a bloody and unpleasant battle precisely because it was a test case. Shah's wife was dangerously ill during the dispute. He recalls union activists with loud hollers giving his home address to the mob. (Picket-

were born in England, and he is married to an Englishwoman. But his grandfather's origins were in a disowned branch of the Aga Khan's family.

Shah won, and in doing so became a hero to hundreds of honourable and enterprising small businessmen, to the Institute of Directors set and—it should be said—to those who deep down hate, loath and despise trade unionism and all its works. He equally became the pantomime villain to thousands of union activists. Like a character out of a Bateman cartoon he became The Man Who Tested Tebbit's Law.

Today he insists that he was not on a crusade. He had never thought much about unions. Just a vague feeling "like most people annoyed by the winter of discontent and the three-day week that those trade union leaders are telling us what to do again."

Far from looking to take on the unions, Shah insists that his company was in a state of "blind panic" in the early days of the dispute. It was, he says, only

**As well as the unions, he resents the civil servants, the banks, the big institutions which don't have to take risks**

when his secretary came across a leaflet from the Department of Employment explaining the new rights that he thought: "Christ, that could just apply to us." Indeed, it did.

The next chapter has Mr Shah, "the guy from the sticks," putting himself about to raise the capital to launch the most modern national newspaper ever, bypassing Fleet Street and the established print unions. To the fury of those left wing bodies, the Hungarian state bank came up with crucial investment and guarantees and, Shah insists, the Hungarians have ignored union calls to cancel the deal.

Shah's News (UK) Ltd negotiated itself one of those controversial single-union, no-strike, pendulum arbitration deals with the electricians' union. "There's no doubt about it, people at work do need a protective device, if they want one. The KEPTU can be a tough union and I'm going to have my clashes with them but based on logic and commonsense."

It will be based, too, on Shah's idea of the single

work out the details because I want everybody to be able to buy in for peanuts and I don't want them clobbered for tax."

Recently the two print unions, the NGA and SOGAT 82 wrote to Shah seeking talks about recognition. There have been rumours that Shah, having flexed his muscles, is now prepared to cut them in. He denies it.

Shah has just written to both unions rejecting recent peace overtures. "There is no point in talks", he says. "We've done our deal with the EETPU—we've got a single union agreement."

SOGAT 82 asked whether that applied to contract printing and to distribution. "That really is not up to me", according to Shah. If SOGAT 82 wants to talk to those who print for him under contract, or the 200 tiny family concerns which he will franchise to distribute for him, then that is fine by him. But, he adds ominously, "If the unions try to barricade us in again, then I don't think anybody is going to want to talk to them". Mr Shah may insist he is no crusader. But he is certainly not ducking another fight.

Crusader or not, Shah does have a way of letting his heart dictate to his tongue. He is the first employer in my experience prepared to say openly that a split in the TUC is inevitable and the sooner it comes the better. It is not the sort of reaction to endear him even to moderate union opinion.

Asked why he jumped from a small provincial pond to the Fleet Street big time, Shah tends to answer that it seemed like a good idea at the time, or that it is like climbing Everest—you do it because it is there.

Behind that is a belief that "the spirit of adventure" has gone out of Britain and much of the fault can be laid at the union door. "They don't want people to do better, they just want people to be equal."

But the bitterness runs broader. As well as the unions he resents the civil servants, the banks, the big institutions "which don't have to take risks."

Neither is he happy with the performance of Mrs Thatcher. "If I have one criticism of this government—and it runs deep—they have not, for all the rhetoric, helped small businesses. Everybody says Maggie Thatcher gave Eddy Shah the opportunity, but people are still strangled by red tape, by the inability of those in safe secure jobs for a lifetime to see that, unless they give the risk-takers their chance, nothing is really secure."

## John Torode

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It was a bloody and unpleasant battle precisely because it was a test case. Shah's wife was dangerously ill during the dispute. He recalls union activists with loud hailers giving his home address to the mob. (Picketing a man's home has been a criminal offence for more than a century.) He recalls the bricks through the office windows. He notes with distaste the point at which the unions and the Communist Morning Star started to play up his Islamic name, Selim. Both Shah and his father

Who Tested Tebbit's Law.

Today he insists that he was not on a crusade. He had never thought much about unions. Just a vague feeling "like most people annoyed by the winter of discontent and the three-day week that those trade union leaders are telling us what to do again."

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### As well as the unions, he resents the civil servants, the banks, the big institutions which don't have to take risks

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It will be based, too, on Shah's idea of the single status company. He has private medical insurance. So will all employees. Until recently he did not have a company pension because it could not be extended to everyone on the books. He intends to introduce a profits-related share option scheme. "It's taking time to

SOGAT 82 BEHOLD whether that applied to contract printing and to distribution. "That really is not up to me", according to Shah. If SOGAT 82 wants to talk to those who print for him under contract, or the 200 tiny family concerns which he will franchise to distribute for him, then that is fine by him. But, he adds ominously, "If the unions try to barricade us in again, then I don't think anybody is going to want to talk to them". Mr Shah may insist he is no crusader. But he is certainly not ducking another fight.

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But the bitterness runs broader. As well as the unions he resents the civil servants, the banks, the big institutions "which don't have to take risks."

Neither is he happy with the performance of Mrs Thatcher. "If I have one criticism of this government—and it runs deep—they have not, for all the rhetoric, helped small businesses. Everybody says Maggie Thatcher gave Eddy Shah the opportunity, but people are still strangled by red tape, by the inability of those in safe secure jobs for a lifetime to see that, unless they give the risk-takers their chance, nothing is really secure."

And that, says Shah, is why his editor, Brian MacArthur, has been given only two instructions: "To support our democratic system and all the freedoms it entails, and to reflect what ordinary people feel so that they can influence the politicians and the big boys."



pa  
Dud  
1979

10 DOWNING STREET

*From the Private Secretary*

Prime Minister

Lord Marsh telephoned in his  
capacity as chairman of the  
Newspaper Publishers Association.

He had just received a letter  
from the Observer announcing their  
withdrawal from the NPA civil  
action against the NGA for  
damages of £4m.

Lord Marsh said that despite this

break in solidarity the NPA  
would be continuing with  
their action.

DWS  
7/9

PS: The above has now been  
confirmed in writing - see  
attached letters.

# The Newspaper Publishers Association Ltd.

6, BOUVERIE STREET, LONDON EC4Y 8AY

*From the Chairman* The Rt. Hon. The Lord Marsh

TELEPHONE: 01-583 8132

I. Murray Esq.,  
Press Office  
10 Downing Street  
Westminster, S.W.1

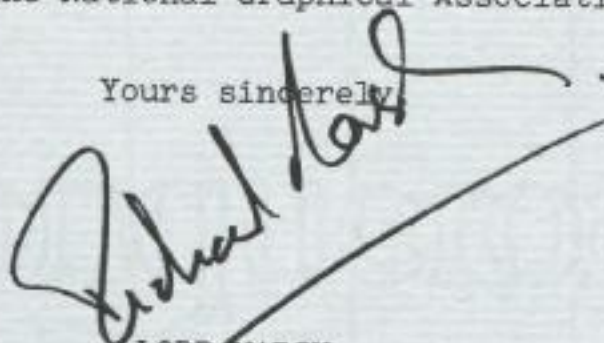
7th September 1984

Dear Mr. Murray,

Herewith a copy of the Observer letter, which is self-explanatory.

Despite the decision of the Observer, a special meeting of the N.P.A. Council agreed this morning to continue with the action against the National Graphical Association without the Observer.

Yours sincerely,



LORD MARSH  
Chairman

# THE OBSERVER

REGISTERED OFFICE 8 ST ANDREWS HILL LONDON EC4V 5JA TELEPHONE 01-236 0202  
TELEGRAMS OBSERVER LONDON EC4 TELEX 888983  
THE OBSERVER LIMITED REGISTERED NUMBER 146482 ENGLAND

FROM THE JOINT MANAGING DIRECTOR

5 September, 1984

The Rt. Hon. The Lord Marsh,  
Newspaper Publishers Association Ltd.,  
6 Bouverie Street,  
London, E.C.4.

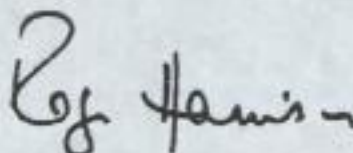
*Dear Dick,*

re: Legal Action against N.G.A.

The management of The Observer has given full re-consideration to the pending legal action by the members of the NPA for substantial damages against the National Graphical Association. We have decided that in the interest of good industrial relations in the national newspaper industry it would not be beneficial to proceed with the action. The Observer has, therefore, decided to withdraw.

I am sending a copy of this letter to Mr Wade at the N.G.A. for their information.

Yours sincerely,



Roger Harrison  
Joint Managing Director.

*NGA dispute*

From THE PRIVATE SECRETARY

*cc BI*



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

15 December 1983

*Den Barnby,*

The Home Secretary has it in mind to make use of a speaking engagement in his constituency tomorrow evening to comment publicly on the general issue of the closed shop against the background of events at Warrington, but without referring to the particular matters at dispute there.

He would be grateful for your Secretary of State's ... agreement to the attached text, which he would like to issue before lunchtime tomorrow.

I am copying this letter and its enclosure to Andrew Turnbull (No 10).

*Yours ever,*

*Hugh Taylor*

B. Shaw, Esq.

**E.R.**

EXTRACT FROM A SPEECH BY THE RT HON LEON BRITTON, QC., MP., HOME SECRETARY,  
TO A MEETING OF BUSINESSMEN AT POTTO HALL, POTTO, NORTHALLERTON, ON FRIDAY,  
16 DECEMBER 1983

RELEASE TIME: 8 P.M., FRIDAY, 16 DECEMBER 1983

ENDING THE CLOSED SHOP

We must all warmly welcome the way in which the TUC has refused to support unlawful action by member unions. In a lawless state there would be no trade unions. So no-one has more to lose than trade unionists if the rule of law ultimately does not prevail.

But the Warrington dispute arose about something other than the rule of law and something which should equally preoccupy responsible trade unionists: the closed shop. I do not today intend to comment on the details of what is disputed between Mr Shah and the NGA. But there are important lessons about what is at stake there which all concerned should reflect upon.

For the closed shop is itself, however enforced, a flagrant and fundamental denial of individual liberties. Our employment legislation has rightly been aimed at curbing the worst abuses which the closed shop brings with it. But while trade unionists go on believing that they can rightfully insist on the unionisation of their fellow workers this issue will continue to poison industrial relations. No-one should have any doubt that, however temporarily comfortable for those who benefit from their enforcement, the suppression of individual workers' rights which closed shop agreements involve is not only morally wrong but deeply damaging to the economy and jobs.

Wherever the closed shop has flourished over the years it has killed existing jobs and aborted new ones. It is no coincidence that the most heavily unionised sectors of our economy, and particularly those where the closed shop prevails, are generally sectors where old jobs have died and new ones are not coming into existence. The printing industry is a classic and topical example.

The closed shop is seen by the unions which enforce it as a means of forcing up their members' wages and determining their conditions of employment at the expense of profits. But it is no less at the expense of jobs. By restricting the supply of available labour, they try like any monopoly would, to raise its price. Yet because not even a Government which abdicated all financial



discipline could finance ever higher wage inflation indefinitely, the cost of higher real wages unmatched by higher profits and productivity must in the end be fewer jobs. Those who use the closed shop to impose their own price on their own labour do so at the expense of the profits needed for tomorrow's investment and tomorrow's jobs. And they do so, too, at the expense of all those who might otherwise be employed if the rigid wage structures and restrictive practices which such unions enforce did not apply. That is why there is nothing fraternal in the closed shop.

But the closed shop is not only wrong and selfish - it is also foolish, not least for those within it. For, like every rigid monopoly, it contains the seeds of its own destruction. Immunity from the forces of competition within the labour market, as within any other market, can only be secured temporarily and at an ever increasing and ultimately intolerable cost. Change there has to be, unless whole industries are to die. And if and when they do the final cost of the closed shop is economically and socially disastrous.

It is all too easy to see how those who have few qualms about infringing the rights of their fellow workers within a firm, should have even less about trying through blacking or other kinds of secondary action to enforce their will at the expense of thousands of workers outside it. Our Employment Acts have provided recourse to the courts against those who behave in that way. But it is only when the members and leaders of every trade union recognise that the closed shop itself stands in the way of freedom and of jobs that we shall see an end of it. This is the lesson from Warrington which every responsible trade unionist should learn and remember.

Prime Minister

I hope it does become

Ref. A083/3445

MR BUTLERExcellent - what known  
5 reads?  
mf

FERB

13.12.

The Prime Minister will be aware of the leak to the Guardian (30 November) of Mr Quinlan's note of a conversation which he had with Sir John Donaldson, the Master of the Rolls, before he (Mr Quinlan) took up his appointment as Permanent Secretary to the Department of Employment. The Lord Chancellor sent the Prime Minister a copy of his letter of 30 November to the Foreign and Commonwealth Secretary about this.

2. The Prime Minister will wish to know that the civil servant who leaked the note has been identified and interviewed, has confessed that he sent the document to Time Out, and has been dismissed.

3. No steps have been taken to publicise this dismissal. If, however, the press find out about it and seek confirmation, that confirmation will be given.

4. I am sending copies of this minute to the Private Secretaries to the Lord Chancellor and the Foreign and Commonwealth Secretary.

RA

ROBERT ARMSTRONG

13 December 1983

The PM's question has now been answered.

FERB

14.12.



1. JF  
2. File

Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213.....6400.....

Switchboard 01-213 3000

Andrew Turnbull Esq  
Private Secretary  
10 Downing Street  
LONDON SW1

9<sup>th</sup> December 1983

*Dear Andrew,*

STOCKPORT MESSENGER DISPUTE

This note records the latest developments in the dispute.

The negotiations between Mr Shah of the Stockport Messenger Group of Newspapers and the NGA, which have been taking place since Monday under ACAS Chairmanship, broke down without agreement in the early hours of this morning (Friday). The sticking point was the NGA demand for a post entry closed shop, which Mr Shah refused to concede.

On the issue of the six dismissed strikers at the Stockport plant there was the prospect of an agreed solution on the basis that the Stockport plant passed out of Mr Shah's ownership either by being sold off or by being turned into a co-operative. However, the NGA were unwilling to reach agreement on this issue unless Mr Shah also agreed to a closed shop at Warrington and Bury.

Following the breakdown of negotiations, the contempt proceedings in the High Court in Manchester, which were adjourned last Friday at the request of both Mr Shah and the NGA, were resumed this morning. The Court fined the NGA a total of £525,000 (£150,000 for the unlawful picketing which occurred between 22 and 24 November and £375,000 for the unlawful picketing between 29 November and 1 December, including the night of violence of 29/30 November). This brings the total fines to £675,000 since the dispute began.

Because all the union's funds have been sequestered the fines can be (and have been) extracted without the possibility of union obstruction. At this morning's hearing the Court ordered the NGA, at the sequestrators' request, not to move any money into or out of the NGA account with the Bank of Ireland in Dublin. The High Court is to deal next Wednesday with the union's request that a limit be put on the extent of



the funds which are sequestrated (so as to allow the union to meet its commitments to pay salaries etc) and also with various requests from the sequestrators for orders to compel the NGA to reveal the whereabouts of share certificates and property deeds.

The National Council of the NGA is meeting tomorrow. The General Secretary has threatened that the Council may well decide to extend industrial action including possibly to Fleet Street and provincial newspapers. Such action, or any further picketing at Warrington, would be unlawful.

My Secretary of State does not propose to comment on these developments this weekend. There is no prospect of an early return to negotiations between Mr Shah and the NGA. It is now for the NGA to decide what course it should adopt in the light of its failure to secure an agreement with Mr Shah and of the injunctions which lie against it both at Warrington and in Fleet Street.

I am copying this letter to the private secretaries to all Cabinet Members.

*Yours sincerely,*

*John Little*

*for* J B SHAW  
Principal Private  
Secretary

CONFIDENTIAL

AT

Ref. No: EM(83)17

8th December 1983

The origins and escalation of

THE NGA/STOCKPORT MESSENGER

DISPUTE

Conservative Research Department,  
32 Smith Square,  
London SW1  
Tel. 222 9000

Enquiries on this brief to:  
Gilbert Gordon

Over a period of some ten years Mr. 'Eddie' Shah has built up a small empire of five free newspapers in the North West. His papers have a total circulation of some  $\frac{1}{4}$  million and his annual turnover is around £5 m per year.

In 1980 he opened his own typesetting company in Stockport, for which he employed 8 members of the National Graphical Association and signed a closed shop agreement. Total hours per week amounted to  $37\frac{1}{2}$ , but included one arduous shift of 15 hours; the pay took account of this. In 1982 a revised agreement was negotiated with the NGA Chapel, who led Mr. Shah to understand that the NGA branch would simply rubber-stamp the agreement.

Mr. Shah now started up a newspaper and typesetting company in Bury, in connection with which he signed a provisional closed shop agreement with the NGA. Although the hours at Bury were less arduous than at Stockport, the NGA now insisted that the Bury employees should be paid the same rate as the people at Stockport, and disowned the wages agreement reached with the Stockport Chapel.

In Mr. Shah's own words 'it was the first time I had seen the union behave like that; I was very frightened', and he revoked the closed shop agreement at his Bury works 'solely as a defensive move' (Sunday Times, 4th December 1983).

Relations went from bad to worse, and, expecting a strike to be called at any moment, Mr. Shah started training his non-union typists to operate typesetting equipment: 'as negotiations dragged on and the NGA kept threatening to close us down, we decided we had to protect ourselves. We wanted to be in a position where we could produce our newspapers if the NGA threatened a stoppage' (ibid.).

At this stage Mr. Shah set up a printing works at Warrington - the scene of recent mass picketing. He (allegedly) intended to work with the NGA at Warrington, but changed his mind when it became clear that he would have to employ 15 men to do the work of six. It was apparent that 'bloated manning levels, an NGA monopoly of the typesetting keyboard, union control of who he employs and the technology he uses - the litany of Fleet Street's absurd practices - were being wished on him' (ibid.). He therefore decided to employ non-union staff at both Bury and Warrington, but granted the NGA access to his employees for the purpose of discussing the question of a closed shop.

Finally, in June 1983, a secret ballot was held among Mr. Shah's staff to determine their views. The rejection of a closed shop was unanimous. In the recollection of employees, 'the staff weren't interested in joining the union because we work for such a good company', and the NGA 'kept talking about democracy, but all it seemed to mean was that we would be fined if we broke their rules' (ibid.).

At the beginning of July the NGA responded to its failure to win over the workforce by ordering its eight members at Stockport to withdraw their labour. Initially all eight came out on strike; the 'Stockport Six' who remained out were sacked after three weeks by Mr. Shah.

The issue of the closed shop is particularly important to the NGA in its defence against the advance of new technology:

'it fears that without strong union organisation it will be wiped out by new technology ... there are three main areas where the union's traditional role is threatened. First and most dramatically, direct input by journalists and tele-ad personnel on national and provincial papers could simply bypass thousands of NGA jobs.

Second, new technology has led already to the growth of an alternative printing industry of instant print shops and in-plant printing operations in local government, banks, insurance companies.

Third, the computer typesetting systems now common throughout the industry make the long craft apprenticeships for typesetting unnecessary.

The latter point is well illustrated by the Stockport Messenger. The company has orthodox computer typesetting equipment which is now being operated by four young women and one man straight out of secretarial college.

Mr. Steve Hart, a Messenger director, said they achieved a competent level of skill after just two weeks. The standard NGA apprenticeship is four years and during much of that time the apprentice is only semi-productive' (Financial Times, 5th December 1983).

The closed shop is considered vital in giving the NGA complete control over manning levels, the union rule number 43 specifically lays down that 'a member shall not perform any work that has either been received from or is going to an unrecognised office'. As Section 14 of the 1982 Employment Act removes immunity from being sued from anyone who organises industrial action on the grounds that work has been 'or is likely to be done by non-union members' or that the supplier 'does not recognise, negotiate or consult with trade unions or officials', a collision between the NGA and the law over the Stockport Messenger Group of newspapers was virtually inevitable.

It is inconvenient to the NGA that 'Mr. Shah does not fit the Dickensian identikit employer. He pays decent wages, provides good conditions and has created 120 jobs from scratch in a part of Britain where the dole queues are among the longest' (Sunday Times, 4th December 1983). He also runs a profit-sharing scheme for his employees. To the NGA all this smacks of paternalism and can only undermine the union's status among the workforce.

The NGA's next move was to persuade the NUJ to instruct its members to refuse to handle copy processed by non-NGA labour.

Mr. 'Eddie' Shah, owner of the Stockport Messenger Group, was granted an interim injunction by the High Court in Manchester against this secondary action. Although the injunction was ignored by the NUJ, Mr. Shah persuaded journalists to cross the picket lines, and work at the Stockport Messenger continued.

The NGA then attempted to persuade suppliers and advertisers to boycott the Stockport Messenger Group of newspapers.

Friday, October 14th. Manchester High Court granted two injunctions to Mr. Shah ordering the NGA to cease interfering with the SMG's business, in accordance with the terms of the 1980 and 1982 Employment Acts.

Thursday, November 17th. Manchester High Court ordered the NGA to pay a fine of £50,000 for its failure to comply with the injunctions of October 14th.

Tuesday, November 22nd. The NGA executive decided not to pay the fine.

Friday, November 25th. The High Court in Manchester ordered the seizure of the NGA's assets in order to meet the original £50,000 fine, and a further £100,000 fine imposed now for contempt of court in refusing to pay the £50,000 fine.

At the Court of Appeal in London later that day, the Master of the Rolls (Sir John Donaldson) refused the union's application for a stay of the High Court order when the NGA declined to give undertakings that:

- (a) it would pay the two fines if they were upheld at a further appeal hearing; and
- (b) the union would not dissipate its assets before the appeal was heard.

The Court took steps to confiscate £150,000 of the union's funds, plus an additional £25,000 to cover its costs. This has been achieved.

Sequestration of the NGA's total assets was suspended pending the expected appeal on Wednesday 30th.

Fleet Street members of the NGA walked out in response to these two rulings, stopping production of national newspapers for two days.

Sunday, November 27th. All national daily and Sunday newspapers issued writs for damages against the NGA for the loss of their Saturday and Sunday editions. The total revenue loss caused by the weekend's disruption has been put at £10m.

NGA printers employed by the Daily Express, Daily Mirror, Daily Star, The Sun, The Times and the Sporting Life were dismissed for breaching their contracts of employment and subsequently failing to give assurances of normal working.

Monday, November 28th. Fleet Street members of the Newspaper Publishers Association were unable to mention their unity. After an acrimonious NPA session, several of the major newspapers decided to withdraw the notices of dismissal issued by NGA staff.

Tuesday, November 29th. The TUC's Employment Policy and Organisation Committee met to determine its position on the escalation of the NGA dispute. The Committee affirmed its opposition to the Employment legislation enacted by this Government and lent its support to the NGA short of condoning the breaking of the law.

Heavy and sometimes violent picketing involving 4,000 people took place outside the Stockport Messenger's Warrington plant. 72 people were arrested, nine of whom were printers. Work at the Stockport Messenger was not halted.



Friday, December 2nd. Further contempt proceedings, brought against the NGA by Mr. Shah were suspended for one week when the NGA's application for an adjournment was backed by a promise to cease unlawful picketing at the Messenger's Warrington printing works for a week. On this basis, the adjournment was not opposed by Mr. Shah, and the way was thus opened for negotiations through ACAS. Mr. Shah had previously refused to negotiate with the NGA while under the 'duress' of illegal secondary picketing.

Talks will cover the issue of the closed shop and the reinstatement of the 'Stockport Six'. Several ideas are likely to be proposed to enable the Six to be re-employed without the Company having to accept the closed shop.

Monday, 5th December. Twelve Fleet Street daily and Sunday papers issued writs, each for £250,000 against the NGA for losses caused by the two-day stoppage on November 26/27.

Friday, 9th December. Two allegations of contempt are to be heard at the adjourned Court proceedings, both refer to the illegal picketings of the Warrington works.

GG/JLS  
8th December 1983



AT  
to see  
return  
pl

Free

10 DOWNING STREET

Prime Minister

To note developments in the  
N&A dispute. Mr Maxwell's  
remarks are characterized  
by "Of course I support the  
Government, but . . . ."

This has been relayed  
to Tom King's office

AT  
8/12

I have symmetrical  
concern for Maxwell's  
"total surrender" tactics,  
not

Ref. A083/3400

MR TURNBULL

---

As I told you on the telephone, I was contacted earlier in the evening by Mr Robert Maxwell (in Sir Robert Armstrong's absence abroad) about the Messenger dispute.

2. Mr Maxwell first established his credentials as the 'largest employer in the industry' with 12,000 printers and who had succeeded in persuading their union (SOGAT) to accept the Government's legislation after a costly industrial dispute. He was, however, concerned at the way the Messenger dispute was developing.

3. Mr Maxwell said that he had recently spoken to Mr Shah, Mr Goldsmith of the Institute of Directors, and Mr Dubbins of the NGA. It was clear that Mr Shah would never agree to a closed shop and also that he intended to go ahead with his court action. In the latter event, the NGA would call an indefinite national strike and had already made the necessary preliminary arrangements to do so. This would cause severe, perhaps irreparable, damage to the printing industry: major customers were already laying plans to transfer work abroad and it would be difficult to win such work back after a strike, some at least would be lost for good.

4. While Mr Maxwell fully endorsed the need for the Government's legislation to be obeyed, he was worried that there was a danger that the dispute was being seen by some (he implied that he included Mr Shah) as an opportunity 'to smash the NGA' which would also 'smash the industry'. He felt that the NGA could be brought to accept the legislation without such an extreme confrontation and urged the need for arbitration. He said that Mr Goldsmith had said that the Institute of Directors would be willing to co-operate in such an exercise. Mr Shah was 'thinking about it'.

5. Mr Maxwell concluded by saying that he understood and agreed with the Prime Minister's statement that the Government was not involved in the dispute but he wanted the Government to be aware

that the printing industry was incapable of withstanding even a short national strike and to impress his view that arbitration could bring the NGA (like SOGAT) to obey the law without such disastrous consequences.

6. Mr Maxwell subsequently phoned to say that Mr Shah had rejected the offer of talks at the Institute of Directors and would break off discussions at ACAS if the NGA again suggested a post-entry closed shop. This was likely to happen later this evening, leading to the strike and consequences he had already described. He added that he had also been told that a 'mini-TUC' had been formed to back the NGA 'through thick and thin'.  

---



R P HATFIELD

8 December 1983

Prime Minister

To note.

AT 7/12

CONFIDENTIAL

PRIME MINISTER

STOCKPORT MESSENGER DISPUTE

As I have to attend the Social Affairs Council and will be unable to attend Cabinet I am writing to advise you of the current situation in the talks on the Stockport Messenger dispute.

2 After two full days of discussions at ACAS, the Messenger Group and the NGA remain far from agreement. The discussions were adjourned last night and resume in Manchester at 5pm today. It is possible that they will continue tomorrow.

3 The Group has made two suggestions for the employment of the 6 NGA members who were dismissed, either by helping to establish a workers' co-operative or by selling the Stockport company with the condition that the 6 are employed by the new owner. I understand that approaches have been made by possible purchasers. The NGA has not rejected these possibilities but has yet to find either acceptable. Its priority has become to secure agreement on future arrangements for recognition.

4 As for the original issue in the dispute, the Group is now adamant that its offer of 20 November to concede a modified post-entry closed shop (with full protection for existing employees) at the Bury and Warrington plants has been withdrawn, although it is prepared to afford the NGA individual representational rights for any of the Group's employees who remain in membership and, possibly, to discuss terms and conditions of employment. ACAS has ensured that Mr Shah fully appreciates that the earlier offer could have put the Group at risk to future claims of unfair dismissal if new recruits subsequently left the union.

CONFIDENTIAL

5 It is clear that the NGA wants to continue the discussions so long as there remains any possibility at all of agreement and, in the event that does not prove possible, no doubt sees advantage in nevertheless demonstrating its readiness to seek an end to the dispute through conciliation. The NGA Council is to meet on Friday to determine its position. The likelihood is that it will be faced with a choice of three broad courses of action. First, it may yet find it possible to accept the Group's proposals. Secondly, it may conclude that agreement is not possible on one or both issues and formally remain in dispute without again taking industrial action. Thirdly, there is the possibility that it will decide to reimpose and extend industrial action and there are those in the union and elsewhere ready to advocate this course. My own judgement is that the reimposition of unlawful mass picketing is unlikely, but there is talk about action to halt the production of all national and provincial newspapers. This would of course, so far as Fleet Street is concerned, be in breach of injunctions already obtained. The publishers might also be expected to make further claims for damages.

6 Also on Friday, the High Court will hear the further contempt proceedings adjourned from 2 December. ACAS has made it very clear to the Group and the NGA that it will not in any way become involved in any question relating to legal proceedings.

7 I am sure that for the present it is right for colleagues to continue to seek to avoid commenting on the specific issues of detail of this dispute, whilst continuing - as appropriate - to denounce unlawful picketing and any breach of the law. I will continue to keep colleagues informed but do not judge that there will be any major development before Friday.

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

*B. Shaw*

(Approved by Secretary of State  
and signed in his absence)

7 December 1983

NOTE FOR THE RECORD

The Home Office provided me with the following advice on the way in which union officials could find themselves being charged under the criminal law for offences in relation to picketing (as opposed to individuals who are arrested by the police during the course of the picket). They warned that this is a particularly sensitive area.

Incitement to commit a criminal offence is itself a criminal offence. Incitement to commit a summary offence is punishable by the same penalties as the summary offence itself and incitement to commit an incitement offence is a common law misdemeanour, where punishment is "at large" i.e. at the discretion of the judge.

There is a precedent dating from 1964 of someone called Clark who was convicted for whipping up people to demonstrate outside Claridges. Though the conviction was quashed on a technicality this does not invalidate the precedent.

The Home Office advised that in bringing charges, the police would first have to establish a reasonable standard of evidence which is not easily achieved. More abuse against the police would probably be insufficient. If the Chief Constable obtained such evidence he would almost certainly put it to the DPP who would apply two tests. First, is the evidence sufficient that there is a good chance of conviction? Secondly, is prosecution in the public interest? In a case of this kind the DPP would almost certainly consult the Attorney General.

2 December 1983



Caxton House Tothill Street London SW1H 9NF

Telephone Direct Line 01-213..... 6400

Switchboard 01-213 3000

Andrew Turnbull Esq  
Private Secretary  
10 Downing Street  
LONDON SW1

2 December 1983

*Dear Andrew*

## STOCKPORT MESSENGER DISPUTE

In Manchester this morning, the High Court adjourned the hearing of further contempt proceedings for a week at the request of both the Messenger Group and the NGA in return for an undertaking that the NGA would suspend its unlawful picketing for the same period. Both sides have agreed to meet to resume negotiations under the auspices of ACAS at noon on Monday. My Secretary of State is making the attached statement this morning.

In view of these developments my Secretary of State has asked that his colleagues should try to avoid being drawn into commenting on the dispute other than in the sort of terms used in the attached statement. My Secretary of State is particularly concerned that no statements should be made which might expose the Government to the criticism that it was prejudicing the resumed negotiations.

I am copying this to the Private Secretaries of all members of Cabinet.

*Yours sincerely**James Shaw*

J B SHAW  
Principal Private  
Secretary



I welcome the undertaking given in the High Court this morning that the picketing is to be lifted at Warrington.

As I told the House of Commons on Tuesday the mass picketing of the last two weeks, so far from helping end this dispute, has been a major obstacle to resolving it. The sort of scenes that the country has seen on television over the last fortnight have contributed precisely nothing to the solution of what is in any case a complicated and difficult dispute. I hope that out of the events of Tuesday and Wednesday at least one good thing may flow. That is that anyone concerned in any similar situation in the future will not forget how totally counter-productive and damaging this illegal picketing has been not only to the chances of ending a dispute but also to the whole credibility and standing of the Trade Union movement itself.

I understand that now that the picketing has been lifted it is hoped that discussions will be resumed on Monday in London under the chairmanship of ACAS.

There are long established means for the peaceful resolution of disputes in this country. The events of Tuesday and Wednesday night have no part in them whatsoever. The proposals now to return to orderly discussion are the right way to go.

Circular to all

Statement by Mr King, Secretary of State  
for Employment, Friday 2 Dec, 1983

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Prime Minister - <sup>2</sup>

To be answer



10 DOWNING STREET

Robin,

MS

Bernard would like you to know that John Smith has a copy of Quintain's minute and is circulating it round the Shadow Cabinet.

Swan  
1.12

NI4563 2 XXX 23

URGENT

NGA HAS AGREED TO SEVEN-DAY SUSPENSION OF WARRINGTON PICKETING  
FOR TALKS AT ACAS TO TAKE PLACE.

--

012016 DEC 83

CONFIDENTIAL

Ref. No: EM(83)15  
1.12.83

NOTES ON THE

NGA DISPUTE

Conservative Research Department,  
32 Smith Square,  
London SW1  
Tel. 222 9000

Enquiries on this brief to:  
Dr Gilbert Gordon  
x 2513

## NGA DISPUTE

The origins of this dispute lie in the National Graphical Association's demands for a Closed Shop.

Originally, back in July, six NGA members were sacked from the Stockport Messenger Group of give-away newspapers when they went out on strike as part of a dispute between the NGA and the Stockport Messenger over the creation, or not, of a closed shop. The NGA was attempting to set up a closed shop at various locations associated with the Stockport Messenger Group, allegedly against the wishes of the majority of employees.

Secondary action, in the form of the NUJ instructing its members to refuse to handle copy processed by non NGA labour, resulted.

Mr 'Eddie' Shah, owner of the Stockport Messenger Group, was granted an interim injunction by the High Court in Manchester against this secondary action. Although the injunction was ignored by the NUJ, Mr Shah persuaded journalists to cross the picket lines, and work at the Stockport Messenger continued.

The NGA then attempted to persuade suppliers and advertisers to boycott the Stockport Messenger Group of newspapers.

Friday October 14th. Manchester High Court granted two injunctions to Mr Shah ordering the NGA to cease interfering with the SMG's business, in accordance with the terms of the 1980 and 1982 Employment Acts.

Thursday November 17th. Manchester High Court ordered the NGA to pay a fine of £50,000 for its failure to comply with the injunctions of October 14th.

Tuesday November 22nd. The NGA executive decided not to pay the fine.

Friday November 25th. The High Court in Manchester ordered the seizure of the NGA's assets in order to meet the original £50,000 fine, and a further £100,000 fine imposed now for contempt of court in refusing to pay the £50,000 fine.

At the Court of Appeal in London later that day, the Master of the Rolls (Sir John Donaldson) refused the union's application for a stay of the High Court order when the NGA declined to give undertakings that:

- a) it would pay the two fines if they were upheld at a further appeal hearing; and
- b) the union would not dissipate its assets before the appeal was heard.

The Court took steps to confiscate £150,000 of the union's funds, plus an additional £25,000 to cover its costs. This has been achieved.

Sequestration of the NGA's total assets was suspended pending the expected appeal on Wednesday 30th.

Fleet Street members of the NGA walked out in response to these two rulings, stopping production of national newspapers for two days.

Sunday November 27th. All national daily and Sunday newspapers issued writs for damages against the NGA for the loss of their Saturday and Sunday editions. The total revenue loss caused by the weekend's disruption has been put at £10m.

NGA printers employed by the Daily Express, Daily Mirror, Daily Star, The Sun, The Times and the Sporting Life were dismissed for breaching their contracts of employment and subsequently failing to give assurances of normal working.

Tuesday November 29th. The TUC's Employment Policy and Organisation Committee met to determine its position on the escalation of the NGA dispute. The Committee affirmed its opposition to the Employment legislation enacted by this Government and lent its support to the NGA short of condoning the breaking of the law.

Heavy and sometimes violent picketing involving 4,000 people took place outside the Stockport Messenger's Warrington plant. 72 people were arrested, nine of whom were printers. Work at the Stockport Messenger was not halted.

Wednesday November 30th. The NGA dropped its plan to appeal against the fines, and, the temporary limit to the funds liable for sequestration no longer applying, the Court of Appeal ordered the sequestration of the union's assets (alleged to amount to some £10 million) to proceed. It is thought that this may be difficult due to the dispersal of the union's assets.

The High Court granted an injunction to the Fleet Street papers restraining the NGA from repeating last weekend's two day walkout.

Stockport Messenger Dispute

Rt Hon John Smith to ask the Secretary of State for Employment  
to make a statement on the NGA Dispute

Before reporting on the current situation of the dispute between the Stockport Messenger Group and the National Graphical Association about the establishment of closed shop arrangements at the firm's subsidiaries at Warrington & Bury, I should advise the House of the further developments that have occurred since I spoke in the House last Wednesday in the connection with the High Court actions. The Court on Friday imposed a further £100,000 fine, following the failure of the National Graphical Association to pay the fine of £50,000 previously imposed and to obey the injunction to refrain from organising unlawful industrial action.

The Court also ordered the sequestration of the unions' assets. On the same day the NGA appealed to the Court of Appeal for a stay of the High Court's orders, pending a substantive appeal against the orders which is due to be heard tomorrow.

I understand that the Court of Appeal asked the union for an undertaking that it would pay the fines. No such undertaking



was given and the Court of Appeal accordingly refused to stay the orders of the High Court, but did limit the sequestration to £175,000. I understand the Commissioners have now secured this amount.

I also advised the House last Wednesday that the Advisory, Conciliation Arbitration Service was seeking to arrange a further meeting between the parties to resolve the dispute. Following certain preliminary discussions over successive days a meeting took place between the parties under the Chairmanship of ACAS on Sunday in Manchester, and a further one yesterday. Regrettably agreement did not prove possible.

Nevertheless, ACAS continued until late last night and again this morning to explore whether an acceptable basis could be found for a further meeting today.

The NGA made clear that they were willing to travel to Manchester for a meeting with Mr Shah and his fellow directors. Mr Shah confirmed his willingness to attend provided he could have assurance that the mass picketing proposed for Warrington this evening did not occur. The NGA were not able to give such an assurance, and Mr Shah therefore felt it necessary to remain with his workforce at Warrington. I much regret therefore that it now seems clear that it will not be possible for a meeting to take place today. This is particularly regrettable, as it is clear that the earliest way to this dispute would be if agreement could be reached at a meeting of the parties. I confirm ACAS will continue the efforts that they have been making throughout the dispute to find an agreed solution, but it is clearly not helped by the further threats of mass picketing which have been made.

TO BE CHECKED  
AGAINST DELIVERY

HOME SECRETARY'S STATEMENT: 30 NOVEMBER 1983  
WARRINGTON (PUBLIC DISORDER)

With permission, Mr Speaker, I should like to make a statement about the picketing outside the premises of the Messenger Group of Newspapers in Warrington, last night and in the early hours of this morning.

I understand from the Chief Constable of Cheshire that between 9 p.m. and 11 p.m. last night the number of pickets increased rapidly from 500 to about 4,000 people. Their purpose was clear. It was not to communicate information. It was not persuasion. It was not even demonstration. It was to prevent by physical force and weight of numbers newspapers being taken out of the premises.

Many of the pickets had travelled from far afield; many came prepared for, and used, violence against the police. A number were armed with offensive weapons, such as iron bars.

At the height of the operation, the Chief Constable deployed over twelve hundred men, from his own force and those of Greater Manchester, Merseyside, and Lancashire. As a result the vehicle carrying the newspapers was able to leave the premises at the time planned at 5 a.m. this morning and did so. The pickets began to disperse from about 6 a.m.

During the course of the disturbances, police officers were attacked and missiles were thrown at them. Twenty three officers were injured and three have been detained in hospital. I am glad to inform the House that at present none appears to have been seriously injured. Thirteen pickets are recorded as having been injured, one of whom remains in hospital. Again I understand his condition is not serious.

A total of 93 people were arrested for a range of public order offences and offences of assault and obstruction.

I have conveyed to the Chief Constable my great appreciation of the police operation, and the way in which his officers and those of the other forces dealt with an immensely difficult situation. It is a great tribute to them that the lawful right to move the newspapers was upheld. I have asked that my concern and sympathy should be passed on to the injured officers, as I did in the case of those who incurred injuries last week.

I understand that the number of pickets has now declined to about 150. But there are threats that large numbers will try tonight to repeat the events of last night and this morning.

The Chief Constable has responsibility for maintaining the rule of law and devising and executing the appropriate plans for doing so. I have made it crystal clear to him that if there is any assistance he requires from me, it will be readily available, and he will have my complete support for the exercise of his very considerable powers to the full extent that is required to deal with the situation.

Mr Speaker, there is and can be no excuse for violence and the attempt by intimidating weight of numbers to negate the lawful rights of other people. Irrespective of the merits of the industrial dispute, what has happened here amounts to breaches of what has always been the criminal law. The place and pretext for its breach makes no difference whatsoever. Violence at the picket line is as indefensible as violence at a football match or anywhere else.

Action of the kind we saw last night cannot and will not be tolerated. I hope that the House as a whole will join me in condemning what occurred, and the mass picketing which was its cause, and giving every support to the police in preventing or dealing with a recurrence.

PRIME MINISTER

HOME SECRETARY'S STATEMENT

Attached is a copy of the Statement made by the Home Secretary today. This proved to be a stormy occasion and one which the Opposition found deeply embarrassing. Mr. Kaufman from the front bench deplored violence in general terms but implied that the police had used violence and was taken to task by David Steel who said that general condemnations of violence were not sufficient; a specific denunciation of the NGA's incitement to violence was necessary. Government backbenchers supported the Home Secretary's Statement entirely and repeatedly invited Mr. Kinnock to condemn the violence on the picket line.

The difficulties of the Opposition were increased further by the fact that the only questioners on their side were from the left whose principle theme was a charge of police brutality. They alleged in particular that the police had destroyed the NGA's communications van which they piously claimed was being used to maintain order amongst the pickets. We are obtaining the facts on this point. The only point on which the Government was seriously vulnerable was the report in today's Guardian of conversations between Michael Quinlan and Sir John Donaldson. The problem is not so much political allegations against Sir John as the comment recorded in Quinlan's leaked note of the meeting to the effect that Sir John felt that the employment legislation was biased against trade unions. If Mr. Kinnock feels that he has to lead on the NGA dispute tomorrow, he may choose this rather narrow point.

30 November 1983

## National Graphical Association (Dispute)

3.31 pm

**The Secretary of State for the Home Department (Mr. Leon Brittan):** With permission, Mr. Speaker, I should like to make a statement about the picketing outside the premises of the Messenger group of newspapers in Warrington last night and in the early hours of this morning.

I understand from the chief constable of Cheshire that between 9 pm and 11 pm last night the number of pickets increased rapidly from 500 to about 4,000 people. Their purpose was clear. It was not to communicate information. It was not persuasion. It was not even demonstration. It was to prevent, by physical force and weight of numbers, newspapers being taken out of the premises. Many of the pickets had travelled from far afield; many came prepared for, and used, violence against the police. A number were armed with offensive weapons such as iron bars.

At the height of the operation, the chief constable deployed over 1,200 men, from his own force and those of Greater Manchester, Merseyside, and Lancashire. As a result, the vehicle carrying the newspapers was able to leave the premises at the time planned at 5 am this morning, and did so. The pickets began to disperse from about 6 am.

During the course of the disturbances, police officers were attacked and missiles were thrown at them. Twenty three officers were injured and three have been detained in hospital. I am glad to inform the House that at present none appears to have been seriously injured. Thirteen pickets are recorded as having been injured, one of whom remains in hospital. Again, I understand that his condition is not serious. A total of 86 people were arrested for a range of public order offences and offences of assault and obstruction.

I have conveyed to the chief constable my great appreciation of the police operation, and the way in which his officers and those of the other forces dealt with an immensely difficult situation. It is a great tribute to them that the lawful right to move the newspapers was upheld. I have asked that my concern and sympathy should be passed on to the injured officers, as I did in the case of those who incurred injuries last week.

I understand that the number of pickets has now declined to about 150, but there are threats that large numbers will try tonight to repeat the events of last night and this morning. The chief constable has the responsibility for maintaining the rule of law and devising and executing the appropriate plans for doing so. I have made it crystal clear to him that if there is any assistance he requires from me it will be readily available, and he will have my complete support for the exercise of his very considerable powers to the full extent that is required to deal with the situation.

There is and can be no excuse for violence and the attempt by intimidating weight of numbers to negate the lawful rights of other people. Irrespective of the merits of the industrial dispute, what has happened here amounts to breaches of what has always been the criminal law. The place and pretext for its breach make no difference whatsoever. Violence at the picket line is as indefensible as violence at a football match or anywhere else.

Action of the kind we saw last night cannot and will not be tolerated. I hope that the House as a whole will join me in condemning what occurred, and the mass picketing which was its cause, and giving every support to the police in preventing or dealing with a recurrence.

**Mr. Gerald Kaufman (Manchester, Gorton):** I want to make it absolutely plain that the Opposition categorically condemn all violence, in all circumstances, in whatever place, and for whatever purpose it is used. We endorse the view of the TUC policy and organisation committee that trade unions should be supported in carrying out their lawful functions on behalf of their members. I ask the Home Secretary, for his part, to confirm that any possible breach of the law by pickets cannot justify any counter-breach of the law by anyone else.

In view of allegations that have been made, can the right hon. and learned Gentleman say what reports he has received about the methods of policing at Warrington, particularly in relation to the communications van of the National Graphical Association which has been parked at the Warrington works for four weeks with police permission, and which the police themselves have used during that period? Are not the deplorable scenes of violence the direct outcome of the folly of the Government in dragging industrial relations into the law courts and allowing—*(Interruption.)*

**Mr. Speaker:** Order. This is a serious matter. I hope that the House will listen in silence.

**Mr. Kaufman:** The Government are allowing any wayward employer to use the courts of law as a weapon to win a victory in an industrial dispute. Cannot the Government get it into their head that the key to improving industrial relations lies in conciliation, not confrontation?

What action will the Home Secretary now take, as a member of the Cabinet to get the parties to this dispute round the table to sort out their differences by the time-honoured process of negotiation and conciliation? How many more lamentable episodes such as this will we have to go through before the Government learn that vital lesson?

**Mr. Brittan:** I welcome the right hon. Gentleman's condemnation of violence. He referred to counter-breaches of the law in a rather veiled form. If he has any specific allegations to make, I should be grateful if he would do so specifically and they will be investigated in the proper way. He asked about methods of policing. I shall look into any specific allegation that he wishes to make.

The right hon. Gentleman then referred to what had been said by the TUC. I should be grateful if he and Labour Members would express their full support for what the TUC said in its guidelines in February 1979, when it stated:

"It is lawful for persons acting in contemplation or furtherance of a trade dispute to picket at or near a workplace or any other place . . . provided they do no more than peacefully obtain or communicate information or peacefully persuade workers to abstain from work".  
If anyone believes that 4,000 people are needed to do that, who does he think he is kidding?

**Mr. Norman St. John-Stevs (Chelmsford):** I thank my right hon. and learned Friend for his forthright statement, which makes it quite clear that what is involved

rein to fish anywhere in Scotland. However, as the hon. Gentleman will know, this is properly a matter for my right hon. Friend the Secretary of State for Scotland.

#### Speed Checks (Hand-held Radar Devices)

38. **Mr. Wilson** asked the Solicitor-General for Scotland what guidance he has given to procurators fiscal on the use of hand-held radar devices used in road traffic speeding cases.

**The Solicitor-General for Scotland:** On the instructions of my noble Friend the Lord Advocate, a circular was issued on 8 May 1980 to procurators fiscal advising them of the checks police officers should carry out when operating this type of equipment. No prosecutions for speeding offences will be initiated if these checks are not satisfactorily carried out.

**Mr. Wilson:** Is the Solicitor-General for Scotland aware that about 20 cases of possible interference in the use of these devices have been identified by the BBC "Watchdog" programme? In those circumstances, does he not agree that the possibility of error is so great that the device should be withdrawn from use?

**The Solicitor-General for Scotland:** I am not certain about the 20 cases where there might be error but I know that, in accordance with the guidance given by my noble Friend the Lord Advocate, both before these devices are used and after there must be a check to ensure that they have been operating properly and without interference. If there has been interference prosecutions will not follow.

#### Cairnryan (Shipbreaking)

39. **Mr. Foulkes** asked the Solicitor-General for Scotland what prosecutions have been completed resulting from the shipbreaking at Cairnryan.

**The Solicitor-General for Scotland:** There have been two prosecutions under the Health and Safety at Work etc. Act 1974 arising out of the shipbreaking operations at Cairnryan. In one case fines totalling £1,500 were imposed while in the second proceedings are still pending in the sheriff court at Stranraer.

**Mr. Foulkes:** Does not the Solicitor-General for Scotland think it disgraceful that two people have been killed in the shipbreaking of the Ark Royal? Is he aware that in 1983 two prohibition notices have been served, one report has gone to the procurator fiscal, and eight warning letters have been issued from the Health and Safety Executive? Does that not show the sorry state of private enterprise operations at Cairnryan? Is it not the case that the Health and Safety Executive does not have enough men properly to police this matter to ensure an adequate oversight of it? What responsibility will his Department take for this sorry state of affairs?

**The Solicitor-General for Scotland:** My hon. Friend the Member for Galloway and Upper Nithsdale (Mr. Lang) in whose constituency Cairnryan is situated took this matter up with the Minister of State, Department of Employment, my hon. Friend the Member for Suffolk, Coastal (Mr. Gummer) four or five months ago. One of the deaths to which he referred is still pending before the sheriff's court at Stranraer. For good reasons that the hon. Gentleman will understand, I can make no further comment on that. With regard to my own responsibilities in this matter, I can tell the hon. Gentleman that in every case that has been referred to the procurator fiscal by the Health and Safety Executive arising out of these shipbreaking operations there has been a prosecution.

**Mr. McQuarrie:** My hon. and learned Friend has said that a fine of £1,560 had been imposed. It was imposed on my constituent, Mr. Miles of Northern Shipbreakers company, which was responsible for the breaking-up of the Ark Royal. Will he accept, however, that that case has not been completed? The Department of Employment is currently looking into the actions of the Health and Safety Executive officers and the restrictions on the Ark Royal prior to the breaking-up.

**The Solicitor-General for Scotland:** The operations of the Health and Safety Executive and the inquiries that my hon. Friend has made of the Department of Employment are not within my province. I am concerned only when such cases have been reported to the procurator fiscal. When those reports have been made, a prosecution has always resulted.

at Warrington is nothing to do with the Employment Act but is to do with the breach of the liberties and rights of the subject as guaranteed by the common law. Will he invite the Leader of the Opposition to associate himself with that condemnation without the qualifications and weasel words that we have just heard from the right hon. Member for Manchester, Gorton (Mr. Kaufman)?

**Mr. Brittan:** My right hon. Friend is absolutely right. No changes in the statute law on employment have made any difference about what happened last night. Violence caused by mass picketing would have been just as unlawful before those changes as it is today. My right hon. Friend is right to refer to the importance of the force of informed opinion. We in this House have a tremendous responsibility. We do not want a repetition of those scenes, and one of the ways of ensuring that is for all of us to condemn violence.

**Hon. Members:** The right hon. Gentleman should answer.

**Mr. Speaker:** Order. If the right hon. Gentleman seeks to catch my eye, he will be able to answer at the end.

**Mr. David Steel** (Tweeddale, Eterrick and Lauderdale): I would give way to the Leader of the Opposition if he chose to catch your eye, Mr. Speaker.

Is the Home Secretary aware of the statement at lunchtime by the national secretary of the NGA that tonight's picketing will be an even larger force? Does not that give the lie to the idea that this is some kind of spontaneous outburst? Does the right hon. and learned Gentleman accept that political parties in this House should not just repudiate violence in general terms but should specifically repudiate those who in this House give aid and comfort to it?

**Mr. Brittan:** I entirely endorse what the right hon. Gentleman has said. It is difficult to square any kind of alleged spontaneity with the document I have in my hand, which invites people to join the picket line in return for £25 to cover their lost time.

**Mr. Maurice Macmillan** (Surrey, South-West): Will my right hon. and learned Friend confirm that quite apart from violence of the behaviour of the pickets, the mere presence of so many of them has in the past been held to be intimidation and that in the past that view has been accepted by better Leaders of the Labour party than we now have?

**Mr. Brittan:** The first point is most certainly so. In the case of *Piddington v. Bates*, exactly that proposition was upheld by the courts.

**Mr. Willie Hamilton** (Fife, Central): As the right hon. and learned Gentleman must be fair in these matters, what evidence other than that from the chief constable of Cheshire did he receive?

**Mr. Brittan:** If the hon. Gentleman challenges my account of what occurred, he must have failed to read any newspapers or to watch any television.

**Sir Edward Gardner** (Fylde): Does not my right hon. and learned Friend agree that thousands of pickets, strangers to any industrial disputes and without a word of warning or discouragement from the Leader of the Opposition, are laying siege not just to a printing plant in Warrington but to the barriers of law? Therefore, all of us are the ultimate protection against anarchy.

**Mr. Brittan:** I totally agree. In considering the breadth and extent of the action that has taken place, the House might like to know that on the evidence of the occupations given by some of those who have been arrested we find that some were students, a teacher and a social worker and that they come from places as far afield as London, Scotland, Birmingham, Middlesbrough, Salford and Essex. That is not a spontaneous action or action in defence of anyone's livelihood; it is organised anarchy.

**Mr. Roy Jenkins** (Glasgow, Hillhead): Is it not clear that mass picketing on this scale, is, by its very nature, designed to intimidate rather than to persuade? Was it not clearly unlawful under the laws of the last Labour Government? If the NGA desires to avoid violence, surely it should call off a repetition of the picketing tonight and should be urged to do so by the official Opposition spokesman?

**Mr. Brittan:** I entirely agree with the right hon. Gentleman. Interestingly enough, what he said is today echoed in a quotation in *The Standard* from one of the six people on whose behalf this whole operation is supposed to be conducted. That person is quoted as saying:

"There is no way that I condone violence of any sort. We are here for our jobs, but some of these other people come just to have a punch-up with the policemen. We don't want to see that".

**Mr. Fergus Montgomery** (Altrincham and Sale): In view of the claims that the pickets are not responsible for violence, will my right hon. and learned Friend explain why so many policemen have been injured? Have they been hitting each other, or were these self-inflicted wounds? What is happening outside the printing works at Warrington is disgraceful and is a breach of the law. When the Labour party makes allegations of police brutality, should not it be reminded that if these people were not breaking the law and illegally picketing the police would not need to be present?

**Mr. Martin Flannery** (Sheffield, Hillsborough): The hon. Gentleman said that yesterday.

**Mr. Montgomery:** And I say it again today.

**Mr. Brittan:** I share my hon. Friend's sentiments.

**Mr. Ron Leighton** (Newham, North-East): Might there not be a design fault in the new and controversial legislation which has produced a legal juggernaut that is now out of control? Has not it transformed a relatively trivial and obscure industrial dispute, which could be settled immediately by the reinstatement of six men, into a major confrontation that has stripped a major union of all its property and assets by a form of bureaucratic mugging? While that may be possible in a country such as Poland, here it will only sour and worsen industrial relations.

**Mr. Brittan:** I do not share the hon. Gentleman's view of the legislation, he will not be surprised to hear, but I share the view of the deputy Leader of the Labour party, who said:

"Those of us who believe the law to be wrong have to change it rather than break it."

**Sir William Clark** (Croydon, South): Is not it disgraceful that when the Leader of the Opposition is encouraged by Government supporters to condemn the violence all that he does is grin broadly? Would my right hon. and learned Friend agree that it is rather peculiar that Opposition Members talk about peaceful picketing when



[*Sir William Clark*]

bottles, stones and iron bars are used on the picket line? Is not this complete and utter anarchy that must be put down at once? Would he agree, further, that if there are people in the country who do not like whatever laws we have to operate under the only way to change those laws is through the ballot box?

**Mr. Brittan:** I agree with my hon. Friend.

On the question of the Leader of the Opposition speaking on matters of that kind, I do not take the view that all of us have to speak up on every issue and that if we do not speak up we must be construed by our silence to speak in a particular sense. But in the particular circumstances of this dispute, when the matter is not at an end and when violence is threatened, all of us have to search our consciences and ask whether we can make a contribution to preventing violence by speaking against it. That is a matter for each of us, from the top to the bottom.

**Mr. J. D. Concannon (Mansfield):** While not condoning the violence or the scenes last night, may I ask the Home Secretary whether he is aware that any decent industrial relations officer or any fair-minded manager would probably have settled this argument in an hour in an office on a Friday? Is he aware that if it were not for the Government's legislation—and they must take responsibility for this—the dispute would never have got beyond the factory line?

**Mr. Brittan:** I do not share that view.

**Mr. George Gardner (Reigate):** Despite the fact that a van containing newspapers was eventually able to leave this plant, it would seem from the reports of last night's riot that the police forces were not sufficient to control the mob assembled. Can my right hon. and learned Friend give the House a double assurance that if any further occurrences of this kind arise the police forces will be adequate to enable our citizens to go about their lawful business?

**Mr. Brittan:** The extent of the forces required at any given place must be a matter for the chief constable, but I can assure the House, as I have already done, that all assistance that the chief constable on the day and at the place thinks is necessary will be provided, and that, of course, includes full mutual assistance from neighbouring forces to the necessary extent.

**Mr. Dennis Skinner (Bolsover):** The Home Secretary argues that the police, out of necessity, had to charge the picket lines long before the delivery van was ready for dispatch at 5 o'clock. Can he say why they had to dismantle the radio equipment in the NGA van and manhandle the NGA officials out of the van five hours before it was due to go out of the yard? Why did the baton charges take place for several hours before the dispatch of that van? Surely this was provocation. Surely the right hon. and learned Gentleman should agree that the purpose of the police activity was merely to enable the van to get out of the yard, but the police were provoking the incidents for many hours before that? The police have had an official complaint about that van with which I hope they will be able to deal.

Is not the truth of the matter that this Tory Government have set out to smash the trade union movement and that they use the Tory judges in order to cripple the trade unions' financial—[*Interruption.*]

**The Speaker:** Order. I think that is enough.

**Mr. Skinner rose—**

**The Speaker:** Order. I order the hon. Member for Bolsover (Mr. Skinner) to resume his seat.

**Mr. Brittan:** If the hon. Gentleman had heard me right, he would know that the specific allegations against the police, if any, will be considered in the proper way.

The hon. Gentleman talks about the plans of the Government to smash the trade union movement. I have to say, although this goes beyond last night's events, that I cannot think of any better way of damaging the trade union movement than by condoning what happened last night.

**Mr. Tony Favell (Stockport):** Is the Home Secretary able to confirm that it is within the powers of the chief constable to turn back the hordes of lawbreakers now heading for Warrington before they reach their destination?

**Mr. Brittan:** If he suspects that their attendance at the spot will lead to a breach of the peace, he has full powers to do so.

**Mr. Martin J. O'Neill (Clackmannan):** Can the Home Secretary confirm that the reports he has received from the police have contained references to the destruction of the NGA van, or is he giving us a partial view of the situation as he has received it?

**Mr. Brittan:** I have given the facts to the House that seem to me to be relevant.

**Mr. Anthony Beaumont-Dark (Birmingham, Selly Oak):** Does my right hon. and learned Friend agree that it has to be a cause of considerable sadness that we have a rent-a-mob of 4,000 people being carted round the country paid for by the trade unions and deliberately supported by the Opposition Front Bench? Is not the violence caused because a section of the community feel that at heart the Labour party believes in smashing laws and not supporting them?

**Mr. Brittan:** My hon. Friend talks of sadness and there is, indeed, cause for sadness in yesterday's events, but there is also cause for satisfaction, and it is that the rule of law is being maintained and that the overwhelming majority of people want that to continue.

**Mr. James Lamond (Oldham, Central and Royton):** Since the Home Secretary has told us today that the situation is so far out of hand that he cannot control it unless he has the full support of the Opposition Front Bench—a view that seems to be strongly supported by his Back Benchers—does he realise that he will get the support of people like myself only when he applies conciliation and not confrontation to the situation?

**Mr. Brittan:** We can manage quite well without the hon. Gentleman. The question is the price that has to be paid. Some people think that the price the police are being asked to pay is too high and we have a responsibility to reduce it.

**Mr. Alistair Burt (Bury, North):** Does my right hon. and learned Friend agree that the real problem in this

dispute is caused by the attitude of those who believe that they can pick and choose the laws they obey because of political reasons and that this disrespect for the rule of law is compounded by the irresponsible attitude of those Opposition Members who refuse to grasp the nettle and condemn those who defiantly break the law and picket illegally? Does he not agree, further, that this spineless and craven attitude of giving in to the bully boy and the militant throughout the Labour movement is responsible for Labour Members sitting on the Opposition Benches and not on the Government Benches?

**Mr. Brittan:** I take note of what my hon. Friend has said. My task is to do what I can to assist those responsible for maintaining the rule of law, and that I shall continue to do.

**Mr. David Winnick (Walsall, North):** Is it not of interest that the Master of the Rolls is quoted in one newspaper as saying today that the legal system favours the employers at the expense of the unions? Leaving aside how those talks took place between the Master of the Rolls and a senior civil servant in the Department of Employment, is not that remark of great relevance?

Why does not the Cabinet learn from the experience of the Industrial Relations Act? Since that Act showed itself to be a recipe for confrontation, is it not obvious that all anti-trade union laws will lead to this kind of confrontation?

**Mr. Brittan:** I do not agree with the hon. Gentleman for one moment. It is a complete illusion to think that the law can keep out of industrial relations or has ever done so. The only difference between the hon. Gentleman and my right hon. and hon. Friends is where the line should be drawn.

**Mr. Andrew MacKay (Berkshire, East):** Has my right hon. and learned Friend noticed that because the British public, unlike the Leader of the Opposition, totally condemn acts of thuggery on the picket line, and because they believe passionately in upholding the law, there has never been an occasion when they have so totally opposed industrial action?

**Mr. Brittan:** I think that that is right.

**Mr. Andrew F. Bennett (Denton and Reddish):** Can the Home Secretary confirm that it is the Government's duty to produce conditions conducive to public order? Will he reflect that for 16 weeks there was picketing at the dispute in Stockport perfectly peacefully until the courts were resorted to and that that is where the difficulties have come from? Will the right hon. and learned Gentleman give further thought to the fact that many of my constituents in Stockport do not want copies of the *Messenger* pushed through their front doors if they are produced in these circumstances? Will he ensure that they do not have them?

**Mr. Brittan:** I do not think that it is very difficult to advise those who do not want copies of the *Messenger* what to do with them. I do not believe that that is the central issue in this dispute. However, it is quite ridiculous to suggest that the Government are at fault because problems have arisen as a result of people deliberately flouting a court order.

**Mr. James Couchman (Gillingham):** My right hon. and learned Friend no doubt heard on "The World at One"

today the lengthy interview with Mr. Joe Wade, the general secretary of the NGA. Did my right hon. and learned Friend find his posture any more convincing than that of the Opposition Front Bench?

**Mr. Brittan:** My hon. Friend invites me to make a comparison which would not necessarily be helpful in the context of this dispute.

**Mr. Laurie Pavitt (Brent, South):** Like my right hon. Friend the Leader of the Opposition and the Home Secretary, I am one of the last to support or condone violence, but may I remind the right hon. and learned Gentleman that this is a re-run of what happened in my constituency at a firm called Grunwick where, unfortunately, I witnessed violence by both police and pickets? I ask the Home Secretary to recall that all these years later, when we sought to establish the rights of an individual to join or not to join a trade union, not one trade union member is permitted to work for Grunwick. This is directly contrary to the rights of people to join a union. It is a non-union company. Any employee who joins a union is sacked.

**Mr. Brittan:** Whether or not that is so, I will not comment. I respect the hon. Gentleman's genuine belief that violence is to be deplored. However, I ask him to agree that generalised condemnations of violence are not sufficient. We have to face the fact that if there is mass picketing on the scale that we have seen in these recent events it is almost bound to lead to violence. It is that which has to be condemned and not just violence in general terms.

**Mr. Ivan Lawrence (Burton):** Does my right hon. and learned Friend recall any other issue in this Parliament upon which the Leader of the Opposition has remained so silent?

**Mr. Brittan:** I follow the utterances of the right hon. Member for Islwyn (Mr. Kinnock) less closely than my hon. and learned Friend does.

**Mr. Bob Clay (Sunderland, North):** Will the Home Secretary accept that it was a quite frightening experience to witness personally, on the invitation of one's constituents who previously had been arrested, what happened last night and then to hear the braying hysteria of Government supporters? Is not it time that the Home Secretary commented specifically on the fact that the police broke into a van owned by the NGA that was legally parked and broke its radio telephone links, smashed its PA system and broke its walkie-talkie communications and that they did it before there were any disturbances? Is not it a fact that, as a result of NGA officials not being able to use that communications equipment, it was made far more difficult for them to organise the demonstration?

Whatever else, if, before there has been any disturbance or any violence, rank after rank of police with riot shields and riot helmets proceed with baton charges on demonstrators who are simply standing there several hours before any attempt to drive the delivery van out of the works, is it not inevitable that violence follows?

Will the right hon. and learned Gentleman accept that whatever retaliatory violence occurred—violence which has been condemned by the Opposition as much as by Government supporters—it is also the case that I and other hon. Members witnessed the most appalling brutality by some members of the police force, in some cases where

(Mr. Bob Clay)

it was quite unwarranted and it could be seen that the demonstrators had not provoked it in any way? Will the right hon. and learned Gentleman condemn—

**Mr. Speaker:** Order. I must ask the hon. Gentleman and other hon. Members to keep their questions short.

**Mr. Brittan:** If the hon. Gentleman wishes to pursue complaints against the police, there is a proper avenue for doing so.

The hon. Gentleman said that it was a frightening experience to be there. I have no doubt that he is right in saying that. But what he has to bear in mind is that the purpose of lawful picketing as enunciated by the TUC itself in 1979 does not require 4,000—[Interruption.] If the hon. Gentleman—[Interruption]—

**Mr. Speaker:** Order. The Home Secretary was answering a question. If we cannot have order in the House, how can we expect it anywhere else?

**Mr. Brittan:** If the hon. Gentleman had told me that it was the intention of the union to use that method of communication to reduce the number of pickets to the number required for genuinely lawful picketing, I should have very much more sympathy with what he says.

**Mr. Neil Hamilton (Tatton):** Since my right hon. and learned Friend mentioned the TUC, does he agree that one of the best ways to de-fuse the present situation and end the violence will be for the TUC to stand up for the maintenance of the rule of law and to discipline the NGA? Is not the apparent lack of authority and will of the TUC in this respect deplorable?

**Mr. Brittan:** My hon. Friend has a valid point.

**Mr. Martin Flannery (Sheffield, Hillsborough):** Is not it a fact that a Tory Party member, Sir John Donaldson, failed totally as chairman of the notorious Industrial Relations court and, as a result of that failure, eventually the Conservative Party admitted that that law was a bad law and should have been withdrawn? Is not the same man, now Master of the Rolls, engaged in a similar task?

**Mr. Speaker:** Order. Before we go too far down this path, the hon. Gentleman is not seeking to criticise the Master of the Rolls?

**Mr. Flannery:** My question will be brief compared with some that have been allowed.

Is it not a fact that the Home Secretary is only selectively and partially answering the questions put to him by Opposition Members, that he has only taken evidence from the chief constable of Cheshire, and that he seemed not to know about the brutal violence of the police last night? Does he expect British trade unions which are under full scale assault from the Conservative party to sit quiet while they are dismantled? Is that what the Conservative party is after? It is the Conservatives who are encouraging mass picketing more than any Opposition Member. We are all appalled at violence, and we are especially appalled at police violence. I have never been violent in my life.

**Mr. Brittan:** All that I am asking Opposition Members to do is not to condone breaches of what was the criminal law long before any of the legislation to which the hon. Member for Sheffield, Hillsborough (Mr. Flannery)

objects came into effect. What would be helpful from as many people as possible is the simple endorsement of the TUC guidance on the conduct of picketing, which was endorsed by the last Labour Government.

**Mr. Richard Alexander (Newark):** Does my right hon. and learned Friend accept that the vast majority of people listening to their radios this morning were disgusted and frightened by the noises that they heard of the activities of the pickets at Warrington? Does he accept that they will not be reassured by the noise that they have heard from Opposition Members? Will he take time today to disabuse the country of the disgraceful smears that we have heard from some Opposition Members about the conduct of the police? The police did not arrive armed with bottles, sticks and stones and, in one case, a gun.

**Mr. Brittan:** My hon. Friend is right. If I appear to be inhibited, to any extent in commenting on the allegations made against the police, the reason, as I am sure that the House will understand, is that I have responsibilities in the investigation of complaints and police discipline. These matters must be considered in the proper way. On the other hand, hon. Members who have made complaints have not hesitated to clothe themselves with the privilege of the House in making such allegations.

**Several Hon. Members rose—**

**Mr. Speaker:** Order. I must protect the business of the House. I shall call the hon. Members who have been standing and then I shall call the right hon. Member for Manchester, Gorton (Mr. Kaufman) should he wish to speak again.

**Mr. Robert Litherland (Manchester, Central):** Bearing in mind the report in *The Guardian* this morning, does the Home Secretary agree that it would be unjust and unfair for the Master of the Rolls to give a judgment on the NGA when he is also a prime adviser to the Tory Government?

**Mr. Brittan:** The hon. Gentleman has distorted the facts completely. In any event, they do not arise out of the events last night.

**Mr. John Townend (Bridlington):** Does my right hon. and learned Friend agree that the vast majority of the public expect the courts to deal most severely with those who partake in mob violence, especially when policemen are injured?

**Mr. Brittan:** The courts most certainly have the full powers necessary to deal with the offences that come before them.

**Mr. Doug Hoyle (Warrington, North):** The Labour party does not condone violence and nor does the trade union movement. Was not the picket last night peaceful until the communications van was touched and was not it only after the communications van was destroyed that violence began? Will the Home Secretary examine that fact? Will the right hon. and learned Gentleman also not try to escape from the fact that it is the Government's fault, because of their stupid legislation, that we are in this position? Will he use his authority in Cabinet to persuade the Secretary of State for Employment to intervene to bring the dispute speedily to a halt?

**Mr. Brittan:** The hon. Gentleman is seeking to erect almost the weakest excuse that I could imagine. There is no point in condemning violence without recognising the

fact that if 4,000 people come together in such a place, having been invited and offered money to come one is creating violence and there are no excuses afterwards.

**Sir Nicholas Bonsor (Upminster):** With reference to my right hon. and learned Friend's reply to my hon. Friend the Member for Bridlington (Mr. Townend), is he aware that many Conservative Members are deeply concerned that offences of violence are not being adequately punished by the courts? Will my right hon. and learned Friend monitor closely the sentences that are passed by the courts against those who are found guilty of having caused the disturbances and consider whether any further action by him is called for?

**Mr. Brittan:** I shall seek to ensure that the House has as much information as possible about the outcome of any proceedings arising from last night's incident.

**Mr. Eric Deakins (Walthamstow):** How can trade unions, trade unionists and, indeed, the public have any confidence in the operation of industrial relations law in relation to the present dispute and in the impartial administration of justice, bearing in mind the political advice given by a senior member of the judiciary last year to a senior civil servant? Was not that a breach of a fundamental constitutional convention? Will the right hon. and learned Gentleman unreservedly condemn that action?

**Mr. Brittan:** I certainly will not do so. If the hon. Gentleman reads the stolen document to which he refers, he will realise that it does not bear the construction that he has put upon it.

**Mr. Harry Greenway (Ealing, North):** Is my right hon. and learned Friend aware that most trade unionists realise that the attitudes of the Labour party in this matter are mischievous, directed against their best interests and positively malevolent and that is why many more trade unionists voted Conservative than Labour at the general election and why the trend will continue?

**Mr. Brittan:** It is certainly correct that the majority of trade unionists do not favour violence or mass picketing and are embarrassed and ashamed by what occurred yesterday.

**Mr. Dennis Canavan (Falkirk, West):** How can the Government seriously claim that their employment legislation strikes an equitable balance between the rights of employers and employees when the trade union movement, which represents employees, is apparently banned from bringing other trade union comrades to the picket line to support the rights of the employees, yet the employer in this instance is allowed to hire a private army, wild dogs and apparently the police to defend his so-called rights?

**Mr. Brittan:** The hon. Gentleman's description of the four security men employed by the employer shows that he has never left the world of fantasy.

**Mr. Roger Gale (Thanet, North):** Does my right hon. and learned Friend agree that the cause of the dispute is the result of a minority seeking to impose its will on a majority that has already expressed its view by secret ballot? Does he agree also that, despite his generous construction on the silence of the Leader of the Opposition, the British public are likely to view his silence slightly less favourably?

**Mr. Brittan:** I still believe in the right to silence, but in this context, if not in the courts, there is also a right to comment.

**Mr. Ron Brown (Edinburgh, Leith):** Is not the Home Secretary aware that his statement about the rule of law is a cover for legalised Fascism? Is he also aware that the terrible duty created by the Government is such that pickets will continue to fight for their rights for a job and a decent standard of living, and that the Labour party will be with them four square?

**Mr. Brittan:** I do not think that I or any other hon. Member need take any lessons from the hon. Gentleman about Fascism.

**Mr. Patrick Nicholls (Teignbridge):** Is it not obvious that if the NGA were ever a responsible trade union it is now nothing but a conspiracy against the public interest? Is not it a great shame that Mr. Shah's resolve to stand up against last night's violence and odious behaviour was not matched by a similar resolution by the Newspaper Proprietors Association?

**Mr. Brittan:** No doubt the NPA will have heard that comment.

**Mr. Norman Atkinson (Tottingham):** Will the Home Secretary reconsider the carte blanche authority given to the chief constable in view of the evidence of the bussing in of 1,400 policemen? Did not the Home Secretary make an unprecedented statement by saying to the chief constable that, whether he was right or wrong, he would get the support of the Home Secretary?

**Mr. Brittan:** That is not what I actually said. I said that if the chief constable uses his lawful powers to the full, he will have my complete support.

**Mr. Nicholas Fairbairn (Perth and Kinross):** Does my right hon. and learned Friend appreciate that the British people, whichever party they support and whether or not they are trade unionists, will agree that what they saw on television last night and what we are told will happen tonight is the most abhorrent concept of mob rule? They will judge for themselves at the ballot box those who did it, those who supported it and those who will not speak against it.

**Mr. Brittan:** I think that my hon. and learned Friend is right. I am concerned at the moment not with the ballot box but with avoiding further violence. I hope that the clear expression, by the overwhelming majority of hon. Members, by sound or silence, of their abhorrence of violence and their recognition that mass picketing is likely to lead to violence will lead to a de-escalation of what occurred and the saving of injury to life, liberty and property.

**Mr. Robert Parry (Liverpool, Riverside):** I mentioned last week the injuries to pickets and the police. Since then, one of my constituents has sustained a badly broken leg and he was kept in a prison cell for an hour before an ambulance was called.

In view of that and of the presence of the thugs, heavies and minders of Mr. Shah, will the Home Secretary call for an urgent inquiry into all aspects of this case? Will he inform the House whether the Government intend to bring in the Army to support the police against the workers, as they did against the Welsh workers in the 1920s?

**Mr. Brittan:** I have received a letter today from the hon. Gentleman about the matter to which he has referred. I shall be looking into it and replying to the hon. Gentleman.

With regard to the other matter that he raised, I do not believe that a public service is done by making remarks of that kind. Our task jointly should be to try to persuade those who are involved not to risk further danger to life and limb. That is what I have been seeking to do by illustrating and explaining the magnitude of what occurred and seeking to enlist the support of as many people as possible on both sides of the House for the condemnation of violence and the taking of action to prevent it from recurring.

**Mr. Harry Ewing (Falkirk, East):** Is the Home Secretary aware that when, in calmer moments, the House and the country have an opportunity to reflect on the matter both will be greatly concerned about his hysterical and provocative approach? The Home Secretary said that he had given the chief constable of Cheshire an indication that he would give him all the aid and assistance that he required. As arrangements exist for forces to transfer officers to provide assistance to another force, what assistance does the Home Secretary have in mind? Surely he agrees that the House should have full knowledge of his thinking on this matter. What assistance does the Home Secretary have in mind to offer the chief constable of Cheshire if he asks for additional help?

**Mr. Brittan:** The hon. Gentleman is right. In practice, chief constables normally make satisfactory arrangements to obtain support from each other when their own resources are insufficient. It is obviously very much better that that is how it should work. However, section 14 of the Police Act 1964 provides me with a further power to secure assistance from one force to another. If it is necessary for that to be used, and if the chief constable gives me an indication that it is necessary, I will certainly respond.

**Mr. Kaufman:** The Home Secretary has asked whether the Opposition endorse the guidelines of the TUC. On behalf of the Opposition, I say that we readily do so. Since the TUC is so wise in the eyes of the Home Secretary, will he join the TUC in condemning the employer in the Messenger newspaper group for his intransigence? Since the Home Secretary says that the TUC is so wise, will he agree with the TUC about the damaging and disruptive effects of the Government's Employment Acts of 1980 and 1982?

Since the Home Secretary has twice this afternoon come to the defence of the Master of the Rolls, will he agree with the Master of the Rolls that the legal system is not, in practice, even-handed as between employers and unions and that current functions put the courts almost entirely in the business of restricting or penalising the latter and not of remedying their grievances?

Will the Home Secretary agree with his right hon. Friend the Member for Cambridgeshire, South-East (Mr. Pym), the sacked Foreign Secretary, who has said this afternoon that what we are witnessing in this country today is a gradual withholding of consent from the Government, the start of a rejection of civilised values, an increase in crime and lawlessness and one or two violent outbreaks of anger and frustration and that the consequences are a very dangerous threat to national unity and social cohesion? Is not the sacked Foreign Secretary right? Is it because he was right that he has been sacked?

When will the Tory Party return to conciliation?

**Mr. Brittan:** I understand that the right hon. Gentleman, given the difficulties that he faces, should seek to erect a smoke screen which has nothing to do with matters that we have been debating. I suppose that it was unreasonable to expect the right hon. Gentleman to rise to the occasion and to seek to prevent violence tonight.

However, in spite of that, I welcome the fact that the right hon. Gentleman has endorsed the TUC guidelines, though if he believes that my invitation to him to do so implied that I agree with everything else that the TUC says, he cannot be serious. I remind the House again, because we have a responsibility in this matter, of what the guidelines say, that picketing is permissible only to "do no more than peacefully obtain or communicate information or peacefully persuade workers to abstain from work." I make no apology for repeating that there cannot be any possible need to have 4,000 people to do that.

*Later—*

**Mr. Deakins:** On a point of order, Mr. Speaker. In the Home Secretary's answer to a question that I posed a few moments ago on his statement, he referred to a document and said that it would not bear the construction that I placed on it. Is there not an obligation on the Home Secretary, in accordance with the convention of the House, to lay the document on the Table?

**Mr. Speaker:** I did not hear the Home Secretary quoting from the document, in which case it might have been necessary to do so, but I do not think that he did.

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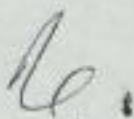
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MR BUTLER

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I think that you would wish to be aware of the details of a telephone conversation I had late this morning with the Editor of the Sunday Times. I attach a copy of the note that I made of the conversation.

2. I have already passed the gist of the conversation, over a scrambler, to Sir Brian Cubbon who undertook to tell the Home Secretary who was making a statement in The House this afternoon.



R P HATFIELD

30 November 1983

Ref. A083/3351

## NOTE FOR RECORD

The Editor of the Sunday Times spoke to me on the telephone at 12.50 today about the Warrington dispute.

2. He said that he had been in constant contact with Mr Shah throughout the night and it had been 'a very close thing' in Warrington. At one point Mr Shah thought that those outside were about to break through police lines and into the factory. If that happened, someone could get killed. Mr Shah had been 'very shaken' by the night's events and was 'close to panicking' but would not give in.

3. The Editor went on to say that Mr Shah had no contacts amongst influential people (apart from himself) and he had therefore wanted to speak to me, in Sir Robert Armstrong's absence, to make sure that the gravity of the situation was known. While the Cheshire police had been doing an admirable job he was worried that the Chief Constable might not have sufficient resources available to cope with the mass demonstration expected tonight (including a contingent of Welsh miners). The Editor said that in his view it was essential that "the Government win this dispute" - although he understood that the Government was not directly involved, it was essential that their legislation should not be undermined.

4. The Editor thought it might be helpful if he outlined Mr Shah's plans. Apparently there were very few pickets outside the factory at present and Mr Shah intended to get some papers out at 1.00 pm and some more at 5.00 pm. He would be printing again this evening until about midnight but, unless advised to the contrary by the Chief Constable, intended not to try to take these out until 7.00 am tomorrow. His reasoning was that many pickets might have left by the morning and those that were there would be tired and off-guard after a night in the open.

5. The Editor stressed the confidentiality of the call and of the fact that he was in touch with Mr Shah although Rupert Murdoch was in the picture and supported his approach to me. (I gathered he had spoken to the Home Secretary in the night.)

6. I undertook to make sure that the information he had given me was passed on to where it might be most helpful and to do anything I could to protect its source.

R. HATFIELD

R P HATFIELD

30 November 1983



# NGA JUDGE: "YES, MINISTER!"

By David Rose

The Master of the Rolls Sir John Donaldson, the judge at the centre of the NGA dispute, has secretly advised the Government how to enact tougher anti-union laws.

In a move which calls into question the constitutional principle of an independent judiciary, Sir John took part in discussions during 1982 with the former Chancellor of the Exchequer, Sir Geoffrey Howe. Sir Geoffrey used this contact to set up secret meetings between Donaldson and the Permanent Secretary at the Department of Employment, Michael Quinlan.

Quinlan's confidential record of these meetings, obtained exclusively by *Time Out*, reveals that Sir John Donaldson's proposals included:

- The possibility of removing the right to strike in certain key industries.
- Legislation to permit employers to sack strikers selectively.
- A much greater role for the courts in industrial relations generally, with judges taking on the role now played by the arbitration service ACAS. The crucial difference would be that their decisions would be legally binding, and could be enforced by orders to seize union funds — as Sir John Donaldson ruled last week in the case of the NGA.

Sir John's ideas dovetail neatly with the known views of Geoffrey Howe. A memorandum drawn up by the former Chancellor, which was published in *Time Out* last June, also called for powers to prohibit strikes and allow employers to dismiss strikers selectively.

The content of Donaldson's proposals is not perhaps entirely surprising. As President of the National Industrial Relations Court, set up under Edward Heath by the 1971 Industrial Relations Act, he was the subject of fierce controversy and allegations of political bias. In July 1972, he sent five dockers to prison for disobeying the order of his court that they stop "blacking" certain goods.



Pickets outside *The Messenger*.

With Donaldson claiming that the case threatened "our whole way of life" and the "acceptance of the rule of law", a general strike was narrowly averted. In a book published in 1975, Donaldson said that the courts should decide "who is right" in industrial disputes, and that "those who suffered injustice would then be supported by the courts".

But if the Master of the Rolls' past views are already known, the extent of his association with ministers and the

**EXCLUSIVE**



The Master of the Rolls, Sir John Donaldson.

civil service is not. Historically, judges have often advised governments on the practicalities of drafting legislation. But wide-ranging discussion of policy would seem to mark a new departure.

Ironically, Michael Quinlan, the Department of Employment Permanent Secretary involved in the discussions with Donaldson, was himself the subject of controversy when he was appointed last year. It was alleged that he had been selected as a "political appointee", chosen for his sympathy with the policies of the present Government.

The Quinlan notes now in the possession of *Time Out* make clear how his "conversations" with Donaldson came about. In a confidential memorandum to two colleagues dated January 6 1983, he wrote: "The Chancellor of the Exchequer... set up contacts for me with the Master of the Rolls. You may like to see the notes I made of the resulting conversations. (We should, I think, treat them in some confidence, as being not quite ordinary file material.)"

In his record of the meetings, dated October 18 1982, Quinlan repeats that they came about "following a contact made by the Chancellor of the Exchequer". Sir John, Quinlan said, would "be inclined" to empower the courts "to tackle almost any issues which gave trouble as between employer and workforce". It was wrong, according to Sir John, that industrial relations should be determined "primarily by the 'balance of power' wherever struck" — a belief which would appear to threaten the power of strong unions. The yardstick for determining the outcome of disputes would be "reasonableness", a yardstick that would be set by the judiciary.

Under "further points", Quinlan stated the implications of this widened legal arena. Sir John had said that "the right to strike ought not to be available in the

relevant subject areas', although the judge recognised that it was "unrealistic to expect this".

But, Donaldson had added, "it might be possible, in such a new setting, to have lighter laws about strikes (eg. permitting selective dismissal), and it would not be legitimate to pursue by strike action a grievance on which the courts had already ruled".

The possibility of the courts encroaching on the territory now patrolled by ACAS did not worry Sir John. Quinlan wrote: "Sir John clearly regarded the distinction as of no great importance."

On the other hand, some of Sir John's ideas were less inimical to union rights. Unions should also be able to seek redress from employers through the courts, he said. He was concerned that the courts at present were not "even-handed" between employers and unions, being "almost entirely in the business of restricting or penalising the latter" — in itself an interesting admission.

The record of Sir John Donaldson's conversations with Sir Geoffrey Howe is unfortunately unavailable. But it would seem reasonable to assume that they touched on similar areas, given their common interest in limiting strikes and Sir Geoffrey's introduction of the civil servant to the judge.

Backing the decision of the High Court to fine the NGA for its refusal to abide by the 1980 and 1982 Employment Acts, Sir John Donaldson last Friday ordered the immediate sequestration of £175,000 of the union's assets.

## Alternative Christmas

Odd fish about town and organiser of the Alternative Miss World, Andrew Logan this week unveils a stunning, larger than life-size, singing, almost walking sculpture of Zandra Rhodes. Entitled 'Rajas Zandra' and scattered with symbols of the spiritual, ritual, religious and consistently colourful aspects of Indian life, it epitomises the sculptor's self-confessed obsession with all things fantastic, lurid and richly uninhibited. It forms just a small part of 'Goddesses', a sprawling, sensual display of 'simple joy and visual richness' inspired by Logan's month-long trip to India last year.

The mixed media show — everything from glass, water, holograms and jewellery — consists of more than 20 large pieces grouped together in one unpartitioned, airy gallery in Kensington's Commonwealth Institute. "I hate the normal art gallery system," says Logan, "the Hayward, for instance, is like a bastion to art as opposed to a living place. But this place is just about the most beautiful gallery in London — it's just all natural light."

Indeed, the aviary-like space has encouraged Logan's plans for a couple of lovebirds to provide the fluttering 'natural' sound effects, and a few other novel attractions would seem to make this the ideal Christmas kids' outing.



A preposterous, 12-foot 'cosmic egg' of chipped mirror, originally made for a GLC peace parade, squats on the edge of Kensington High Street as a sparkling, enticing advert for the show. Schoolkids seem to understand it. Cab drivers sail by looking suitably bewildered.

Simon Garfield

'Goddesses' is at the Commonwealth Institute from December 3-31.

Mr Cohen  
Mr Merry  
Mr Quinlan  
Mr Smith  
Mr Galloway  
Mr McClure

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NEWSREADER:

Meanwhile it's been revealed that Britain's top judge has told the Government that the legal system is biased against the unions. The statement comes from the Master of the Rolls, Lord Donaldson and is disclosed in a confidential Department of Employment memo, a copy of which was leaked to the London magazine Time Out, and is now in the possession of TV-am. Our political correspondent, Andy Webb, reports.

ANDY WEBB:

The memo written by the Department of Employment's chief civil servant, Michael Quinlan, was first leaked to Time Out. It's classified 'confidential' and circulated in January following a meeting between Lord Donaldson and Mr Quinlan.

In it Lord Donaldson, who presided over Ted Heath's ill-fated Industrial Relations Court, is reported as saying, 'The legal system's not in practice even-handed between employers and unions.' Current functions put the Courts almost entirely in the business of restricting, or penalising the unions and not of remedying their grievances. And he recommends that unions should be given the right to seek damages from employers.

Not all his comments favour the unions. He says the Courts should have a bigger role in industrial relations and the right to strike should be curtailed where grievances are dealt with by the Courts. But Labour leaders see these views as a direct attack on the Government's Trade Union Laws.

JOHN SMITH MP (Shadow Employment Secretary):

They do deliberately give certain advantages to employers as against the trade unions and they give the employers a legal right to enforce them; and the trouble is once the thing starts, nobody seems to be able to stop it to have a pause for conciliation. And I think that design fault in the present structure of employment legislation has been accurately detected by him.

END

# Master of Rolls gave strikes advice

By Patrick Wintour, Labour Staff

THE MASTER of the Rolls, Sir John Donaldson, has advised the Government on industrial relations law reforms, including the introduction of legal restrictions on the right to strike.

His disclosure of Sir John's involvement with discussions of legislative proposals coincides with his appearance in the Appeal Court today to hear the National Graphical Association's appeal over the sequestration of the union's assets.

In discussions in 1982, set up by Sir Geoffrey Howe, the then chancellor, Sir John gave the permanent secretary designate at the Department of Employment, Mr Michael Quinlan, his views on how the judiciary could play a greater role in industrial relations.

Sir Geoffrey also arranged for him to see Mr Anthony Lester QC, a former adviser to Mr Roy Jenkins and a leading SDP lawyer.

In his meeting with Mr Quinlan, Sir John suggested the establishment of "general purpose local labour courts". Sir John argued for the removal of the right to strike over a grievance once the courts had ruled on the issue. He also said that if ever such courts were set up, employers should be given the right to dismiss strikers selectively. Currently all workers engaged in industrial action must be sacked if the dismissals are to be lawful.

In a statement last night the Department of Employment said: "Mr Quinlan called informally on Sir John Donaldson as permanent secretary designate at the Department of Employment, on the suggestion of Sir Geoffrey Howe. No question whatever arose, or could have arisen, of specific policy proposals being made or discussed on either side.

"The note of October 18 is a stolen copy of Mr Quinlan's informal private note sent to Sir Geoffrey, and later circulated within the Department of Employment. The discussion centred on Sir John Donaldson's lecture given in 1975, and later published on the role of labour courts."

Mr Quinlan's confidential account of his discussions with Sir John, published in *Time Out* today, and dated October 18, 1982, is bound to raise questions about the independence of the judiciary from the executive. Under British constitution custom the judiciary is entirely separate from government, and does not involve itself in giving detailed policy advice.

In his discussions, Sir John argued that it was "unattractive" that so many industrial relations settlements were determined "by the balance of power" between employer and employee. He claimed that an "adequate alternative remedy" would be to widen the role of the courts — "empowering them to tackle almost any issues which gave trouble as between employer and workforce."

According to Mr Quinlan's minute, Sir John said "he  
Turn to back page, col. 8

# NGA judge gave strikes advice

Continued from page one

was not greatly concerned by suggestions that some typical issues of dispute could not easily be made justifiable; in his view the concept of "reasonableness" was powerful and widely usable, and courts were generally well used to applying it."

Sir John proposed that current industrial tribunals could be expanded to "become in effect general purpose local labour courts. There would need to be a superior court (embracing Employment Appeal Tribunal functions), much like the National Industrial Relations Court, though, for diplomatic reasons, with a different title." Sir John suggests that the courts should take on some of the arbitration roles of bodies such as the conciliation service Acas, as well as of arbitration bodies set up for particular industries.

Under "further points" Mr Quinlan interprets Sir John as stating "in strict logic, if wider arrangements were made for pursuing grievances through the courts, the right to strike ought not to be made available in the relevant subject areas.

It was, however, unrealistic to expect this. But it might be possible in such a new setting to have tighter laws about strikes (e.g. permitting selective dismissal); and it would not be legitimate to pursue by strike action a grievance on which the courts had ruled." Sir John saw "no basic theoretical reason why courts could not consider issues of pay and other aspects of remuneration," although he recognised that in practice this would "not be feasible."

Sir John did not see his proposed expansion of the judiciary's role in industrial relations as a crude mechanism to tie down the unions. He told Mr Quinlan in his conversation that he had become very conscious during his period as president of the NIRC, set up by the Heath Government Industrial Relations Act, that "the legal system was not in practice even-handed as between employers and unions; current functions put the courts almost entirely in the business of restricting or penalising the latter, and not of remedying their grievances."

He added that "there was at present too much emphasis on remedies for individuals, and not enough on remedies for unions."

Sir John suggested that a union should be given the right to seek damages from an employer who had dismissed a shop steward "on grounds which were essentially anti-union."

In a note dated January 6 1983 to Mr J. H. Galbraith, under-secretary in the industrial relations division of the Department of Employment, Mr Quinlan makes clear how his talk with Sir John came about. He explains how the then Secretary of State for Employment, Mr Norman Tebbit, had been interested in reviewing the industrial tribunal system.

THE  
GUARDIAN  
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The letter goes on: "The Chancellor of the Exchequer set up contacts for me with the Master of the Rolls. You may like to see the notes. I made of the resulting conversations. We should, I think, treat them in some confidence, as being not quite ordinary file material."

Sir Geoffrey Howe played a key role as Solicitor General in Mr Heath's Government in pushing through the Industrial Relations Act of 1971.

L. HANDLEY

CF



ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

01-405 7641 Extn

Prime Minister

Following our meeting this morning I have prepared the attached background note, the factual basis being provided by DE.

I am sorry that engagement in the Chamber has prevented me getting it to you sooner.

PM

30 Nov 83



01-405 7641 Extn

ROYAL COURTS OF JUSTICE,

LONDON, WC2A 2LL

PRIME MINISTER

EVENTS LEADING TO THE CIVIL ACTIONS

1. The Messenger Newspaper Group operates through companies at Stockport (Fineward Ltd), Bury, and Warrington (Print Services). At Stockport there is a closed shop for both the NGA and the NUJ: the other two sites are not unionised. For some time the NGA has sought the extension of the closed shop to Bury and Warrington but the employees at these locations have not been in favour. The Group has apparently told the NGA that it is not opposed to extending recognition but that it will not impose it on its employees without their consent. On 4 July the NGA instructed its members at Stockport to strike and six of the eight did so. The six strikers were dismissed by the Group on 13 July. On 29 August the Group's 20 or so journalists at Stockport were instructed by their NUJ National Executive to take supportive industrial action and stop supplying copy to the production workers. They did so, apparently with some reluctance.

The Civil Actions.

Injunction against the NUJ

2. The Group took out an injunction against the NUJ to stop them inducing their members to take industrial action. I understand the Group's case to have been that there was no statutory trade dispute which, under the 1974 Act, there must be for immunity to apply. Following the 1982 Act, trade disputes must be between "workers and their employer". The Group argued that each of its constituent companies were separate employers; there was no dispute between the workers whom the NGA wanted to represent and their employer, nor between the NUJ members and their employer; nor - since the 1982 Act - could there be a trade dispute between the union itself and an employer.



01-405 7641 Extn

3. An injunction was granted. The union refused to obey it but after the Group had begun contempt proceedings the journalists themselves decided, against union instructions, to return to work. On 6 October the trade union members held a meeting with their national officers at which it was agreed that industrial action should continue. Substantial picketing of the Stockport offices took place and 4 of the NUJ members took strike action. I understand that the company is not at present proposing to resurrect the original injunction against the NUJ.

Proceedings against the NGA.

(A) 4. The Group have also proceeded against the NGA itself on two counts. The first related to letters which the union had sent to local advertisers asking them not to give their business to the Group. The Group's case was based on the following grounds:

(a) that section 14(1) of the 1982 Act removes immunity from a trade union which organises or threatens industrial action to put pressure on a person to terminate or not to enter into a contract on the grounds that it is being, or would be, performed by non-union employees,

(b) that sections 14(2) and 14(3) of the 1982 Act removes immunity (other than in certain very limited circumstances) from trade unions which organise 'blacking' to put pressure on non-union firms or on firms which do not recognise a trade union.

(B) The letters would have been held to be threatening since they could be read as meaning that the NGA would instruct its members in other firms to black the business of those advertisers who did not co-operate. At least one advertiser, the Co-operative Society, withdrew its advertising from the Group, resulting in a claimed loss of revenue of £1,300 per week. The proceedings also sought to end the unlawful picketing at the Group's offices.





01-405 7641 Extn

ROYAL COURTS OF JUSTICE.

LONDON, WC2A 2LL

5. The Court hearing took place on 14 October and an injunction was granted against the NGA on both grounds: see Annex A. The Order stated that the union should refrain from organising industrial action to put pressure on advertisers to stop using the newspaper on the grounds that the processing of their advertisements was being done by non-union labour; and secondly that the unlawful picketing should cease.

Enforcement of the Injunction.

6. On 17 November Mr. Justice Eastham found that the union was in breach of that injunction in respect of (a) further letters to advertisers and customers (b) continuing unlawful picketing organised by the union. He ~~found~~ fined the union £50,000.

7. On 25 November the High Court in Manchester found that the union had been guilty of a further breach of the Order of 14 October by reason of its picketing action of 22 November. It also found that the union was in contempt for failure to pay the fine of £50,000 imposed on 17 November (in respect of which failure the Court had of its own motion sought an explanation from the union). The Court therefore made a further Order imposing an additional fine of £100,000 on the union; and granting leave to Mr. Shah to issue a Writ of Sequestration against the union.

8. The NGA applied immediately to the Court of Appeal seeking a stay of this Order until the Court of Appeal had heard the union's appeal. Counsel for the union made it clear that "the appeal would be against sentence rather than conviction". The Court refused the stay of execution and confirmed sequestration. The sequestrators were, however, given two specific instructions: they were to pay £175,000 into a special account in their own name and, subject to that having been done, to allow the union to use its funds and property for carrying out its every-day activities. The figure of £175,000 was taken as being the probably maximum liability of the union on the basis that the fines of £50,000 and £100,000 stood and



01-405 7641 Extn

that the union was liable for an additional sum by way of costs.

9. On 30 November the union went before the Court and withdrew its appeal. The Court of Appeal stated that in those circumstances the Order it had made on 25 November, in effect limiting the sequestrators, would expire. The union is therefore again subject to the total sequestration of its assets, although it has leave to apply to the Manchester High Court for instructions to be given to the sequestrators ameliorating the effect of the sequestration.

10. The Plaintiff will, I understand, himself be applying to the Court complaining of a further breach of the Court's original Order of 15 October, which occurred on the night of 29 November.

#### Sequestration.

11. Sequestration is a process of contempt. The Court gives leave to the Plaintiff in the proceedings that have led to the contempt (in this case Mr Shah) to issue a writ naming four individuals (in this case ~~the~~ partners of Price Waterhouse) as sequestrators. The writ is addressed to those four persons, who are officers of the Court and have the responsibility of seizing all real and personal property belonging to the party in contempt. Property held in sequestration is not confiscated but the contemner is deprived of the use of his funds and property. Once it has been issued the writ of sequestration cannot be withdrawn without the leave of the Court and this will not be given until the contempt has been purged. Any fines which may have been imposed on the contemner will of course be met from the sequestered property, and the Court can authorise the sequestrators to sell personal property although not, it seems, freehold property.

PM  
30 Nov 83

IN THE HIGH COURT OF JUSTICE

1983 M. No. 8084

QUEENS BENCH DIVISIONMANCHESTER DISTRICT REGISTRYMR. JUSTICE BOREHAM IN CHAMBERSB E T W E E N:

MESSENGER NEWSPAPERS GROUP LIMITED

Plaintiff

-and-

NATIONAL GRAPHICAL ASSOCIATION (1982)  
Sued as National Graphical AssociationDefendant

UPON HEARING Counsel for the Plaintiff and Counsel for the Defendant

AND UPON READING the affidavits of Michael John Frankland sworn on the 3rd October 1983 and of John Anthony Ibbotson sworn on the 7th October 1983 both of which were filed in the action between the parties hereto issued out of the Manchester District Registry of this Court and numbered 1983 M No. 7333 and the Affidavits of Selim Jeham Shah sworn on the 7th October 1983 and of John Anthony Ibbotson sworn on the 14th October 1983

AND UPON the Plaintiff undertaking by its Counsel to pay any damages suffered by the Defendant as a result of this order if the Court be of the opinion that the Defendant has sustained any damages which the Plaintiff ought to pay

IT IS ORDERED that:-

1. the Defendant whether by itself its servants or agents or otherwise be restrained from inducing or attempting to induce Messrs Routledge or any other customer of the Plaintiff from

breaking their contracts with the Plaintiff or otherwise determining not to enter into a contract for the supply of goods or services with the Plaintiff;

2. the Defendant whether by itself its servants or agents or otherwise be restrained from inducing or attempting to induce any of its members or any other person other than those employed by the Plaintiff or its associated companies to refuse to do or disrupt work in connection with goods or services to be supplied to or by the Plaintiff or forming part of the process whereby newspapers published by the Plaintiff are created printed and published; save in connection with lawful picketing.

Until the hearing of this action or further order,

Costs in the Cause

Liberty to apply.

Dated 14th day of October 1983

## National Graphical Association (Dispute)

3.30 pm

**Mr. John Smith** (Monklands, East) (*by private notice*) asked the Secretary of State for Employment to make a statement on the National Graphical Association dispute.

**The Secretary of State for Employment (Mr. Tom King):** Before reporting on the current situation of the dispute between the Stockport Messenger Group and the National Graphical Association about the establishment of closed shop arrangements at the firm's subsidiaries at Warrington and Bury, I should advise the House of the further developments that have occurred since I spoke in the House last Wednesday in the connection with the High Courts actions. The court on Friday imposed a further £100,000 fine, following the failure of the National Graphical Association to pay the fine of £50,000 previously imposed and to obey the injunction to refrain from organising unlawful industrial action.

The court also ordered the sequestration of the union's assets. Later the same day, the union appealed to the Court of Appeal for a stay of the High Court's orders, pending a substantive appeal against the orders which is due to be heard tomorrow.

I understand that the Court of Appeal asked the union for an undertaking that it would pay the fines. No such undertaking was given and the Court of Appeal accordingly refused to stay the orders of the High Court, but did limit the sequestration to £175,000. I understand that the commissioners have now secured this amount.

I also advised the House last Wednesday that the Advisory, Conciliation and Arbitration Service was seeking to arrange a further meeting between the parties to resolve the dispute. Following certain preliminary discussions over successive days, a meeting took place between the parties under the chairmanship of ACAS on Sunday in Manchester, and a further one took place yesterday. Regrettably, agreement did not prove possible.

Nevertheless, ACAS continued until late last night and again this morning to explore whether an acceptable basis could be found for a further meeting today.

The union made it clear that it was willing to travel to Manchester for a meeting with Mr. Shah and his fellow directors. Mr. Shah confirmed his willingness to attend provided that he could have assurance that the mass picketing threatened for Warrington this evening did not occur. The union was not able to give such an assurance. I much regret therefore that it now seems clear that it will not be possible for a meeting to take place today.

I confirm that ACAS will continue the efforts that it has been making throughout the dispute to find an agreed solution, but it is clearly not helped by the further threats of mass picketing which have been made. Mass picketing has no place in industrial relations in Britain. Moreover, in this dispute, mass picketing has already been determined by the courts to be unlawful and it is now positively frustrating the chance of a settlement.

**Mr. Smith:** Is the Secretary of State aware that a local dispute which was essentially about the reinstatement of six workers has been escalated into a serious national dispute because of the effects of using the Government's employment legislation? Is it not a serious fault of that

legislation that a legal process is set in motion which, at each turn, makes conciliation more difficult? Has the Secretary of State read the article which appeared in yesterday's *Financial Times* which said:

"It is a weakness that springs from the enhanced power of management to use the ordinary courts of law, not with a view to producing a settlement of an industrial dispute, but to bring a trade union to heel?"

Would it not be appropriate for the Secretary of State to note that the threat of more legal action also inhibits useful discussions? Would it not be appropriate for the Secretary of State, in the national interest, to make a special appeal to both parties to have further discussions at his instance? As his legislation signally fails to recognise the national interest, will he make up for that defect by replacing it with a personal initiative, which the Opposition would support?

**Mr. King:** The right hon. and learned Gentleman said that the dispute is essentially about reinstatement. In fact, it originated in the union's desire to enforce a closed shop in two plants that were not closed shops. The dismissal of the six workers was a consequence of a dispute which originated in a different way. It is important to remember that.

When the right hon. and learned Gentleman invited me, as he did yesterday on "The World at One", to ensure that the good offices of ACAS would be available, he spoke, I believe him to have said, with the full authority of the Leader of the Opposition. He will now be aware that, while he was inviting me to do that, such talks were taking place. As I have already made clear, ACAS has been closely involved. That is its proper role.

It will be a matter of great regret to many right hon. and hon. Members that the right hon. and learned Gentleman asked a private notice question and responded to my reply without explaining his attitude to the intimidation and obstruction that will occur as a result of the NGA's invitation to mass picketing at the Warrington plant. Will he respond on behalf of the Opposition—I hope with the full authority of the Leader of the Opposition—and endorse the statement of his right hon. Friend the deputy Leader of the Opposition, who said that industrial disputes have to be conducted without violence and within the law?

**Mr. Smith:** Is the Secretary of State aware that the Opposition have repeatedly made it clear that we deplore violence in all circumstances? Is he also aware that we have made it clear that, if the Government expected unbalanced, divisive and discriminatory legislation to be accepted without difficulty, they must have had a curious notion of how that legislation would be applied to industrial disputes in the real world?

Is the Secretary of State aware that, although it is clear that the courts' decisions must be obeyed, it is worth bearing in mind that the decisions which emanate from discriminatory legislation are, not surprisingly, seen as stacking the cards on one side? Should he not now conciliate rather than score political points?

**Mr. King:** Perhaps I might tell the right hon. and learned Gentleman and the House something of which he and the House were not aware yesterday. Yesterday, ACAS was trying to achieve a settlement, as it had been throughout the weekend. It is with the agreement of the House that that role is properly discharged by its independent service, not by Ministers intervening.

I listened carefully to what the right hon. and learned Gentleman said about what he called observance of the

intermediate weapons that have been deployed since 1967, and consider only the intercontinental ballistic missiles, is it not true that the number of warheads have doubled and the megaton explosive power has increased by an untold amount? Should not the Prime Minister confront honesty for a change, and correct the statement that she made for propaganda purposes at the Guildhall?

**Mr. Biffen:** As the burden of the hon. Gentleman's remarks is that the Prime Minister is drawing unfairly on the evidence made available in Mr. Weinberger's report the best action I can take is to ensure that the report is placed in the Library.

#### Engagements

**Q5. Dr. McDonald** asked the Prime Minister if she will list her official engagements for 29 November.

**Mr. Biffen:** I have been asked to reply.

I refer the hon. Member to the reply that I gave some moments ago.

**Dr. McDonald:** Is the right hon. Gentleman aware that figures soon to be published by the Health and Safety Executive show a rise in factory and construction work deaths during the past two years? Despite that fact, are not the Government planning to cut the staff of the Health and Safety Executive? What will the right hon. Gentleman do about that?

**Mr. Biffen:** I do not believe that the position is as the hon. Lady states. However, I shall refer the matter to my right hon. Friend the Secretary of State for Employment. He is briefing me at my elbow, which is why I throw scepticism with some confidence.

**Mr. Latham:** Will my right hon. Friend confirm that industrial relations legislation is an area of the law on which the Government have overwhelming and recent electoral support?

**Mr. Biffen:** Absolutely. It is also an area in which the public will want to see who will stand up and say that the law shall be obeyed—whether they be the Leader of the Opposition or anyone else—and who will stay silent.

**Mr. Nellist:** Does the Lord Privy Seal agree that the biased nature of the courts and the Acts of Parliament that the Conservatives have introduced, when used in the printers' dispute in Warrington demonstrate that the Government's aim is to emasculate the power of trade unions to defend their members? How does he answer the charge of hypocrisy in relation to the closed shops operated by doctors, solicitors and lawyers when he deals with questions relating to printers in the NGA?

**Mr. Biffen:** I do not accept that the courts are partial in this area.

law. Will he confirm that industrial disputes should be conducted without violence and within the law? Would such a statement be made with the full authority of the Leader of the Opposition?

**Several Hon. Members** *rose*—

**Mr. Speaker:** Order. I remind the House that a private notice question is an extension of Question Time. I propose to allow questions on this statement until 3.50 pm.

**Mr. Fergus Montgomery** (Altrincham and Sale): Will my right hon. Friend take this opportunity to tell the hotheads in the Labour party and the NGA that the way to change legislation is through the ballot box and not through violence and intimidation? There are already two busloads of people in the Warrington area. Would my right hon. Friend reiterate that the employers offered a binding arbitration and that this was refused by the union? That should be underlined, because the Opposition are apparently not prepared to accept that fact.

Is my right hon. Friend aware that the dispute occurred because the union was trying to force other members of the firm to join a union against their wishes? Will he ask the Opposition to use their influence with the union to have the illegal picketing withdrawn, and then perhaps an agreement can be reached?

**Mr. King:** I do not wish today to discuss the individual merits of the dispute, although I believe—it is common knowledge in the press—that an offer of binding arbitration was put forward by Mr. Shah. I am anxious that this dispute should be settled. I hope that the settlement will take place within the law. I also hope that before we finish these exchanges a clear and unequivocal statement will be made on behalf of the Opposition that they believe in the rule of law, that they deplore violent and intimidatory picketing, and that the rule of law is recognised by all hon. Members.

**Mr. Robert Litherland** (Manchester, Central): Will the Secretary of State tell Conservative Back Benchers that the violence is not coming from the NGA pickets but that it is caused by the Government's legislation? Is it not about time that they repealed the Act and, in the short term, took an initiative in this matter? To send the matter to arbitration would be to give the blacklegs, the parasites and the scabs a say in it. No trade union in its right mind would accept that.

**Mr. King:** As the hon. Gentleman will know, mass picketing has never been accepted by any Government of whatever party, and when it involves intimidation or obstruction it is a criminal offence. I should have thought that, with his Manchester connections, the hon. Gentleman would be anxious to discourage the problems that are bound to arise for the workers at the plant, the pickets and the police.

**Mr. Tony Favell** (Stockport): Would the Minister remind Labour Members that the legislation which covers secondary picketing was passed in the 1980 Act? That Act has already been tested at the ballot box and was given the people's overwhelming approval at the last general election.

I have spoken to employees of the *Stockport Messenger* this afternoon. They are my constituents. They tell me that they have an overwhelming desire to have the dispute settled, but they will not give way to the bullying which

has been going on. Up to a thousand pickets are now converging on Warrington to picket a plant where there are never more than 10 employees at any one time.

**Mr. King:** Such mass picketing, as the code on picketing made clear, only exacerbates disputes and sours relations not only between management and employees but between the pickets and their fellow employees. If people wonder why this problem has arisen, and other problems that are difficult to solve, that is where the answer may lie.

As my hon. Friend confirmed, it is absolutely clear that, as the requirements of the law relate only to picketing at or near the place of work, the type of picketing in question—as has already been determined by the court—is unlawful.

**Mr. Doug Hoyle** (Warrington, North): Does the Minister accept that an agreement was reached with Mr. Shah on the question of the closed shop and that he reneged on it. Does that not make Mr. Shah a devious person to deal with? In the light of this experience, does the Minister agree that the courts have no role to play in industrial relations? Will he now act like a statesman and bring the two parties together under his auspices in order to reach an agreement and bring this damaging dispute to an end?

**Mr. King:** I do not think that he hon. Gentleman's remarks are helpful. He should be seeking to find a way to end this damaging dispute.

It is difficult to see how I could bring the parties together when one of the parties finds it difficult to leave his plant. His workers are facing the threat of thousands of pickets outside, and it is understandable that he therefore finds it extremely difficult to leave the plant. Far from being helpful, the mass picketing is positively impeding the settlement of the dispute.

**Sir Kenneth Lewis** (Stamford and Spalding): Does my right hon. Friend agree that the mass picketing would have taken place anyway, whether or not the Government had passed the legislation, as it did before the legislation existed? The only difference is that the Government have made mass picketing illegal, as the people wished, and the union has no right to use it.

**Mr. King:** It has always been illegal to obstruct the highway or to intimidate people when going to their place of work. I am glad to have the endorsement of the chairman of the Labour party on this point, because he appeared to suggest that there was a call in the Labour party to support the union in encouraging breaches of the law. I am referring to encouraging and paying people to come from other parts of the country to support the pickets. *[Interruption.]* The hon. Member says that that is untrue, but I have the evidence here from one branch offering funds to union members to come from other parts of the country to support the pickets at Warrington.

**Mr. Martin J. O'Neill** (Clackmannan): This dispute is clearly a product of the unworkable legislation and the untrustworthiness of the employer who has reneged repeatedly on undertakings, and has frustrated conciliation.

**Mr. King:** The hon. Member has a connection with the printing industry. He may have worked in it, as I did for a number of years. We both know that mass picketing by

[*Mr. King*]

people unconnected with the firm has never been part of proper British industrial relations and is extremely damaging, not least to the trade unions themselves.

**Mr. Ian Wrigglesworth** (Stockton, South): Some people are seeking to use this dispute as a battering ram to defeat by unconstitutional means the legislation to take the matter before the courts. My right hon. and hon. Friends and I deplore the action being taken outside the law and strongly support the comment by the deputy leader of the Labour party that the NGA should obey the law.

**Mr. King:** It would be encouraging if the hon. Gentleman's forthright condemnation were echoed by other Members on the Opposition Benches. There is no great enthusiasm from some right hon. and hon. Members on the Opposition Front Bench to rise to their feet. The House will draw its own conclusions from that.

**Mr. Richard Hickmet** (Glanford and Scunthorpe): Does the Secretary of State accept that the present dispute has nothing to do with employment legislation but is an example of the anarchy presently ruling in Fleet street? What is the future for Fleet street when members of the NGA are apparently currently earning up to £700 a week and new machinery cannot be introduced?

**Mr. King:** I should not like to speculate on the future of Fleet street, but it will be plain to anyone that the actions of certain workers in walking out and striking, as they did, cannot improve Fleet street's prospects and can only serve to damage their prospects and those of other workers in Fleet street.

**Mr. Ron Leighton** (Newham, North-East): The House will know that I am a member of Sogar '82. Will the Secretary of State confirm that the substance of this dispute is the re-employment of six men? Will he further confirm that after Mr. Shah reneged on his first agreement, as the Secretary of State said, further negotiations took place last Sunday when Mr. Dubbins spent the whole day with the company and Mr. Shah agreed to set up a separate

enterprise to re-employ those six men? Since then Mr. Shah has reneged again. In those circumstances, does the Secretary of State agree that, instead of wheeling out judges who hand out fines of £50,000, £100,000, £250,000 and £10 million, it would be far better for him to use his offices of conciliation to seek the re-employment of those six men and settle this dispute?

**Mr. King:** May I start by correcting what the hon. Gentleman said? It is a fallacy to say that this dispute originated in and is about the reinstatement of six men. It is about the establishment of closed shops at the Warrington and Bury plants. The workers at Stockport were subsequently called out by their union at another plant in support of the action in the two other plants. That is how the dispute originated. The question of reinstatement arose when those six employees went on strike and were subsequently dismissed. The origin of this dispute is the establishment of closed shops in the two other plants.

Possible ways of resolving this matter have been discussed. ACAS representatives have been actively involved in trying to find some way of resolving it. One of the ideas was the one mentioned by the hon. Gentleman. There is not the slightest prospect of such ideas being carried forward towards the settlement that must be achieved unless there can be a meeting of the people involved. That meeting will not be possible if one of the parties to the meeting is barricaded in his plant by thousands of people demonstrating.

**Mr. Dennis Skinner** (Bolsover): On a point of order, Mr. Speaker, I wonder whether, if you have time during the course of the day, you will be able to carry out research into the number of occasions that the House has been discussing a Bill when Ministers have argued that the law is the law and must be obeyed and such laws subsequently have been dropped by the Government? You might find that in 1971 the Government were arguing that the law was the law but that before we had reached the end of that Parliament they had dropped the legislation.

**Mr. Speaker:** It might be an interesting piece of research but I do not think that it is a matter for me.



Andrew:

(added to Pnu's box) re TF.

Latest news on NGA sent  
from B. Shaw (Emp) at ~~0830~~  
0830 29/11:

"Despite failing to get  
emphatic assessment of no  
action all national newspapers  
apart from the Times +  
Sun re engaged their  
NGA employees and  
published overnight. TUC  
Employment Policy Ctte.  
concluded its mtg. at 2300,  
with the simple statement  
that it adjourned until 1800  
today (29/11) to allow NGA  
executive to meet +

PTG

consider the situation in  
the interim.

The sequestrators have got  
their hands on £175,000  
of NGA's."

Entry Clerk

MS

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PTG

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Duty Clerk

TOP COPY  
REQUIRED

RESTRICTED



Caxton House Tothill Street London SW1H 9NF  
6400  
Telephone Direct Line 01-213.....  
Switchboard 01-213 3000

Andrew Turnbull  
Private Secretary  
Prime Minister's Office  
10 Downing Street  
LONDON SW1

28 November 1983

*Dear Andrew*

STOCKPORT MESSENGER DISPUTE

... I enclose a note about this dispute which my Secretary of State has approved. As you asked, we have gone into some detail about the history and legal implications of the dispute to give the Prime Minister the full picture. My Secretary of State will keep the Prime Minister informed as matters develop. He is in touch particularly with the Home Secretary over the policing issues raised by the dispute.

I am copying this to Bob Whalley (Lord President's Office), Tony Rawsthorne (Home Office), David Heyhoe (Lord Privy Seal's Office) and Callum McCarthy (Department of Trade and Industry).

*Yours sincerely*

*Burnaby Shaw*

J B SHAW  
Principal Private Secretary

RESTRICTED

## NGA DISPUTE

### RIGHTS OF DISPUTE

THE DISPUTE IS A LONG AND COMPLEX ONE AND EFFORTS ARE STILL BEING MADE BY THE PARTIES INVOLVED TO RESOLVE IT. OUTSIDE ASSISTANCE IS MUCH BETTER PROVIDED BY ACAS THAN BY WORDS IN THIS HOUSE.

### WRONG TO BRING LAW INTO INDUSTRIAL RELATIONS

RECENT EVENTS DEMONSTRATE PRECISELY THE OPPOSITE. HAD IT NOT BEEN FOR THE 1980 AND 1982 ACTS, THE MESSENGER GROUP WOULD HAVE HAD NO RECOURSE AGAINST THE SECONDARY PICKETING THAT TOOK PLACE.

### WRONG TO IMPOSE PUNITIVE FINES IN COURSE OF LEGITIMATE DISPUTE

FINES HAVE NOT BEEN IMPOSED FOR ACTIONS DIRECTLY RELATED TO THE DISPUTE, BUT WERE IMPOSED BY THE COURT FOR CONTEMPT. CLEARLY NO UNION CAN PUT ITSELF ABOVE THE LAW.

### GOVERNMENT SHOULD INTERVENE

THE ORIGINAL DISPUTE IS FOR THE PARTIES TO RESOLVE WITH THE HELP OF ACAS. THE FINE AND SEQUESTRATION WERE IMPOSED BY THE COURTS AND THE GOVERNMENT HAS NO SCOPE TO INTERVENE.

### RIGHT TO PICKET

LAW DOES NOT, AND NEVER DID, GIVE PICKETS IMMUNITY FROM THE CRIMINAL LAW IF THEY USE VIOLENCE, INTIMIDATION AND OBSTRUCTION. ATTEMPT BY SHEER WEIGHT OF MEMBERS TO OBSTRUCT DO NOT CONSTITUTE PEACEFUL, LAWFUL PICKETING.

### POLICE ROUGH TACTICS

POLICE ARE COPING RESPONSIBLY WITH A VERY DIFFICULT TASK PRESENTED BY SEVERAL <sup>HUNDRED</sup> CONCENTRATED PICKETS.

### HATTERSLEY/HEFFER QUOTES

HATTERSLEY "THOSE OF US WHO BELIEVE THE LAW TO BE WRONG HAVE TO CHANGE IT RATHER THAN BREAK IT."  
HEFFER "THE NGA AND ITS' MEMBERS MUST BE FULLY SUPPORTED ... NOW IS THE TIME FOR ALL LABOUR PARTY MEMBERS TO GIVE EVERY PRACTICAL SUPPORT WHICH CAN INSIDE AND OUTSIDE PARLIAMENT"

## CURRENT LEGAL PROCEEDINGS

THE FOLLOWING CASES ARE STILL SUB JUDICE:

- (i) THE NGA IS APPEALING BOTH AGAINST THE INJUNCTIONS TO STOP PUTTING PRESSURE ON ADVERTISERS NOT TO USE MESSENGER GROUP NEWSPAPERS AND TO CEASE ORGANISING UNLAWFUL PICKETING, AND AGAINST THE FINES IMPOSED FOR FAILING TO OBSERVE THE INJUNCTION ON PICKETING.
  
- (ii) THE MESSENGER GROUP HAS BROUGHT AN ACTION FOR DAMAGES AGAINST THE NGA RELATING TO A DECISION BY REED INTERNATIONAL UNDER NOT TO INJECT £30,000 INTO THE GROUP, ALLEGEDLY UNDER PRESSURE FROM THE NGA.
  
- (iii) CRIMINAL CHARGES HAVE BEEN BROUGHT AGAINST A NUMBER OF THE PICKETS.

FLEET STREET NEWSPAPERS HAVE THREATENED TO ISSUE WRITS FOR DAMAGES BUT THIS HAS NOT YET BEEN CONFIRMED.

*Labour Quotes.  
Hattersley etc.*

THE STOCKPORT MESSENGER DISPUTE

The Messenger Group of Newspapers comprises separate companies operating at Stockport, Warrington and Bury employing 120 people. It produces free newspapers. The National Graphical Society (NGA) had a closed shop agreement covering printers in the Stockport company and last year it tried to secure similar agreements covering employees at the new companies then being set up at Bury and Warrington. The union alleges that the Group initially agreed to this but later broke the agreement. The employees at Bury and Warrington, however, are reported to have voted unanimously during the summer against unionisation in secret ballots organised by the managements.

2. The NGA called its Stockport members out on strike in July and they were subsequently dismissed by the company. Industrial action then intensified involving at one time or another unlawful action by members of the National Union of Journalists (NUJ), unlawful picketing (including mass picketing) and unlawful pressure on advertisers not to use the Group.

Legal proceedings by the Group

3. The Group invoked the provisions of the 1980 and 1982 Employment Acts in four separate cases:-

*NUJ ?*

(1) An injunction ordering the NUJ to stop its members blacking work being done by workers recruited to replace the dismissed NGA members. The NUJ members obeyed (against their union's advice), though some have since refused to cross picket lines and have gone on strike.



(ii) An injunction ordering the NGA to stop putting pressure on advertisers not to use the Messenger Group newspapers.

(iii) A further injunction ordered the NGA to cease organising unlawful picketing.

(iv) An action for damages against the NGA, relating to a decision by Reed International not to inject £30,000 into the Group, has yet to be heard.

4. The provisions of the 1980 and 1982 Acts on which the Group's cases rested were:

Cases (i) and (iv): Section 18 of the 1982 Act narrowed the definition of "trade dispute" to disputes between employees and their employers (ie not between employees and other employers or between trade unions and employers).

Case (ii): Section 14 of the 1982 Act removed immunity from actions which induce firms to terminate or not to enter into contracts with non-union firms in contravention of section 13 of the Act.

Case (iii): Section 16 of the 1980 Act restricted the immunity for acts committed during picketing, which would otherwise be in breach of the civil law, to acts done by pickets at their own place of work (for the purpose of peaceful persuasion). A note on the law relating to picketing is at Annex 1.

5. The NGA's policy is to oppose the operation of the Acts and not to conform with Court orders made under them. On

17 November the High Court, on the application of the employer, fined the union £50,000 for contempt in failing to obey the injunctions relating to the picketing and to the pressure on advertisers. On 25 November the Court imposed a further £100,000 fine because unlawful picketing was continuing at the Warrington company and ordered sequestration of all the union's assets. Later that same day the NGA appealed to the Court of Appeal for a stay of the High Court's orders, pending a possible substantive appeal (also to the Court of Appeal) against the orders. Having heard from the NGA's Counsel that the union would not give an undertaking to pay the fines if the substantive appeal proved unsuccessful, the Court of Appeal refused to grant a stay but limited sequestration to £175,000 (ie £150,000 in fines plus £25,000 for costs which have also been awarded against the NGA). Four partners in Price Waterhouse have been appointed as sequestrators and can be expected to act as soon as they have assessed the most appropriate assets to seize, irrespective of whether the union proceeds with its substantive appeal. It is not yet clear whether it will do so, but this Wednesday (30 November) would be the likely date for a hearing.

Appeal?

#### Legal action by Fleet Street employers

6. NGA members employed by national newspapers in London and Manchester went on strike over the weekend in support of the Stockport Messenger action which resulted in the loss of Saturday and Sunday's national newspapers. It is being alleged that this was spontaneous action and not under instructions from the NGA. The NGA instructed its members to return to work on Sunday afternoon and five national newspapers have resumed production today (Monday). These are the Financial Times, Daily Telegraph, Mail, Morning Star and Guardian. The six newspapers which have not restarted production sacked their NGA employees for being in breach of

their employment contracts on Sunday on not receiving an assurance from the NGA that further action in support of the Messenger dispute would not be taken. A further demand for such an assurance has been made today with the threat that these six newspapers will stop all publications and start dismissing other employees if this is not forthcoming. All the national newspapers are reported to be issuing writs for damages against the NGA. These cases however are unlikely to be heard for some time.

#### The picketing and police action

7. In recent weeks the union has concentrated picketing on the Group's Warrington company. Picketing has been concentrated on the days when the newspapers are actually produced. Secondary pickets have been brought in from various parts of the country. At its height the picketing has involved several hundred people.

8. While peaceful picketing has some limited civil law protection (see Annex 1), this does not apply to the criminal law and the police are free to take action to maintain the peace and prevent the commission of offences. The principal tactic of the pickets in this case has not been to use violence but to try to obstruct access by weight of numbers. Production has not been halted and the police have maintained access. There have been a few minor injuries. The most serious injury to a police officer, one whose leg was broken, was not the result of violence, but of a wall collapsing on him. Since 8 November there have been 37 arrests, most for minor public order offences and obstruction, although a few for assault including a kick at a female officer. Some of the cases remain sub judice.

## The TUC

9. Thus far the TUC has adopted an equivocal attitude. At the meeting of the General Council on 23 November, Mr Murray urged that the NGA should be advised to abide by the Court's orders and not resist the payment of fines. He was not successful. The General Council's decision was to broadly support the NGA's case against the employer, to urge a conciliated settlement by ACAS and to accept that under the TUC's policy that the NGA had a claim for its assistance. It nevertheless stopped short of any pledge of financial or industrial assistance and did not explicitly support the NGA's refusal to obey the Court's orders and to pay fines. Mr Murray stressed publicly that the TUC did not support violent picketing. A number of individual union leaders have said publicly that the NGA should obey the law, on the other hand some have been ready to pledge full and unqualified support for the NGA's stance.

## Parliamentary interest

10. Andrew Bennett MP, (Labour) unsuccessfully sought an early day motion on 3 November (condemning the Messenger Group for breaking "freely agreed contracts" with the NGA). Fergus Montgomery MP, condemned the NGA tactics in an adjournment debate on 8 November. Last Wednesday (23 November) Mr Montgomery asked a private notice question: the relevant extract from Hansard is at Annex 2. PNQs from Mr Ian Wrigglesworth (SDP) and John Smith (Official Opposition Spokesman on employment) for today were disallowed by the Speaker's office (presumably because of the aspects of the dispute which are sub judice). Lord Harris has put down an unstarred question for Thursday (1 December). It is highly probable that a PNQ will be allowed tomorrow and there could well be pressure for a debate.

## Latest developments

11. Throughout the dispute ACAS has endeavoured to assist the parties and on 20 November an agreement in principle was reached in which the NGA was granted recognition in respect of the Bury and Warrington plants but no longer insisted on full closed shops. However, the employer refused to re-instate the six NGA members who had been dismissed and the NGA insisted on re-instatement. Additionally the NGA sought the continuance of a full closed shop at Stockport.
12. With ACAS's assistance, talks between the parties were resumed over the weekend. This led to the Messenger Group agreeing to draft terms for a settlement which were considered at a joint meeting today. It had become apparent that the NGA was anxious to settle the dispute if possible. Agreement however did not prove possible. At present there are no firm proposals for further negotiations.
13. The TUC's Employment Committee is meeting this evening to consider the position, but unless there is an unexpected development the likelihood is that unlawful picketing will be resumed tomorrow and the Messenger Group had said that they would then return to the High Court with evidence of continuing contempt. Further, larger fines might then be expected.
14. There is no scope for direct intervention by the Government. The Court orders must be enforced and the fines paid. The Government cannot intervene directly to seek to secure a settlement of the industrial issues in dispute, such possibilities as may now arise can only be explored by ACAS. The Government's position must be to continue to make clear that the law must be observed, to emphasise that the dispute arose on an attempt to enforce closed shops by industrial action on unwilling employees and to condemn mass and violent picketing.

Picketing and the law

Where pickets induce a breach of contract, or threaten to do so, they have immunity from actions in tort if - and only if - they are attending at or near their own place of work for the purpose (Section 16 of the Employment Act 1980) of peacefully persuading someone not to work.

2. The Code of Practice on picketing issued by the Secretary of State for Employment must - by virtue of section 3 of the 1980 Act - be taken into account by the courts where they consider its provisions to be relevant to any proceedings. The Code recommends, against other things, a maximum of six pickets at each factory entrance and this may be relevant, for example in establishing whether picketing has gone beyond peaceful persuasion.

3. Pickets have no immunity from criminal offences. These may result for example from intimidation, obstruction of the entrance to a workplace or breaches of the peace. It is for the police to decide when criminal offences have arisen or are likely to arise and to take any action which they consider necessary.

## Messenger Group Newspapers

3.32 pm

**Mr. Speaker:** Before calling the hon. Member for Altrincham and Sale (Mr. Montgomery) to ask a private notice question, I must tell the House that I understand that the trade union in dispute with the Messenger Group Newspapers has been ordered by the High Court to appear before it on Friday regarding non-payment of a fine. The Messenger Group has issued a writ for sequestration, which will be heard at the same time. I must, therefore, disallow any reference in questions to these matters before the court as being sub judice.

**Mr. Fergus Montgomery** (Altrincham and Sale) *by private notice* asked the Secretary of State for Employment whether he would make a statement about the industrial dispute with Messenger Group Newspapers.

**The Secretary of State for Employment (Mr. Tom King):** As the House will know, there has been a dispute over the past year between the Stockport Messenger Group Newspapers and the National Graphical Association in connection with the establishment of closed shop agreements at the firm's subsidiaries at Warrington and Bury. As a result of action taken by the union during the dispute, the Messenger Group sought an injunction against the union in the High Court. The injunction was granted requiring the union to desist from organising unlawful industrial action. The court subsequently found that the injunction was not being observed and imposed a fine of £50,000 on the National Graphical Association for breach of that injunction. The fine has not been paid, and I understand that the High Court has now directed that it wishes to deal with the non-payment of the fine on Friday of this week.

As the House will also know, there have been intermittent incidents of intimidatory picketing at different plants culminating in the mass picket at Warrington last night. One policeman was seriously injured. I understand that a number of arrests have been made. Criminal charges have already been brought against those involved in earlier incidents and further charges may be made against those arrested last night.

In connection with the substance of the dispute, the Advisory, Conciliation and Arbitration Service has already been involved in seeking to assist the parties to a resolution of this dispute. I understand that the conciliation service is seeking to arrange a further meeting of the parties very shortly.

Whatever the arguments in relation to the dispute, I hope that both sides of the House will join with me in deploring the disgraceful behaviour that occurred at Warrington last night and to reaffirm that such conduct has no place in industrial relations in this country, and that the law must be observed.

**Mr. Montgomery:** Is my right hon. Friend aware that the workers were offered the choice of joining the National Graphical Association, that the union had a chance to put its case, and after a secret ballot the workers decided that they did not want to join the union? Is my right hon. Friend further aware that the union has accepted that point?

On Sunday there was a 13-hour meeting between the two parties and ACAS. The point of difficulty seems to be the re-employment of the six people who withdrew their

labour. That difficulty has arisen because the other employees in the organisation are not happy to have those people back—*[Interruption.]*—because for 20 weeks people have suffered harassment and intimidation from those people and the other union bullyboys. Why did we enact the Employment Act 1982 if it is to be ignored by such people? I hope that the Government will make their position clear, because a small firm is being intimidated by a union.

**Mr. King:** Had it not been for the 1980 and 1982 Acts, the Messenger Group would have had no recourse against the secondary picketing that took place, and the attempts to breach other contracts, which were part of the substance of the complaint to the court in respect of which the injunction was granted.

I know that my hon. Friend will also accept that, whatever be the system of law, it has been accepted by every party in the House and by successive parties when in government that picketing is lawful only when it is peaceful. Intimidation and obstruction are criminal offences, and the law must be observed.

**Mr. John Smith** (Monklands, East): Does the Secretary of State agree that a politically-inspired private notice question does not help the solution of a sensitive industrial dispute? *[Interruption.]* Hon. Gentlemen who proclaim the rule of law should listen to criticism in reasonable silence. Is the Secretary of State aware that the Opposition deplore violence and extend their sympathy to anyone affected by it? Will he equally recognise that the National Graphical Association issued a leaflet to those involved in the dispute? I quote from it:

"On behalf of the Organising Committee it is requested that the demonstration remains peaceful and you are asked not to attack the building or be provoked into using violence."

Does the Secretary of State accept, if he can bear me above the interruptions from behind him, that the trade union involved acted responsibly in giving that advice to its members? *[Interruption.]* May I say in the presence of the Secretary of State that the conduct of Conservative Members is not consistent with the type of order that they proclaim to those involved in industrial disputes?

The substance of the dispute is the serious matter with which all those involved in settling it are concerned. Does the Secretary of State accept that it is an extremely serious dispute with the potential for spreading rapidly throughout this sector of British industry? Is not the dispute within the area of settlement as what is now at stake is no more than the jobs of the six NGA members who were dismissed by Mr. Shah?

Is not the most important part of the Secretary of State's statement his reference to the ACAS meeting? Should he not now revive the old Ministry of Labour tradition of putting the Government's weight behind conciliation and the resolution of the dispute as early as possible?

**Mr. King:** I am sure that the whole House will hope that the further meeting that ACAS is seeking to arrange will be helpful in resolving the core of the dispute. While the original substance of the dispute is important and its resolution will help to remove this problem, I cannot walk away as readily as the right hon. and learned Gentleman from the events of last night and the type of behaviour that took place.

The right hon. and learned Gentleman accused my hon. Friend the Member for Altrincham and Sale (Mr.

Montgomery) of asking a politically-motivated question, as though he is supposed to ignore the incidents that took place last night and on earlier occasions affecting his constituency and constituents. The right hon. and learned Gentleman knows that I referred to the intermittent disputes at the various plants and to the seriousness of this matter. I hope that the right hon. and learned Gentleman was not equivocating in any way on what I took to be his categorical denial of violence in picketing. I am pleased to say that I understand that the TUC has also issued a statement condemning the use of violence. I hope that the right hon. and learned Gentleman and his right hon. Friends will lend their good offices to ensure that every effort is made to prevent any recurrence of this type of action.

**Several Hon. Members rose—**

**Mr. Speaker:** Order. Before I call another hon. Member to speak, I should say that a private notice question is an extension of Question Time. I propose to allow questions on this statement to continue until 3.55 pm. We have a further statement and an Opposition day debate thereafter.

**Mr. Tim Rathbone (Lewes):** Does my right hon. Friend accept that the forces of law must be sufficient to meet the needs of the law? Is he reassured that the law as it stands is sufficient in its scope to meet episodes such as this and that the forces of law, particularly the police force complement, are large enough and well enough trained to meet incidents such as that which occurred the other evening?

**Mr. King:** That is not a matter for me. It is first the responsibility of the chief constable concerned. My hon. Friend will wish to pay tribute to the fact that, after the first problems the police encountered, they took the necessary steps to ensure that the mass picketing and the obstruction and intimidation did not prevent the progress of the business.

**Mr. Doug Hoyle (Warrington, North):** First, does the Secretary of State accept that the constituency involved is not that of the hon. Member for Altrincham and Sale (Mr. Montgomery) but is my constituency and that his hon. Friend is interfering in my constituency without even having the decency to tell me that he proposed to table this question? Is not the bully boy in this case the employer, because he brought in paramilitary thugs with dogs, which inflamed passions? Is not that the reason why violence occurred?

Secondly, does the right hon. Gentleman accept that there could be an agreement? The right hon. Gentleman has admitted that the union has been flexible and that the TUC is backing the union in this dispute. Is he aware that if only the employer would stop victimising the six members and reinstate them the dispute could be over tomorrow?

**Mr. King:** I recognise, and I sought to make it clear—I think the hon. Gentleman heard me say it—that the company is affected at three plants in three constituencies. A number of hon. Members are affected, and, indeed, my hon. Friend the Member for Altrincham and Sale has already taken the trouble to raise the matter on the Adjournment. I do not know whether the hon. Member for Warrington, North (Mr. Hoyle) took part in that debate. I shall not enter today into the merits of the dispute, which

I hope can be discussed at ACAS and resolved. However, it distresses me that the hon. Member for Warrington, North can speak but utter not a single word of criticism or deprecation about the scenes of violence, which have no part in proper industrial relations in this country.

**Sir Kenneth Lewis (Stamford and Spalding):** Does my right hon. Friend agree that many of the pickets at the factory gates came from other parts of the country and, in fairness to the NGA, were probably members of other unions? Is it not against the principles of picketing and an abuse of the law that they should do that?

**Mr. King:** As the company involved employs only 120 people it is clear that a picket of 1,000 or more must be a breach of the law. It is well known and has been accepted by Governments of both parties that intimidation and obstruction are criminal offences that have no place in peaceful picketing.

**Mr. Ron Leighton (Newham, North-East):** As a member of a separate print trade union, Sogat '82, I should like to ask the Secretary of State whether he recognises that we are dealing with an employer who reneges on agreements. Secondly, does he appreciate that the NGA has bent over backwards to reach agreement in this case to the extent that it has reached a provisional agreement, a copy of which I have with me, that all employees at Bury and Warrington will stay in their jobs and only new employees will be members of the union? Thirdly, is he aware that the seven members of the NUJ who took industrial action have been taken back by the employer but that he is refusing to take back six members of the NGA? That is the sole issue in dispute. I urge the right hon. Gentleman to use his offices of conciliation to get an agreement to take those six men back. Would it not be a pity to have industrial Armageddon over six men?

If those principally concerned go down the road of stealing the property of the union and seeking to destroy it, not only will that be bad for industrial relations—do not expect any more copies of *Hansard* or newspapers—but the state will be biting off more than it can chew.

**Mr. King:** I know enough about the background of the dispute to know that every one of the statements that the hon. Gentleman has made to the House is itself the subject of bitter argument in this controversy. That reinforces my judgment that I do not propose at the Dispatch Box to comment on any of his remarks.

**Mr. Tony Speller (Devon, North):** May I remind my right hon. Friend that there are victims well beyond this internecine war? The public will be deprived of the newspapers and titles that they are used to, retail distributors and newsagents will suffer financial loss, and, as usual, the public will suffer. On seeking to resolve the dispute, will my right hon. Friend remember the public interest, which is paramount in all things?

**Mr. King:** There are procedures and ways in which disputes of this type can be resolved and should be resolved without industrial action but, if it takes place, it should at least be conducted within the law. What is unacceptable to the people of this country is that people should refuse to observe the law.

**Mr. Andrew F. Bennett (Denton and Reddish):** Is the Minister aware that there is mounting anger in Stockport over the fact that this dispute could have been settled by agreement at the beginning of the week had Mr. Shah not



[Mr. Andrew F. Bennett]

refused to take back the six workers in Stockport, in my constituency, who throughout this period have observed the law and picketed in the most respectable way? Will the Government now use their good offices to persuade Mr. Shah to reinstate the six people and thereby have the whole dispute settled? Will the right hon. Gentleman remember that the reason why these people are not being allowed to go back are the blacklegs who have been recruited since and who object to them returning to work?

**Mr. King:** The House will have heard my hon. Friend the Member for Altrincham and Sale (Mr. Montgomery) refer to allegations about the conduct of some of the members of the firm who were affected in that way, and the question of their reinstatement obviously arouses considerable controversy. I shall not enter into that because that matter is, I understand, now at the heart of the resolution of the problem. ACAS is giving the matter its close attention and is seeking to arrange a meeting, and I shall not enter into the pros and cons of it at this stage. I say unequivocally that, whatever be the pros and cons in terms of the original dispute, illegal and intimidatory action of the kind we have seen and criminal behaviour are intolerable.

**Sir Dudley Smith** (Warwick and Leamington): However big or small the case, will my right hon. Friend confirm that in a true democracy the law, and the will of Parliament which passes the law of the country, must in the end prevail?

**Mr. King:** That is what I have been seeking to reinforce to the House today. The trade unions enjoy certain rights and privileges—whatever title one gives them—of immunity under the law and are protected by the law, and it is as much in their interest in the long run that the law should be observed by others; they should insist that their members also observe the law. I trust that the TUC, having condemned violent behaviour, will take every possible step to ensure that no such events occur again.

**Mr. Norman Atkinson** (Tottenham): On a point of order, Mr. Speaker.

**Mr. Speaker:** I would rather not take a point of order at this moment.

**Mr. Atkinson:** On a point of order, Mr. Speaker, I wish to refer to your ruling—

**Mr. Speaker:** Order.

**Mr. Atkinson:**—when you ruled—

**Hon. Members:** Sit down.

**Mr. Speaker:** Order. I said that this was an extension of Question Time. It will take time out of that if I take points of order at this stage. If the hon. Gentleman wishes to raise a point of order, I will take it afterwards.

**Mr. Atkinson:** On a point of order,—

**Mr. Speaker:** Very well, but I must tell the hon. Member that taking his point of order now is taking time out of the private notice question.

**Mr. Atkinson:** I hope that you will allow the time, Mr. Speaker, because my point of order relates to an important matter on which you have ruled. You said that it was sub-

justice to refer to charges which are to come before the court. However, that did not prevent the Minister from out of hand condemning workers in relation to charges on which they have not yet appeared before any court. The Minister said that those workers were already guilty—*[Interruption.]* and he asked Opposition Members to condemn their behaviour as though they had already been found guilty of those offences. Should you not prevent the Minister from referring to that issue, Mr. Speaker?

**Mr. Speaker:** The Minister has not talked about the guilt of individuals in this case. When I granted this private notice question, information about the matter going before the courts was not known, and that is why I made the statement that I did.

**Mr. Robert Parry** (Liverpool, Riverside): Is the Secretary of State aware that I had a long meeting last Saturday with the full-time secretary and officials of the NGA at which strong allegations were made of police brutality against pickets? [HON. MEMBERS: "Shame."] Is he further aware that a number of pickets suffered head and leg injuries and concussion and that one of my constituents, Mr. Peter Stanton, whose height is less than 5 ft and who weighs less than eight stone, has a fractured shoulder bone? Will the right hon. Gentleman urge the Home Secretary to have words with the Cheshire police for a cooling down of tempers? The NGA members regret the injuries to a police officer in the early hours of this morning. Is he aware that if action is not taken to cool down the situation this will turn out to be the Grunwick of the north?

**Mr. King:** There is a proper procedure for charges or complaints of that kind and that certainly should be observed because nobody condones that sort of behaviour. The hon. Gentleman calls for a cooling down of the situation. I suggest that anything he can do to discourage such an assembly of pickets he should do; the assembly of, I understand, nearly 1,000 people outside the Warrington plant could hardly be a contribution to a cooling down of the situation.

**Mr. Alistair Burt** (Bury, North): Is my right hon. Friend aware that my constituents working on the Messenger newspaper voted on the closed shop issue some weeks ago, voted unanimously against and, as a consequence of that, now have pickets at their door? Does he agree that the National Graphical Association should call off its threat to my constituent's livelihood, look after the business of those who have chosen to represent them and leave my constituents alone?

**Mr. King:** I am aware of reports of the ballots that were taken and I understand that, according to those reports in both plants concerned there was a majority against membership of the NGA, the decision having been unanimous in one plant. That is part of the background to the dispute. My interest in the matter is to see that the dispute about recognition or the closed shop is resolved in a proper way, and neither I nor the Government are prepared to condone the sort of illegal and intimidatory picketing that has been taking place.

**Several Hon. Members** rose—

**Mr. Speaker:** Order. In view of the point of order that was raised, I propose to take one more question.

**Mr. Martin J. O'Neill** (Clackmannan): Is the right hon. Gentleman aware that my union, the National

Grassroots Association, regrets that anyone should have been injured in the dispute but recognises that this morning the TUC came out in support of the NGA on the core of the issue—the victimisation of six former members of Mr. Shah's staff whom he has refused to reinstate? Is he further aware that it would be greatly appreciated by the trade union movement if he ensured that his officials acted as constructively as possible to secure conciliation because the only issue now at stake is that of the six members, and the union is looking to the right hon. Gentleman for support on that issue?

**Mr. King:** As I said in my statement, ACAS, which is independent, is seeking to achieve a settlement of the dispute. I hope that the hon. Gentleman will lend his good offices to ensuring that the NGA, in wishing to prosecute an industrial dispute—which it is entitled under the law of the land to do—will ensure that it conducts it within the law.

**Mr. Dennis Skinner (Bolsover):** On a point of order, Mr. Speaker. A few days ago you were asked, as the result of a newspaper article, about the SDP and Liberals in particular not getting a fair crack of the whip in relation to speaking opportunities in the House. It may be remarkable to people outside Parliament—though it is not to most hon. Members—that when we get into the sharp end of politics, as we have just been doing—with the Tories supporting the bosses and the Labour party supporting the workers—SDP and Liberal hon. Members are not to be found.

**Mr. Speaker:** That is not a point of order for me.

## Intermediate Nuclear Force Talks

3.58 pm

**The Minister of State, Foreign and Commonwealth Office (Mr. Richard Luce):** With permission, Mr. Speaker, I should like to make a statement about the INF negotiations.

As hon. Members may be aware, the Soviet delegate to the Geneva INF talks has made it clear this morning that the Soviet Union does not intend to continue the present round and has given no date for the resumption of the talks.

The Government regret this Soviet decision and can see no justification for it. As recently as 15 November the United States tabled a further constructive proposal in the negotiations, which was rejected out of hand by the Soviet Union. The Russians may seek to justify their interruption of the talks by the final preparations for initial Western INF deployment. But the House will recall that the West has remained at the conference table while the Soviet Union has increased its own deployments of SS20s by over 40 per cent.

The NATO Alliance has made its first priority the achievement of a balanced and verifiable agreement to reduce and if possible to eliminate these weapons worldwide. At the same time, we have made it clear that until such an agreement can be attained the Alliance will proceed in accordance with its decision in 1979 to work towards a balance which would safeguard Western security. We will not be deflected from achieving the first stage of this objective by the end of this year.

I wish to emphasise that the Alliance remains ready to halt or reverse at any time the deployment of the missiles if only we can secure an agreement with the Soviet Union that would allow us to do so. The achievement of such an agreement remains our unshakeable objective. The Alliance will spare no effort to secure it. We remain convinced that an agreement is possible and that it remains in the interests of East and West that the negotiations should resume at the earliest possible date. We therefore urge the Soviet Union to demonstrate an equally sincere commitment to arms control by returning to the negotiating table.

**Mr. Denis Healey (Leeds, East):** Is the Minister aware that he has made a serious and disturbing statement, although the news was not unexpected? Does he recall that Her Majesty's Government have been arguing for four years that the moment the West began to deploy cruise and Pershing missiles agreement would be reached at the disarmament talks? Is it not clear that that could not have been more wrong? As the Soviet Union has frequently warned, it has produced a breakdown in the talks.

The Minister suggested that the responsibility for the breakdown lay exclusively with the Soviet Government. Is he aware that Her Majesty's Government's refusal to allow their Polaris force to be included in the balance has been a major obstacle to the talks until last week?

**Mr. Churchill (Davyhulme):** Whose side is the right hon. Gentleman on?

**Mr. Healey:** I am on the side of peace and disarmament. Is the Minister aware that, only last week, the Soviet Government, at the last moment, offered not to include British and French nuclear forces in the balance and to reduce the number of their SS20s to half those

WRITS

NPA TO TAKE OUT WRITS FOR DAMAGES

THE OWNERS OF BRITAIN'S NATIONAL NEWSPAPERS ARE TO TAKE OUT WRITS FOR DAMAGES AGAINST THE NGA PRINT UNION FOLLOWING THE NON-APPEARANCE OF THEIR NEWSPAPERS THIS WEEKEND.

THIS ACTION WAS AGREED BY THE NEWSPAPER PUBLISHERS' ASSOCIATION COUNCIL AT A THREE-HOUR MEETING TODAY TO DISCUSS LAST NIGHT'S WALKOUT BY FLEET STREET PRINT WORKERS BECUASE OF THE STOCKPORT MESSENGER DISPUTE.

AFTER THE MEETING THE NPA'S DIRECTOR, MR JOHN LE PAGE SAID:

"THE NPA COUNCIL MET THIS MORNING AGAINST THE BACKGROUND OF NON-PRODUCTION OF ALL SATURDAY ISSUES OF DAILY NEWSPAPERS IN MEMBERSHIP OF THE NPA.

"THE ACTION TAKEN BY THE NGA IS TO BE REPEATED IN RESPECT OF ALL TOMORROW'S SUNDAY NEWSPAPERS.

"THE FLAGRANT BREACHES OF CONTRACT AGAINST EMPLOYERS IN NO WAY REMOTELY INVOLVED IN THE STOCKPORT MESSENGER DISPUTE CANNOT BE TOLERATED BY AN INDUSTRY WHOSE FINANCIAL VIABILITY IS IN DOUBT.

"ALL NPA MEMBERS WILL INDIVIDUALLY BE SEEKING WRITS AGAINST THE NGA FOR DAMAGES CAUSED BY THE ACTIONS OF THE NGA MEMBERSHIP THIS WEEKEND.

"THE NPA WILL URGENTLY SEEK ASSURANCES FROM NGA GENERAL SECRETARY JOE WADE ON BEHALF OF THE NGA THAT THERE WILL BE NORMAL WORKING AND NO FUTHER DISRUPTION IN RELATION TO THIS PARTICULAR DISPUTE.

"FAILURE TO OBTAIN BOTH ASSURANCES BEFORE WORK WOULD BE RESUMED FOR PRODUCTION OF MONDAY'S ISSUES WOULD MEAN THAT NPA MEMBERS WOULD RESERVE THEIR RIGHT INDIVIDUALLY TO ACCEPT THE REPUDIATORY BREACH OF CONTRACT AS A TERMINATION OF THE CONTRACT OF EMPLOYMENT.

"MEMBERS OF THE NPA WILL ALSO APPLY FOR AN INJUNCTION AGAINST THE NGA TO RESTRAIN ANY INDUCEMENT TO FURTHER BREACHES OF CONTRACT" MR LE PAGE SAID.

MORE FOLLWS

Main Points  
to FERB in GMA  
26.11.83.

PRINTERS WARNED 'WORK OR FACE THE SACK'  
PRINTERS ON BRITAIN'S NATIONAL NEWSPAPERS WERE WARNED THIS AFTERNOON TODAY THAT THEY FACE DISMISSAL UNLESS THEY WORK NORMALLY TONIGHT.

THOSE WHO REFUSE TO PROMISE THAT THEY WILL TAKE NO FURTHER INDUSTRIAL ACTION IN THE STOCKPORT MESSENGER DISPUTE WILL BE DEEMED BY SOME NEWSPAPER MANAGERMENTS TO HAVE BROKEN THEIR CONTRACTS AND BE DISMISSED.

THE LATEST MOVE IN THE DISPUTE FOLLOWS A DECISION BY THE NEWSPAPER PUBLISHERS ASSOCIATION COUNCIL AT A MEETING IN LONDON TO CARRY OUT THE THREAT OF DISMISSALS MADE YESTERDAY.

THE COUNCIL SAID THAT THE NPA WOULD URGENTLY SEEK ASSURANCES FROM MR JOE WADE, NATIONAL GRAPHICAL ASSOCIATION GENERAL SECRETARY, THAT THERE WOULD BE NORMAL WORKING AND NO FURTHER DISRUPTION IN RELATION TO THE MESSENGER DISPUTE.

'FAILURE TO OBTAIN BOTH ASSURANCES BEFORE WORK WOULD BE RESUMED FOR PRODUCTION OF MONDAY'S ISSUES WOULD MEAN THAT NPA MEMBERS WOULD RESERVE THEIR RIGHT INDIVIDUALLY TO ACCEPT THE REPUDIATORY BREACH OF CONTRACT AS A TERMINATION OF THE CONTRAT OF EMPLOYMENT,' SAID THE NPA.

THE NPA MET THIS MORNING BEFORE STAFF WERE DUE TO REPORT FOR WORK TO PRODUCE TOMORROW'S PAPERS.

A COUNCIL STATEMENT SAID: 'THE NPA COUNCIL MET THIS MORNING TO RECEIVE ANY COMMUNICATION THAT MIGHT HAVE BEEN RECEIVED FROM THE NATIONAL GRAPHICAL ASSOCIATION.

'UNFORTUNATELY THE REQUIRED ASURANCE FROM THE UNION RELATING TO NORMAL WORKING AND NO FURTHER DISRUPTION IN RELATION TO THIS PARTICULAR DISPUTE, HAS NOT BEEN RECEIVED.'

--

MR. BUTLER

NGA Action

Patrick Duffy of the AEWU has urged the NGA to reverse their decision not to pay the fine. Duffy said that unilateral action was disastrous. Page of the NPA (the National Publishers Association) has said that Fleet Street is far removed from the Stockport situation. The NPA are meeting today to decide, we think, on possible action. The TUC are meeting on Monday probably to urge the NGA to cool it down. The NGA does not have the support of other unions. The NGA Executive is meeting on Tuesday and they will probably decide to challenge the Court's revised fine of £150,000. John Smith, MP, Opposition spokesman on unemployment, is urging Government action.

Tom King has received a number of invitations for television and radio interviews but has been advised against acceptance and is doing nothing.

DAVID BARCLAY

26 November 1983

Statement by John Le Page

NPA are taking writs for damages against NGA and are seeking assurances of return to work from NGA members: if they do not receive them they would reserve their right to accept repudiatory breach of contract as a termination of employment. The NPA will also apply for injunction against NGA to restrain further incitements to breach of contract.

NOTE FROM THE DEPARTMENT OF EMPLOYMENT

NGA Dispute

Facts

NGA have been taking industrial action (secondary picketing) in an attempt to enforce a closed shop at two establishments of the Stockport Messenger Group. These are separate companies. The companies secured an injunction from the High Court. Action continued, and the union was fined early last week £50,000 for contempt. Mass picketing continued and yesterday the High Court imposed a further fine of £100,000 and granted a writ of sequestration allowing Commissioners to take over all the union's assets so as to recover the fine and costs. The main action for damages will take place some months ahead.

Later yesterday, the union went to the Court of Appeal to have the writ lifted until they could make an appeal against the size of the fine. The Court ruled that the writ must stand, but limited it to assets of £175,000. The Court will hear the appeal on the size of the fine on Wednesday. The union continues to refuse to pay the fine voluntarily.

So-called "spontaneous action" by NGA members in Fleet Street and Manchester stopped publication of all national newspapers today, and will do so again tomorrow (Sunday). It is expected that publication will resume on Monday.

The TUC is meeting the NGA on Monday - outcome unknown.

[In confidence: Mr. Len Murray is reportedly very concerned about NGA's action. ACAS has a meeting for 3 pm today between company and union, the main outstanding issue being the reinstatement of six NGA members employed by the company who were sacked for taking industrial action.]

Line To Take

[Mr. King has decided that Ministers should say nothing over the weekend. Much is still sub judice.]

- no role for Government and Government will not intervene;
- the issue of the fine and sequestration is between Court and union and the High Court judge said that the NGA was not above the law.
- ACAS has been assisting the parties in the search for a settlement, and is continuing to do so.



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