

CONFIDENTIAL



QUEEN ANNE'S GATE LONDON SW1H 9AT

2 July 1980

*Prime Minister*

*Dear Jim*

*To note - particularly  
the point at x about  
the suggested ceiling  
on the number of  
pickets.*

CODE OF PRACTICE ON PICKETING

In my letter to you of <sup>AS</sup> 16 July, I said that I would be consulting the police on the draft Code before it was published. I have asked my officials to let yours have the detailed comments of the police representative organisations, but this letter sets out their main points, and suggests the way we might handle them. *TL 30/7*

In general, the police welcome the Code as a firm attempt to define the rights and duties of pickets. Their two main concerns are the passages on mass picketing, and on limiting the number of pickets.

First, the police would have preferred not to see the Code refer to a specific normal maximum number of pickets. The Association of Chief Police Officers are concerned in particular that although the Code is not binding, the effect of having a specific number stated in the Code, will be to fetter their discretion. They see their legal responsibility to make a judgment about what may or may not be appropriate in particular circumstances as the key to being able to enable those who wish to work to do so, and at the same time to keep order. They fear that once a specific number is stated, it will become a focus (possibly artificially) of argument and conflict. They make the point that in some cases a limit of six may be more than would be reasonable, in others that six may be too few.

Secondly, the police have suggested that the Code ought to try to distinguish between the actions of pickets and those of demonstrators supporting them. The words 'mass picketing' have come to be used to describe both these groups, and the police argue that while the process of picketing may degenerate into a mass demonstration, that is not the same as mass picketing.

The specific reference to a limit of six is central to the firmness and clarity of the Code, but I am bound to pay a good deal of attention to the views of the police, who are responsible for enforcing the law and maintaining order on picket lines. While

*/I do not believe*

The Rt Hon James Prior MP

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I do not believe that the reservations they have expressed to me privately will necessarily mean that when you publish the Code, they will strenuously oppose, in public, the specific mention of six pickets at an entrance, we will want to avoid helping those who are hostile to our proposals, in particular the trade unions, making common cause with any police criticism.

I think it would be helpful, therefore, were we able to go some way to meet the concern of chief officers of police to see the limit on numbers, which the Code suggests, set more firmly in the context of their discretionary responsibility for enforcing the law. It would, therefore, help the presentation of the Government's case and indicate to chief officers of police that we had taken seriously the points they have put to me, if the Code were somewhat restructured and rewritten. I suggest we might link together in a single section the points made in paras 25 and 26, with para 33; delete the heading "mass picketing" and describe the passage as limiting numbers; and place the new section after the passage on the criminal law ending at para 24 and before the role of the police beginning at para 27. Annexed to this letter is a re-draft along the lines I propose.

The police have also made the point that they wonder whether the way in which the Code is written may not be too complex to provide for the majority of pickets the appropriate sort of practical guidance. I have some sympathy with the police here. They are very concerned to be able to deal effectively with the problem of large numbers and could be helped in their discussions with those who wish to picket if they had available a short document, written in a commonsense way.

If you agree, therefore, I will ask my officials, in consultation with the police and with your Department, to try to draw up such a child's guide on the basis of which individual chief officers might produce their own tailor-made documents for local use. Keith Joseph made a similar point in his letter of 17 July.

Finally, my Private Secretary sent with his letter of 18 July to yours some points made by the Cabinet Office. I have now considered these and agree with them. A copy is enclosed for the information of our colleagues who have not previously seen them. I am sending copies of this letter to the recipients of your minute of 2 July to the Prime Minister.

Yours  
 D. H. H.

## LIMITING NUMBERS OF PICKETS

The main cause of violence and disorder on the picket line is excessive numbers. In any situation where large numbers of people with strong feelings are involved there is a danger that things can get out of control, and that those concerned will run the risk of arrest and prosecution.

This is particularly so whenever people seek by sheer weight of numbers to stop others going into work or delivering or collecting goods. In such cases, what is intended is not peaceful persuasion, but obstruction, if not intimidation. Such a situation is often described as "mass picketing". In fact, it is not picketing in its lawful sense of an attempt at peaceful persuasion, but mass demonstration, which may well result in a breach of the peace.

The number of pickets at the entrance to a workplace should, therefore, be limited to what is reasonably needed to permit the peaceful persuasion of those entering and leaving the premises who are prepared to listen. As a general rule, it will be rare for such a number to exceed six, and frequently a smaller number will be sufficient. While the law does not impose a specific limit on the number of people who may picket at any one workplace, it does give the police considerable discretionary powers to limit the number of pickets in any one place where they have reasonable cause to fear disorder. It is for the police to decide, taking into account all the circumstances, whether the number of pickets in the particular case is likely to lead to a breach of the peace.

The police will often discuss with the picket line organiser what constitutes a reasonable number of pickets in any one case. But it should be clear that if a picket does not leave the picket line when asked to do so by the police, he is liable to be arrested for obstruction either of the highway or of a police officer in the execution of his duty if the obstruction is such as to cause, or be likely to cause, a breach of the peace.

CODES OF PRACTICE ON PICKETING AND  
THE CLOSED SHOP

- (i) The second sentence of paragraph 35 should be amended to read:

"Pickets should take particular care to ensure that the movement of supplies and the provision of services essential to the life of the community are not impeded, still less prevented."

- (ii) In line with this, the opening sentence of paragraph 36 should be amended to read:

"The following list of essential supplies and services which are not to be impeded is provided as an illustration but is not intended to be comprehensive."

- (iii) Although the list is not meant to be comprehensive, from past experience there are five important areas which should be added to it:

"Supplies essential to the operation of the emergency services, e.g. police, fire, ambulance, coastguard and air sea rescue services.

Essential services provided by voluntary bodies, e.g. Red Cross and St. John's ambulances, meals on wheels, hospital car service.

Mortuaries, burial and cremation services.

Products and processes without which essential activities cannot continue, e.g. chlorine, lime and other agents for water purification; industrial and medical gases; fertilisers; salt; metal foil; soaps, detergents and disinfectants.

Air Safety."



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30 JUL 1980