

FROM:

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



HOUSE OF LORDS,  
SW1A 0PW

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Prime Minister

I understand that as a result of a recent Ministerial meeting, you would like information about the manner in which magistrates' courts in Nottinghamshire are dealing with defendants brought before them charged with offences arising out of picketing. I have made enquiries. The position, as at noon yesterday, was as follows.

Mansfield Petty Sessional Division has been used as "the clearing house", and all defendants in police custody are brought to that courthouse. So far 881 persons have appeared before a court of summary jurisdiction which in some cases has sat as late as midnight. A further 75 persons were to appear yesterday afternoon. The majority of individuals are charged either with breach of section 5 of the Public Order Act 1936 or with obstructing police, section 51(3) Police Act. These are summary offences. Additionally some are charged with assault and with criminal damage which are "either way" offences giving either party, effectively the defendants a right of jury trial.

As you will have read in today's press a further 60 defendants were to appear last night charged with riot. This is triable only on indictment and I understand committal proceedings cannot be contemplated for at least 3 months. If those proceedings are protracted and the lay justices require help, I will see that a stipendiary magistrate is appointed to deal with the committal.

By arrangement the cases have been divided between the Nottinghamshire courts as follows:-

Nottingham City - 115 cases

28 appeared on 14th May, 27 defendants pleaded Not Guilty and were adjourned to 3rd and 10th July. One defendant pleaded Guilty and was fined £5.

27 are to appear today, 25 on 21st May and 10 on 23rd May.

Newark - 42 cases

All are to be contested with staggered dates of hearing in June, July and August.

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Nottingham County and Bingham - 113 cases

All these cases are likely to be contested with dates of hearing on and after 20th June.

Worksop and East Retford - 245 cases

158 at pre-trial review stage and remainder to appear in June. 4 have pleaded Guilty, 3 fined £75 and £30 costs, the other £50 and £5 costs.

Mansfield - 312 cases

All are expected to be contested. Various dates have been fixed on and after 5th July.

There is a discrepancy in the calculations because some courts have relied on police figures rather than counting court register entries.

In addition, 200 defendants arrested on the Nottingham/Derby borders are to appear before the Chesterfield justices.

I understand the Chief Constable has expressed reservations about the quality of some of the evidence upon which arrests have been made, and for this reason is not anxious for dates of trial to be fixed too soon. Doubts have been expressed about the power of the justices to "transfer" cases to other courts, to remand (as opposed to "adjourn") purely summary offences; and hence to apply bail conditions. There is to be a test case on 4th June involving four defendants which, I understand, is likely to be taken for Judicial Review under RSC Ord. 53 whatever the result. The decision of the Divisional Court will affect the course of similar cases elsewhere, and I understand the Judicial Review could be dealt with by the Divisional Court before the end of June. Additionally a point of jurisdiction may arise where coaches have been stopped well away from the pitheads and arrests made, and the defendants then taken to Mansfield.

All the defendants who have so far pleaded not guilty are represented by the same firm of solicitors. This is an important factor which will need to be taken into account by the courts when fixing the hearing dates, although it may be diminished in its impact by information which I have just received indicating that the solicitors concerned are making arrangements to distribute some of the cases to agents. A further factor is that many police witnesses will be coming from outside the Nottinghamshire area.

There is nothing to indicate that the courts need immediate help. They have made sensible arrangements to share staff and courtrooms as and when required. Magistrates assigned to one Petty Sessional Division within a county can sit in another court if required.



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The courts are aware that if their business justifies it they may apply to me for acting stipendiary appointments and where necessary I shall be ready to make such appointments.

At this stage any overt intervention by central government would be inappropriate, and probably ineffective.

I am copying this to the Home Secretary (to whom I have spoken briefly) and to the Attorney General who will wish to know about the probable proceedings under RSC ord 53.

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16 May 84