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THE COAL DISPUTE: MISC 101 PAPERS ON THE LAW

Conduct of Pickets and Demonstrations

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

The principal difficulty is one of enforcement rather than legislation.

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

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

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

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

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

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

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

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

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

What can be done about intimidation of miners' families?

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

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

Conclusions

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



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