

FROM:

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



HOUSE OF LORDS,
SW1A 0PW

CONFIDENTIAL

Prime Minister:

Prime Minister

Mr
The Home Office
is encouraging the courts
to ask the Lord Chancellor
the appointment of stipendiaries
✓ 22/6

I understand that you desire to have the latest information on the position of magistrates' courts dealing with defendants charged with offences arising out of the miners' strike. For the purpose of comparison you may wish to refer to the minute which I sent on 17th ^{with AT/PM?} May setting out the position in the Nottinghamshire magistrates' courts at noon on the previous day. This minute sets out the position at noon on 19th June in the Nottinghamshire courts and other affected courts.

Nottingham City - 114 cases outstanding

One defendant has pleaded guilty and been fined £5, one defendant has been acquitted and one trial is proceeding. I understand that the remaining defendants have indicated that they will plead not guilty and in accordance with the usual practice pre-trial reviews have already been held or will be held shortly. Trials are expected to be completed within six to eight weeks of entry of a not guilty plea.

Newark - 42 cases outstanding

The situation is unchanged from my previous report. Hearing dates have been fixed between now and the end of August.

Nottingham County and Bingham - 113 cases outstanding

The situation remains unchanged since my previous report. Hearing dates have been fixed between now and the end of August.

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Worksop and East Retford - 252 cases outstanding

33 cases have been heard with results varying between no evidence offered, cases dismissed, the defendant agreeing to be bound over and fines up to £100.

Mansfield - 518 cases outstanding

21 defendants have been dealt with. In the majority of these cases the defendant has agreed to be bound over. There have been fines of £25 and orders to pay costs on a plea of guilty to obstructing the highway and a plea of guilty to an offence under section 5 of the Public Order Act. Four defendants were found guilty of obstructing a police officer in the execution of his duty at a police road block some distance away from the collieries. This case was completed on 15th June and the defendants were sentenced to one day's detention which reflected the fact that they had spent 13 days in custody while on remand for breach of bail conditions. This is the test case which I mentioned in my earlier minute, and it is expected that it will now be taken to the Divisional Court. It is now thought that this will be on an appeal by way of case stated and not by judicial review under RSC 53 as I mentioned previously. The procedure for this type of hearing is such that if the time which the rules allow for giving notice and preparing the case is used to the full it may take several weeks before the case is lodged with the Divisional Court. I am assured, however, that for their part both the magistrates' court and the Divisional Court will deal with the matter quickly. 41 cases have been fixed for trial between now and the end of August. In addition a case involving 54 defendants charged with riot has been fixed with a view to committal proceedings on 26th July in anticipation of a paper committal. But if the defendants decide to exercise their right to call witnesses, the hearing will be adjourned and I understand that I may be asked to appoint an acting stipendiary magistrate for what could be a lengthy hearing.

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So far the cases have been dealt with in accordance with the normal practice in the Nottinghamshire courts. Where a not guilty plea is entered in the Mansfield, East Retford and Worksop magistrates' courts, as well as in Nottingham City, a pre-trial review is arranged. At the pre-trial review if the plea is still not guilty a trial date is fixed. Most of the outstanding cases have reached the pre-trial review stage, and the prosecution have adopted a policy of offering no evidence if the defendant will agree to be bound over in cases of obstructing the highway, obstructing a police officer in the execution of his duty, and in selected threatening words and behaviour cases, and less serious assaults on police officers. Where this offer had been made the cases have been adjourned to the end of this month or the beginning of next. If the offers are accepted these courts should be able to deal with their present workload without outside assistance. Otherwise the cases will be fixed for hearing from August onwards and I understand that I shall probably receive a request for the appointment of acting stipendiary magistrates. In many of these cases the outcome may be affected by the result of the appeal in the Divisional Court. Cases not covered by the prosecution offer are being listed for hearing in the normal way.

Derbyshire

Chesterfield - about 200 cases outstanding

All but a few defendants have indicated not guilty pleas. There are a number of cases involving more than one defendant and the attendance of many witnesses which I understand will require the assistance of an acting stipendiary magistrate. Such an appointment will be requested when the date of hearing these cases has been fixed. Hearing dates are being arranged as far ahead as November and there is a growing backlog of cases awaiting trial. Extra courts are being arranged. Six cases under

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section 5 of the Public Order Act have been heard and fines ranging between £75 and £100 have been imposed together with orders for costs.

South Yorkshire

Rotherham - 251 cases outstanding

Among the cases received by this court are those arising out of the Orgreave picketing. 124 defendants are charged with unlawful assembly, 26 defendants with riot and the remainder with offences against section 5 of the Public Order Act or with obstructing the police in the execution of their duty. The court has already indicated that it will require the assistance of an acting stipendiary magistrate when hearing dates are fixed.

Sheffield

This court has received 118 cases. In less than half the defendants have pleaded guilty. The remainder have been listed for trial between now and the end of September. Fines imposed have ranged from £10 for abusive language and £200 for threatening words and behaviour or assault on a constable.

Staffordshire

155 defendants have already been dealt with in courts in this county and 32 await trial. It is expected that these trials will be completed by the end of July. In the cases heard to date 15 defendants have been found not guilty and the remaining 140 have been ordered to pay fines averaging £50 or bound over or both.

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Essex

Colchester - 118 cases outstanding

These cases arise out of the Wivenhoe picketing. Two defendants are awaiting committal for trial in the Crown Court on charges of causing grievous bodily harm with intent. Of the remainder 80 defendants are charged with obstructing the highway, 32 with offences under section 5 of the Public Order Act, three with assault on a constable and one with obstructing a constable in the execution of his duty. All these cases are proceeding to trial in the normal way. No serious problems are expected.

I have attempted to give as comprehensive a picture as possible. A number of courts not mentioned in this minute have also received miners' cases but I have no reason to believe that they are posing any serious problems to the normal disposal of court business. Nevertheless, if some of the courts mentioned in this report continue to receive large numbers of miners' cases they will undoubtedly face great difficulties in disposing of them if not guilty pleas continue to be entered.

The fixing of court hearing dates is a judicial function and must be left to the courts in accordance with what they regard as the interests of justice. Only when the local magistrates lack the capacity to deal promptly with cases awaiting hearing will it be proper for me to provide assistance from acting stipendiary magistrates. Indeed, under section 15(1) of the Justices of the Peace Act 1979 I am only empowered to appoint acting stipendiary magistrates where it appears to me to be "expedient to do so in order to avoid delays in the administration of justice". I stand ready to make such appointments as and where required to deal with the ordinary business of the courts as well as the miners' cases. The courts are aware that such assistance is available and I expect to receive firm requests shortly.

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I am copying this to those who received my minute to you of
17th May.

*H: of S: M.
21 June 84*

21st June, 1984

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Nat Incl Coal Pt 10



TO THE BOARD OF DIRECTORS
OF THE NATIONAL INDUSTRIAL COAL BOARD
WASHINGTON, D. C.

1931, 1932, 1933

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Jeve

10 DOWNING STREET

From the Private Secretary

25 June 1984

Miners' Strike: Magistrates' Courts

The Prime Minister was grateful to the Lord Chancellor for the report, in his minute of 21 June, of the latest position of magistrates' courts dealing with defendants charged with offences arising out of the miners' strike. She has noted that the Lord Chancellor is ready to appoint acting stipendary magistrates should such a request be made to him.

I am copying this letter to Hugh Taylor (Home Office) and Henry Steel (Law Officers' Department).

(ANDREW TURNBULL)

Richard Stoate, Esq.,
Lord Chancellor's Office.

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