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MISC 101(84) 26th Meeting

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CABINET

MINISTERIAL GROUP ON COAL

MINUTES of a Meeting held in the  
Prime Minister's Room, House of Commons  
on WEDNESDAY 11 JULY 1984 at 4.00 pm

PRESENT

The Rt Hon Margaret Thatcher MP  
Prime Minister

The Rt Hon Nigel Lawson MP  
Chancellor of the Exchequer

The Rt Hon Leon Brittan QC MP  
Secretary of State for the  
Home Department

The Rt Hon Norman Tebbit MP  
Secretary of State for Trade  
and Industry

The Rt Hon Peter Walker MP  
Secretary of State for Energy

The Rt Hon Nicholas Ridley MP  
Secretary of State for Transport

The Rt Hon Tom King MP  
Secretary of State for Employment

The Rt Hon John Stanley MP  
Minister of State for the  
Armed Forces, Ministry of Defence

The Rt Hon Sir Michael Havers QC MP  
Attorney General

Mr Michael Ancram MP  
Parliamentary Under-Secretary of  
State, Scottish Office

SECRETARIAT

Sir Robert Armstrong  
Mr P L Gregson  
Brigadier J A J Budd  
Mr J F Stoker

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SECRET AND PERSONAL

## 1. INDUSTRIAL ACTION IN THE COAL INDUSTRY

The Group received a number of oral reports.

THE ATTORNEY GENERAL said that Sir Robert Megarry, the Vice-Chancellor, had granted an order on the previous night to 17 members of the Nottinghamshire Area Council of the National Union of Mineworkers (NUM). The order barred discussion or a vote that day by the Special Delegate Conference of the NUM on a proposal for a new rule, the effect of which would be to allow the union to take disciplinary action against those who had continued to work during the strike. This order was given after the leadership of the Nottinghamshire NUM had disregarded earlier orders of the Court requiring them either to hold a meeting of the Nottinghamshire Area Council, to mandate the area's delegates for the Conference vote, or to vote against the proposed new disciplinary procedures.

The Vice-Chancellor's latest order had been disregarded. The Special Delegate Conference had adopted the new disciplinary procedures by a majority of 166:62, which exceeded the two-thirds majority required for a change in the rules of the union. The 14 delegates from Nottinghamshire, however, had cast the area's votes against the rule change, no doubt in the knowledge that this would not prevent the proposal from achieving the necessary majority.

In spite of offensive statements which had been made by Mr Scargill and Mr McGahey about the Court and the Vice-Chancellor, it was unlikely that the Court would take further action except on an application from the Nottinghamshire miners to whom the order had been granted. If a further application were made, it would be likely that national officers of the NUM would be held to be in contempt, with the possibility that the vote of the Special Delegate Conference might be set aside and fines and possibly other penalties imposed. But the justification for proceeding in this way was not clear, given that the way in which the Nottinghamshire delegates to the Special Conference had cast their votes had fulfilled the purpose of the applications to the Court. It was clear, moreover, that the rule change could, if necessary, swiftly be validly remade in a way which would deprive further Court action to set it aside of its point. A challenge to the validity of the new disciplinary procedure later on, when the union sought to



implement it, might be the less likely to succeed if no action were taken immediately following the decision of the Special Delegate Conference to disregard the Vice-Chancellor's order. The original applicants were understood to be considering their position.

Following the action that he himself had taken in the Courts in the previous week, it had been reported that the South Yorkshire Police Authority, at a meeting on the previous day, had withdrawn two resolutions purporting to restrict the freedom of the Chief Constable to incur certain expenditure on policing the dispute. This would effectively forestall any attempts at similar restrictive action by other police authorities under a political control favourable to the strike leadership. He would shortly make a suitable announcement in a written Answer.

THE SECRETARY OF STATE FOR ENERGY said that pits fully working numbered 38, with 8 on holiday; those producing some coal numbered 6 with a further 2 on holiday; and those with some men in numbered 3 with a further 1 on holiday. These figures reflected the return of 1 pit in Staffordshire, which had formerly been producing some coal to full production. Movements of coal on the previous day had been well maintained.

As yet it was too early to say what might be the objectives and tactics of the National Coal Board (NCB) when discussions with the NUM were resumed on 18 July.

THE SECRETARY OF STATE FOR TRANSPORT said that movements of coal continued at levels comparable to those of recent weeks. Problems with rail traffic in Nottinghamshire continued, as did the interruption in rail traffic to steelworks. The British Rail Board (BRB) thought it likely, however, that railwaymen would begin to return to normal working if agreement was not reached soon between the NUM and NCB. A letter had been sent by the Board to each railwayman who had not been working normally.

THE HOME SECRETARY said that violence over recent days at Rossington and Hemsworth had been a worrying development. It appeared to be spontaneous and had occurred in solidly strike-bound areas which had been peaceful until now. Violence of this sort was a new development in the dispute: it would be easier for the police, now that they had had a chance to assess it, to



take effective measures to deal with any recurrence. But it posed particular problems of policing because neither the timing nor the location of outbreaks, which had taken place away from pits and work places, was predictable.

In discussion the following were the main points made -

a. Both the NUM rule change itself and the manner in which officers of the NUM had behaved towards the Court were offensive. It could be argued that the application by 17 members of the Nottinghamshire Area Council had achieved its intended effect on the votes cast on disciplinary procedures by Nottinghamshire delegates to the Special Delegate Conference. But the public perception would be that the Courts had been defied and that the strike leadership had behaved, seemingly with impunity, as though they had freedom above the law to set up kangaroo courts to discipline working miners.

b. There was an apparent inconsistency, which should be further investigated, between the supposed 18 per cent of votes at the Special Delegate Conference controlled by Nottinghamshire delegates and the reported 14 votes by them against the proposed rule change out of an apparent total of 228 votes cast.

c. It seemed likely that the first targets against whom the strike leadership might use the new disciplinary powers were those union officials who had not supported the strike. More widespread use of the new arrangements against the rank and file of working miners would be likely to precipitate mass resignations from the union. To minimise any deterrent effect of the rule change on those wishing to return to work, it would be desirable for the NUM to emphasise, as they had in the past, that no closed shop existed in the industry and that the Board would protect the jobs of those who might be affected.

d. It was important that the agreement proposed by the NCB in recent talks with the NUM, because it defined exhaustion according to whether pits contained resources which were capable of "beneficial" development, should not be seen as a retreat from the Board's previous insistence that economic factors must be explicitly taken into account in considering pit closures. Lack of explicit reference to such factors



in any agreement would risk allowing the strike leadership to claim at least a partial victory for the strike. It might also allow the NUM to seek to apply an unduly restrictive interpretation of the agreement in local closure procedures while claiming that any broader interpretation advanced by the NCB was evidence of bad faith.

e. On the other hand, it was argued that an agreement on the terms proposed by the NCB would be neither a concession nor a withdrawal from the Board's previous position. Procedures and statutory powers for closing pits would be unaffected. Although the NUM would no doubt accuse the NCB of bad faith over closures of pits on the basis of the definition proposed by the Board, it was virtually certain that they would do so whatever the terms on which the strike ended. The concept of what was beneficial, though not capable of precise definition, was no more ambiguous than the concept of what was economic. The fact that the NUM had broken off talks with the NCB over the inclusion of the term "beneficial" in the text and discussion was in itself an indication that the agreement proposed by the NCB, if accepted, would be to their advantage.

THE PRIME MINISTER, summing up the discussion, said that contrast between action taken by the NUM in respect of the new disciplinary machinery and their claim to be run according to democratic principles should be fully exposed through the media. It was too early as yet to say what the objectives and tactics of the NCB would be in the resumed talks with the NUM on 18 July; the Secretary of State for Energy should report on these matters to the Group on 16 July. In the event of an agreement between the NCB and NUM, it was important that the terms should be seen to permit the closures sought by the NCB before the strike within an appropriate timescale. In practical terms, this was likely to mean that the talks should either reach agreement on the basis of the definition of exhaustion already proposed by the NCB or be broken off. In the meantime, striking miners were not returning to work at a sufficient rate and the return had not spread sufficiently to areas where the strike was solid. It was not clear how far this was due to the hope for a negotiated settlement which strikers might feel while talks with the NCB continued and how far to holidays and other factors. It would be necessary for the NCB to consider how best to accelerate the return to work, if the talks were to end without agreement, both by persuasion and by more concrete means such as the provision of secure transport into pits.



**SECRET**

AND PERSONAL

It might be more productive if the Board were to concentrate their efforts on a small number of pits where circumstances were favourable, rather than spreading them over a broader front. In the meantime, the Board would no doubt keep up its publicity offensive and prepare publicity plans on a contingency basis against the likely alternative outcomes of the talks due to resume on 18 July.

The Group -

Took note, with approval, of the Prime Minister's summing up of their discussion

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## 2. INDUSTRIAL ACTION IN THE DOCKS INDUSTRY

The Group received a number of oral reports.

THE SECRETARY OF STATE FOR TRANSPORT said that all major ports within the National Dock Labour Scheme (NDLS) had responded on the previous day to the call by the Transport and General Workers Union (TGWU) for a national dock strike. The strike had been joined that day by further scheme ports at Ayr, Troon, Plymouth, Lowestoft, Port Talbot, Tyne, Sunderland, Blyth and Seaham. The only non-scheme ports on strike were Lerwick and Montrose. Hunterston was still working. Felixstowe continued to work in spite of some disruption.

Separate action was being taken by Sealink staff to ban freight traffic from ferries in protest against plans for privatisation. This would call for firm action to be taken by management. A 48-hour strike on the same issue by Sealink staff was planned from the night of 13 July.

The purported cause of the strike was a supposed breach of the NDLS by the use by the British Steel Corporation (BSC) of contract labour to load iron ore from stockpiles in the docks at Immingham into lorries. BSC were satisfied that neither the Scheme nor local agreements had been breached: "shadow" labour consisting of registered dock workers had observed the work as it was done by contractors in the normal way. The National Dock Labour Board (NDLB) was to meet the following day to discuss the incident. It was not unlikely that the Board, which included union representatives, would conclude that there had been no breach of the NDLS, though it was possible that a ruling might be deferred while further legal advice was sought. It was to be hoped, but was by no means certain, that a favourable ruling by the Board might lead to an end to the strike. From initial discussions he had had, it seemed that at least some managers in the ports industry expected the strike to be long. This assessment was based, not only on the incident at Immingham, but also on the solidarity which some dockers were thought to feel for the miners and on general anxiety among dockers about the future of the NDLS. This anxiety was reflected in a demand which had been made by the union since the calling of the strike for additional powers in relation to the Scheme. The powers demanded amounted to a unilateral right for the union to define what was and was not dock work without provision for any say by the management.



Dock employers generally would favour the abolition of the NDLS by the Government. Some might see the strike as a timely occasion. It was probable that the employers would ask for a statement of the Government's intentions towards the Scheme.

THE SECRETARY OF STATE FOR TRADE AND INDUSTRY said that there was no immediate prospect at the steel works of shortages of coal and iron ore owing to the strike. Planned production was generally being maintained, but exports of steel could rapidly be brought to a halt by closure of the ports. There was an early prospect of more serious difficulty for industry more generally arising from the interruption both of imports and of exports. Points of particular pressure could be expected to become apparent quickly if the strike persisted.

THE PRIME MINISTER, summing up the discussion, said that hope of an early solution to the dispute through the NDLB should not be allowed to delay other action calculated to bring the strike to an early end. The Government should encourage the dock employers to adopt a resolute approach. A major effort should be made over the next 48 hours through the port employers and otherwise to mobilise opinion among workers in industries likely to be affected if the strike continued and among the public. It should be clearly demonstrated that the union's pretext was false, and that those now taking unjustified and damaging action on the strength of it enjoyed extraordinary privileges despite being, in the case of 4,000 out of a total of 13,000 employees, surplus to the genuine requirements of the industry. These privileges included a high degree of job security and very high levels of pay. The Secretary of State for Transport should investigate and report further on whether job security under the NDLS extended to workers who took industrial action in breach of their contracts. The time was not opportune, however, to seek to abolish the NDLS. To do so would certainly lead to a long strike. While the strike continued, the Secretary of State for Transport and the other Ministers primarily concerned should report developments regularly to the Group.

The Group -

Took note, with approval, of the Prime Minister's summing up of their discussion.

Cabinet Office

12 July 1984