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DEPARTMENT OF HEALTH & SOCIAL SECURITY

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From the Secretary of State for Social Services

The Rt Hon Peter Walker MBE MP
Secretary of State for Energy
Department of Energy
Thames House South
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Prime Minister (2)
This emphasises the need to
stand by working miners
Yes - absolutely
AT 23/10
23 October 1984

Dear Peter.

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In considering the position if the NACODS strike goes ahead, you should be aware of the consequences that will ensue so far as social security benefits are concerned.

The position is that, if working miners are laid off as a result of the NACODS strike, they will be disqualified for benefit and subject to the £15 deduction in the same way as striking members of the NUM and NACODS. The reasons for this have their origins in law on trade disputes dating back to 1911. As far as social security law is concerned, the 1975 Social Security Act and the 1980 Supplementary Benefits Act require that somebody who has lost employment as a result of a stoppage due to a trade dispute is disqualified for benefit, and subject to the £15 deduction, unless he can prove that he is not "participating in or directly interested in the trade dispute which caused the stoppage of work". The legislation does not distinguish between different categories of people (ie those on strike and those laid off) who are directly interested in the trade dispute.

The interpretation of this law in individual cases is a matter for the independent adjudication authorities. I understand that the Chief Adjudication Officer is in no doubt that, on the facts and on all the precedents, the connection exists in this dispute. He has, therefore, advised local adjudicating officers accordingly.

I am sending a copy of this to the Prime Minister, the Home Secretary, the Secretary of State for Employment and Sir Robert Armstrong.

Yours ever

NORMAN FOWLER

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