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CABINET

OFFICIAL GROUP ON COAL

LESSONS OF THE MINERS' STRIKE - REPORT TO MINISTERS

Note by the Secretaries

1. Attached for information are the report to Ministers and the Chairman's covering note, incorporating points made in response to Misc 57(85)8 and during the Group's meeting on 14 May.
2. The Secretary to the Cabinet will be sending the report to the Prime Minister, certain other MISC 101 Ministers with Departmental interests, and the Secretaries of State for the Environment and Wales during the first half of the week beginning 20 May 1985.

signed BRIGADIER J A J BUDD
J E ROBERTS

Cabinet Office
17 May 1985

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LESSONS OF THE 1984-85 MINERS' STRIKE

Note by the Chairman of the Official Group on Coal (Misc 57)

The broad lessons of the 1984-85 miners' strike are clear and widely acknowledged. It ended in defeat for the miners for three main reasons: the work done before and during the strike to sustain power station endurance; the inability of the leaders of the National Union of Mineworkers (NUM) to secure either nationwide support for the strike from their own members or effective sympathetic industrial action from other trade unions; and the success of the police mutual aid arrangements in preventing those who did not voluntarily support the strike from being coerced into doing so.

2. A more detailed examination has been set in hand in many separate areas to see how any constraints encountered during the strike can be removed and how any new opportunities which emerged can be better exploited in the future. For example:

- i. the NCB is considering its future strategy;
- ii. the Electricity Boards are studying ways of improving power station endurance;
- iii. the Home Office will be reviewing various aspects of policing during the strike with individual Chief Constables, the Association of Chief Police Officers, and the local authority associations. The Scottish Office will keep in touch with this work;
- iv. the Department of Employment has considered the effect and operation of the industrial relations legislation enacted since 1979, and is in particular considering whether there should be further protection for individual members of unions against the threat of expulsion or other sanctions imposed by their unions.

3. Other particular matters being dealt with separately are: assistance through supplementary benefit for mortgage interest payments (in the social security review); financial assistance for strikers and their families from local authorities (in the Widdicombe Inquiry); and improvements in the law relating to public order (legislation planned for the next Session).

4. The outcome of most of this further work is not yet available. The Official Group on Coal (MISC 57) has however attempted in the attached report an overall preliminary view of the lessons of the strike, summarising the main factual information about it and identifying some specific points for follow-up action, many of them in the context of the separate detailed reviews in progress elsewhere.

5. Section 1 provides a short historical perspective of the strike supported by a detailed chronology in Annex A; Section 2 deals with physical endurance; Section 3 deals with law and order (the use of the civil law, policing and public order, and the workload on the courts); and Section 4 deals with various other factors affecting the strike (support from other unions, the financial resources of strikers, communications with the workforce and the public, and arrangements for coordination within Government).

6. Ministers are invited to endorse the specific points for follow-up action listed at the ends of Sections 2, 3 and 4, ie:

paragraph 2.10 (physical endurance) on pages 9 to 11

paragraph 3.31 (law and order) on pages 24 and 25

paragraph 4.24 (other factors) on pages 35 and 36.

LESSONS OF THE 1984-85 MINERS' STRIKE

Note by Officials

SECTION 1: INTRODUCTION

1.1 The strike by the National Union of Mineworkers (NUM) began on 12 March 1984. It had been preceded by an overtime ban since October 1983 in protest against the National Coal Board's (NCB) 5.2 per cent pay offer. The strike was against pit closures and the immediate occasion for calling it was the announcement on 1 March 1984 of the closure of Cortonwood colliery in Yorkshire followed by a paper on the need for output reduction tabled by the NCB at a meeting of the Coal Industry National Consultative Committee on 6 March 1984. The strike effectively ended on 5 March 1985 when a substantial majority of those still on strike returned to work without an agreement in accordance with a decision by a Special Delegate Conference of the NUM. A chronology of the major events is at Annex A.

1.2 The main phases of the strike were as follows:

i. the opening phase (March-early May)

During this phase the pattern of the strike was established. It became clear that the miners in Nottinghamshire and some other Midlands pits were determined to continue working and that efforts to picket them out had failed. It also became clear that the NUM leadership was not prepared to risk a national strike ballot, even after reducing the test to a simple majority. The initial round of measures to prolong power station endurance took effect.

ii. the main negotiating phase (late May-end October)

During this phase the NUM attempted to secure assistance from other unions to intensify and extend the effects of the strike to bring pressure on both the Government and the NCB to force concessions in negotiations. Political pressures were also fostered. Despite securing a pledge of "total support" from the TUC Congress early in September assistance from other unions was effectively confined to two short national dock strikes, sympathetic action by the rail unions which impeded the movement of coal, lighting-up oil and iron ore and a strike threat from the National Association of Colliery Overmen, Deputies and Shotfirers (NACODS).

This ended when agreement was reached with NACODS in late October, without a parallel agreement with the NUM.

iii. the closing phase (November-early March)

During this phase the failure to secure concessions in negotiations acceptable to the leadership and a growing awareness that electricity supplies would remain secure throughout 1985 precipitated a substantial return to work (15,000 during November and December, and an accelerating trend during January and February bringing the number of NUM members on strike to over 50 per cent by the end of that month). When a final attempt by TUC leaders to promote a settlement was rebuffed by the NUM Executive and the TUC made it clear that there was no further scope for negotiations, rank and file support for the strike, even in areas most loyal to the NUM leadership, effectively collapsed.

1.3 The main features of the strike were:

i. Following several failures to achieve support for strikes in national membership ballots the NUM President and National Executive Committee (NEC) decided not to hold a national ballot but to sanction strikes called by individual areas.

ii. In those areas which voted not to strike, intimidatory, violent and illegal picketing was organised, often with pickets supplied from striking areas, to prevent NUM members from working. That these efforts were unsuccessful was due to the determination of NUM members not to be bullied into action for which they had not voted and extensive police operations involving the participation of every police force in England and Wales under the mutual aid arrangements, and, of more than half the police forces in Scotland.

iii. The rapid introduction at the beginning of the strike of oil burn in power stations, taken together with high power station and accessible pithead coal stocks, maximum use of nuclear power stations and the Anglo-Scottish interconnector and the production from working pits, meant that at no time did the strike jeopardise public power supplies.

iv. In spite of difficulties posed by the railway and seamen's unions to the movement of coal from working pits an effective road movement system was organised that coped not only with moving coal to some power stations but also with moving coal, coke and iron ore to the major British Steel Corporation (BSC) works.

The direct loss of GDP in 1984-85 due to the strike is estimated to have been about 1.25 per cent; industrial production was reduced by about 3.5 per cent. The effects of the strike were mainly confined to the coal and electricity industries - manufacturing output in 1984 increased by 3.5 per cent, faster than in 1983. Public expenditure in 1984-85 increased by some £2.5 billion as a result of the strike, over two-thirds on additional oil-burn for electricity generation. This, together with higher net imports of coal, worsened the trade balance by about £4bn. Overall the economy withstood the strike in remarkably good shape.

vi. Despite promises of support for the NUM from other unions, the TUC and the Labour Party, very little practical support was actually given and that which was, proved largely ineffective.

vii. For most of the strike public opinion was hostile to the NUM leadership because of the lack of a national ballot, their failure to condemn and prevent violence and intimidation, and their perceived political stance and obduracy in negotiations. The NCB nevertheless received a bad press from time to time until late October when they appointed an effective regular spokesman (Mr Eaton).

viii. The strike gave rise to an unprecedented number of legal actions both civil and criminal. The successful use of the civil law against the NUM broke new ground in many important areas and particularly in the protection afforded by the common law to a union's members against the union. The volume of criminal cases created an exceptional workload for both magistrates and Crown Courts and special measures were taken in England and Wales in order to lessen delays in the handling of cases.

1.4 The remaining sections of this report deal in more detail with physical endurance (Section 2), law and order (Section 3) and other factors affecting the strike such as support from other unions, the financial resources of strikers,

communications with the workforce and the public and organisation within Government (Section 4).

SECTION 2: PHYSICAL ENDURANCE

Earlier planning

2.1 Work done prior to the strike had rested on the following analysis:

- i. The two most recent miners' strikes (7 weeks in 1972; 4 weeks in 1974) had been settled quickly on the miners' terms largely because of the threat to electricity power supplies.
- ii. Plans should therefore be made to permit power station endurance of at least 6 months based on power station stocks of coal and ancillary materials, and maximum use of oil-fired and nuclear capacity and of the Scottish interconnector.
- iii. Large industrial coal consumers (particularly the cement industry) should be encouraged, through financial incentives offered by the NCB, to build up stocks somewhat above the 10 weeks supply thought to be usual.
- iv. No special arrangements would be made for small industrial and commercial users or domestic customers.

2.2 By the time the overtime ban started at the end of October 1983 coal stocks at power stations in Great Britain were at an all time high of 33.6 million tonnes, adequate (together with supplies of ancillary materials such as lighting-up oil) for at least 6 months' endurance even allowing for high winter consumption. By the time the strike began in early March these stocks had been reduced to some 26m tonnes but this was still expected to provide 6 months' endurance at low summer rates of consumption. The assumed maximum rate of oil-burn was 350,000 tonnes a week, displacing about 650,000 tonnes a week of coal usage.

Endurance achieved

2.3 The CEBG was able to meet in full all demands placed on it throughout the year's strike and 5 months' overtime ban which preceded it. This included meeting the highest ever system demand of 46,215 MW on 17 January 1985. At the time the

strike ended endurance was expected to last for at least a further 10 months into early 1986.

2.4 The earlier analysis proved correct in the emphasis placed on power station endurance and the main methods adopted for securing it. The following developments had not, and probably could not have been, foreseen:

- i. the willingness of most miners to stay on strike for as long as a year, despite growing financial hardship and little evidence of effective pressure on the NCB;
- ii. substantial continuing coal production; (Deepmined output in Nottinghamshire and the South Midlands rose from 70 per cent to 80 per cent of normal during the strike; overall deepmined output ran at about 20 per cent of normal until October and then increased to nearly 50 per cent by the end of the strike; opencast production ran throughout at around normal levels; deepmined and opencast production together increased from 27 per cent to 58 per cent of normal over the period of the strike).
- iii. substantial continuing coal movement; (Most opencast coal produced during the strike was not moved - see para 2.9 iii below. NCB deliveries ran at an average of about 600,000 tonnes a week, of which 400-450,000 tonnes went to the CEBG, until the autumn; thereafter deliveries were stepped up steadily increasing in total to around 1 million tonnes a week overall with nearly 700,000 tonnes a week to the CEBG, by the end of the strike; significant amounts of coal were moved by road to circumvent sympathetic action by the rail unions, with deliveries to the CEBG exceeding 500,000 tonnes per week on a number of occasions.)
- iv. greater scope for oilburn than assumed earlier (At maximum 550,000 tonnes a week, displacing over 1 million tonnes of coal.)

2.5 In Scotland no coal was delivered to power stations at any time during the strike and SSEB coal stocks fell from 2.5 million tonnes in March 1984 to around 0.5 million tonnes at the end of the strike. Nevertheless the Scottish

Boards met domestic demand without difficulty and maintained a substantial level of exports to the CEGB, in general limited only by the capacity of the interconnector, the operation of which was largely trouble free, or by the ability of the CEGB to absorb power at non-peak times. As with the CEGB the scope for oil-burn greatly exceeded expectations (79,000 tonnes a week during the second six months of the strike). Nuclear power made an important contribution in Scotland, particularly as a result of a higher achieved load factor at Hunterston B (78.6 per cent) compared with budget (66.7 per cent). Experience indicated that the Scottish system could have operated indefinitely without coal at the cost of some reduction in exports and the absence of breakdowns.

2.6 Industrial endurance proved to be much greater than had been foreseen. Apart from some switching to other fuels this was mainly because the NCB was able to maintain some supplies to industry throughout the strike (30 per cent rising to 80 per cent of normal deliveries) and because imports doubled, reaching 1 million tonnes a month by the end of the strike, of which three-quarters went to industry, particularly the BSC. Although the BSC had to reduce output for a time at particular plants either because supplies were running low or because quality problems were being experienced, there was no overall reduction in output over the period of the strike. Attempts to interrupt the supply to BSC of coal and iron ore (including two short-lived national dock strikes) and of coke (notably at Orgreave) did not succeed.

2.7 The only industrial sector to be seriously affected was that supplying material and equipment to the NCB, business worth about £1.3 billion per annum to British companies. Of the 90 members of the Association of British Mining Equipment Companies, many of whom are very heavily dependent on sales to the NCB, over half had to introduce short-time working, a number declared redundancies and several went into liquidation. Fuel costs were higher (by up to 15 to 20 per cent for imported coal) but this was mainly due to the firming of the US dollar in which coal and fuel oil are traded.

2.8 Domestic coal consumers appear to have been little affected. There was some anxiety about the supply of special smokeless fuels but merchants eventually secured what they needed from imports, albeit at a high price. The main domestic consumers affected by the strike were striking miners no longer receiving the benefit of concessionary coal.

Main lessons

The main lessons which emerge for the future are:

i. the continuing vital importance of adequate power station stocks of coal and ancillary materials such as lighting-up oil; (It did not prove feasible to move coal either from pits in strike-bound areas or to power stations in strike-bound areas. Although CEGB power station coal stocks at the end of the strike amounted to nearly 11 million tonnes, nearly 7 million tonnes were concentrated in the Midlands power stations to which deliveries had been maintained. It was also difficult to deliver lighting-up oil to power stations in the strike bound areas.)

ii. the benefit to be derived from partial continuing deepmined production; (NCB management will need to find ways of reinforcing the resistance to militancy in the moderate areas, particularly those with an assured future. The ability of the moderate areas to preserve local autonomy against pressures from the present extreme national leadership of the NUM will turn on whether the leadership secures approval for its proposed new rule book in July and, if so, whether the moderate areas then choose to break away from the national union. The Government and the NCB will need to consider the position in the light of these developments. It is clear also that NACODS has a crucial role. A strike by NACODS members, or even a refusal to cross picket lines, can stop production in areas where miners are prepared to continue working. It is therefore desirable for the NCB not only to lessen the chances of support for industrial action by NACODS members by skilful handling and dealing with any legitimate grievances but also to find ways, if possible, of weakening the NACODS monopoly of essential safety work and supervision.)

iii. the desirability in a future strike of access to opencast coal both in stock and newly mined; (The difficulties arose from the support formally given to the NUM - though without impeding production - by the opencast workforce who are mainly TGWU members, the role of NUM members in weighing and dispatching opencast coal, and the local constraints on transport caused by the rail unions support for the NUM and the reluctance of local authorities to

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permit road transport as an alternative. The TGWU also saw an opportunity during the dispute to press for redundancy benefits comparable to those for deepmine workers but with careful handling the threat of industrial action was averted. The Government and NCB will need to consider how to maximise the contribution of opencast production in a future dispute.)

iv. the value of diversity and flexibility in the use of fuel for electricity generation;

(The extra scope of oil-burn was achieved by overload at oil-fired stations and by significant oil overburn at coal fired stations. This required not only great technical ingenuity on the part of the Electricity Boards but also delicate handling of industrial relations. It was also facilitated by the relatively slack state of the international oil market throughout this strike and the consequent ready availability of the additional quantities of heavy fuel oil required. The unions in the electricity supply industry had no sympathy on this occasion with the NUM but it cannot be taken for granted that they will always react similarly in the future. The chances of cooperation from power station workers and unions are likely to be enhanced if as little as possible of what they are asked to do can be seen as abnormal working. It is therefore desirable for the Electricity Boards to plan to develop still further the versatility in the system and to increase the range of activities which can be presented as normal working.)

v. the value of diversity and flexibility in movement of coal and other fuel;

(About 75% of power station coal is normally transported by rail. This figure fell below 30% during the strike as a result of sympathetic action by some railway workers which also stopped all rail deliveries of light oil to power stations. Nevertheless, almost all the coal available for transport was moved, because road haulage was expanded to levels (500,000 tonnes a week) much greater than previously thought feasible. Although for short haul journeys (up to about 20 miles) the costs of road haulage proved to be lower than those for rail movement, rail is likely to remain the predominant mode of transporting coal to power stations because of its inherent economic advantages for this type of

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traffic over longer distances. It will however be important for CEBG to maintain its flexibility to switch to road transport in case of industrial action by railworkers. The strike showed that present arrangements allow a substantial and rapid switch. But industrial relations problems can arise at power stations where deliveries of coal and oil other than by rail are seen as abnormal. The CEBG will need to consider whether it would be advantageous to establish a normal pattern of road movement in some circumstances, and will no doubt have this consideration in mind when its 15 year contract with BR, including the exclusive dealing arrangements, which expires in 1991, comes up for quinquennial review in January 1986. The SSEB proposes to maintain a measure of diversity in its arrangements for supplying coal and lighting-up oil to Scottish power stations.)

vi. the contribution made by coal imports through small ports to industrial and domestic endurance;

(Given the continued availability of coal from working pits, it did not prove necessary for the CEBG to run the industrial relations risk of attempting to import coal from the Rotterdam stockpile into the South East power stations, although this option remained available if the situation had deteriorated. The National Union of Seamen (NUS) and the TGWU would have tried to prevent this, as was seen when NCB coal from the North East was moved by sea very late in the dispute. Imports nevertheless made a valuable contribution to the endurance of industrial and domestic consumers. Apart from substantial increases through ports serving the major BSC works some 24 small ports were used for the bulk of the additional traffic; the biggest tonnages were handled at Colchester, Portsmouth, Exeter, Newport, Belfast, Heysham, Londonderry and Warrenpoint.)

Specific points for follow-up action

- 2.10 The main specific points for follow-up action are as follows:
- i. when the CEBG's costed detailed review has been completed in June, the Government will need to consider with the CEBG options for further increasing power station endurance and in particular:

- a. any short-term action to improve flexibility to switch from coal to oil and gas, including the establishment of certain activities as "normal working";
- b. the need to monitor the likely availability of additional supplies of fuel oil in the light of movements in the international oil market;
- c. the possible case for expanding the Scottish interconnector (bearing in mind the increase in over-capacity in Scotland when the Torness AGR station is operational in 1988);
- d. the possible case for expanding the capacity of the Cross Channel Link with France currently under construction;
- e. any further action to expand stocking capacity at power stations, particularly in areas where deliveries are least likely to be possible during a strike;
- f. the case for establishing the normality of carrying coal and lighting-up oil by road in certain circumstances, particularly in connection with the forthcoming quinquennial review of the BR-CEGB contract;
- g. any further action to improve road access to power stations;
- h. the impact of current commercial arrangements between the NCB and CEGB on the prospects for increased coal imports;
- j. a longer-term review of the scope for further diversification in the means for generating electricity, by provision of additional nuclear capacity and in other ways;
- ii. the Government will need to discuss with the NCB:
- a. how best to reinforce resistance to militancy in the moderate areas, particularly in the light of the outcome of the NUM special rules revision conference in July.

- b. the scope for action to weaken the NACODS monopoly of essential safety work and supervision;
- c. how to maximise the contribution of opencast production in a future dispute.

SECTION 3: LAW AND ORDER

3.1 This section of the report deals with:

- i. the use made of the civil law during the miners' strike;
- ii. policing and public order;
- iii. the workload on the courts.

CIVIL LAW

Cases brought

3.2 In the course of the strike some 46 cases were brought against the NUM, its Areas and other unions under the civil law. In total at least 47 injunctions were granted and in the 18 cases brought by miners themselves relief was obtained in 15 (2 of these cases appear not to have been pressed to a decision). The NUM itself was fined £200,000 for contempt, its funds were sequestrated and ultimately a receiver was appointed to run its financial affairs. The South Wales Area was fined £50,000 and its funds were sequestrated.

3.3 Some 7 cases are known to have been brought by employers (and writs have been issued in an eighth case) and 7 injunctions were granted as a result of the Employment Acts 1980 and 1982. In addition a total of 18 cases are known to have been brought by members of the NUM against their own union nationally or their own Areas under the common law (without the need to rely on statute law). Fourteen of them were brought under the rules of the NUM itself (ie actions in contract) and resulted, inter alia, in the strike being found to have been called contrary to the rules of the union. Details of known cases are in Annex B.

Effects on the strike

The effects on the strike of this unprecedented scale of activity in the courts was as follows:

the sheer volume of successful legal actions increased the pressures on the NUM leadership at an important stage in the dispute, i.e. October-November 1984;

ii. the fact that the strike was found by the courts to have been called in violation of the NUM's own rules undoubtedly strengthened the hand of the working miners (and the Nottinghamshire Areas in particular), and diminished the prospects of supporting action by other unions;

iii. the sequestration of the NUM (South Wales Area) funds did put a stop to secondary picketing in South Wales at the sites named in the court order. More generally, the sequestration of the NUM's national funds must have made it more difficult for the union to organise and co-ordinate strike activity;

iv. the preponderance of civil actions brought against the NUM by their own members was a severe embarrassment to the NUM leadership and deprived them of the rallying cry that the union and its funds were being endangered by employers using Government legislation.

Longer-term effects on the NUM

3.5 The strike also saw a significant change in the NUM's attitude to the law and to legal proceedings. Although the NUM nationally refused to comply with the judgment of the court in the Taylor and Foulstone case (for which a £200,000 fine and sequestration of the union's assets were imposed) orders of the court were widely observed by the NUM Areas. The extent of compliance, where known, is shown in Annex B. Until their funds were sequestered the national NUM refused to appear or be represented in court. Thereafter it was always represented and the leaders (including Mr Scargill) appeared in person on 1 December to appeal against the appointment of a receiver. At a later stage the NUM was even prepared to use the law itself. In late December they applied unsuccessfully, for an injunction to restrain the Nottinghamshire Area from

deleting its rule that, where there was a conflict between national and area rules, national rules should prevail.

3.6 Many of the injunctions granted during the strike will remain in force so long as working miners fear disciplinary action by their unions. The organisations which grew up among working miners are likely to continue to use the law, or be ready to use the law, as they did during the strike e.g. the reported attempt to require the NUM to postpone pending elections to the executive until Part I of the 1984 Act comes into force on 1 October this year. Additionally, some actions for damages can be expected to come before the courts in future months. Perhaps most significantly of all, both the sequestration of the NUM's national funds and the appointment of the receiver are continuing, despite the ending of the strike. There is no reason to believe that the sequestration will end without the NUM's purging its contempt by apologising to the Court and undertaking to obey the orders of the court not to take disciplinary action against miners who worked during the strike. (The sequestration of the South Wales Area's funds has been ended without an apology to the Court but the judge made clear that the circumstances - notably the Area's observance of the Court's orders since sequestration was imposed - were special. They do not apply in the case of the NUM nationally which has continued to defy the orders of the court).

Wider implications

3.7 There have also been important wider implications for the use of law in industrial relations in respect both of statute law and of common law.

3.8 The remedies available under the 1980 and 1982 Acts* - particularly the ability to sue a trade union for organising secondary picketing - were used on a number of occasions during the strike. At the outset, in March 1984, the NCB secured an injunction against the Yorkshire Area for organising unlawful secondary picketing in Nottinghamshire but did not seek to enforce this injunction. No injunctions were sought subsequently by the NCB or at any stage by the BSC (although the BSC Chairman said he would not hesitate to use the law if one of his plants was threatened with loss of coal supplies) or by other

* Part II of the 1984 Act (strike ballots) which applies to industrial action initiated after 26 September 1984 did not come into operation until the strike was already 6 months old; redress under the Act is not available to union members.

nationalised industries, eg British Rail and the Electricity Boards. This was not because they were without cause for action or because there was any doubt about NUM liability. Employers who contemplated using the civil law did not decide against doing so because they were uncertain of obtaining a remedy. The considerations which led them not to take action were tactical not legal. In the case of the NCB the overriding aim was not to give the NUM leadership a new argument which could have been used to influence working miners to join the strike. BSC and the other nationalised industries were concerned not to take action which might disturb the continued cooperation they had established with their own employees and, in the case of British Rail, which might extend existing industrial action. However, a number of employers in the private sector sued the NUM using the provisions of the 1980 and 1982 Acts. The sequestration of the funds of the South Wales Area was a direct result of one such action which related to secondary picketing. Furthermore, the threat of legal action undoubtedly helped some employers (eg Coalite) to avoid being subject to damaging secondary action.

3.9 The 18 civil actions against the NUM by its own members under the common law were brought on a variety of grounds. One was a libel case but they have been mainly of two types:

- (a) actions in contract claiming that the union's rules - eg in relation to the calling of strike action - had been broken;
- (b) actions claiming that the picketing of working miners had been unlawfully intimidatory.

3.10 The main points of significance for the development of the law are as follows:

- i. The actions based on the union rule book have confirmed that a union's rules are a contract between the union and its members: if the union acts in violation of the rules the members have a remedy in the courts (an injunction and/or damages); and that, if a strike has been organised in violation of union rules, the courts can order the union not to call the strike "official" and not to threaten members with disciplinary action for crossing picket lines and working normally.

- ii. It has also been established that the trustees who hold a union's property* can be removed from office if they can be shown to be "not fit and proper" persons to have control of the union's funds and that a receiver, nominated by the union members who have brought the action, can be appointed by the court in their place. The appointment of a receiver (who is still managing the NUM's "income, assets, property and effects") is without precedent in trade union history.

- iii. Cases brought by NUM members have also resulted in important decisions for the civil law on picketing. The law has always expected employees to resist the inducements of pickets (just as it expects them to resist inducements to strike). If they do not they are in breach of their contracts of employment and liable to loss of earnings and even dismissal. The civil law remedies available to picketed employees - except in cases of personal injury or physical obstruction - have been uncertain, in contrast with the remedies available to employers which, for example in the case of secondary picketing, are clear and effective even where the picketing is entirely peaceful.

- iv. However, cases brought in February 1985 by working miners in South Wales and Yorkshire resulted in High Court decisions (not taken to appeal) which may have far reaching implications. In particular the court found that:-

- (a) there is a tort of "unreasonable harassment" (said to be a species of "private nuisance") which gives an individual a cause of action if he is subjected to threats and abuse from mass pickets as he uses the highway to go to work;

* Because unions are not corporate bodies they cannot hold property themselves but are statutorily required to appoint trustees to do so: generally, but not always, these are senior officials of the union.

(b) that there is no distinction in law between pickets and demonstrators, even if they are physically separated and the latter are not stationed at the entrance to the picketed place of work;

(c) that the "right to picket" is no more than the right everyone has to do what he wishes provided that he does not infringe the rights of others: in other words that it carries no special immunity for committing civil wrongs (other than inducing breach of contract at the picket's place of work in a trade dispute) or criminal acts;

(d) that the trade union and other organisers of pickets have a legal duty to ensure that unlawful acts (such as violence and intimidation) are not committed by the pickets.

v. In framing the injunctions in these cases the court specifically and explicitly took account of the guidance on the number of pickets in the "Code of Practice on Picketing" (issued under the 1980 Act) and ordered the Areas concerned to ensure that there were no more than 6 pickets at the entrance to any of the collieries covered by the injunction.

POLICING AND PUBLIC ORDER

3.11 For the police service the miners' dispute, with the attendant mass picketing and disorder, posed public order problems which in their scale and duration were unparalleled in modern times. The duty of the police in this situation was to maintain order, to enforce the criminal law and to ensure that those who wished to work, or otherwise to go about their lawful business, were able to do so. These tasks entailed large-scale movements of police, the wide use of police powers to prevent and deal with criminal offences and breaches of the peace and, on occasion, the deployment of police horses and of officers in riot gear. The underlying structure of what is a locally based police service was placed under considerable strain by the measures necessary to deal with the public order situation, but it proved sufficiently flexible to make possible what was, all in all, a highly effective police response to the law enforcement problems posed by the dispute.

Experience during the strike

3.12 From a police point of view, the dispute fell into three main, overlapping phases. First there was the attempt to "picket out" the working miners, particularly in Nottinghamshire, by mass picketing, obstruction and intimidation. This attempt started in the week beginning 12 March and continued to result in serious disturbances and violence throughout the dispute. Assemblies of thousands of pickets were not uncommon: some 10,000 were at Harworth on 2 May. In the first week, more than 3,000 police officers from other forces were in Nottinghamshire alone under the "mutual aid" arrangements, to assist the local force. For a considerable period something over 7,000 officers were deployed on mutual aid throughout England and Wales in a major co-ordinated response to ensure that any miner who wished to work at any pit might do so. The Home Secretary made a statement in the House of Commons on 15 March, referring to the law on picketing and to the police operations, and making clear his full support for the actions of the police in taking every measure open to them within the law to keep the peace and protect the right to work. The Secretary of State for Scotland also made clear that he fully supported police operations in Scotland.

3.13 A notable feature of the police response was the use of common law powers to stop vehicles carrying pickets into the relevant areas in order to prevent breaches of the peace. The Attorney-General said in a statement, with which the Lord Advocate was associated, on 16 March that there was no doubt that a constable had these powers. Their exercise proved controversial, particularly when Kent miners bound for the Midlands were turned back at the Dartford Tunnel in March. But the action of the Chief Constable of Nottinghamshire in turning back would-be pickets when a breach of the peace was imminent was subsequently upheld by the Divisional Court. Police in Scotland also turned back coaches conveying miners to join mass pickets.

3.14 The second phase was the attempt to stop supplies reaching steel works. Convoys of lorries taking coke from Port Talbot to Llanwern under heavy police escort were attached. But the most serious disorders were at the Orgreave Coking plant in South Yorkshire in May/June. On 18 June, for example, some 10,000 people assembled to stop the BSC removing coke from the plant. The disorder lasted for several hours, during which large numbers of missiles were thrown at the police, and vehicles and barricade were set on fire. To deal with the violence it was necessary to use mounted officers and officers equipped with shields

and helmets. 93 arrests were made at Orgreave on that day and 28 police officers were injured. Every lorry load of coke left as planned, and the convoys reached their destination safely. On occasions more than 1000 pickets based the BSC works at Ravenscraig in Scotland and its associated ore terminal at Humberston, which required the use of mounted officers.

3.15 The third phase began in November 1984, when some miners returned to work at collieries which had been strikebound until then. On 12 November, an estimated 12,500 pickets were active in England and Wales and 1200 in Scotland - three or more times the average daily turnout for the preceding months. After that the main centres of violence were in Yorkshire, Northumberland and Durham. On 30 November, a taxi driver taking a miner to work at Merthyr Vale Colliery was killed when a piece of concrete was dropped onto his car from a bridge. Three people were charged with murder. After this incident the level of intimidation dropped sharply.

3.16 Throughout the strike there were numerous incidents of attacks on and intimidation of working miners and their families at their homes and elsewhere. There were cases of arson and criminal damage at NCB premises and at the premises of hauliers and coach operators who were carrying supplies or taking miners to work.

3.17 The number of police officers in England and Wales injured in the dispute was 1,390. 9,808 people were arrested and 10,372 charges were brought. Of the 5,656 people tried by 5 March 1985, 1,503 were acquitted, 160 were sentenced to immediate imprisonment (the longest sentence being 5 years), 37 to detention centres and 4 to youth custody. 2,550 fines were imposed. A total of 1,385,865 police officer man days were sent on mutual aid between police forces in England and Wales. In Scotland 112 police officers were injured, 1,504 people were arrested of whom 1,046 had been proceeded against by mid-March 1985 and 603 had been convicted.

3.18 Under the Police Act 1964 it is for chief officers of police in England and Wales to decide whether to ask for mutual aid from other forces, and whether to supply mutual aid when asked for it. It was a matter of concern to some police authorities during the dispute that the chief constable was able to incur

substantial additional expenditure by asking for mutual aid, or to send a substantial proportion of his force to other parts of the country, without the police authority having any say in the matter. The problem was particularly acute where the police authority sympathised with the striking miners. The South Yorkshire Police Authority, having told the Chief Constable that he should close the Orgreave plant, withdrew from him the discretion which he had under their standing orders to incur expenditure of up to £2000 without their prior approval, and told him not to incur any expenditure for the purpose of dealing with picketing without their express authority. The Attorney-General took action in the courts to prevent the Chief Constable being fettered in this way. Subsequently, the Police Authority proposed to sell off South Yorkshire police horses and halve the dog section, but did not proceed when the Home Secretary made it clear that further action would be taken in the courts if necessary. Following the dispute, some police authorities in England, Wales and Scotland are likely to press for chief constables to be made more accountable to them.

3.19 Recognising that the costs of policing the dispute would be exceptionally high and were likely to continue for many months, the Home Secretary and Secretary of State for Scotland announced that special arrangements would be made to increase central Government contribution towards the costs. The normal arrangements for financing police expenditure in England and Wales is for 50% to be met by the Home Office through police grant. Under the special arrangements, which were revised during the course of the dispute, when the total cost in a police area reached the product of a penny rate, the Home Office contribution increased to 90%. When the police authority's contribution reached the product of three quarters of a penny rate, all further additional costs were met from central funds. Comparable arrangements were made in Scotland. The final costs of policing the dispute in England and Wales are not yet known but are not expected to exceed £200m, the cost in Scotland was £4.98m. The Secretary of State for the Environment decided to exercise his power to disregard additional expenditure on policing the miners' dispute for grant holdback purposes.

3.20 The Ministry of Defence and local authorities provided accommodation and messing facilities for police reinforcements in mining areas but in some counties the local authorities were not prepared to co-operate. Peak demand involved 5,873 MOD bed spaces; six Army Districts and thirty-nine separate Army and Royal Air Force establishments were affected. A considerable amount of

planned Regular and Territorial Army training had to be re-scheduled and Cadet Force Summer Camps had to be relocated due to police use of service establishments. The MOD is recovering in the region of £3m for this assistance. At various times during the dispute the degree of service involvement was raised in the media, questions in Parliament and in letters to Ministers from MPs. In particular widespread media and political interest was aroused by suggestions that servicemen dressed in police uniforms were assisting on picket line duties. It appeared that many of these suggestions, all of which were unfounded, had been put about for mischievous purposes by NUM members and their supporters.

Analysis of the experience

3.21 Two factors in particular enabled the police to make an effective response to the challenge presented by the dispute. First, the National Reporting Centre (NRC) at New Scotland Yard was activated at the beginning of the dispute, and was able to coordinate the supply of mutual aid in England and Wales. At times the police service was very stretched, but all the requirements for aid were met and the dispute showed that 43 police forces can work together effectively in response to a national crisis. There was a relatively small amount of mutual aid required in Scotland and arrangements were made directly between the Chief Constables concerned. There was no need for a Scottish equivalent of the NRC. Second, there is no doubt that the police were much assisted by the tactical planning and training which had taken place since the inner city riots of 1981. The dispute showed that the police were now much better prepared in equipment, tactics and in the ability to work together. It was notable that despite scenes such as those at Orgreave the police were able to cope without resort to methods such as the use of CS smoke. Defensive equipment such as shields and helmets proved of great importance, and so did the use of police horses. It is unlikely that any other police force in Europe would have been able to cope with such disorders without resort to more aggressive methods, the use of which would undoubtedly have inflamed the situation further.

3.22 Ordinary policing throughout the country has naturally suffered, though it is not possible to say what effect, if any, the dispute has had on national crime figures. The financial consequences in some areas, in spite of the unprecedented scale of central Government assistance, have been severe. There is now a need to get the police service back to normal, and in particular to re-establish traditional policing in the areas most affected by the dispute.

Lessons arising from policing aspects

3.23 The need to review the policing of the miners' dispute to see what lessons are to be learned is recognised both by the Home Departments and by the Association of Chief Police Officers (ACPO). The following reviews are in hand:

i. Chief constables will be reviewing the performance of their own forces and, as part of the normal process of inspection, H M Inspectors of Constabulary will be checking that this has been done thoroughly and effectively;

ii. In addition chief constables collectively, through ACPO, will be reviewing the operations of the NRC; tactical options; equipment; legislation; the constitutional position of the chief constable; finance; logistical arrangements, including transport; communications; intelligence; and training. These reviews are expected to be completed by the end of 1985 and Scottish Chief Constables will be keeping in close touch with a view to identifying lessons for application in Scotland;

iii. Some aspects of the financial and organisational arrangements will also need to be reviewed. The local authority associations have said that they think it essential that the mutual aid arrangements should be looked at again, and such discussions will inevitably cover the roles of the NRC and of police authorities. Discussions between the Home Office and the local authority associations about financing arrangements for mutual aid have already begun.

3.24 Certain gaps in the law have been identified in the course of the public order law review: and the following proposals in the Public Order White Paper may help to make the criminal law more effective in future industrial disputes:

i. Amendments to the Public Order Act to make it possible for the police to impose conditions on "static demonstrations", including mass pickets. These conditions will be able to be imposed by the police when they reasonably apprehend serious public disorder, serious disruption to the local community or the coercion of an individual;

ii. To make the offence created by section 7 of the Conspiracy and Protection of Property Act 1875 (which makes it an offence to use violence, intimidate, follow, watch or beset a person with a view to compelling him not to do that which he has a right to do) an arrestable offence. In addition it is proposed to raise the maximum penalty from 3 months imprisonment or a £100 fine to six months or £2000.

iii. To introduce in England and Wales new statutory offences to replace the common law offences of riot, unlawful assembly and affray, on lines recommended by the Law Commission.

WORKLOAD ON THE COURTS

Nature of the problem

3.25 The miners' strike produced exceptionally high and abnormal workloads in magistrates' courts in affected areas in England and Wales and because of its length new cases continued to come before the courts for a prolonged period. Courts thus did not face a limited emergency, such as a football disturbance or a shortlived outbreak of public disorder occasions, but one which placed a continuing pressure on them. The magistrates' courts' service is geared to deal with the normal volume of business coming forward. Courts confronted with a sudden and considerable upsurge in work had problems on a number of fronts, especially in calling on their magistrates for more duties (and some were disqualified from dealing miners' cases because of personal and professional connections), fitting in longer sitting hours, finding extra courtrooms and securing staff to man the extra courts. Other factors affecting the speed with which cases could be dealt with, and outside the court service's direct control, related to how quickly prosecution and defence could be ready with their cases; the availability of police witnesses (a particular problem with many police officers coming from forces outside the affected areas); and the abnormally high proportion of defendants charged with either-way offences who sought trial at the Crown Court and asked for full, as against modified, committal proceedings.

Action taken

3.26 Faced with the emergency, courts did much to help themselves. Magistrates agreed to undertake extra duties, and courts sat outside normal hours in particular to consider bail applications arising from mass arrests and so on.

the overnight remand in custody of those arrested. In some counties courts with the heaviest loads transferred cases to those less seriously affected. Where possible, extra courtrooms were brought into use; and temporary staff were taken on or loaned from other areas to man the courts. Courts under pressure were encouraged to apply to the Lord Chancellor's Department for temporary stipendiary help, and a number did so.

3.27 Since 3rd September 1984 stipendiary magistrates have sat for varying periods in 15 different areas. The number of sitting days and the court locations have been as follows:-

Court	Number of sittings between 3.9.84 and 29.3.85
Chesterfield	190
Doncaster	49
*Merthyr Tydfil	134
Pontefract	29
*Pontypridd	124
Rotherham	139
St Helens	30
*Sheffield	104
Birkenhead	3
Easington	15
Mansfield	9
Scunthorpe	12
Nottingham	4
Dover	20
East Retford	5

These courts marked with an asterisk have permanent full time stipendiary appointments. In addition to those three, nine other provincial stipendiary magistrates and ten metropolitan stipendiary magistrates have been appointed to act in courts other than those at which they normally sit, along with eight practising barristers or solicitors, three justices' clerks and one recently retired metropolitan stipendiary magistrate. The actual length of each appointment has varied from one day to two weeks, but several of the stipendiary magistrates have been appointed on more than one occasion and have sat for a total of five or six weeks. This applies particularly to the provincial stipendiaries. At Chesterfield, Merthyr Tydfil, Pontypridd and Rotherham, stipendiary magistrates have been sitting full time from the beginning of September 1984. Complex cases or lengthy committals arising from the miners' dispute are still to be heard in Pontefract, Rotherham and Dover Magistrates Courts and arrangements have been made for stipendiary magistrates to sit at those courts up to early July.

3.28 The Crown Court has also had to cope with a considerable case load, and there has been delay in bringing cases to trial because many defendants having elected trial by jury then insisted on lengthy "old style" committals before the magistrates. This exercise of a right of trial placed a considerable burden upon the prosecution, who were then called upon to prepare a vast amount of paperwork for the committal stage. Many of these committals were the largest ever to pass through magistrates' courts; two involved in excess of 90 defendants, three others of between 60 and 80 defendants. Some of these have yet to come to trial in the Crown Court. On 31 March 1985 the Crown Court had 61 outstanding cases involving 546 accused persons. Steps have been taken at Circuit level to expedite trials.

3.29 In Scotland, the additional workload created for the prosecuting authorities and the courts was unevenly spread. Some areas were barely affected; in most of the others the local procurators fiscal made arrangements with the police to adjust the reporting of cases in a way which helped to spread the workload; as a result the additional workload was absorbed without any real difficulties other than in two courts (Alloa and Dunfermline Sheriff Courts) where additional shrieval resources were made available.

Lessons in respect of the courts

3.30 There would appear to be sufficient flexibility in Magistrates, Crown and Sheriff Courts to cope with the kind of workload which arose from this dispute, but in the event of a similar case load arising in future, the possibility of appointing additional stipendiary magistrates in England and Wales should be considered earlier.

Specific points for follow-up action

3.31 Apart from the proposals in the Public Order White Paper referred to in paragraph 3.24 the main specific points for follow-up action arising on law and order issues are as follows:

- i. the need for employers, particularly any public sector employer faced by a major dispute, to bear in mind the opportunities which have been demonstrated for effective use of the civil law, especially the common law protection for a union's member against their union and the employees against unlawful activities of pickets;

- ii. consideration, in due course, of the results of the various reviews of policing during the strike being carried out by individual Chief Constables, ACPO, and the local authority associations;

- iii. planning for speedier appointment of additional stipendiary magistrates in any future situation where a prolonged industrial dispute seems likely to impose an abnormal workload on the courts.

SECTION 4: OTHER FACTORS AFFECTING THE STRIKE

4.1 This section deals with the following other factors affecting the strike:

- i. the degree of support from other unions;
- ii. the financial resources of strikers;
- iii. communications with the work-force and the public;
- iv. arrangements for coordination within Government.

SUPPORT FROM OTHER UNIONS

4.2 The lack of effective support for the NUM from other trade unions had a major effect on the outcome of the strike. In terms of industrial action the effective support from other unions was limited to the following:

i. rail unions

In the first few weeks of the strike the National Union of Railwaymen (NUR) and the Associated Society of Locomotive Engineers and Firemen (ASLEF) agreed to ban all movement of coal and coke. Every day throughout the strike BR sent home over 100 NUR/ASLEF members because they would not handle or signal coal trains. Nevertheless a substantial number of coal trains (on average about 150 a week) ran during the strike, mainly in the working Midlands coalfields.

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ii. seamen
 The NUS instructed their members not to carry coal or oil to power stations. This ban was observed but had little practical effect. The coastal coal trade was frustrated early in the strike by stoppage of production at the North East pits. Eventually non-NUS crews moved coal from Cumbria to South Coast power stations, and as the strike neared its end, NUS crews moved coal from Cumbria and the North East where coal production had been resumed. Imported coal, for industrial and domestic use, was brought in by foreign crews. The CEBG had no problem in securing access to imported oil.

iii. dock workers
 From 9-20 July and 24 August-18 September the TGWU mounted strikes on issues linked to the miners' strike (iron ore at Immingham, coal at Ravenscraig - in both cases for BSC). Both strikes collapsed for lack of grass-roots support; on the second occasion substantial numbers (between a quarter and a third) of registered dock workers defied a strike call for the first time and crossed picket lines. Although the CEBG did not judge it worthwhile to attempt to import foreign coal for use at power stations, substantial coal imports were brought in through the steel ports and many small non-scheme ports.

iv. NACODS
 The National Association of Colliery Overmen, Deputies and Shotfiredmen (NACODS) balloted on 1 April for a strike over closures but the required two-thirds majority was not secured. In September 82 per cent voted to strike against closures, the NCB's attitude to the implementation of conciliation procedures and changes in the arrangements for paying deputies who refused to cross NUM picket lines*. A national strike was threatened from 25 October, mainly to force an initiative for a resumption of negotiations. Agreement was reached with the NCB on the outline for a revised colliery review procedure. It was never clear how far NACODS members would in the event have been prepared to stop production in the working areas.

* The provisions in the 1984 Act relating to strike ballots do not preclude linking of issues in a strike ballot and this will be kept in mind in any further consideration of possible amendment of those provisions

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4.3 Although the NUM received some limited support from these unions, it failed to secure support in the following important areas:

- i. road haulage
(mainly TWGU members)
- ii. power station workers
(the power engineers (EMA), the electricians (EETPU), and AUEW, GMBATU AND TGWU)
- iii. steelworkers
(mainly the Iron and Steel Trade Confederation (ISTC))

4.4 There was also little effective support from the TUC collectively. At the TUC Congress in September a resolution of support for the NUM was overwhelmingly adopted, albeit with strong opposition from the EETPU and EMA. This gave temporary reinforcement to the morale of striking miners but by late autumn was seen to have led to no increase in sympathetic industrial action. The TUC leaders tried to prevent the NCB/NACODS settlement in late October as a means of forcing a settlement between the NCB and NUM but failed. Thereafter their main concern was to see an end to the strike, even on a basis which merely saved face for the NUM rather than represented concessions of substance by the NCB. Their final effort in February which involved a meeting with the Prime Minister was significant in demonstrating both to the NUM leaders and to rank and file members that there was no possibility of further negotiations, thus reinforcing the pressure which led to the collapse of the strike.

4.5 Despite (or perhaps partly because of) the lack of industrial support, there was considerable trade union financial support in a variety of forms - interest free loans, lump sum donations (from union funds and from collections against members), regular monthly/weekly donations. Some of this support went directly to the NUM at either national or (particularly after sequestration of the NUM funds in October 1984) at area level; some (at least £269,000) was channelled through the TUC Solidarity Fund. It is likely that the NUM was kept afloat by the interest-free loans from other unions. TGWU and GMBATU both provided substantial loans and SOGAT 82 actively coordinated contributions from other unions. On the other hand both the National Association of Local

Government Officers (NALGO) and the Civil and Public Services Association were forced by membership objections to curtail donations from union funds and the NUS dropped a 50p a week levy following a High Court ruling that it was contrary to the union's rules.

4.6 Support from the international trade union movement was also limited. With the exception of the French CGT, unions in Western European countries expressed little support for the strike itself or showed much liking for the NUM leaders and their actions. Very little actual financial support went to the union and physical support was also limited. The CGT provided the most active support - moral, financial and physical - in the main because of its political linkages with the NUM. Eastern European countries (USSR, Bulgaria, Poland, Czechoslovakia) expressed strong solidarity and provided a certain amount of monetary support (eg £500,000 from Ukrainian miners). Outside Europe, miners in South Africa, USA and Australia expressed solidarity and provided some limited financial support.

4.7 In summary the main reasons for the general lack of support from other unions and the TUC seem to have been:

- i. even from the beginning about 30 per cent of miners were not on strike;
- ii. there was considerable doubt about the case for a coal strike without a ballot;
- iii. the NUM leadership were turning down offers which were better than those to which most other industrial workers could aspire;
- iv. generally speaking members were not prepared to put their own jobs at risk in support of some workers in another industry;
- v. Mr Scargill's "remoteness" from, and contempt for, the TUC - especially since his decision not to occupy the NUM seat on the General Council.

Lessons

4.8 It is clearly desirable for the Government and NCB to continue, where possible, to shape tactics and strategy so as to keep the NUM leadership, so long as it maintains its present militant character, isolated from the sympathy and support of the wider trade union movement.

FINANCIAL RESOURCES OF STRIKERS

4.9 The financial resources available to strikers are discussed under the following headings:

- i. support from the NUM;
- ii. social security;
- iii. local authority support;
- iv. hardship funds;
- v. support from creditors;
- vi. other expenditure.

Support from NUM

4.10 Neither the NUM nor the Areas paid strike pay. But there were limited funds at Area and lodge levels for the relief of individual cases of serious hardship. Stories about payments for picketing were diverse. At the outset of the strike some organisers of flying pickets were claimed to be receiving as much as £20 a day and others participating £5, but these payments were not available daily or for very long. By the turn of the year a daily payment of £1, with some assistance for petrol, seemed to have been much more common. Only a relatively small minority of strikers are likely to have received payments for picketing at any time.

Social security

4.11 Supplementary benefit was available throughout to strikers' families, subject to a deduction from the normal entitlement of £15 per week until November 1984 and £16 per week thereafter ("deemed strike pay"). For some, but by no means all strikers' families, the effect of the change was to

nullify the annual increase in supplementary benefit payable from the same date. Up to 19 February, some £33 million was paid, representing about £20 per week for the average family. This was clearly an important cash contribution, but without other means could not itself have sustained the strike. During the strike it became apparent that claimants could claim in respect of mortgage interest even though building societies were deferring payments. Additionally, some miners were being found to be claiming accommodation costs when accommodation was in fact being provided free by friends and relations. (Action on the former issue is being considered in the DHSS review of social security arrangements.)

Local authorities

4.12 Local authorities provided a considerable amount of support for the strikers and their families rather than for the union. This sometimes took the form of financial contributions to hardship funds (at least £3.5 million) but more commonly took other forms - food and clothing vouchers, free use of premises for food kitchens, concessionary use of sports and leisure facilities, rent and rate rebates. Some doubts were expressed about the basis on which local authorities raised money to support strikers and their families - relying mainly on statutory powers under Section 137 of the Local Government Act 1972 and Section 83 of the Local Government (Scotland) Act 1973 and it is intended to re-examine these matters during an enquiry into local government procedures and practices, already in progress under the auspices of the Secretary of State for the Environment.

Hardship funds

4.13 Financial contributions from other sources were made through the TUC's hardship fund (at least £240,000) and through hardship funds set up and run by other groups such as churches' and women's support groups. The support groups organised street collections of money and food, concerts (many supported by well known personalities in the entertainment world) and food kitchens. Appeals at Christmas 1984 raised a fair amount of money (Guardian appeal - £360,000; "Women Against Pit Closures" appeal - almost £400,000) and other unions, both in the UK and overseas, donating food, toys, and gifts at Christmas. There is no way of estimating the total value of assistance of this kind. Most of the overseas support took this form. While there was little sympathy for the strike itself there was a great deal of sympathy for the plight of strikers' families.

Much of this was engendered by the accounts of hardship spread abroad by NUM spyos who went as far afield as South Africa looking for assistance. In addition the gifts of goods, toys and clothing, some countries (eg USSR, Italy, Netherlands) provided free holidays for miners' families.

Support from creditors

4.14 Strikers were generally able to defer payments of rent, rates and mortgages and the gas and electricity authorities do not appear to have pressed for the payment of bills. Finance companies owed payments on hire purchase agreements also seemed to be prepared to reschedule the debts, but there were reports of cars being repossessed. There is no good information that financial institutions were prepared to afford additional credit, although one case was reported of a miner being able to borrow money from his bank on the expectation of a lump sum redundancy payment. Credit from retail shops would be very limited indeed.

Other Expedients

4.15 Apart from any assistance derived from these various sources it must be presumed that strikers and their families survived as long as they did by forgoing expenditure, for example on holidays, by exhausting savings and by temporary employment, mostly in the black economy, so far as this was available.

Lessons

4.16 The main lesson to be drawn here is that any expectations that financial pressures would assist in ending this strike rapidly were ill-founded. It should however be borne in mind that Building Societies were not in a strong position to repossess property in mining communities, as the potential for subsequent sale would have been only to other actual or potential members of the same community - most of whom were in no position to purchase. Similar considerations may not apply in the case of individuals living amongst members of the wider community and it may be considered that the imminent prospect of having to forfeit the family home would be the single greatest factor likely to affect the readiness of strikers to prolong a strike. It should also be borne in mind that the close knit mining communities were able to draw on a shared experience of hardship to sustain the majority throughout the strike and it is for consideration whether other unions, where members do not live in similar communities, would find it practicable to organise successfully the kind of family support achieved during the miners' strike.

COMMUNICATIONS WITH WORKFORCE AND PUBLIC

4.17 Communications with the workforce and the public were of vital importance to the three parties in the dispute - the NUM, the NCB, and the Government. The main features of the activities of each of them are discussed below.

NUM

4.18 Despite regular attacks on media distortion, the NUM leadership and Mr Scargill in particular, took care from the outset to exploit every opportunity to put across the NUM's case. The emphasis was placed mainly on a simple message about resistance to pit closures which, in the context of high levels of unemployment, commanded some sympathy from the middle ground. Mr Scargill's fluency, rhetorical skills and understanding of the media gave him a considerable advantage in the early months over NCB spokesmen. As an individual however he aroused strong antagonisms because of his extreme political views which were well-known before the strike began. As the strike continued his failure to condemn violence, his intransigence in not accepting offers widely perceived to be reasonable, and exposure of his false claims about the likely effect of the strike on power supplies made him increasingly a liability for the NUM in communications both with the workforce and the public.

NCB

4.19 The NCB had two major achievements in communications. The first was the work done over several years in generating an understanding about the problem of uneconomic pits and the burden which this placed both on the coal industry and the country generally. The second major achievement was to develop the practice of communicating directly with the workforce rather than through the unions and to exploit the technique in new ways during the course of the dispute so as to encourage individual miners to return to work. The NCB's weakness was in underestimating for several months the importance of winning the day to day battle in the media, and, until the appointment of Mr Eaton in late October, in the lack of a readily available regular spokesman with public appeal.

Government

4.20 The difficulty which the Government faced at the outset was that it did not wish to play into Mr Scargill's hands by adopting a high profile and being driven into direct negotiations with the NUM. It was preferable that the dispute

should be seen as being with the NCB, a responsible employer trying to establish a sound future for the coal industry. Ministers nevertheless managed in Parliamentary and public speeches and by frequent briefing of Conservative members to underline important issues in the dispute, notably about the generosity of the redundancy terms, the reasonableness of the NCB's various offers and violence on the picket lines. As the dispute dragged on, the Government was obliged to adopt an increasingly high profile in the media, partly because of the problems encountered by the NCB and partly because of the growing pressure on the Government itself to bring about a resolution of the dispute. In any major public sector dispute the timing and scale of Government exposure in the media is a matter for careful judgment and each case has to be decided on its merits.

Lessons

4.21 The main lessons are as follows:

- i. Any public sector employer entering a major industrial dispute should identify and use from the outset a readily available, regular, authoritative spokesman who is likely to have public appeal;
- ii. The development of direct communications between management and workforce is not only conducive to better industrial relations but may also be of vital importance in a major dispute. The NCB will need to retain and extend new channels of communication especially at Area and local levels. Other public sector employers should be encouraged to adopt similar policies appropriate to their situations if they have not already done so.

ARRANGEMENTS FOR COORDINATION WITHIN GOVERNMENT

4.22 The main arrangements for coordination within Government were as follows:

- i. Pre-strike contingency planning
From 1982 onwards the Official Group on Coal (MISC 57) considered ways of increasing the stocks of coal and ancillary material held by the CEGB and SSEB. Following Ministerial approval of their

recommendations, the Group monitored the arrangements to provide power station stocks sufficient to provide some 26 weeks endurance in the event of an all out coal strike. MISC 57 also undertook a specific exercise during the strike to consider what emergency arrangements might be made to move coal in certain eventualities. It was envisaged that any threat to essential supplies or the health and safety of the community would be dealt with using established contingency procedures, under the aegis of the Civil Contingencies Unit (CCU).

ii. Collective Ministerial consideration during the strike

The Prime Minister and other Ministers principally concerned met once or twice a week in the Ministerial Group on Coal (MISC 101). The dispute was also discussed at weekly meetings of the Cabinet.

iii. Daily monitoring

The Secretary of State for Energy and his Departmental colleagues met each morning to receive an up-to-date report on developments from officials of the Departments of Energy, Employment, Transport, Trade and Industry, the Home Office, the Scottish Office and the NCB. This underpinned the arrangements for consultation with colleagues and with the industries concerned. From the beginning of August onwards daily monitoring reports covering such matters as the number of pits working, miners returning to work, coal movements, any other major developments and a line to take were circulated by the Private Secretary of the Secretary of State for Energy to members of MISC 101 and the Cabinet Office.

iv. Ministers and management

Ministers met regularly with the Chairmen of both NCB and CEGB and when appropriate with the Chairmen of BSC and BR. There were periodic Ministerial meetings with the Chairman of SSEB.

v. Departmental arrangements

The Department of Energy set up a small unit in Coal Division to maintain contact on strike matters with the NCB and other Departments;

to circulate twice daily reports on pits and picketing; to prepare a weekly summary report on strike developments, with key statistics on coal stocks, output and movements; and to deal with correspondence, PQs, briefing for debates and meetings etc concerned with the strike. In the early weeks of the strike, as a precautionary measure and in the interests of having outline systems in place to deal with any supply difficulties, the Department of Energy sought the cooperation of the coal trade in getting its members to exercise care in setting priorities for coal supplies to certain types of customer. These arrangements were notified to Departments through the CCU. In the event there proved to be little need of them. The Department of Energy monitored developments and liaised with NCB, the coal trade, DHSS, and others as necessary to deal with local problems. The assistance of DTI Regional Offices to obtain early warning of any difficulties with industrial coal supplies, was also sought but in the event, no serious problems arose and these arrangements were very little used.

Lessons

4.23 The arrangements developed for dealing with the dispute within Government, which were tailored to its particular circumstances, appear to have worked well. In any future major dispute in the coal industry it would be sensible to adopt from the outset the arrangements made during the strike to obtain information on coal output, movements, consumption and stock levels and on the endurance prospects for electricity supply and industry.

SPECIFIC POINTS FOR FOLLOW-UP ACTION

4.24 The main specific points for follow-up action arising from this section of the report are as follows:

- i. eligibility of strikers receiving supplementary benefit for help with mortgage interest payments should be re-examined; (changes in supplementary benefit rules generally, as part of the Cabinet's review of social security, are likely to deal substantially with this problem)

ii. the powers of local authorities to provide financial support for strikers and their families should be examined by the Widdicombe Inquiry into local government procedures and practices;

iii. any public sector employer entering a major industrial dispute should identify and use from the outset a readily available regular authoritative spokesman who is likely to have public appeal;

iv. the NCB should retain and extend new channels of communication with the workforce, especially at Area and local levels. Other public sector employers should be encouraged to adopt similar policies appropriate to their situations if they have not already done so;

v. in a future coal strike the arrangements made in 1984-85 to obtain information on coal output, movements, consumption and stock levels and on the endurance prospects for electricity supply and industry should be adopted from the outset.

CHRONOLOGICAL LIST OF MAIN EVENTS OF MINERS' STRIKE 1984-85

March 1984

- Announcement of Cortonwood (1st) and Bullcliffe Wood (2nd) closures;
- Coal industry national consultative committee (6th) at which output reduction put to unions by NCB;
- NUM NEC meeting (8th) sanctioned strike on area by area basis;
- Strikes began 12th;
- NCB obtaining High Court injunction against Yorkshire NUM to prevent use of flying pickets (14th) but NCB subsequently (19th) granted adjournment of contempt motion;
- Kent NUM sought (20th) injunction to prevent police stopping flying pickets moving through Dartford Tunnel; the application was unsuccessful;
- Lancashire Area NUM called one week strike (23rd) to support case for a national strike ballot but decided (30th) on a return to work on 2 April;
- 25% oil burn enhancement and selected coal stock protection implemented by CEGB on 28th.

April 1984

- 50% oil burn and further stock protection implemented by CEGB (4th) followed by 75% (11th), maximum available (18th) and full endurance regime (26th);
- NUM NEC ruled out immediate ballot (12th);
- NUM special delegate conference (19th) changed rule 43 to require only simple ballot majority to authorise strike.

May 1984

- BSC announced introduction of emergency measures to bring extra coal into Ravenscraig (1st) followed (11th) by agreement between mining, steel and rail unions to provide sufficient coal;
- NUM NEC (11th) cancelled annual NUM conference and announced intention of lobbying foreign embassies and stopping coal imports;

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- Scargill stated (14th) his aim to bring down the Tory Government. Mr Orme met Scargill (16th) to attempt mediation and subsequently Mr Orme met Mr MacGregor (21st);
- 18 working miners at two Notts pits obtained injunction to prevent NUM leadership declaring industrial action in Notts as official (18th);
- Lancs executive of NUM suspended union membership of working miners in area (21st);
- First scheduled NCB/NUM meeting cancelled (21st) when NUM made withdrawal of pit closure programme a pre-condition - but held on 23rd at NCB HQ with no productive outcome. NCB offered NUM talks on Plan for Coal;
- Mass pickets (23rd and 30th) at BSC's Orgreave coke plant;
- Second NCB/NUM meeting Yorkshire (31st) - Mr MacGregor not present.

June 1984

- Heavey picketing continued at Orgreave (4000 on 5th);
- Men returned to work for first time at Bilston Glen Colliery (5th) and some coal produced (20th);
- Third NCB/NUM meeting Yorkshire (8th) - agreement to further talks;
- Fourth NCB/NUM meeting Rotherham (10th) - acrimonious - both sides presented plans for future of industry;
- NUM NEC confirmed (14th) that there would be no national ballot;
- Overload implemented (19th) at Grain and Littlebrook power stations;
- Miners began (20th) blockade of five main BSC plants but steelworkers reject (21st) NUM demands that they cease production;
- High Court ruled (26th) that Lancs NUM could not call official strike without a ballot;
- 43 Kent miners dismissed (27th) for earlier occupation of Tilmanstone Colliery.

July 1984

- Oil overburn implemented at Tilbury and Blyth Power Stations (2nd);
- TUC Steel Committee rejected (2nd) NUM request for halt to steel

- Fifth NCB/NUM meeting (4th/5th) in London lasted 9 hours, sixth meeting (9th) in London saw both sides tabling draft agreements and disagreement over use of word "beneficial" by NCB in relation to criteria for closing pits; seventh meeting (18th) in London broke down after 13 hours;
- First 1984 dock strike began (10th) and ended 21st);
- NUM extraordinary delegate conference Sheffield (11th) defied High Court ruling by agreement to new rule 51 giving union leadership increased powers to expel, suspend or discipline members;
- Media coverage (week ending 27th) of "Silver Birch" and back to work movement;
- South Wales NUM fined (30th) £50,000 for contempt.

August 1984

- CEGB (1st) operated gas turbines over peak load period at six power stations and oil overburn at West Burton, Cottam and Rugeley B followed by use of gas (15th) for main generation at Hams Hall power station and oil overburn (20th) at Ironbridge and Willington power stations;
- NCB agreed (3rd) to leave their final offer to NUM on table;
- NUM special delegate conference endorsed (10th) their leaders rejection of NCB final offer and agreed to new rule 51;
- Miners ballot (17th) at Haig Colliery 106 to 37 not to join strike and 3 miners at Lea Hall Colliery obtained High Court order reinstating them as branch officials;
- Scargill/MacGregor live debate (22nd) on Channel 4 TV;
- TWGU National Docks Delegate Conference voted (24th) for immediate dock strike over berthing of Ostia at Hunterston;
- All four production faces at Polkemmet Colliery lost (27th/28th) from flooding following withdrawal of safety cover as NUM reaction to some miners returning to work;
- NUM and TUC officials pre Congress meeting (30th)

September 1984

- TUC Congress pledged "total support" for NUM (3rd). On same day working miners at Easington Colliery granted injunction to prevent disciplinary action against them by NUM;
- Further series of NCB/NUM talks began in Edinburgh (9th) continued in Selby and Doncaster (10th and 12th) and broke down (14th) without agreement after a 5 hour meeting in London;
- NACODS NEC agreed (12th) to ballot their members about strike action on cutback in capacity, attitude to conciliation procedures and guidelines for NACODS members crossing NUM picket lines. Result declared (28th) showed 82.5% in favour of strike;
- Second dock strike ended (18th) having been largely ineffective;
- TUC agreed (21st) to sponsor fund raising campaign for NUM and met Mr MacGregor (24th) to receive briefing on latest NCB/NUM talks;
- ACAS officials made first contact (24th) with both sides;
- Oil overburn implemented (25th) at Didcot Power Station;
- TGWU Delegate Conference agreed (26th) to ballot members at opencast sites on moving opencast coal. On same day NACODS officials met NCB;
- High Court ruled (28th) in response to cases brought by working miners - that strike in North Derbyshire and Yorkshire was unlawful.

October 1984

- Labour Party Conference (1st) passed motions giving full backing to strike and condemning organised police violence;
- NCB/NACODS meetings (1st and 2nd) - in light of NACODS ballot - resulted in suggestion of independent arbitrator on pit closures. Idea subsequently discussed between NACODS/ACAS (1st); BACM/ACAS (5th) - at which BACM suggested a new Plan for Coal should be prepared; NUM/ACAS (6th and 7th) and NCB/ACAS (8th);
- High Court imposed (10th) £200,000 fine on NUM for contempt;
- NUM and NCB began discussions with ACAS (11th) (NACODS also in building) which resulted in an ACAS proposal (12th) on third party arbitration which was accepted by the NCB but rejected (15th) by NUM and NACODS, after which the talks ended;

- NUM NEC reaffirmed (16th) continuation of strike and announced weekly meetings with TUC to coordinate TUC support policy. On same day NACODS announced strike action would begin on 25 October;
- Michael Eaton appointed as NCB spokesman (20th/21st);
- TGWU announced (22nd) result of ballot - no opencast coal would be moved;
- NCB/NACODS talks resumed (23rd) at ACAS with eventual TUC and NUM participation - following agreement NCB/NACODS the NACODS strike was called off (24th). Further NCB/NUM talks at ACAS for 10 hours (25th) and 10 more hours (31st) resulted in no progress;
- High Court ordered sequestration of NUM assets (25th) following non payment of £200,000 fine;
- The Libyan connection (NUM Chief Executive and Col Gaddafi) announced (28th) in Sunday Times.

November 1984

- NUM NEC (1st) called special delegate conference on 5th which voted to continue the strike and hold five rallies (Edinburgh (6th) Sheffield (8th) Newcastle (11th) South Wales (13th) Birmingham (14th); also reaffirmed no national ballot and no change in composition of union negotiating team;
- £2.7 million NUM funds in Ireland frozen (4th) by Dublin High Court;
- BACM met NCB (5th). On same day lighting up oil delivered for first time to Drax, Eggborough and Fiddlers Ferry Power Stations and new surge back to work began;
- Renewed picket line violence (12th) in Yorkshire;
- TUC General Secretary "shouted down" during South Wales rally (13th);
- £4.63 million of NUM funds in Luxembourg frozen by local courts (14th);
- NUM NEC announce (15th) new publicity campaign in mining communities; on same day Scargill seeks further support at Russian Embassy; lighting up oil delivered to Aberthaw power station;
- 5032 miners returned to work in week ending 16th;
- North Wales NUM withdrew support for strike (20th) in view of lack of strikers in area. On same day coal deliveries restarted to Didcot and Brighton Power Stations;

- 5959 miners returned to work in week ending 23rd;
 - McGahey and Heathfield met NCB (27th) in apparent attempt to restart talks;
 - NUM successful appeal (29th) against freezing of assets in Luxembourg;
- 2159 miners returned to work in week ending 30th.

December 1984

- NUM special delegate conference (3rd) agreed to refuse cooperation with High Court appointed receiver and not to purge union's contempt. Also on 3rd a day long meeting of TUC/NUM Liaison Group took place;
- 668 miners returned to work in week ending 7th;
- Coal deliveries to Uskmouth Power Station re-established (11th) and coal produced in Yorkshire Area (12th) for first time since strike began;
- S of S Energy met TUC coal liaison team (14th); subsequently TUC Liaison Committee decided (17th) to take no further action before the New Year;
- 521 miners returned to work in week ending 14th;
- Nottinghamshire Area NUM agreed (20th) rule change to end their subordination to the NUM NEC from 1 January 1985;
- 174 miners returned to work in week ending 21st;
- S of S Energy announced (29th) there would be no power cuts resulting from the NUM strike during 1985.

January 1985

- "Heating" at Seafield Colliery (Scotland) (3rd);
- 712 miners returned to work in week ending 4th;
- NUM NEC decided (10th) to exclude Notts Area unless rule change agreed on 20 December was reconsidered (subject to vote of special delegate conference) and to enlarge negotiating team to include whole NEC;
- 20 South Wales miners began (11th) attempts to get injunction limiting number of pickets at certain collieries (injunction eventually granted on 11 February);
- 2365 miners returned to work in week ending 11th;

- Notts NUM Area Executive (12th) suspended Area General Secretary from all official posts;
- S Derbyshire and Leicestershire NUM Area Executives indicated (14th) support for Notts Area 20 December rule change;
- NACODS walk out (15th) from Coal Industry National Consultative Committee (in protest against NCB attitude towards negotiating with NUM) and later (16th) decide to boycott future talks with NCB at national level until NCB resumed negotiations with NUM and to ballot their members on the NCBs 5.2% pay offer;
- CEBG met (17th) highest ever peak demand for electricity (46.215 MW) and highest ever CEBG oil burn 561000 tonnes in week ending 20th;
- 2870 miners returned to work in week ending 18th;
- In a series of meetings Messrs McGahey and Heathfield (NUM) discussed informally (22nd) with Mr Ned Smith (NCB) the resumption of negotiations; Later that day the NUM met the TUC Monitoring Committee; S of S for Energy met the British Council of Churches (23rd) and Welsh Council of Churches (24th); S of S for Scotland met Scottish TUC leaders (25th); NUM NEC expressed dissatisfaction (24th) with NCB insistence on a written commitment to discuss uneconomic capacity prior to resumption of negotiations; Mr Heathfield met Mr Spanton (NCB) (29th) after which Heathfield reported to NUM NEC and TUC;
- 3386 miners returned to work in week ending 25th;
- Reduction of oil burn began (28th) at Didcot Power Station;
- NUM NEC agreed (30th) not to provide written undertaking requested by NCB - the latter announced there was no basis for resuming discussions; the same day the receiver paid the NUMs £200,000 fine from recovered NUM funds;
- TUC General Secretary reported (31st) to NUM NEC on his attempts to get negotiations restarted.

February 1985

- 1596 miners returned to work in week ending 1st;
- NCB decided (1st) still no basis for resuming negotiations; same day NUM approached ACAS and NACODS NEC considered position of their October 1984 agreement with NCB;

- Only productive coal face at Frances Colliery (Scotland) lost (3rd) due to severe heating;
- In further meetings NUM and NACODS leaders met ACAS separately, NUM met the TUC and NACODS the NCB - all on 4th followed (7th) by a joint NUM NEC/NACODS meeting and call for NCB to resume negotiations without preconditions. Meanwhile Chairman ACAS had informed NCB (5th) of results of talks on 4th and NACODS, following their ballot, accepted NCB pay offer for 1984/85;
- 3775 miners returned to work in week ending 8th; the same week BR moved 240 coal trains - the highest total since Summer 1984;
- Injunction granted (12th) in High Court restricting number of pickets to 6 at 11 Yorkshire collieries;
- In a further series of meetings S of S for Energy met NACODS (13th); General Secretary TUC met Chairman NCB (14th) and the following day at a TUC/NUM/NACODS meeting the two unions rejected proposals for a resumption of negotiations; on 16th and 17th NUM met ACAS, NUM and NACODS executives spent weekend at TUC HQ, General Secretary TUC met Deputy Chairman NCB and reported back to NUM/NACODS without progress being made; TUC met the Prime Minister (19th); within the next 36 hours S of S Energy met TUC, NCB met TUC, NUM NEC met with General Secretary TUC but the NUM rejection of all proposals was endorsed (21st) at an NUM special delegate conference in London;
- 2175 miners returned to work in week ending 15th and 2261 in the week ending 22nd;
- South Derbyshire NUM executive voted (18th) in favour of rule changes to give area greater autonomy and Notts Area NUM Council voted (25th) to end overtime ban;
- In period 25 February to 1 March 9383 miners returned to work - the 50% back at work total was achieved on 27th and 51% on 28th;
- NUM NEC met (28th) and called Special Delegate Conference for 3 March to discuss a return to work without an agreement.

March 1985

- NUM Special Delegate Conference decided (3rd) on end to strike and a mass return to work on 5th. Decision subsequently endorsed by all areas except

- Scotland and Kent, who decided to carry on strike until NCB declared a general amnesty for miners dismissed during the strike. NCB and S of S for Energy stated there would be no general amnesty;
- Return to work on 5th saw some 60000 returning - meaning 85% of NUM no longer on strike;
- In the period 6-12 March all remaining strikers returned to work, Scottish Area voted (6th) to return on 7th and Kent voted (9th) to return on 11th;
- NUM NEC decided (7th) to continue overtime ban, press for a general amnesty and maintain position on pit closures.

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
1 LANCASHIRE AREA (Agecroft)	23 MAY	Injunction prohibiting 5 year suspensions from Area union for crossing picket lines and withholding union benefits from non-strikers.	
2 NOTTINGHAMSHIRE AREA (Pye Hill and Sherwood)	25 MAY	Injunctions preventing Area union from instructing miners to join the strike and from threatening disciplinary action against those working normally	
3 DERBYSHIRE AREA (Shirebrook and Williamthorpe)	4 JUNE	Injunction ordering Area union not to discipline working miners.	Union gave undertakings not to discipline miners for crossing picket lines.
Taylor, Roberts and Phillips	27 SEPTEMBER	Judge declared strike in Area unlawful and granted permanent injunction against disciplinary action.	
	9 NOVEMBER	Permanent injunction against the further use of union funds to support action previously declared unlawful and prohibiting the removal of accounting records until inspected by plaintiffs.	Three senior officials gave an undertaking to the Court not to use Area funds to support the strike and to provide accounting records and details of all future transactions to the plaintiffs' lawyers.
4 NORTH WALES (Point of Ayr) McKay	13 JUNE	Injunction ordering Area union not to discipline working miners, not to use branch funds for the strike or to describe the strike as official.	Pickets were withdrawn, as a result of the injunctions, enabling 480 of the 620 miners to return to work.
5 NOTTINGHAMSHIRE 17 members of Area Council	9 JULY	Injunction requiring Area union to hold an immediate Area Council meeting to consider how votes should be cast at special delegate conference on 11 July on proposed new disciplinary rule.	Area Council meeting held: delegates voted against the rule change.
	10 JULY	Injunction prohibiting all delegates at the special delegate conference from discussing the proposed disciplinary rule.	Although the new rule was passed at the delegate conference, the 10 July injunction had the effect of making action under it unlawful. This led the union to pass a further resolution endorsing the new rule at a special delegate conference held in August.
6 MIDLANDS (Lea Hall and Rugeley)	31 JULY	Injunction prohibiting Area union from treating the strike in the Area as official.	

7 DURHAM (Crookhall private coal company)	JULY	Injunction granted to nine miners banning their expulsion from the Area union for continuing to work.	
	11 JANUARY	Following expulsion from union, further injunction granted at an ex-parte hearing.	
	21 FEBRUARY	The Area union applied for a discharge of the injunction on the grounds that there was a lawful strike in the Durham area and that the miners had crossed picket lines in breach of union rules.	Area union responded by seeking to have the injunction discharged.
	5 MARCH	Mr Justice Walton directed that the injunction should remain in force until a full trial was held (before the end of July).	
8 DURHAM (Easington) Wilkinson	3 SEPTEMBER	Injunction restraining Area union from taking disciplinary measures against Wilkinson or from intimidating him. Union also ordered to carry out peaceful picketing only and not to beset his place of work or house.	Union stated publicly that it would comply with injunction but that peaceful picketing would continue. Picketing numbers reduced to around 6 on most days (though with a reversion to mass picketing on some occasions).
	12 OCTOBER	Union leaders ordered to take steps "within their power" to prevent other people from organising or causing any intimidation towards Wilkinson or unlawful picketing or besetting his place of work or home.	
9 SCOTLAND (Bilston) Fettes, Pupkis and McConnell	6 NOVEMBER	Judge refused to grant interim injunction requiring Area union to withdraw strike instructions until national ballot held.	
10 NATIONAL UNION (Manton) Taylor and Foulstone	25 SEPTEMBER	Injunction ordering National union not to describe the strike as official and giving temporary protection against disciplinary action until full trial.	Refusal to comply with orders of the court but was represented in court in proceedings following sequestration. Assets remain sequestered.
	10 OCTOBER	Fine of £200,000 imposed on the national NUM and £1,000 on Mr Scargill for contempt.	
	25 OCTOBER	Writ of sequestration issued and Price Waterhouse appointed as sequestrators.	

	9 NOVEMBER	The sequestrators reported to the court that £2.7m had been frozen on the orders of a Dublin judge.	
	28 NOVEMBER	The sequestrators reported to court that they had traced and temporarily frozen £4,630,000 in Luxembourg; and £503,000 in Switzerland.	
	31 JANUARY	Receiver gained possession of £4.9m from Nobis Finanz.	
	12 FEBRUARY	Judgment was reserved in the High Court in Dublin on who was entitled to the £2.7 million deposited in a Dublin bank.	
	3 APRIL	Some £217,000 released to the receiver by a Swiss Court.	
11 NATIONAL UNION (Group of 16 working miners)	16 NOVEMBER	Preliminary hearing of action to make NUM executive members personally liable for £200,000 fine.	First occasion on which the National Union acknowledged the courts by entering a defence.
	17 JANUARY	The case was adjourned with the agreement of the plaintiffs until after the election of the national executive committee.	Four moderate members of the Executive swore affidavits pledging to observe the law and uphold court orders.
12 NATIONAL UNION (Group of 16 working miners) Clarke and others	30 NOVEMBER	A temporary order appointing a receiver was granted to the working miners pending a full trial.	The NUM failed to reverse the initial order on appeal because it refused to give an undertaking that it would abide by past and future orders of the court. On 3 December a Special Delegate Conference voted to reject payment of the fine, to oppose purging its contempt, and to ban co-operation with the sequestrators or receiver.
	7 DECEMBER	Permanent orders granted removing Scargill, McGahey and Heathfield as trustees and appointing a receiver to hold the union's property.	
13 COKEMEN'S GROUP (Barnsley) Watson	4 DECEMBER	Barnsley Section ordered to allow Watson to inspect its minute books.	
14 POWER GROUP (Silverdale and Woolstanton) Carr and Hayes	12 DECEMBER	The Power Group agreed to hold new election for Group's NEC representative to settle the action.	
	14 DECEMBER	Mr Justice Soott informed that final details had been drawn up for the settlement of the action, and that fresh elections would be held before January 15.	Union agreed to hold fresh elections

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
15 YORKSHIRE (Manton Colliery) Taylor and Foulstone	13 DECEMBER	Proceedings to displace the trustees of the Area union and replace them with a receiver were adjourned.	
16 NATIONAL UNION Lynk and Prendergast	4 FEBRUARY	Libel writ issued against the national NUM leadership over a pamphlet issued the previous week throughout the coal field.	
17 SOUTH WALES (Cynheidre) Thomas	11 FEBRUARY	Injunctions granted limiting the number of pickets at 5 pits to 6 only and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with the injunctions and not to appeal.
	22 MARCH	Injunctions lifted.	
18 YORKSHIRE Group of working miners led by Mr W Sharp	12 FEBRUARY	Injunctions granted limiting the number of pickets at 11 pits to 6 and restraining the union from organising picketing other than to peacefully persuade.	Area executive decided to comply with injunctions and not to appeal.
	24 APRIL	Injunctions lifted.	

II ACTIONS BY EMPLOYERS UNDER EMPLOYMENT ACTS 1980 AND 1982

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
1 NCB v NUM (Yorkshire)	14 MARCH	Injunction ordering Yorkshire Area to withdraw instructions for secondary picketing and to refrain from financing or otherwise encouraging unlawful picketing.	None.
	19 MARCH	NCB granted an indefinite adjournment of its application for contempt proceedings.	
2 WIGHT CONTRACTORS v NUM (S. Wales)		Injunction ordering S. Wales Area to withdraw pickets from its site	
	17 APRIL	Injunction restraining union from instructing or encouraging members to stop, approach or interfere with the free passage of the plaintiffs' vehicles or to abuse or threaten the drivers.	
3 R & G READ v NUM (S. Wales)	20 JULY	The S. Wales Area fined £50,000 for contempt and their funds sequestrated for failure to pay the pay.	Picketing reduced to token proportions. In discharging the sequestration order the judge noted that the union had obeyed the orders of the court.
	12 MARCH	Sequestration order discharged	
	2 NOVEMBER	Injunction ordering union not to "encourage or instruct" its members to refuse to unload or weigh the companies' vehicles (following "sympathetic" blacking action at Cardiff docks).	Subsequent press reports indicated that the injunction was to be withdrawn following an undisclosed peace formula worked out between the two sides
5 H.J. BANKS & CO v NUM (Durham)	26 OCTOBER	Interim injunction ordering union to withdraw instructions to picket H J Banks' open-cast mine.	
	12 NOVEMBER	NUM and its Durham area ordered to call off pickets outside 5 open cast mining sites. Both unions restrained until full trial from procuring by the attendance of pickets at the sites, breaches of commercial contracts between the companies and their customers for the supply of coal.	

CASES	DATES OF KEY HEARINGS	ORDERS OF COURT	UNION RESPONSE TO COURT ORDERS (IF KNOWN)
6 F T EVERARD & SONS v National Union of Seamen	14 JANUARY	Injunction granted for seven days restraining NUS from inducing or attempting to induce crews of ships belonging to the plaintiff to break their contracts of employment.	Members of the crews had refused to sail in line with official union instructions not to handle coal during the strike but following the granting of the injunction the crew voted to sail.
7 STEPHENSON CLARKE SHIPPING V National Union of Seamen	18 FEBRUARY	Injunction granted ordering the NUS to withdraw any instruction or advice given to the crew of the Fulborough not to sail or carry out their duties.	The General Secretary of the NUS withdrew his instruction to continue the action. The seamen initially voted to continue the action on an unofficial basis but the blockade was lifted on 28 February.
8 R & G READ V NUM (S.WALES)	5 MARCH	Writs issued against Area union seeking injunctions banning union members from blacking companies' lorries in retaliation for their activities during the strike.	

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LESSONS OF THE MINERS STRIKE - REPORT TO MINISTERS

Note by the Secretaries

1. The following corrections should be made to the report attached to MISC 57(85) 9.
 - a. Paragraph 1.2 iii - insert closing bracket after 'month' in line 7.
 - b. Paragraph 2.10 ii a - third word in first line to read 'to'.
 - c. Paragraph 3.19 - amend the end of the twelfth and beginning of thirteenth line to read '... are not yet known but will be in excess of £200m'.
2. These corrections were made before the report was circulated to Ministers.

Signed J A J BUDD
J E ROBERTS

Cabinet Office

21 May 1985