

Notts miners win right-to-work orders from court

By David Felton, Labour Correspondent

Nottinghamshire miners won right-to-work orders from the High Court yesterday, confirming that they cannot be instructed by their union to strike or to refuse to cross picket lines.

The judgment came as it emerged that the National Coal Board and the National Union of Mineworkers had agreed to make another attempt next week to break the deadlock in the 11-week-old strike, with a fresh round of talks on neutral territory.

Neither the board nor the union would say where and when the talks would be held, or whether Mr Arthur Scargill, NUM president, would lead the union team. It is clear that Mr Ian MacGregor, the coal board chairman, will not attend, but it is expected that Mr Scargill will be present.

The High Court ruling, delivered by the Vice-Chancellor, Sir Robert Megarry, came at the end of a four-day hearing of an action by 640 Nottinghamshire miners against their local leadership, the NUM executive, and Mr Scargill. The orders prevent union leaders from instructing reluctant Nottinghamshire miners to join the strike and also from threatening

disciplinary action against those working normally.

They are likely to give a moral boost to the Nottinghamshire miners, rather than to have any immediate practical impact. Mr Raymond Chadburn, the NUM area moderate president, said the decision confirmed the status quo and pointed out that the area leadership had never instructed its members to join the strike.

Delivering the judgment, Sir Robert said that the Nottinghamshire miners' action had "real prospects of success" when it came to a full hearing. He said the area had in a ballot displayed its resolution not to join other areas in the strike and added that the national union leadership were "at least arguably in breach of the rules" in calling a national strike without a ballot of the entire membership.

He declared that "the right to work is a very precious right" and referred to the daily unpleasantness being faced by working miners crossing picket lines who encountered reproaches and insults and the threat of disciplinary action by their union.

One effect of the orders predicted by the rebel miners' legal advisers last night was that

striking Nottinghamshire miners will not be able to claim that their picketing is official.

The NUM has estimated that up to 10,000 of the area's 34,000 miners are on strike; the coal board says that the number is nearer 2,000. The judge referred to the "uncertainty" felt by miners as to whether they were being instructed officially to strike and the miners who brought the action said that it had been worth while because it removed that uncertainty.

Mr Colin Clarke, NUM branch official at Pye Hill colliery, said his reaction was one of "pleasure and sadness" and he hoped the rulings would take the NUM a few paces nearer the negotiating table.

Next week's talks were arranged after what appeared to be a slight thaw in relations between the union and the board. Mr Scargill has said that any settlement of the dispute would have to include the board's agreement to withdraw its closure programme for the next 12 months involving the loss of 20,000 jobs. But the talks became possible after he dropped his insistence on withdrawal of the closure programme as a condition for negotiations.

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