

Rebels seek order for secret ballot on miners' strike

● A High Court judge will be asked tomorrow to order the National Union of Mineworkers to hold a secret ballot on whether the strike should continue.
● The scale of picketing by South Wales miners appeared to have been reduced by the £50,000 fine on their union

● The cost of the miners' dispute is one reason given by two counties for pulling out of a regional crime squad Page 2
● Coal stocks at pitheads can last until 1986 and electricity supplies can survive the hardest of winters, according to a City report. Page 2

By Paul Routledge, Political Editor

The High Court will be asked tomorrow to order the National Union of Mineworkers to hold a secret ballot of 180,000 pitmen within 28 days on whether the 22-week-old strike should continue.

Two dissident Yorkshire miners seeking a return to work will ask Mr Justice Warner for 11 orders against the union, including a declaration that the strike in their coalfield is unofficial.

One of them, Mr Ken Foulstone, aged 45, a face worker at Manton colliery, said last night: "We represent a broad feeling of Yorkshire miners. We want to bring democracy back into our union and an end to intimidation. It's time the rank and file had their say in this dispute. Only a national ballot will do that."

Mr Peter Heathfield, general secretary of the NUM, made clear last night that the union would defy injunctions granted to the Yorkshire dissident miners. "These legal actions are inevitable in a situation where the lads are solid, and where there is no indication of a return to work", he said.

"People are being encouraged by the coal board to use the courts - which will not pass legal judgments but political judgments - and that is something we are learning to live with. We have witnessed that sort of thing for five months, and speaking personally I am undeterred."

Leaders of the NUM have consistently rejected demands for such a poll, arguing that it

would deliver the future of "uneconomic" pits into the hands of profitable mining areas. But their critics in the union insist that they fear a ballot would lead to a massive vote against industrial action.

Legal experts last night suggested that the High Court could interpret the law of contract in such a way as to give effect to the demands of the Yorkshire dissidents. They might also plead "natural justice" to win a pithead poll.

Lawyers acting for the two men will argue that the 1983 NUM conference decision in Inverness calling for industrial action against pit closures was discretionary rather than mandatory, and that the ballot in Yorkshire which gave a four-to-one majority for strikes against shutdowns in 1981 is "too remote" from the current dispute. It will also be noted that Mr Justice Megarry, the Vice-Chancellor, has said that in all respects, this is a national strike.

The relevant NUM rule says that the union cannot officially declare a strike unless a majority of those voting in a ballot vote in favour of such a strike. A majority of those participating is required to continue the industrial action.

The action is being brought by Mr Foulstone and his workmate Mr Bob Taylor, aged 33, who tried to lead a return to work at Manton many weeks ago which was frustrated by branch militants. The colliery, although situated at Worksop, Nottinghamshire, is in the

Yorkshire areas of the NCB and the NUM.

They are seeking to set aside an NUM executive instruction not to hold branch office elections, and an order that until those elections are held no picket line can be declared official. The effect of such a ruling would be to make the stoppage in Yorkshire unofficial.

If an injunction is granted at tomorrow's hearing, the case may not be held in full until mid-September.

The serving of the writs on leaders of the Yorkshire miners coincided with a fresh initiative by Mr Ian MacGregor, chairman of the NCB to persuade striking miners to accept his peace plan and go back to work.

In a personally-signed letter, he said: "If our proposals are rejected and we are consequently forced to abandon them, I fear that it will be some considerable time before any alternative basis can be found for discussions with the NUM." (Text of letter, page 2.)

The coal board's chairman asks miners to find ways to impress on their delegates to the recalled conference in Sheffield on Friday the need to "take advantage of these proposals to start discussions aimed at ending this senseless dispute."

Most delegates attending the conference have already been mandated to vote for a continuation of the strike, and for implementation of new rule 51 which establishes disciplinary procedures to punish union rebels.

Rebels seek order for secret ballot on miners' strike.

By Paul Routledge, Political Editor.

The Times (London, England), Wednesday, Aug 08, 1984; pg. 1; Issue 61904. (806 words)

Category: News

© Times Newspapers Limited

Gale Document Number:CS17141512