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Prime Minister⁽¹⁾

The Home Secretary proposes further work on the possibility of a blockade at Dover, but not more generally. Content, subject to colleagues?

QUEEN ANNE'S GATE LONDON SW1H 9AT

19 April 1984

R Nich,

JMB
24/4

Yes

IMPLICATIONS FOR THE UNITED KINGDOM OF THE FRENCH LORRY DRIVERS' BLOCKADE

I was invited by Cabinet on 23 February (CC(84)7th Conclusions, Minute 2) to set in hand a study by the Civil Contingencies Unit (CCU) of the implications of the French lorry drivers' action, of the ways in which the risk of similar action (not only by lorry drivers) in this country might be averted, and of measures which might be taken to limit the use of effectiveness of such techniques in the United Kingdom. I attach a copy of the report which has been prepared by officials of the Departments mainly concerned under the aegis of the CCU. The conclusions and recommendations are summarised in paragraphs 36 - 44 of the report.

Although we have had some experience in this country of the use of light vehicles such as cars and taxis to disrupt traffic (most recently in the miners' dispute) this has been dealt with without much difficulty. We have not, however, had experience of blockading by heavy vehicles and this, as the French experience showed, would be much more difficult to deal with. The report concludes that the risks of disruptive action of this kind by the groups who have access to heavy lorries and other heavy vehicles are in general low.

There is, however, one possible exception arising from the risk of delays to British and foreign lorry drivers at ports such as Dover in October of this year arising out of new procedures for charging VAT at import. This might conceivably provoke some of them to mount a blockade in protest at the delays on the model of the French action which was originally provoked by customs delays on the French/Italian border.

The preparation of comprehensive contingency plans against all possible risks of blockade by heavy vehicles in all vulnerable locations would involve a very great deal of work. Most of this work would fall on the police. Bearing in mind the additional burden which the police are already carrying as a result of the miners' dispute, I do not consider that the degree of risk justifies additional work on this scale, at any rate for the time being. However, in view of the risks identified in relation to the change in VAT procedures next October,

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I think that it would be desirable to make contingency plans to deal with a possible blockade at Dover.

I should be grateful to know whether you and other colleagues agree that further detailed work should now be done in relation to Dover. A working party would need to be set up under the aegis of the CCU with participation particularly by your Department and mine, but most of the detailed work would have to be done by the Dover Harbour Board and the Kent police.

If any colleague feels that the degree of risk would justify a similar exercise in relation to some other location, I would, of course, be happy to consider the proposal, but I would wish to keep the number of such exercises to the absolute minimum until after the end of the miners' dispute. Other possible locations could be at major estuarial crossings like the Dartford and Mersey tunnels and the Fourth and Severn bridges, and key points in the motorway system such as those around Birmingham.

I am sending copies of this letter to the Prime Minister, the Lord President, the Chancellor of the Exchequer, the Secretaries of State for Northern Ireland, Scotland, Defence, the Environment, Social Services, Trade and Industry and Employment, the Minister of Agriculture, the Attorney General and Sir Robert Armstrong.

W. W.,
L.

The Rt Hon Nicholas Ridley, M.P.

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IMPLICATIONS FOR THE UNITED KINGDOM OF THE FRENCH
LORRY DRIVERS BLOCKADE

Note by Officials

INTRODUCTION

1. Following the blockading of roads in France by French lorry drivers during February 1984 Ministers instructed the Civil Contingencies Unit to study the implications of the action for the United Kingdom, the ways in which the risk of similar action (not only by lorry drivers) in this country might be averted and measures that might be taken to limit the use and effectiveness of such techniques. This note reports the outcome of work undertaken in accordance with these instructions.

RESUME OF EVENTS IN FRANCE

2. French lorry drivers began their blockade on 16 February in response to delays on the French/Italian border resulting from industrial action by both Italian and French Customs Officials. At first the blockade affected only roads across the Alps but during the course of the following few days action spread to other parts of France. CB radio was used for contact between drivers and permitted a degree of control and coordination to be achieved. By 22 February 145 barricades involving some 6500 lorries had been erected in areas across France, and included inter alia, the blockade of some ports and a mobile blockade of slowly driven lorries on the Paris ring road. (This latter was eventually dispersed by the French Police and the ring road subsequently kept open). A number of grievances, some of them longstanding, were advanced as reasons for spreading the blockade across the country.

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3. Many aspects of life in France were affected including the severe disruption of the movement of a large number of skiers to holiday resorts in the Alps during the school half term holidays; the flow of goods and agricultural trades were also seriously disrupted; foreign lorries (including several hundred from UK) transitting France were trapped and workers were laid off in the French motor industry as road delivered car components failed to arrive.

4. Initial attempts by the authorities to remove the blockades, by utilising the police and military, failed - due almost certainly to the sheer numbers of heavy vehicles involved, the lack of turning space, and off road parking areas - particularly on Alpine roads, and a lack of drivers and equipment suitable for moving heavy articulated vehicles. Subsequent attempts to negotiate removal of the blockages proved difficult because a high proportion of the French road haulage industry is administered by small firms and independent truckers (70% of the 30,000 companies consist of firms with less than 6 employees) and even though the trade unions and associations of the industry supported the strike they appeared to offer no easily identified focus for Government negotiators to deal with. Such negotiations as took place tended to make the situation worse.

5. However by 24 February a number of factors including the very cold weather; a Government promise to take part on 1 March in talks to resolve grievances; the rising cost of the dispute for those participating, particularly independent operators; the prospect of some £170 (Ff 2000) payment by Government to those who left the blockade; the unwillingness of the opposition parties to give unqualified backing to drivers; the weight of public opinion and the apparent firmness of the Government not to negotiate under duress (but nonetheless indicating that they had some understanding of the problems involved), combined to undermine the resolve of drivers. In addition the road haulage associations ultimately

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advised their members to lift the blockade. Once dispersal had started the blockading vehicles were removed fairly quickly and by the weekend 25/26 February the main motorway network was free of obstruction.

6. Information is not yet available concerning the outcome of the negotiations between the French Government and lorry drivers that began on 1 March so it is not yet possible to assess whether the blockading action will prove to have been worthwhile. It is worth noting that blockades - whether of heavy lorries, farm vehicles and equipment or just people seem to be a peculiarly French method of registering discontent and it may therefore be less likely to be adopted in the UK, unless future events demonstrate that the benefits to French lorry drivers, as a result of their blockading tactics, prove to be so great as to persuade UK lorry drivers that use of this technique is indeed likely to pay worthwhile dividends.

PROBLEMS LIKELY TO ARISE IN THE UNITED KINGDOM

7. In the light of experience in France it would appear that blockades formed of heavy vehicles could take one of three main forms:-

- a. Vehicles parked and perhaps immobilised in such a way as to block completely one or more roads; drivers may or may not remain with their vehicles.
- b. Vehicles being driven, either singly or in groups, so slowly as to produce a mobile blockage preventing other vehicles from making proper use of the affected roads.
- c. Vehicles parked so as partially to block a route with the blocking vehicle drivers directing a limited flow of the types of traffic they decide to let pass.

8. There is virtually no previous experience of blockades formed by heavy vehicles in Great Britain - certainly nothing on the scale of that seen in France in February this year. It has been known for pedestrians to block roads temporarily as a form of protest and taxi drivers have on a few occasions driven their vehicles slowly around city centres. More recently striking Yorkshire miners drove their cars in line abreast at 5 mph along a section of the A1(M), causing a long but short lived tailback, and this was followed by further attempts to block a motorway and a major route. But these events have been of short duration and produced localised and temporary difficulties.

9. There are a number of groups in this country who have vehicles that could conceivably be used to blockade roads. Each group will be considered in turn from the points of view of both their capability for producing an effective blockade and their possible motives for so doing.

Lorry Drivers

10. In the UK there are thought to be some 600,000 active full time lorry drivers, not all of whom drive heavy and in many cases articulated, vehicles. The drivers are distributed between -

- a. 87% of firms with operators licences who have fleets of between 1 - 5 vehicles (187,000 vehicles representing about 38% of the total fleet) and employing relatively few drivers per firm.
- b. 12% of licensed firms having fleets of between 6 - 50 vehicles (193,000 vehicles representing about 40% of the total fleet).
- c. Remaining 1% of licensed firms having fleets of over 51 vehicles (108,000 vehicles representing about 22% of the total fleet).

It is thought that about 60% of lorry drivers are union members, mainly in the Transport & General Workers Union (TGWU) and that union membership is high amongst employees of the larger fleet operators and low amongst those of the small fleet operators.

11. So far as motives for using blockading techniques are concerned the following factors are relevant:

- a. Annual pay negotiations in the road haulage industry are conducted on an area basis - the 1984 negotiations have just been concluded with no problems that might conceivably have led to the establishment of blockades. In any event the blockade would seem a much less likely tactic than strike action if a dispute were to arise over pay, or any other issue between lorry drivers and their employers rather than between drivers and Government.
- b. Possible grievances against Government could stem from higher vehicle excise duties for heavier vehicles, such as those announced in the recent budget if they were to be regarded as wholly unreasonable, large future increases in diesel fuel prices and current and future trade union legislation. There are at present no signs of widespread concern about these issues, amongst lorry drivers.
- c. It is possible that frustration among lorry drivers might lead to an attempt to emulate the French if vehicles were subjected to extended periods of delay at import or export. This could happen, for instance during industrial action by custom staff (the origin of the French troubles was working to rule by Italian customs officials), or when major changes are being introduced.

12. A major procedural change affecting customs import facilities is due to take effect on 1 October 1984. From that date VAT becomes chargeable at import following the Chancellor's budget announcement that postponed accounting is to be discontinued, at any rate until other members of the European Community accept the provisions of the 14th VAT Directive in this respect. Although extra manpower has been approved to facilitate implementation of the new arrangements this will only serve to cope with the new procedural and documentary processes, but it cannot be expected to eliminate the delays which will occur while the new additional processes are being completed. Customs will be taking steps during the next 6 months to ensure that documentary procedures are so arranged as to keep the formalities to a minimum, but collecting VAT at points of entry is more complex than the present arrangement. Delays at ports such as Dover might lead to some difficulty and thus provide an excuse for blockading action - particularly in view of the obvious connection with the original cause of blockades in France.

13. Apart from the risk described in paragraphs 11c and 12 above it is difficult to identify reasons why any category of UK lorry drivers, or their union, should seek to establish blockades, rather than take strike action, in pursuance of any grievances they might have. The experiences of those UK drivers trapped during the French blockade are likely to act as a deterrent unless the eventual outcome of negotiations with the French Government clearly showed that the drivers had achieved major advantages in the solution of their grievances from mounting the blockade.

Public Transport Drivers

14. Buses and coaches are large enough to form effective barricades. However the organisation of public transport in urban and sub-urban areas is such that grievances are likely to be directed against their local employers and any action taken is thought more likely to be strike action rather than setting up blockades. Drivers of urban

and rural stage services are largely union members, drivers employed by independent operators or who are self employed are mostly non-union. The risk of blockading action being adopted by bus and coach drivers is reckoned to be small and any blockades which were to be established would be more likely to be on a local rather than a national scale.

Farmers and Farm Workers

15. The establishment of blockades by farmers or their workers has not been part of the UK farming tradition. The majority of farm vehicles and machinery are not particularly well suited to establish potentially effective blockades except in the areas where large, mainly arable farms are located. It would be relatively easy to use, for example, large modern combined harvesters in the vicinity of the farms where they are based, but not easy to move them to other areas.

16. However, difficulties in establishing an agreed EEC policy for agriculture and in particular, recent proposals for a reduction in milk production could provide a focus of discontent against Government and thus an excuse to consider using blockading tactics. But the Ministry of Agriculture, Fisheries and Food which maintains close contacts with the farming industry assesses the risk of blockades being mounted in UK on a national or local basis by farmers or their workers as low.

Construction Industry Workers

17. There are a significant number of large and heavy vehicles in daily use by workers in the construction industry. Many of the vehicles are wheeled (as opposed to tracked) and are therefore easily moved on roads and could be used to form an effective blockade. But it is difficult to visualise an issue likely to provide construction workers with a reason for adopting blockading tactics, they, like other groups already mentioned, are

considered more likely to take strike action.

Foreign Lorry Drivers

18. Although foreign lorry drivers are seen with increasing frequency on UK roads driving the heavy lorries that could form an effective blockade it is considered unlikely that, as a group, they would choose to initiate a blockade of roads or installations in the UK. They could be, willingly or unwillingly, caught up in a blockade initiated by UK drivers but, with the possible exception of a blockade at ports of entry in protest at delays arising from, for example, the change in VAT rules to be introduced in October 1984, the risk from this group is considered to be negligible.

Ambulance Drivers

19. It has been reported that ambulance drivers in certain areas have threatened to use the blockading tactic during future disputes. As ambulances would be unlikely to form an effective blockade (it would be relatively easy to move them); as any effects would be local rather than national; as the only immediately foreseeable cause of grievance might be opposition to the implementation of more effective management in line with the recommendations of the recent Rayner Scrutiny of the NHS (pay is not expected to precipitate industrial action in 1984/85) and as public reaction to ambulances being used for blockades is likely to be unfavourable, it is considered that these threats need not be taken too seriously.

Summary

20. Although the groups of drivers mentioned in this section all, with the exception of ambulancemen, drive vehicles which could be used to form a potentially effective blockade it is considered an unlikely tactic except in cases where the cause of a grievance might be firmly laid on government as opposed to their own employers. Currently there are no signs that blockades are being seriously

considered and those recently attempted by striking miners have served to infuriate other road users rather than advance the miners cause and were soon discontinued. There is however one issue - the changed arrangements for the collection of VAT from 1 October 1984 that could conceivably provoke UK drivers to adopt blockading tactics but mainly due to an association of ideas, because the French blockade in February stemmed from frustration caused by delays at Customs arising in part from the collection of VAT.

VULNERABLE LOCATIONS

21. Although in theory a blockade could be mounted at virtually any place in the country, there are such a great variety of alternative routes available in the UK for even the heaviest vehicles, that a blockade is most likely to be set up in places where it would prove difficult to remove the blockading vehicles and where the maximum problems for, and damage to, the interests of the authorities could be caused.

22. Any attempt to establish a comprehensive list of likely sites for blockades would involve a great deal of detailed work at local level where the exact configuration of roads etc and other geographic factors would need to be properly assessed. The kinds of places where blockades would be most likely to be effective include; ports - particularly busy ones with restricted access routes such as Dover, major bridges (eg Severn, Forth, Tay and Tamar) and tunnels (eg Dartford and Mersey), where lengthy detours would be required to avoid the blockade, and motorways and other major routes where they run through cuttings or over embankments and it would therefore be difficult to get off the road. Such sites would provide particularly severe problems for those attempting to remove blockading vehicles. In Northern Ireland blockades established at the port of Larne, or at Newry on the main North-South link road, would pose particularly serious problems.

23. In many roll on-roll off (RO-RO) ports the most vulnerable points apart from port entrances mentioned above, would be the link span loading ramps - essential for the embarkation and disembarkation of vehicles. If the link spans or port entrances were to be blockaded the effect would be congestion within the port as vehicles progressively filled all available parking and waiting areas and outside the port because vehicles could not get in. During the 1972 dock strike traffic congestion at Dover was felt as far away as Canterbury, with freight needing to be stored at emergency sites throughout East Kent.

DEALING WITH THE PROBLEMS

24. It will always be preferable to avert the risk of a blockade being formed than to have to cope with the effects of one or more blockades in being. Averting the risk will invariably involve dealing speedily and effectively with the causes of grievances which might, if left unresolved tempt drivers to form blockades. But it may not always be possible - or practicable to deal with all causes of grievances eg. it is highly unlikely that the decision to change VAT regulations in October would be changed purely to avert the risk of a blockade by lorry drivers. It is therefore necessary to consider what might in practice be done either to prevent the establishment of a blockade or to remove and/or circumvent a blockade already established.

Powers available to the Police

25. Under normal circumstances existing legislation would appear to give the police a number of powers to deal with a blockade once it had been formed. Powers to prevent the formation of a blockade are not so clearly defined. These are discussed in Annex A. It would appear that declaration of a state of emergency under the Emergency Powers Act 1920 (EPA 1920) would be unlikely to confer any major useful additional advantages in countering the effects of a blockade (see Annex B). It also seems unlikely that a lorry

drivers blockade would provide a convenient opportunity to introduce any or all of the draft amendments to EPA 1920 currently being held in reserve.

26. Although in theory legal powers appear to be available to deal with a major blockade, enforcement could present difficulties for the police despite mutual re-inforcement arrangements. The scale of difficulty would clearly depend upon the scale of a blockade and the efficiency with which it was organised. With the advent of CB radio individual drivers might be expected to be capable of a fairly high degree of organisation, and of immediate central direction and control. Additionally, opportunities for planning a blockade would be available during travel on cross channel ferries when drivers could meet together in public rooms aboard ships.

Legal Liabilities of Trade Unions in Relation to a Lorry Drivers Blockade

27. If officers or members of a Union's Executive Council, authorise the commission of a crime they can be charged as individuals, in the same way as any Union members who carry out the crime. The prosecution would need to adduce evidence to establish beyond reasonable doubt the mens rea of the individual charged, including any specific intent which was an element of the offence alleged. Any attempt to prosecute the Trade Union itself, as opposed to its officials or members, would encounter greater difficulty, both legal and evidential.

28. Immunity from civil actions relates only to interference with contracts of employment or certain commercial contracts when done in contemplation or furtherance of a trade dispute. Otherwise, the virtually complete immunity from actions in tort, previously enjoyed by trade unions and employers' associations,

was removed by the Employment Act 1982. (This Act does not apply to Northern Ireland; similar legislation has not yet been enacted for the Province). In any action for damages the liability of the Union would need to be proved on a balance of probabilities; in an appropriate case the courts will grant an interim injunction, restraining industrial action, where they are satisfied by the plaintiff that there is a serious issue to be tried.

29. Blockading will almost certainly involve civil and criminal offences, by the individuals taking part, which fall outside any immunity conferred by the Trade Union legislation. The question of whether the Union officials organising the action, or at least in civil cases, the Unions themselves can be successfully brought to court will depend on the evidence available at the time.

30. Where unions organised "blacking" of private sector firms contracted by the police or the Government to remove vehicles in the blockade, this would almost certainly be unlawful secondary action and anyone whose commercial contracts were interfered with as a result would have a prima facie cause for action against the union. Again, the success of any such action in practice would depend on the facts of the particular case.

Operational Considerations

31. Responsibility for the enforcement of road traffic law, and for deciding whether to institute proceedings in respect of an alleged breach finally rests with the chief officer of police. If a blockade were thought to be imminent, it is likely that the Association of Chief Police Officers (ACPO) (who have not been consulted during the preparation of this note) would wish to seek an agreed national approach to planning against and dealing with the problem, in consultation with the Home Departments.

32. Priorities for police operations would need to be established, for example so that sufficient officers could be committed to ensuring that important routes were kept clear. Minor routes might suffer under such a scheme, but the French police appear to have achieved some success in keeping the Paris ring road open in the face of an attempted blockade. In practice the prospect of the success of any operation of this kind is likely to depend largely on the layout of specific road routes and their local geography.

33. Clearing large numbers of heavy lorries from the highway would present a problem which the police would not have the equipment to deal with. Vehicles and trailers could be effectively immobilised using the air brake system. Trailers without tractors would require a prime mover to release the braking system and tow the trailers away. A skilled mechanic using special tools would be needed to release vehicle air brakes that were locked on due to exhaustion of the air reservoir and even then there would be a risk of inadvertent damage being caused. Assuming vehicles could be driven it is unlikely there would be sufficient qualified police drivers. It is also doubtful whether Chief Officers would wish to see police manpower used for this purpose. Breakdown crews and equipment, and qualified drivers would be needed. They might act under police supervision if necessary, particularly when moving any high value loads. There are a number of private breakdown and recovery services which might be hired by the police.

34. Separate consideration would apply to dealing with blockades inside docks ie. on private rather than public roads. Further work would be needed to discover the exact legal powers, (perhaps made available under bye laws) under which port and harbour authorities might act. The Dover Harbour Board (DHB) have their own port police and have said they would expect to liaise closely with

the Kent police during any crisis. DHB believe they have adequate powers to move blocking vehicles but the practical application of these powers in the event of a deliberate large scale blockade would probably need to be examined further.

Service Assistance

35. Service resources for the removal of heavy vehicles are extremely limited, both in nature and in quantity; they are deployed at a few locations around the country and have specific peacetime and operational functions. If there was to be a requirement to move a significant number of heavy vehicles, in one or more locations, these service resources would make, at best, only a marginal contribution. Should there be a need for HGV qualified drivers the services would be in a position to provide assistance. Under other contingency plans (for oil tanker drivers and firemen's disputes) some 5000 HGV licensed servicemen have been identified who could, with due notice and prior Ministerial approval, be considered for deployment in support of the police.

CONCLUSIONS

The French example

36. The French lorry drivers' blockade had a number of special features, and it is still unclear whether they actually achieved anything significant from it. Nevertheless it will have drawn attention to the disruption which can be caused by this form of protest.

Assessment of risk in the UK

37. Previous experience in the UK has suggested that blockades by light vehicles such as cars and taxis can be dealt with without much difficulty, as is shown by recent experience during the miners' dispute. There has been no significant example in the UK of blocking by heavy vehicles but, if it were to occur, it would be much

more difficult to deal with. The vehicles in question might be heavy lorries, buses and coaches, farm vehicles and machinery, and construction equipment.

38. The risk of disruptive action of this kind by the groups that have access to such vehicles is thought to be generally low. In disputes between employees and employers more traditional forms of industrial action would be more likely to be effective in securing employees' objectives. The use of blockading tactics would seem more likely in circumstances where there were grievances against the Government, and there is thought to be a greater risk of their being adopted spontaneously and irrationally than as part of a deliberate and organised plan.

39. In general departments consider it unlikely that these circumstances would arise, with one possible exception. There is a risk of delays to British and foreign lorry drivers at ports such as Dover in October of this year, arising out of new procedures for charging VAT at import, and this might conceivably provoke some of them to mount a blockade in protest at the delays on the model of the French action, which was originally provoked by customs delays on the French/Italian border.

Vulnerable locations

40. In many parts of the UK there are a selection of alternative routes that could be taken by heavy vehicles to avoid blockades and it therefore seems likely that defiles and choke points (major bridges, tunnels, facilities with restricted access routes (eg ports) and certain places on major routes where it is not easy to get off the road) would be the most favourable places to attempt the establishment of blockades. It is possible that in the UK, as in France, CB radio could be used by drivers participating in blockades to achieve a degree of control and coordination.

Legal powers

41. Under existing legislation police would appear to have powers of various kinds to deal with those involved in a blockade (see Annex A). There would not appear to be a need to seek additional powers under the Emergency Powers Act 1920 (see Annex B). The question of whether to take civil action under existing employment legislation against unions who might be concerned in organising a blockade would need to be decided by those whose business was interfered with, in the light of circumstances. There would appear to be little likelihood of the unions benefiting from any statutory immunities.

Operational considerations

42. The main responsibility for dealing with a blockade of roads by heavy vehicles would rest with the police. Priorities for police action would need to be established. The major practical problem would be the lack of qualified drivers and equipment to move vehicles and trailers, many of which might have been immobilised. Private breakdown and recovery services would probably have to be hired. The availability of appropriate equipment from the armed services is very limited, but qualified service drivers could assist, if Ministers considered this was desirable and acceptable on policy grounds.

43. If Ministers wished to make better contingency arrangements for dealing with a blockade by heavy vehicles, this would require a great deal of work, mainly at local level, to identify the places most likely to attract a blockade and to make contingency plans for prevention or removal. It is doubtful whether the assessed degree of risk would justify undertaking the detailed work for more than a few particularly vulnerable locations.

RECOMMENDATIONS

44. It is recommended that Ministers:-

- a. Take note of the assessments made in this report;
- b. Decide whether, in the light of the assessed low level of risk of blockades being established in UK it is worth undertaking any detailed contingency planning at local level;
- c. If contingency planning is to be undertaken decide whether all potential sites where it is considered that an effective blockade might be established should be included or only those which appear to be particularly vulnerable. If the latter, which kinds of site should be covered.

POLICE AND CRIMINAL LAW POWERS IN RELATION TO
A LORRY DRIVERS' BLOCKADE

1. If lorry drivers took action to cause major congestion or a blockade of roads, in England and Wales, proceedings for obstructing the highway could be brought under the Highways Act 1980 (Section 137 - wilfully obstructing free passage of a highway, also an arrestable offence), the Town Police Clauses Act 1847 (wilfully causing an obstruction in any public footpath or thoroughfare) or Regulation 122 of the Motor Vehicles (Construction and Use) Regulations 1978 (causing or permitting a motor vehicle or trailer to stand on a road so as to cause any unnecessary obstruction thereon). The police have power to require the removal of any vehicle which is obstructing the Highway, under section 5 of the Removal and Disposal of Vehicles Regulations 1968. Any person required to move a vehicle and who fails to comply with this request commits an offence under Section 87 of the Road Traffic Regulations Act 1967. Moreover Section 4 of the Removal and Disposal of Vehicles Regulations 1968 gives the police power to remove any vehicle which they could require to be removed. In addition under section 159 of the Road Traffic Act 1972 a person driving a motor vehicle on a road is required to stop when directed to do so by a police constable in uniform. There is no proviso that a police officer must first suspect that an offence has been committed. Although section 22 of the same Act makes it an offence for a driver to fail to comply with a direction given to him by a police constable engaged in the regulation of traffic in a road, it seems doubtful however whether a police officer would, under road traffic legislation, be able to direct lorries or other vehicles thought likely to cause a blockade off the road whilst allowing other vehicles to proceed. The situation in Scotland is broadly similar. Separate but similar legislation applies in

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Northern Ireland under the Roads Order (NI)1980 and the Road Traffic Order (NI) 1981.

2. At common law, instituting a blockade might create circumstances liable to lead to a breach of the peace, enabling action to be taken by a constable. Certainly in individual cases, as the events in France show, violence may be anticipated, and breach of the peace powers will be relevant, and in making a statement on criminal law and picketing to the House on 16 March, which the Lord Advocate agrees reflects the main principles of the law in Scotland (Hansard Cols 279-80) the Attorney-General said " there is no doubt that if a constable reasonably comes to the conclusion that persons are travelling for the purpose of taking part in a picket in circumstances where there is likely to be a breach of the peace, he has the power at common law to call upon them not to continue their journey and to call upon their driver to take them no further. Any person who fails to comply with police requests in those circumstances will be committing the offence of obstructing a police officer in the course of his duty".

3. A picket of the kind experienced in the Spring 1984 coal miners dispute is a different matter from a blockade and whether or not the police could act to prevent a blockade being instituted by turning back vehicles by virtue of this common law power would depend on the character of the blockade. It should also be borne in mind that if police stopped a driver carrying a perishable load, and that driver was not intending to assist in forming a blockade, but carrying out his normal work, any damage to the load could result in action being taken eg. by the driver's employer, to secure compensation from the police.

4. Clearly the police take care when moving or arranging for the movement of vehicles, to avoid damage, and it is a rare occurrence. Where the police cause damage they do reimburse the owners. However,

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the principle would appear to be that where the police arrange for the removal of a vehicle by a contractor, particularly if they use reasonable care in the choice of contractor, they should not be liable for damage caused to vehicles by the contractor's negligence; such damage should normally be covered by the contractor's insurance.

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THE EMERGENCY POWERS ACT 1920 IN RELATION TO
A LORRY DRIVERS' BLOCKADE

1. A state of emergency be proclaimed only if both of two conditions are satisfied. The first is that events that have occurred, or are about to occur, are of such a nature that they are calculated to interfere with the supply and distribution of food, water, fuel or light, or with the means of locomotion. The second is that such interference will deprive the community, or any substantial proportion of the community, of the essentials of life.
2. The purpose of proclaiming a state of emergency would be to enable the Government to take powers, contained in the draft Emergency Regulations, which it would not otherwise have, so that it could deal more effectively with interference with the supply of essential requirements than other, normal means, would allow.
3. Before any major blockade of roads or nodal points in the delivery and transport system took place, it might be difficult to assess the extent to which there might be interference with the supply of the essentials of life, and whether that interference might warrant proclamation of a state of emergency. Nevertheless, a major blockade of roads could indeed appear to be calculated to interfere with the provisions of the essentials of life.
4. In addition contingency draft legislation has been prepared to amend the 1920 Act to add fire, health and sewerage services, and communications to the list of items under the first condition, and to widen the second condition to include grave industrial or

economic damage and provisions for "limited" emergency powers in circumstances where events are not of national significance. Should, therefore, a blockade of roads appear to be calculated to cause grave industrial or economic damage before any interference with provision of the essentials of life became apparent it would appear possible to seek proclamation of a state of emergency under the terms of an amended Act, if Ministers were prepared to take this particular opportunity to introduce such amending legislation.

5. Once an emergency had been declared, there might not be a great deal that the Government could do by making use of Emergency Regulations to remove the blockade. The Emergency Powers Act 1920 specifically excludes the making of any regulations imposing any form of industrial conscription so that a regulation requiring a driver to continue his journey would be likely to be ultra vires. The existing draft regulations empower the Secretary of State to give certain directions to any person carrying on a business as a carrier of goods. It is conceivable that a direction under emergency powers would convince an owner of the need to arrange for a vehicle to be moved when he would otherwise be unwilling to do so for reasons of industrial relations, but it is more likely that the direction would be either superfluous (because of existing police powers) or ineffective, apart from providing another legal penalty. It is possible that requisitioning powers (under Regulation 30) could be useful in facilitating the actual removal of blockading vehicles should other methods prove ineffective.

6. However, if it could be shown that the blockade constituted an interference with persons performing essential services, such as trying to deliver foodstuffs or fuel, then that would seem to be an offence under Regulation 34(2). The proviso to Regulation 38 that a person is not to be guilty of an offence against the Regulations by reason only of his taking part in a strike would not appear to save the lorry drivers or their leaders, as ob-

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struction of the highway would go beyond the protection afforded by the provisos. Thus once a state of emergency had been proclaimed and the Emergency Regulations made, it would be an offence for anyone to interfere with those performing essential services. In addition, if any action had been taken under any of the Regulations, such as Regulation 26 (issue of directions by the Secretary of State as to the carriage and destination of essential goods), a person who interfered with the exercise of powers or duties under any of these Regulations would be guilty of an offence.

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FRANCE: Anglo-French
Relations
Pt 2

