



10 DOWNING STREET

AT

Your message relayed 10 PM on  
Sat night @ 6.45 -.

"Appeal Court dismissed appeal  
by NUM. Appeal Court took the  
view that the judge in the hearing  
yesterday was right in appointing  
a receiver in the absence of  
any assurances from NUM that  
it would ~~at~~ abide by all court  
rulings made against it. The  
Num Executive is meeting tonight  
& the court ruled that if the  
Executive decided to comply with  
the rulings of the court, the NUM  
could return tomorrow for the  
verdict to be considered"

I also relayed attached message  
from P. A to PM also.

MARGO 1/12/84

NI6044 2 XXX 70

URGENT - FUND

THE APPEAL COURT IN LONDON TONIGHT UNANIMOUSLY DISMISSED A MINERS LEADERS APPEAL AND UPHELD YESTERDAY'S 'DRASTIC' ORDER APPOINTING A RECEIVER TO CONTROL NUM'S £8.9 MILLION ASSETS.

LORD JUSTICE STEPHENSON SAID IF TONIGHT'S NUM EXECUTIVE MEETING DECIDED TO UNDERTAKE TO ABIDE BY ALL COURT ORDERS, THE UNION COULD APPLY TO HAVE THE RECEIVERSHIP ORDER LIFTED AT SHORT NOTICE.

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011818 DEC 84



NI 53 3 XXX 205

File

1 - MINERS LEADERS LOSE APPEAL

THE THREE MINERS' LEADERS TONIGHT LOST THEIR APPEAL AGAINST THEIR REMOVAL AS UNION TRUSTEES - LEAVING THE NUM'S £8.9 MILLION ASSETS IN THE CONTROL OF A RECEIVER.

PRESIDENT ARTHUR SCARGILL, HIS DEPUTY NICK MCGAHEY AND GENERAL SECRETARY PETER HEATHFIELD LEFT THE APPEAL COURT IN LONDON IMMEDIATELY AFTER THE DECISION AND WENT INTO AN EMERGENCY MEETING OF THEIR UNION'S EXECUTIVE AT TUC HEADQUARTERS.

NOW THE SEQUESTRATORS PLAN TO MOVE AS SOON AS THE BANKS OPEN ON MONDAY TO BRING BACK TO BRITAIN THE UNION'S £4.3 MILLION HELD IN LUXEMBOURG.

THREE APPEAL COURT JUDGES UNANIMOUSLY TURNED DOWN THE TRIO'S BID FOR REINSTATEMENT AS UNION TRUSTEES AND MADE CLEAR THAT THEY COULD ONLY APPLY TO HAVE THE RECEIVERSHIP ORDER LIFTED IF THEY GAVE AN UNDERTAKING TO ABIDE BY ALL COURT ORDERS "PAST AND FUTURE".

THE THREE WERE REFUSED LEAVE TO APPEAL TO THE LORDS.

THE JUDGES' DECISION MEANS THAT THE NUM WILL FIND IT HARDER THAN EVER TO CONTINUE TO FUND THE PIT STRIKE.

IT BRINGS CLOSER THE "DAY OF RECKONING" PREDICTED LAST WEEK BY MR JUSTICE NICHOLLS, THE JUDGE WHO IMPOSED THE SEQUESTRATION ORDER ON THE NUM'S ASSETS IN OCTOBER FOR CONTEMPT OF COURT.

(MORE FOLLOWS)

011951 DEC 84



NI6054 4 XXX 324

2 - MINERS LEADERS LOSE APPEAL

APPEAL COURT JUDGE LORD JUSTICE STEPHENSON SAID TONIGHT THAT THE ORDER MADE BY A HIGH COURT JUDGE ON FRIDAY HANDING CONTROL OF THE UNION'S FUNDS TO DERBYSHIRE SOLICITOR HERBERT BREWER, WAS 'DRASTIC AND UNUSUAL'.

BUT IT HAD BEEN JUSTIFIED BEACUSE AN UNDERTAKING OFFERED BY THE MINERS' LEADERS WAS UNACCEPTABLE WITHOUT A FURTHER ASSURANCE THAT THEY WOULD OBEY BOTH 'PAST AND FUTURE' ORDERS OF THE COURT.

DURING THE FOUR-HOUR EMERGENCY HEARING - ONLY THE THIRD SATURDAY SITTING IN THE LAST DECADE - THE MINERS LEADERS' COUNSEL SAID THE UNION'S OPERATION COULD BE BROUGHT TO A STANDSHILL BY MONDAY IF THE RECEIVERSHIP ORDER REMAINED IN FORCE.

ANOTHER LAWYER SAID TONIGHT THAT PICKETS COULD NOT B E PAID UNLESS THERE WAS READY CASH AVAILABLE OUTSIDE THE RECEIVER'S CONTROL.

LORD JUSTICE STEPHENSON SAID IF JUDGE DAVIES HAD BEEN OFFERED AN UNDERTAKING ON WHICH HE COULD HAVE RELIED HE PROBABLY WOULD NOT HAVE APPOINTED A RECEIVER.

'BUT THE JUDGE WAS JUSTIFIED IN HIS INABILITY TO ACCEPT THAT UNDERTAKING WITHOUT A FURTHER ASSURANCE THAT THE MINERS' LEADERS WOULD OBEY ORDERS OF THE COURT, PAST AS WELL AS FUTURE.' HE SAID.

IT WAS 'NOTORIOUS' THAT THE NUM AND ONE OF ITS LEADERS HAD COMMITTED FLAGRANT CONTEMPT OF COURT ORDERS, HE SAID. EVEN THOUGH MR SCARGILL WAS NO LONGER IN CONTEMPT, HIS FINE HAVING BEEN PAID, THE UNION ITSELF WAS STILL IN CONTEMPT.

HE SAID HE HOPED THAT AN ASSURANCE THAT ALL COURT ORDERS WOULD BE OBEYED WOULD BE 'FORTHCOMING' FROM TONIGHT'S NUM EXECUTIVE MEETING.

IF SO, THE MINERS' LEADERS COULD APPLY TO THE COURT ON MONDAY FOR AN ORDER DISCHARGING THE RECEIVER.

SUCH AN ASSURANCE WOULD INVOLVE THE UNION IN AGREEING TO PAY THE £200,000 CONTEMPT FINE, CO-OPERATING WITH THE SEQUESTRATORS WHO WERE APPOINTED WHEN THE FINE WENT UNPAID AND COMPLYING WITH AN ORDER MADE A WEEK AGO REQUIRING THEM BRING BACK TO BRITAIN ALL UNION FUNDS SENT ABROAD.

011956 DEC 84



PRIME MINISTER

You are probably already aware of this but .....

The following is from the PA tape at 1818 hours.

The Appeal Court in London tonight unanimously dismissed a miners' leaders' appeal and upheld yesterday's "drastic order" appointing a Receiver to control NUM's 8.9 million assets. Lord Justice Stevenson said if tonight's NUM Executive meeting decided to undertake to abide by all "orders" the union could apply to have the Receivership order lifted at short notice.

The following is from Andrew Turnbull

Appeal Court dismissed appeal by NUM. Appeal Court took the view that the judge in the hearing yesterday was right in appointing a Receiver in the absence of any assurances from the NUM that it would abide by all Court rulings made against it. The NUM Executive is meeting tonight and the Court ruled that if the Executive decided to comply with the rulings of the Court the NUM could return tomorrow for the verdict to be reconsidered.

*Willian*

1 December 1984