



PRIME MINISTER.

LESSONS OF THE 1984-85 MINERS' STRIKE

see Pt 17 at top

1. Sir Robert Armstrong copied to me his minute of 20 May covering a note from the Chairman of the Official Group on Coal (Misc 57) on the lessons of the 1984-85 miners' strike.
2. I endorse these specific points for follow up action on physical endurance, law and order and on other matters.
3. I have three additional comments on the note. First, in paragraph 13 of the note there is a reference to the incident when Kent miners were turned back at the Dartford Tunnel. There are at present two actions proceeding in the High Court against the Chief Constable of Kent arising out of this incident. The decision of the Court may give useful guidance on the law in this area.
4. Second, the footnote to page 26 refers to the fact that the provisions of Part II of the Trade Union Act 1984 do not preclude the linking of issues in a strike ballot. The NACODS' ballot last September illustrated the problems that could arise where a ballot paper deals with a number of issues, although, for other reasons, the ballot did not comply with the Act. I trust that the Secretary of State for Employment will take this into account when reviewing the 1984 Act.
5. Third, since the purpose of the note is to identify the strengths and weaknesses of the handling of the 1984-85 strike so that the handling of any future disputes may benefit from the experience, it may be appropriate to draw attention to an impending change. As regards law and order the Government made a positive virtue of the independence of chief officers of police with regard to operational matters and prosecution policy. Only a relatively small proportion of the offences committed during the strike were of such a character as to be reportable to the Director of Public Prosecutions or cause the Chief



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Constable to seek advice from him. Establishment of the Crown Prosecution Service will substantially change this position. Although the police will take the initial decision whether to charge the Crown Prosecution Service will be required to review all decisions and conduct all proceedings. Primary responsibility for prosecution policy will thus rest with the Service which will be accountable through the Director of Public Prosecutions to me. Although my relationship with other Ministers is such as to ensure my continued independence, this may not be readily obvious to the public as a whole. There may be problems in the public's perception of my independence at any future equivalent of Misc 101 which will determine Government strategy when I bear ultimate responsibility for all prosecution policy. The problem will be of presentation but it will need careful thought and handling.

6. I am sending copies of this minute to the Lord President of the Council, the Home Secretary, the Chancellor of the Exchequer, the Secretaries of State for Energy, Defence, Scotland, Wales, the Environment, Trade and Industry, Employment and Transport and Sir Robert Armstrong.

M.H.
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12 June 1985
Law Officers' Department