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PRIME MINISTER

9 July 1985

NOTTINGHAMSHIRE MINERS

Information on the status of the Nottinghamshire Miners' Union is still scarce in Whitehall. Nobody yet seems to be sure of the legal ground, and the uncertainties may remain until various points have been settled in the courts.

At present, the best guess seems to be that:

1. If the Nottinghamshire miners have seceded in accordance with their own rules - regardless of the NUM national rulebook - then the new body will probably constitute a legitimate union, which could expect to be listed by the Certification Officer without any need to dissolve itself or to re-recruit its members. It is not yet clear whether the Nottinghamshire miners have followed their own rules. Indeed, it is not clear whether they have yet officially seceded.
2. The NCB can continue to make deductions from miners' wages and can continue to pay these to the Nottinghamshire Area, so long as the authorisations signed by individual members give the Board authority to make payments to "the area" or "my union" rather than, explicitly, to the national NUM.

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3. The NCB has no formal 'closed shop' agreement with the NUM. But the 1946 Coal Act gives the NCB a duty to negotiate with any body that represents a "substantial" group of miners in any area; it may therefore be necessary to negotiate with the NUM as well as the new union in respect of Nottinghamshire, if a "substantial" number of Nottinghamshire miners remain in the NUM. The meaning of the term "substantial" may also have to be tested in court.

4. The new Nottinghamshire union would not have any lien on the national political fund. If it wished to set up a political fund of its own, it would need to hold a ballot.

5. The Nottinghamshire area will probably be able to retain its funds and other assets; but there will certainly be a court case about this.

It is clearly necessary to accumulate more information before making any decisions. In any case, it would be counter-productive for the Government to be seen as an active, supportive participant. The NCB, for their part, ought not to be effusively welcoming to the new union. It would hinder the new union to be seen as management favourites.

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