



NATIONAL UNION OF MINEWORKERS (NOTTS AREA)

This note sets out the current state of play on the breach between the Notts Area of the National Union of Mineworkers under Mr Lynk and the national NUM.

BACKGROUND

2 The original constitution of the NUM was essentially a federation: members were basically members of area unions ("Constituent Associations"), and it was by virtue of that membership that they were members of the national union. Earlier this year the leaders of the NUM announced their intention to propose changes in the union's rule book which would, among other things, reverse this position: members would be basically members of the national union, which would allocate them to areas; in all cases of conflict, national rules and national decisions would prevail over the areas.

3 On 15 May 1985 the Notts Area of the NUM held a ballot of its members asking for support to opposition to the rule changes, even if that meant leaving the NUM. This proposal secured a majority of 73% of those who voted. The terms of the question are attached.

4 In the week beginning 1 July, the NUM held a Delegate Conference to consider a number of matters including the proposed new rule book. Discussion of the new rule book took place on 4 July. The Executive arranged the debate so that the initial vote took place on the adoption of the new rule book as a whole: amendments to the new rule book, if it was adopted, would be taken subsequently.

5 The delegates from the Notts Area took part in the discussion of the new rule book and voted against its adoption. When the vote went in favour of adoption, by the majority required under the NUM's rules, ^{all but one of} /them withdrew from subsequent proceedings.



6 On Saturday 6 July branch officials of the Notts Area decided by 228 votes to 20 to withdraw the Area from the national NUM, in accordance with the decision of the ballot of their members.

7 So far, other areas have shown no intention of withdrawing from the national NUM.

8 The Notts area accounted for some 21% of total NCB production in 1983-84.

LEGAL ISSUES

9 The Notts Area under Mr Lynk regards itself as the same body as the National Union of Mineworkers (Notts Area) under the old NUM rules: after an initial suggestion that the name of the organisation should be changed to "Nottinghamshire Union of Mineworkers", it has returned to the previous style of "NUM (Notts Area)". The Area argues that the decision of its members in the ballot prevented the Special Delegate Conference from imposing unacceptable changes in the NUM's rules on the Notts Area. Accordingly, the Notts Area regards itself as entitled to the assets of the NUM (Notts Area) under the old organisation of the NUM. These assets are believed to be worth some £2½ million (as at December 1983). The Area is also understood to maintain a pension scheme with assets of the order of £28 million vested in independent trustees. It also considers that the Area's members remain with the Area organisation, and that they have not become members of the NUM under the new rule book.

10 Mr Scargill has challenged these views: his case will presumably be deployed in the court action which he has just brought against the Notts Area under Mr Lynk. In essence, his argument will be that the Special Delegate Conference was validly constituted (this does not seem to be in dispute); and that the Notts Area delegates took part in its deliberations and were bound by its conclusions. It would follow from this that the new rule book applies automatically in Nottinghamshire; that members



of the Notts Area have become members of the national NUM and subject to the new rules; and that any conflict between the Area's old rule book and the new national rules must be resolved in favour of the national rules. It might follow that the new "NUM (Notts Area)" would be such organisation under such officers as were approved by the NUM National Executive, and that they would have the legal right to the assets of the Area.

11 The issues are complicated and confused; and there are few, if any, precedents. The NCB have emphasised to Mr Lynk the importance of securing the best legal advice; and we understand that he has retained leading counsel (Mr Lester). He will be receiving advice not only on the current court case, but more generally, so that the Notts Area can strengthen its legal position for other potential disputes with the NUM.

RECOGNITION OF THE NOTTS AREA

12 Under the Coal Industry Nationalisation Act 1946 NCB are, in effect, required to recognise organisations appearing to them to represent a substantial proportion of their workers, or of a class of their workers, for purposes such as pay negotiation. There is little doubt that the Notts Area under Mr Lynk will satisfy the requirements for recognition; and the NCB are already in discussion with Mr Lynk and his colleagues.

13 It will not be clear whether the NCB can withdraw recognition from the national NUM in Nottinghamshire for some time: much will depend on the proportion of mineworkers in the area who become members of the national NUM, and whether this proportion must be regarded as "substantial". For this reason, the NCB are taking a cautious attitude towards the possible recognition of small organisations such as the Colliery Trades and Allied Workers' Association, an organisation with rather more than 1,000 members, mainly in the North East.

CLOSED SHOP

14 Over the weekend, Mr Lynk suggested to the Chairman of the NCB that there could be advantage in declaring a "closed shop" in



Nottinghamshire in order to prevent obstructive tactics by mine-workers well-disposed to Mr Scargill. It is doubtful whether this suggestion would achieve its intended effect (it is at least as likely that Mr Scargill's supporters in Nottinghamshire would try to infiltrate the Area organisation as remain in the national NUM); it is uncertain whether the necessary majority (at least 80% of those entitled to vote) would support a closed shop in favour of the Notts Area organisation; even if they did, it would not authorise the NCB to dismiss mineworkers already in post who remained loyal to Mr Scargill; and a closed shop in Nottinghamshire could embarrass the Board (which has no de jure closed shop) elsewhere. It is not being pursued.

DEPARTMENT OF ENERGY

10 July 1985



"Do you support your Notts Area Executive Committee opposing the new national rule changes even if it means being expelled from the NUM or leaving the NUM".