



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

29 January 1986

BT 2/11

Prime Minister 4

Dear David

*Agree to welcome
these recommendations?*

*Yes no
30/1*

SECOND REPORT ON LESSONS OF THE MINERS' STRIKE

Thank you for sending me a copy of your letter of 20 December to Geoff Dart. I am writing in accordance with the Home Secretary's recorded undertaking to pursue questions regarding the role of magistrates' courts in the dispute.

Your first reference is to "difficulties caused by local magistrates who were members of the NUM". We have consulted the Lord Chancellor's Department on the point since the Lord Chancellor is responsible for the appointment of magistrates and connected matters. It would have been in line with settled practice, under which magistrates do not sit in cases in which they have or might appear to have an interest, for magistrates who were members of the NUM to have stepped down from adjudicating in cases arising from the miners' strike. We have no reason to believe that this did not happen, and neither we nor the Lord Chancellor's Department are aware of any allegations of impropriety against magistrates with NUM connections. A related question is whether the withdrawal of such magistrates from mining dispute cases adversely affected the ability of courts to cope with the cases coming before them. Our information is that it did not to any degree. Nottinghamshire clerks to justices, for instance, told us at the height of the dispute that they had enough magistrates, discounting a fair number disqualified through mining connections, to deal with the bulk of cases. Where courts called upon the services of stipendiaries it was mainly to deal with multiple committals, lasting several days, for which lay justices would always have difficulty in sparing time.

We do not, therefore, see lack of magisterial capacity as among the main factors affecting the speed with which magistrates' courts dealt with dispute cases. Some of these factors lay outside the courts' power to control: e.g. delay of prosecution and defence in preparing for trial; a higher proportion than normal of not guilty pleas and of defendants not accepting summary trial in either way cases; and difficulties in securing the attendance of police witnesses, in particular where they came from forces outside the area where prosecutions were brought.

Your second point concerned difficulties over courtrooms and staffing. Some local difficulties were encountered in the early part of the dispute. They were overcome by taking temporary courtrooms into use, and by instituting co-operative arrangements among courts - including the loan of staff - in order to relieve those which were the most hard-pressed. In the light of that experience, the Justices' Clerks' Society

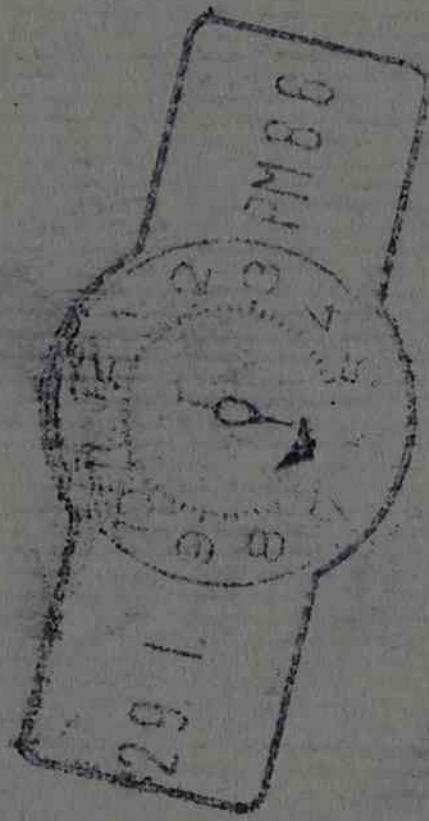
issued confidential guidance to its members on the kind of arrangements that should be made when special court sittings are required to deal with a large number of arrested persons. Copies of the confidential guidance have been made available to the Magistrates' Association for information. The guidance is comprehensive, and emphasises the need for a written contingency plan, based on consultation with the interested parties and tailored to take account of the availability of local resources. The guidance is for the confidential use of members of the Society and is not to be given wider circulation. But copies have been made available to the Home Office, and we are satisfied that the need for contingency planning in the light of experience has been fully considered by those responsible.

Yours sincerely
W R Fittall

W R FITTALL

D Norgrove, Esq.

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10 DOWNING STREET

From the Private Secretary

3 February 1986

SECOND REPORT ON LESSONS OF
THE MINERS' STRIKE

The Prime Minister has seen your letter to me of 29 January about the role of magistrates' courts during the miners' dispute.

The Prime Minister is glad to have the reassurances you give about magisterial capacity and courtrooms and staffing.

(David Norgrove)

William Fittall, Esq.,
Home Office

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