



**INDEPENDENT REVIEW –**  
Impact on communities of the policing  
of the miners' strike 1984-85

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**FINAL REPORT**



Scottish Government  
Riaghaltas na h-Alba  
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“It is generally understood that the 1980s represented an extremely difficult time for many communities throughout Scotland, mining communities in particular.”

**The then Cabinet Secretary for Justice,  
 Michael Matheson MSP**

# Contents

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- 1. Background**
    - Introduction
    - Terms of Reference
  - 2. Timeline**
    - Including Official Records
  - 3. Policing And Beyond**
    - The Legal System
    - National Coal Board and Dismissal
    - Convictions
  - 4. Miners**
  - 5. Police**
  - 6. Communities**
  - 7. Common Ground**
  - 8. Lasting Impacts**
  - 9. And if it Happened Today...?**
  - 10. Lessons and a Recommendation**
- Acknowledgements**
- Materials Considered**
- Meetings**

# Foreword

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I wish to record my appreciation to my colleagues on the Review Group – Kate Thomson, Dennis Canavan and Jim Murdoch. Each has given a considerable amount of time to our work, including time when they were supposed to be on holiday. The review took us a little longer than originally planned and this has involved additional commitment from each which was given without a murmur.

I am grateful also to the Scottish Government officials who provided our support as the review's secretariat, assisting with, and attending, most of our meetings and offering all the administrative back-up we needed for the Call for Evidence, analysis of responses and obtaining evidence from public records in Edinburgh and London.

Crucial also to our work was the assistance of the following: Nicky Wilson, President of the National Union of Mineworkers in Scotland ("NUM Scotland"), Jim McBrierty of the Retired Police Officers Association Scotland, Tom Wood and Graham Bennet, retired Deputy Chief Constables of Lothian and Borders and Fife respectively. I am extremely grateful to them for their contribution over the period of the review.

Dr Jim Phillips has been of invaluable assistance to us throughout the period of the review. We have looked at some of his published work on the Strike and met with him during the review period. In addition, he helped by subjecting a later draft to a deep proof-read for which I am also grateful.

While our work has been collegiate throughout and each of my colleagues has contributed greatly during the drafting process, I accept responsibility for any errors in the terms of this report which have been overlooked.

**John Scott QC Solicitor Advocate**

30 September 2019

# Introduction

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The origins of this review are explained in Chapter 1. The subject of the review is, as emphasised by many people when it was set up, a matter of continuing importance to many individuals and communities throughout Scotland. My colleagues and I have been privileged to meet and hear from many of those who are still affected by the Strike. Their evidence, whether from responses to the Call for Evidence, at public meetings or other meetings with the Review Team, appears throughout the report. Quotes (anonymised) from responses to the Call for Evidence can be recognised by an identifier comprising letters and numbers, for example, BHLF-EQ6D-TUX6-7. Quotes from meetings state in brackets whether they are from a miner or a police officer.

Unfortunately, for a variety of reasons, we were unable to hear from everyone we would have wished to speak to. Some did not respond, or were unable to, do so, for example, through ill-health or infirmity. Some had died. Nonetheless, we have heard from many individuals over the past year and obtained enough evidence to be able to complete this report.

# 1. Background

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“The miners’ strike of 1984-5 is a site of contested memories.”

With these words, Dr Jim Phillips<sup>1</sup>, Senior Lecturer in Economic and Social History at the University of Glasgow and acknowledged expert on matters related to the Miners’ Strike, opened his 2015 paper, “Contested Memories: the Scottish Parliament and the 1984-5 Miners’ Strike<sup>2</sup>”.

Not only are some of the memories contested, as Dr Phillips said, they are still strong and pervaded by bitterness for many of those who lived through the Miners’ Strike (“the Strike”), whether as miners, police officers or in mining (and even non-mining) communities. The continuing bitterness, underpinned by a lingering sense of unfairness, represents a shadow on the consciousness of many former mining communities. Mention of the Strike in Scotland, as in England and Wales, can evoke strong views which range from the political to the deeply personal.

On the political front, strong perceptions of unfairness and ‘unfinished business’ have kept the issue alive, especially among Trade Unions and politicians north and south of the Border. These perceptions relate not only to the policing of the Strike but to the workings of the justice system as a whole and the arbitrary nature of the many dismissals that followed. Perceptions of unfairness can be traced back to the time of the Strike, and not simply because of how matters unfolded over time. For example, they feature in a Labour Party Report dated 9 May 1985 prepared by Gordon Brown and Merlyn Rees, a future Prime Minister and a former Home Secretary (referred to in this Report as the Brown/ Rees Report). Their report highlighted a number of concerns about the Strike and recommended that there should be a Royal Commission into the whole circumstances leading up to the strike as well as the conduct of the Strike, but looking also at wider constitutional aspects of the development of policing, including accountability, with a shorter-term inquiry into various matters, including aspects of police tactics. Since then, the Strike has come up from time to time in public debate, on relevant anniversaries, on the death of key participants and on the release of official records in light of the ‘thirty year rule’. The Strike is a part of modern history which seems to remain of greater continuing relevance than many other events from the same time. In part this is because it is seen as something different than the usual history of industrial relations in this country.

**“The strike was no longer about a group of workers, but was about whole communities defending their way of life, their jobs, and their future against the government, and all the forces that the government could master against them. It was not just a strike where miner was against employer over wages or conditions, it was far more complex, and historically deeper than that<sup>3</sup>.”**

In part, the Strike was different because of the lack of effort on the part of government to address the economic implications of pit closures in local communities, in particular by providing alternative employment opportunities for those who lost not only jobs but careers. This has exacerbated the damage to these communities.

Dr Jim Phillips has made the point that pit closures were managed better in the 1960s when more effort was made by government to provide alternative employment in former mining areas. It also appears to have been better addressed in other Western European countries which were going through a similar process<sup>4</sup>.

Special mention should be made in the Scottish context to Neil Findlay MSP who has been largely responsible for raising the matter in recent years in the Scottish Parliament, although there was also a Members Business Debate in the Scottish Parliament on 20 March 2014<sup>5</sup>, in the name of Iain Gray MSP, to mark the 30<sup>th</sup> anniversary of the start of the Strike.

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Those with deeply personal memories are largely the miners and police officers who were engaged directly in the Strike, as well as their families and communities.

It was the strength of feelings involved at the time, and those which lingered within communities, that helped to ingrain the Strike into parts of the national consciousness as a deviation from a traditional view of policing by consent in Scotland and of the normal conduct of industrial disputes by employees, employers and Government. The extraordinary nature of the Strike is what was emphasised by our respondents – for many, this was ‘war’<sup>6</sup>.

That the shadow had not disappeared from consciousness, even 33 years on, led to an announcement in the Scottish Parliament on 7 June 2018. The then Cabinet Secretary for Justice, Michael Matheson MSP, made the announcement<sup>7</sup>. He said:

**“It is generally understood that the 1980s represented an extremely difficult time for many communities throughout Scotland, mining communities in particular.”**

**“I know from the conversations I have had that, although more than three decades have passed since the main miners’ dispute, the scars from the experience still run deep.”**

**“In some areas of the country most heavily impacted the sense of having been hurt and wronged remains corrosive and alienating. That is true of many who were caught up in the dispute and aftermath. Those who were employed in the mining industry at the time, of course, but also wider families and communities.”**

**“The miners’ strike was also a difficult period for the police, with many individual officers finding themselves in extremely challenging situations, and police and community relationships coming under unprecedented strain.”**

**“Whilst things have moved on considerably in the decades which have followed, the question of how best to learn from this period remains. How best can we aid understanding, reconciliation and inclusion?”**

The Cabinet Secretary’s answer to this question was to establish this review. It is worth remarking on his decision which was unexpected for many and which some queried as pointless after such a long passage of time. As the Cabinet Secretary stated, the Government’s interest is in aiding ‘understanding, reconciliation and inclusion’ and our review is one important means of trying to achieve this. Our report does not purport to be a history of the strike itself. We consider that it gives some degree of public recognition to the lingering bitterness and real impact upon individuals and their communities, in circumstances where there are conflicting perceptions as to the conduct of the Strike; secondly, it attempts some analysis of continuing impacts upon former mining communities (‘understanding’); and thirdly, it explores whether there are lessons to be drawn for the future or recommendations which might serve to heal some wounds (‘reconciliation and inclusion’).

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The Strike started 35 years ago. For many, this is within living memory. Of course, the Scottish Government and Parliament did not exist in 1984/85. While aspects of the Strike, in particular aspects of the policing and its oversight – although, importantly, not operational matters – would have been within the competence of the Scottish Government had they occurred after 1999, it is important to appreciate the difficulties in reviewing matters from over 30 years ago which happened under the auspices of an entirely different political settlement and regime with different policing and different structures for accountability. The constitutional, legal and cultural landscape in Scotland has changed dramatically since 1985: nationalised industries have disappeared; devolution has occurred; we have a single national police service; there is far greater awareness of human rights; technological advances continue to affect daily life in ways we could not have anticipated; there are new rights (and restrictions upon rights) for employees.

That this did not deter the then Cabinet Secretary for Justice from making the announcement in June 2018 may be considered a testament to his desire to achieve a sense of understanding if not also closure for those who continue to feel they were deprived of justice and fairness. It also marks recognition of the strength and persistence of those who have long campaigned for an inquiry into what happened. There are many men and women in that group for whom the Strike is a lasting and vivid memory. Having met many of those, we are well aware that the scope of this review does not go as far as some would have liked. It is not a public inquiry. We had no powers to compel the production of documents or the appearance of witnesses. We relied on the continuing interest and commitment of individuals and organisations and their willingness to help. We are, therefore, grateful to those who produced evidence and gave other assistance to this review so that we could try to exhaust our narrower remit. No doubt those who wish a full UK-wide public inquiry will examine our report and the evidence now produced to see if there is additional support for their ongoing campaign. In the same statement by Mr Matheson, he said:

It [this Review] does not of course remove what I see as an obligation on the UK Government to fully explore the extent of any political interference by the UK Government at that time.

**“I have therefore written to the new Home Secretary to renew my call – first made in November 2016 – for the current UK Government to institute an inquiry. Although my earlier plea was rejected, I remain of the view that it would be better for all concerned if – in a spirit of transparency, justice and reconciliation – the UK Government would now follow our example.”**

For our part, we have tried to produce a self-contained piece of work, albeit, not least for purposes of context, we had to consider some matters slightly beyond, but intrinsically linked to, our Terms of Reference. The reasons for this are outlined in detail in chapter 3.

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## **TERMS OF REFERENCE**

The remit of the Review was to investigate and report on the impact of policing of the 1984/85 Miners' Strike on affected communities in Scotland. When it was announced, the following description was given of what would be involved:

It is envisaged that the review will:

- provide an interim report to Ministers which sets out initial findings by January 2019
- carry out further necessary engagement and provide a final report by June 2019, which sets out lessons learned and makes recommendations for any further action required

It is not expected that the review will deal with individual cases or specific events<sup>8</sup>, but will:

- consider matters that fall under the devolved remit of Scottish Ministers
- take full account of previous investigations into the events of the time
- review the appropriate documents that are available

In 2016 the UK Government considered the case for establishing an Inquiry or independent review into the events that occurred in June 1984 at one of the strike's main flashpoints, Orgreave Coking Plant in South Yorkshire. In October 2016, however the then Home Secretary, Amber Rudd MP, announced that there was not sufficient basis to instigate either a statutory inquiry or an independent review.

In November 2016, the Cabinet Secretary for Justice Michael Matheson wrote to Ms Rudd to convey the Scottish Government's view that the UK Government should commission and appoint an independent UK-wide investigation into any political interference during the dispute. The UK Government decided not to commission such an investigation.

It will be noted that the Scottish Government asked the UK Government to commission an independent inquiry into the question of "any political interference during the dispute", implying, at least in part, consideration of the extent to which the then Government interfered, or attempted to interfere, in police operations. We note that there has been only a negative response from the UK Government to successive demands and requests for any inquiry related to the Strike. Associated campaigns will no doubt examine the evidence produced for this review to see if there is any additional support for their work. That is a matter for them. We appreciate that, whatever the response from the Scottish Government to our recommendation, their campaigns will continue. We recognise that the Scottish Government may also wish to pursue this matter with the UK Government.

For various obvious reasons, largely related to our Terms of Reference and the limits of the competence of the Scottish Parliament and Government, our review could not examine this question in any detail, although some consideration of related issues became inevitable, given their recurrence in evidence presented to us and our remit to consider lessons for the future. In addition, there are related matters which are within devolved competence, for example, the justice system in Scotland.

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A complicating factor in trying to untangle matters over thirty years on is trying to distinguish the position in Scotland which did not always, immediately or necessarily simply follow the pattern in England and Wales, albeit aspects of policing were, or at least seemed, similar across the whole of Britain. As the Strike was happening north and south of the Border, it was inevitable that there would be discussion and even planning across Great Britain. However, there are distinctions to be made: between distinct issues in Scotland with Scottish policing solutions; similar issues north and south of the Border with similar policing solutions, whether through discussion or simply because they were the obvious and proper policing solutions; political direction or interference in policing or attempts at such, or impressions of the same. We have sought to bear these distinctions in mind throughout our work.

## **REVIEW GROUP**

The Review Group consisted of John Scott QC Solicitor Advocate (Chair), Jim Murdoch CBE (Professor of Public Law at Glasgow University), Kate Thomson QPM (former Assistant Chief Constable) and Dennis Canavan (former MP and MSP).

The secretariat consisted of officials from the Scottish Government.

## **INTERIM REPORT**

We produced an interim report which was published on 25 February 2019<sup>9</sup>. In it, we explained the work undertaken to find evidence to assist us to produce our final report, with conclusions and recommendations based on this evidence.

We described the two key ways in which we gathered evidence – meetings (public and private) and a formal Call for Evidence. The success of these methods, and the greater than expected volume of evidence they produced, was the reason for seeking an extension of time from the current Cabinet Secretary for Justice, Humza Yousaf MSP, to allow us to fully reflect what we had seen and heard, including powerful individual testimony. With that extension, the final report was to be submitted to the Cabinet Secretary by 23 August 2019. Given our discussions around the challenging issue of ‘reconciliation’, a key matter firmly within our Terms of Reference, we sought and were granted a further extension to allow us time to reflect on possible recommendations. Obviously, we appreciate that the Cabinet Secretary will require some time to consider our report and the underlying evidence before issuing a response on behalf of the Scottish Government. That response, as with the review itself, will no doubt be informed by the limits of the powers and competence of the Scottish Government.

## **EVIDENCE**

For us, the most important aspect of our approach to the review was to be as pro-active as possible, relying not merely on an online consultation and an established presence in Edinburgh. Having discussed matters among ourselves and with Nicky Wilson, President of the NUM in Scotland and Neil Findlay MSP, we knew that it was crucial to take the review to mining communities. Initially, we thought that we might hold four or five consultation events in these communities. As we planned the events, in conjunction with Nicky Wilson, it became clear that there was an enthusiasm for this type of engagement with the review. Eventually, we held eight such events in mining communities across Scotland over the last few months of 2018 at the following venues: Alloa Town Hall, Cumnock Town Hall, the Lochgelly Centre, the National Mining Museum of Scotland (Newtongrange), Fauldhouse Miners’ Welfare Society, Oakley Community Association and Social Club, Fallin Miners’ Welfare Society and Social Club and Auchengeich Miners’ Club.

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The meetings were open to the public and attended not only by miners and their families, but local councillors (some of whom were also former miners), academics, journalists, members of the public and two retired police officers. Some people came to more than one meeting. In total, 167 men and women attended our meetings, with numbers in attendance between 9 and 40. The different numbers at the meetings lent themselves to different approaches in gathering evidence from those who had attended. In the larger gatherings, we had microphones and tried to ensure that we heard from everyone who put up their hand. In the smaller ones, we pulled the chairs round in a circle and, within 5 minutes, we knew everyone's name and managed to get a much greater depth of story from all those present, simply because each person had the opportunity to speak for a much longer time, in a more personal setting.

The meetings confirmed the benefits of our approach of trying to establish the impact on communities by going into the communities. Communities consist, of course, of individuals and understanding the impact of policing on communities requires an understanding of the impact on the individuals who make up the communities.

We have little doubt that, by going into the communities, we obtained evidence which would not have come to us if relying only on more traditional methods of consultation. The significance of some of the evidence obtained at these meetings was not only the content but the power of delivery from individuals, some of whom still struggled with the emotions evoked by their memories of the Strike.

In some ways, it is a pity that there are no video or at least audio recordings of the meetings, although, if there was such recording, there may have been issues of trust and some individuals may have been deterred from contributing. In any event, we have our own notes and our secretariat assisted in ensuring that we had a record of each. We recognised that some individuals may still find it difficult for whatever reason – including a lingering but real sense that their perspectives on the Strike at the time were not shared by others – to talk openly about the issues.

Equally important to us was obtaining evidence from retired police officers. “Communities” is a word conveying real breadth and, for us, included police officers and their families. As stated in one of the nine Peelian Principles<sup>10</sup> that underpin the idea of policing by consent:

To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.

This wider approach to “communities” does not necessarily fit with some previous thinking about the Strike, but it was part of the thinking of Government in setting up this review and gave us scope for greater balance in seeking to assess a complex set of circumstances, involving many actors, State and local, and many communities across the country which included people on all sides of the dispute.

Getting evidence from retired police officers was rather more complicated than obtaining evidence from former miners. It seems that many retired officers were concerned at the implications of a review in terms of any potential for criminal proceedings.

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Given the Terms of Reference and the Cabinet Secretary's specific reference in his June 2018 statement to a 'truth and reconciliation approach' as suggested by the Scottish Police Federation<sup>11</sup>, this review was never in any way intended to lead to prosecutions, although we understand some of the reluctance. Despite this reluctance, Jim McBrierty, President of the Retired Police Officers Association Scotland made considerable efforts to ensure that we had access to enough evidence from police officers to get a balanced picture. Former Deputy Chief Constables Tom Wood of Lothian and Borders and Graham Bennet of Fife also provided considerable assistance to us to ensure that we had evidence from within policing. With the exception of the two retired officers who attended our public meetings in mining communities (one of whom was the son of a miner), our meetings with retired police officers were private. We obtained important evidence at these meetings and they allowed us the opportunity to discuss and test some of the evidence we had heard from miners. Our meetings with miners allowed us to do the same with evidence we received from retired police officers.

We also met with Dr Ian Oliver QPM and Sir William Sutherland CBE QPM, respectively Chief Constables of Central and Lothian and Borders Constabularies at the relevant time. This allowed us to canvas their thoughts on impressions of political influence and direction, an integral part of the narrative which exists in the assessment within mining communities of the impact of the Strike, not least in a loss of trust in the police in particular and the State more generally.

We had access to publicly available records held at the National Archive in London and the National Records of Scotland in Edinburgh. Although only an incomplete record of matters of interest to our review, we have considered these and they have informed our approach to some of the other evidence, assisting with context and background. It is worth noting that the records to which we had access are those which have already been made public. While that means that there is nothing truly new in this aspect of the evidence we considered, we were looking at these records in light of our Terms of Reference, and therefore through a different lens than some who have been over them before us. We also benefitted from documents giving not only national but also local insights including, for example, the Fife Constabulary Debrief Report dated 11 April 1985. ("the Fife Constabulary Debrief Report"), a document which we believe not previously to have been put into the public domain, which contains detailed accounts by senior officers in Fife Constabulary shortly after the Strike had ended. This report contains often blunt and critical comments about the policing of the Strike, as well as other aspects of the industrial action and criminal activities which the police had to deal with which were associated with the Strike. As the report describes in one of the conclusions, it was intended as a full and honest debrief of a very difficult period in policing. In the report, the purpose was described as follows:

**"At the outset it was stated that it was necessary to take a dispassionate look at all the problems which existed and it is hoped that the aim has been achieved. In addition every effort has been made to highlight the lessons to be learned in a truthful, accurate and completely objective manner. Criticism has been offered but it is hoped that it will be accepted not on a personal basis, by any person at any level in Fife Constabulary, but as a reasoned attempt at constructive observation borne out of the experience of deep involvement in this dispute throughout its duration."**

Along with our report, the 108 responses to our Call for Evidence and notes of the eight public meetings will be published. The 108 responses include evidence from miners and retired police officers. Access to published contemporary reports and recollections (newspaper articles, video footage, autobiographical recollections, etc.) and academic studies into the Strike also helped us understand aspects of the Strike's contexts, conduct and consequences.

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In addition, the Scottish Government commissioned external consultants to produce analysis of the responses to the Call for Evidence, as well as looking at some of the evidence gathered at the consultation events in mining communities. This will be published too. Together with our report, this material will allow others to weigh the evidence and analysis so as to form their own views.

This is important. In the absence of definitive public or other records, much of the full truth of what happened in and around the policing of the Strike becomes impossible to establish. That, along with issues raised in Chapter 3 of this report, complicates the task of assessing the impact of policing on communities. It also complicates an approach based on ‘truth and reconciliation’.

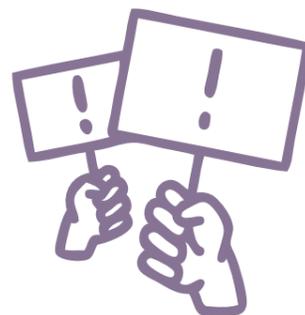
We have sought to reach such conclusions as might reasonably be made, but work within our Terms of Reference could not result in a single set of certain or agreed facts about the Strike. There are some areas of agreement, and some conclusions which can be drawn from official records but, for important aspects of our report, there is much evidence from those within mining and those from policing which occupies the “site of contested memories”. Even when it comes to records, there has been some contestation. During the Strike, the National Coal Board issued releases detailing the number of men it said had returned to work. Some of these numbers were disputed by the NUM who started issuing similar releases to correct what they saw as the lies and propaganda in the NCB releases, something considered necessary in view of the importance of solidarity and its impact on morale.

We have drawn such conclusions and made such recommendations as we felt able to make. Our aim, in part, has been to ensure that, regardless of whether memories are contested or not, and whether there is wider consensus on our conclusions, those who have contributed evidence to the review will recognise their experience in this report. We have also considered in depth the idea of the Review as reflective of a ‘truth and reconciliation’ process, with perhaps greater emphasis on reconciliation, given the complications we have experienced in relation to establishing a single set of truths or even just consensus on certain important matters.

## 1984

February	March	April	May	June
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**21 February 1984**  
**Miners**  
Official strike starts at Polmaise<sup>12</sup>.



**12 March**  
**Miners**  
National Union of Mineworkers (NUM) President Arthur Scargill unites various strikes into nationwide industrial action, without a ballot<sup>13</sup>.

**12 March**  
**UK Government**  
“...I suggest that we should go ahead now with setting up a Ministerial Group [the Cabinet Ministerial Group on Coal (“CMGC”) in the MISC series to consider all aspects of the situation which may be of concern to Ministers: industrial relations, law and order, power station endurance, the effect on the economy, the scope for mitigating action by the Government, and the handling of the media.”  
**Sir Robert Armstrong, Cabinet Secretary to Prime Minister**<sup>14</sup>

**16 March**  
**UK Government**  
Parliamentary Answer from the Attorney General “Picketing is permissible, in terms of criminal law, only if it is peaceful picketing, that is to say, it is carried out for the purpose of peacefully obtaining or communicating information or peacefully persuading another person to work or not to work. The courts have recognised that the police may limit the number of pickets in any one place where they have reasonable cause to fear a breach of the peace. This may involve not only asking some of those present to leave but also preventing others from joining the pickets” “...code of practice issued under the Employment Act 1980...in general the number of pickets should not exceed six at any entrance to a workplace” “Any person who fails to comply with a police request in those circumstances [where constable reasonably comes to the conclusion that persons are travelling for the purpose of taking part in a picket] will be committing the offence of obstructing a police officer in the course of his duty”<sup>15</sup>

**20 March**  
**UK Government**  
Scottish Home and Health Department have written to the Chief Constables of Central, Fife, Lothian and Borders, and Strathclyde enclosing copies of the statement on criminal law on picketing made on Friday 16 March by the Attorney General with the support, as far as Scotland is concerned, of the Lord Advocate<sup>16</sup>.

**2 April**  
**UK Government**  
2 April 1984 – “the Ministry of Defence, while maintaining the lowest possible profile, had responded to requests to provide accommodation and messing facilities for a number of police personnel. Requests for certain other assistance and facilities had been declined as likely to be counter-productive.” “Ministerial Group on Coal – minutes”<sup>17</sup>

**11 April**  
**UK Government**  
Mr. Canavan asked the Solicitor-General for Scotland what criteria are used in deciding whether to charge pickets in an industrial dispute; and whether any special instructions or guidelines have been issued by the Crown Office to the police or procurators fiscal.

The Solicitor-General for Scotland replied, the criteria to be applied in deciding whether to proceed against pickets on criminal charges are the same as those applied in any case where there is an allegation of criminal conduct. No special instructions or guidelines have been issued by the Crown Office to the police or procurators fiscal<sup>18</sup>.

**16 April**  
**UK Government**  
“Any comment made as a result of current press speculation about the possible use of servicemen to move pithead coal stocks should be based on a written answer given on 9 April to a question by Mr Nellist about whether the Ministry of Defence had “made specific preparations for military aid to the civil power in connection with the current dispute in the coal mining industry”. The Minister of State for the Armed Forces had replied that no such preparations had been made.” Ministerial Group on Coal – minutes<sup>19</sup>

**8 May**  
**Miners**  
A bus-load of 42 pickets was proceeding from Hunterston to Ravenscraig following a convoy of coal lorries. There was already a picket at Ravenscraig and the police stopped the bus and instructed the occupants not to proceed on the grounds that their presence at the steel works would be liable to cause a breach of the peace. The occupants failed to comply with police instructions and were arrested and subsequently charged and released.<sup>20</sup>



**8 May**  
**UK Government**  
At the CMGC, there was discussion of the policing of the Strike in Scotland: “It was not clear whether the Scottish Chief Constables were prepared to go as far as their English counterparts to prevent pickets from going to the scene of a possible disturbance. It was possible also that Scottish Chief Constables might feel an undue reluctance to call for the help of forces South of the border through mutual aid arrangements.”

The Prime Minister gave instructions to the Secretary of State for Scotland, pointing out what he “**should**” do:

“The Prime Minister, summing up the discussion....The Secretary of State for Scotland should explore and report on the questions raised in the discussion about the policing of the dispute in Scotland. He should establish in particular whether Scottish Chief Constables were willing as a matter of policy to take action similar to that in England to prevent pickets from going to the scene of possible disturbances<sup>21</sup>.”

**9 May**  
**UK Government**  
“Policing in Scotland. We understand that the Secretary of State for Scotland is likely to say that the Chief Constable of Strathclyde is no less ready than Chief Constables in England and Wales to stop flying pickets from assembling when he considers that this would be justified. It has in fact been reported today that a coach has been stopped. On mutual aid he is likely to say that the Strathclyde Police is one of the largest forces in Britain (accounting for about half the total police in Scotland) and is at present confident that it will be able to handle the situation at Ravenscraig without outside help.” Cabinet<sup>22</sup>  
**Minutes – Cabinet: Industrial Affairs : Coal**

“It was possible also that Scottish Chief Constables might feel undue reluctance to call for the help of forces South of the border through mutual aid arrangements.” But the point seems to be that chief officers in Scotland are not in a position to seek mutual aid from their counterparts in England or Wales (or vice versa). ...the 1964 Act does not extend to Scotland.” The effective cross-border arrangements which can be made are for the exchange of information about the prospective or actual movements of pickets between England and Scotland.”  
**Cabinet Miners’ Dispute. Government Officials’ memo**<sup>23</sup>

**10 May**  
**Miners**  
8 coaches were stopped at Stepps en route to Hunterston. Some of the occupants agreed to turn back and those left proceeded to leave the vehicles and sit down on the roadway. They refused to obey police instructions and 292 were arrested, charged and subsequently released<sup>24</sup>.

**10 May**  
**Police**  
Chief Constable of Strathclyde wondering what attitude to take following a request to appear before a special meeting of the Police and Fire Committee to have clarified police involvement in matters of picketing<sup>25</sup>.

8 coaches carrying miners were stopped at Stepps en route to Hunterston (see above under ‘Miners’)<sup>26</sup>.

“Besides a vigorous policy of bringing prosecutions whenever possible, the police would welcome maximum publicity for acts of violence by pickets and others: public opinion would be outraged by these acts” Home Secretary at Cabinet<sup>27</sup>



**17 May**  
**Police**  
“...the concern felt by chief constables about the BBC 9 o’clock news on Thursday 17 May, which carried an interview with the Home Secretary about intimidation in coal mining areas. Chief constables are, as you know very sensitive about the impression, which the Opposition are attempting to foster, that they are taking political sides, and are indeed subject to Ministerial direction.”  
**Government Official’s memo**<sup>28</sup>

**June**  
**UK Government**  
Ministerial correspondence confirming the police role in the dispute is to uphold the law and order and they don’t take direction from Ministers and no need for a public inquiry<sup>29</sup>.

**4 June**  
**Police**  
“Breach of the peace and obstruction of police constables in the execution of their duty (contrary to Section 41 of the Police (Scotland) Act 1967) are the offences most likely to be of use in dealing with mass picketing.” Chief Constables are not subject to instructions from Ministers and none have been given to them. The main difference between the police operation in Scotland and that in England and Wales has been the absence of any mutual aid and, therefore, the absence of any requirement for day-to-day coordination on the model of the (England and Wales) National Reporting Centre.”  
**Attorney General**<sup>30</sup>

**4 June**  
**UK Government**  
“Industrial Action in the Coal Industry: use of the criminal and civil law. Note by the Scottish Home and Health Department and the Crown Office.” “The range of criminal offences available to deal with objectionable conduct in the course of industrial picketing is substantial and is considered to be sufficient. The High Court in Scotland has fairly recently held that there is no limit to the kind of conduct which may give rise to a charge of breach of the peace.”  
**Attorney General**



Miners



UK Government



Police



National Coal Board

## 1984

## 1985

June

4 June

### UK Government

"As far as the Scottish Office are aware, the police are employing their available powers fully but prudently; and, in particular, they have taken account of the Written Answer of 16 March in which the Lord Advocate lent his support to the Attorney General's explanation of the nature of the police powers in the picketing context." "In short, the Scottish police lack neither the necessary resources nor powers to deal with the problems which the dispute in the mining industry has produced."

Attorney General<sup>31</sup>

5 June

### UK Government

"The main burden in the handling of the dispute continued to fall on the police. It could be argued that this burden would be eased if management in the industries affected by unlawful picketing had recourse to the civil law. On the other hand, it was not certain that recourse to the civil law would in practice have this effect. An unsuccessful court action could be a serious setback to efforts to withstand the strike. If court orders following successful civil action were not complied with, enforcement could be difficult in itself and might actually increase the problems of the police in maintaining public order.

"In short, the Scottish police lack neither the necessary resources nor powers to deal with the problems which the dispute in the mining industry has produced."

Attorney General

5 June

### UK Government

The view of Chief Police Officers, who had been consulted, was that civil action in the courts was not in present circumstances likely to make the task of policing the dispute any easier." "On the civil law, the Group took the view that the balance of advantage was still against action in the courts by management in the industries concerned, but if circumstances changed considerably, they should reconsider this and related issues in the light of the report which had been prepared by the Attorney General on tactical options in the dispute, including the relevance of the civil and criminal law." Minutes from Ministerial Group on Coal<sup>32</sup>



### Miners

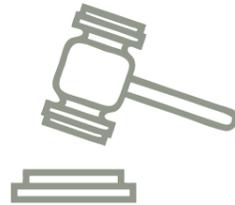
18 June – The battle of Orgreave, South Yorkshire – 5,000 riot police took on 5,000 protestors. The protestors included many men and women who had come down from Scotland<sup>33</sup>.

July

July

### Police

Throughout the dispute the Scottish police have maintained their low profile tactics deploying only the minimum number of officers to enable working miners to go to their place of work. Although practice varies in light of particular circumstances, the police normally seek to allow a limited number of pickets up to the pit entrance to enable them to communicate with working miners. This accords with the Code of Practice in Picketing."<sup>34</sup>



July

### National Coal Board ("NCB")

The Chairman of the NCB states that miners convicted of violent offences will not be reinstated<sup>35</sup>.

August

August

### UK Government

Home secretary makes a speech: "The police will be given all the backing they need to deal with these various forms of lawlessness. When intimidation began on a substantial scale, the police responded by patrolling the pit villages in order to give protection to those who were threatened, and they made it clear that any report of intimidation would be investigated with vigour. They will be showing similar flexibility in responding to any new threat to the rule of law." "In tackling disorder on this scale with courage and determination the police know that they have the support of the overwhelming majority of the public, including members of trade unions<sup>36</sup>."



Statement by Michael Ancram, Conservative Minister: "The role of the police is to uphold the law and order and secure the rights of those who wish to work. The deployment of police officers is an operational matter for the discretion of the Chief Constable<sup>37</sup>."

November

November

### Miners

A growing number of miners decide to return to work as Christmas nears.<sup>38</sup>



98 to 91  
decide to end  
the strike in  
March 1985

March

March

### Miners

Mr. Strang, Labour, MP, Edinburgh – Does the Solicitor-General for Scotland recall the representations that he received from my hon. Friend the Member for Midlothian (Mr. Eadie), and the meeting that he had with the hon. Member for Edinburgh, Leith (Mr. Brown) and myself, about the position of Mr. David Hamilton, the chairman of the Lothian strike committee, who languished for nine weeks in jail and was then found not guilty? Will the Government recognise that the truth is that the NCB management in Scotland wishes to sack people because they were active in the strike and not because of anything else that they have done? That is why the Government and the NCB are isolated on this matter. When will there be some change in the situation?<sup>39</sup>

The Solicitor-General for Scotland – I recall that meeting, at which I gave the hon. Gentleman an undertaking that the matter would be brought to court as quickly as possible, as indeed it was. I cannot see why the hon. Gentleman takes exception to that. Mr. Hamilton had the opportunity to be tried before a jury. He was acquitted. So far as I am concerned, the matter ends there<sup>40</sup>.

### 3 March 1985

#### Miners

Delegates at an NUM conference decide 98 to 91 to end the strike<sup>41</sup>.

### March

#### Miners

Residual violence in some mining villages<sup>42</sup>.

March 1985

National Coal Board ("NCB") Violence in mining villages – situation report<sup>43</sup>.

Letter from Mr MacGregor thanking Chief Constables for their help and support during the miners' strike dispute<sup>44</sup>.

NCB Chairman, Mr MacGregor, repeated that miners convicted of violent offences would not be reinstated<sup>45</sup>

Government memo, NCB Chairman, Mr MacGregor, repeated that miners convicted of violent offences would not be reinstated<sup>46</sup>.

Letter from Secretary of State for Scotland, George Younger, to Chief Constables of Scottish police, "In carrying out their role of upholding the rule of law and protecting the rights of those who wished to work, often in the face of violence, they have, once again, demonstrated their skill and efficiency and reminded us of how much we depend upon the police for the maintenance of freedom and order." [similar letters to Scottish Police Federation, Association of Chief Police Officers, Association of Scottish Police Superintendents]<sup>47</sup>.

Letter from STUC to Mr Wheeler, NCB "...your decision to treat all Scottish miners convicted in Courts as being guilty of serious industrial misconduct. Most of the convictions are for obstruction and breach of the peace. Some have been tried and found not guilty and most have been awarded fines, albeit substantial ones." "It seems that your attitude on the question of an amnesty is much more rigorous than that being applied in any other coal field<sup>48</sup>."

### 3. Policing and beyond

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From an early stage in our work, one thing became apparent. In terms of much of the permanent impact and damage caused by the Strike, it is impossible to separate out the role played by the policing of the Strike and identify an impact or impacts which could be attributed solely to policing. In any event, this relationship appears to have changed during the progression of the strike.

It is true, however, that decisions made by the police led to decisions made by others, whether within the justice system or within the NCB. Some of those who have suffered the most are men who were arrested but also convicted and sacked. This Chapter will explore the full range of processes and procedures experienced by many miners, beginning with arrest but extending to various other aspects of the justice system and dismissal by the NCB.

The detailed submission from Dr Jim Phillips, received in response to the Call for Evidence, reflected on evidence we heard at the Fallin meeting which outlined the sequence of events experienced by some:

**“It is clear that policing targeted individual strikers. Key local activists at Fallin were persistently harassed. They experienced both direct and indirect wrongs as a result. Direct wrongs included false arrest, threatened and actual lengthy spells of detainment on remand, physical abuse in custody by police officers, verbal threats and intimidation in the community by police officers, and highly punitive sentencing, including fines of £350 to £400 for public order offences. Indirect wrongs included dismissal from coal industry employment arising from arrest (not conviction) and loss of income, including pension contributions, subsequent financial hardship, loss of esteem, pressure on family and marital relationships, and negative effects on physical and mental health. The effects of these indirect wrongs were compounded in many cases by the evident black-listing of ex-mining activists by non-coal employers.**

**Policing decisions had major impacts on the employment status and subsequent careers of the strikers who were targeted.**

**The injustices encountered by striking miners in Scotland were the result of decisions made in Scotland as well as in Whitehall and Westminster.”**

Operation of the criminal justice system affected a surprisingly high number and percentage of striking miners.<sup>49</sup> In Scotland, the number of striking miners was approximately 14,000 and, by the end of the Strike, approximately 1,400 had been arrested, with over 500 convicted, whether by plea of guilty or after trial. According to the Brown/Rees Report (page 7), in Scotland, 603 were found guilty and 140 acquitted up to 22 March 1985, with 569 convictions and 109 acquittals being for breach of the peace, 220 convictions and 29 acquittals under the Police (Scotland) Act, 1967, section 41 and smaller numbers for miscellaneous matters.

In England and Wales, between 13 March 1984 and 5 March 1985, the number of striking miners was approximately 187,000; of these, the number of miners arrested was 8,788 from a total of arrests related to the Strike of 9,808. The total number of charges was 10,372. This included charges of murder (3), arson (15), assault occasioning actual bodily harm (429), assault occasioning grievous bodily harm (39), riot (137) and unlawful imprisonment (2). 5,653 cases were dealt with by the courts of which 4,318 resulted in convictions and 1,335 in acquittals.<sup>50</sup>

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In Scotland, there were far fewer of the more serious charges which featured south of the border. Notwithstanding this, it will be seen that approximately 10% of striking miners in Scotland were arrested, by comparison to approximately 5% in England and Wales.

In Scotland, approximately 206 (1.5% of the total number of striking miners) were dismissed. This was a higher percentage than in England and Wales where approximately 800 to 900 miners were dismissed out of a total of 131,000 strikers, giving a percentage of 0.61/0.68%. In Bilston Glen, 36 of 1,800 striking miners were dismissed (2.0%) and at Monktonhall, 46 out of 1,700 striking miners were dismissed (2.7%).

The arbitrary and inconsistent approach by the NCB was addressed in the Brown/Rees Report from page 65 onwards, for example:

- (i) **“In all, more than 900 miners have been dismissed by the National Coal Board. After representations in England and Wales, 280 have been reinstated. In Scotland, some 200 miners have been dismissed – and none reinstated. With less than 10% of British miners, and around 10% of convictions for offences related to the strike, Scotland has had more than 30% of the dismissals.”**
  
- (iii) **“From information available on 150 of the dismissed miners in Scotland, it appears that more than 90% of the Scottish dismissals have arisen as a result of breach of the peace offences, police obstruction and breaches of the Bail Act. In addition, the vast majority of fines imposed by the Courts have been £100 or less, and the majority of miners dismissed have no previous criminal convictions. Some miners have been dismissed even when they were admonished in court, found not proven or not guilty, or even not brought to court.”**

This additional disproportionality is another aspect of the lasting damage caused by the Strike, with an unanswered question being why proportionately more of those on strike in Scotland suffered arrest and dismissal than elsewhere, especially when the relative gravity of the offending in Scotland appears to have been less serious than in England and Wales – something acknowledged, for example, in the Fife Constabulary Debrief Report –

**“While it is still suggested that the existing legislation is basically sufficient to deal with the problem, especially in Scotland where the same level of violence was never reached as what was evident in England, there may be some merit in setting up a”**

These miners experienced not one process, nor the impact of a single agency or actor. The police were involved at an early stage of the series of events which befell them, but conviction and dismissal involved other processes, decisions and agencies, including other parts of the State.

In the evidence we have seen and heard, it is clear that some of the main continuing impact is felt to be a consequence of policing but, when explored as we were able to do at the public meetings, individuals recognised the greater complexity of factors which contributed to what they still feel. Some people attributed the impacts to the policing of the strike, and this may be a result of the police being the arm of the State closest to daily aspects of the Strike, and often the first in a series of steps which led to the greater impacts of conviction, dismissal and loss of career. In meetings, it became apparent that the Crown (Procurator Fiscal), judiciary, legal profession and NCB were also implicated by miners as authors of the various impacts of the Strike.

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Of course, looking at this takes us beyond the strict limits of our Terms of Reference but we considered it necessary to include this chapter because of the impossibility in some cases of isolating impacts of policing alone and because these aspects came up at every meeting and in many of the responses to the Call for Evidence. As policing was an early part of the processes touching individuals, serving as a stepping stone to those processes which followed, we recognise these other parts of the justice system even if they involved subsequent and distinct decisions which moved the individuals on to further stages of increasingly adverse impact. In any event, it should also be borne in mind that the police were involved in subsequent parts of the justice system, for example in the preparation of reports to the Procurator Fiscal and statements, and giving evidence as witnesses in court or at tribunals regarding dismissal. It is therefore impossible to separate entirely the role of the police from that of the justice system itself. And the justice system, including the courts, Procurator Fiscal service and legal profession are all within devolved competence. All of this served to draw our attention to matters raised in this chapter as an aspect of the impacts of the Strike as well as part of its context.

## **JUSTICE SYSTEM**

The justice system is perhaps best understood as a series of different systems which, in theory, work together to achieve fair, just and proportionate processes and outcomes. For our purposes, the justice system means the police, Procurator Fiscal, defence lawyers and the judiciary. Once more, we start with quotes from miners which outline some of the lingering issues.

**“Judiciary in cahoots with police”**

**“If no one was directing the courts, why were there so many arrests/sackings?”**

**“A judiciary set up against miners”**

**“all miners are criminals and should be jailed.” (quote attributed by a miner to a Sheriff in Ayrshire, perhaps a version of the episode mentioned later in this chapter).**

(quotes from miners at our public meetings).

An outline of the system of criminal procedure applying at the time of the strike is helpful, as current law differs in certain respects.

For those individuals who were arrested, there would usually, although not always, be a court appearance the next day (or the first day after the weekend or any public holiday). Some were released for summons (the report would be sent by the police to the Procurator Fiscal who could decide to issue a summons/citation to appear in court on a subsequent date), and some were released by the police on bail undertakings (they signed at the police station to accept that they would attend court on a specific date in the next few weeks). In all of these situations, the role of the **Procurator Fiscal** was important for the next stage following arrest. The Procurator Fiscal had to assess each case reported by the police and decide if there was sufficient evidence in law to justify proceedings, i.e. was there corroboration of a crime and the identity of the perpetrator. Thereafter, the Procurator Fiscal still had to decide if proceedings were in the public interest. The latter test may well have been applied differently in those days than now, especially as diversion from prosecution was not so common as it has become.

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The Fife Constabulary Debrief Report dated 11 April 1985 commented on some of these police reports to the Procurator Fiscal.

**“The subsequent Police reports compiled were on occasions of fairly poor quality.”**

If the decision was to take criminal proceedings against a miner, a summary complaint (document containing the charge or charges) would be prepared by the Procurator Fiscal and, if he had been kept in police custody, served on him at court, usually in the cells. Unlike petition proceedings (for more serious cases), the miner would be expected to enter a plea – guilty or not guilty – at the first appearance. A continuation without plea was possible but rather more unusual. If the plea was not guilty, a trial would be fixed and the only remaining question would be the crucial matter of whether the miner was to be bailed or remanded in custody for trial. This was a question for the **Sheriff**. A number of factors were relevant to this decision, not least the attitude of the Procurator Fiscal. If bail was opposed by the Procurator Fiscal, it would usually be refused. If bail was unopposed, it could be granted subject to special conditions identified by the Procurator Fiscal. Commonly, during the Strike, conditions would include not to return to the picket line from which a miner had been arrested.

Remand in custody was a possibility if the individual had previous convictions or was on bail. In particular, if a miner was on bail to stay away from a picket and was arrested back there in apparent breach of bail, a remand was perhaps even likely.

If the plea was guilty, the Sheriff could proceed to dispose of the matter, often, perhaps even usually, by way of a fine. In some cases, the Sheriff might order a Social Enquiry Report for more information before imposing a penalty. This final decision would involve taking into account all the personal circumstances of the miner, including what, if any, income he had.

Even away from the Strike, many who experience the justice system find it confusing and unfair, at least partly because of a lack of knowledge about how it works or is supposed to work. It is also generally recognised that any individual is at their most vulnerable immediately at the outset of detention. This adds to a sense of disorientation.

For a variety of reasons, including personal experience and stories of what happened to others, that perception was a common view of those who gave evidence to us. The perception of arbitrariness extended to miners whose involvement in the Strike brought them into contact with the courts, often for the first and only time in their lives. In terms of evidence, a vague, even apocryphal, sense of unfairness in the justice system may have been the only impact, had it not been for one well-known example which offered support for the idea of a system set against the miners. The example, which was mentioned frequently in evidence to the review, but is also vouched by a reported decision of the Appeal Court in Scotland, is the case known to lawyers as *Bradford v McLeod*<sup>51</sup>. The case is probably better known by reference to the identity of the Sheriff (Sheriff David Smith, now deceased). It involved an appeal by 14 miners, one of whom attended our Cumnock consultation event, who had each been convicted of a breach of the peace in relation to attendance at a picket at Hunterston in the early stages of the Strike in 1984. Each man had been convicted by a Sheriff following trial. All 14 convictions were quashed on the basis that the Appeal Court accepted that justice had not been seen to have been done. This was because the Sheriff had been overheard by a solicitor at a social event in June 1984 stating that he would not grant legal aid to any miner whose application he dealt with in respect of a criminal prosecution. That solicitor raised the matter in court in a case involving a miner. The Opinion of the court confirms that the Sheriff refused legal aid to 7 of the 14 men involved

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in the appeal (he did not deal with any of the other legal aid applications relevant to the case). This pronouncement by the Sheriff was particularly significant because the Sheriffs in Kilmarnock had a policy of granting legal aid only if an applicant could establish in advance that he had a “serious defence” to the charge against him. The Sheriff’s private declaration regarding miners might suggest that he had decided, even before seeing an application for legal aid, that their defences were without sufficient merit – at the very least, a clear appearance of bias –

“In my opinion, a reasonable person on hearing that the sheriff had made that observation would be likely to conclude that the sheriff was biased so far as cases involving miners were concerned. Indeed the generality of the observation is such as to create in the mind of a reasonable man a definite suspicion that the sheriff may have such a bias. As explained... in the passage quoted above, that is sufficient to disqualify a judge from performing his duty even though as matter of fact the judge is not biased. I appreciate that at the time when the sheriff made the observation about legal aid, he had no reason to suppose that he personally would be involved in the determination of legal aid applications by any miners as he was not the nominated legal aid sheriff at Kilmarnock for the year in question. In my opinion, that does not matter since the important question is the effect that hearing the observation would have on a reasonable person...

**“It follows that the convictions cannot stand. It is a tribute to the law in Scotland that there are so few recorded cases where it has been alleged that justice has not been seen to be done. This case may serve as a reminder that the law in Scotland is jealous of its reputation for doing justice and for ensuring that justice is seen to be done; it may also serve to remind judges that if justice is not merely to be done but is to be visibly done, they like Caesar’s wife must be above suspicion.” (Lord Justice-Clerk, Lord Ross).”**

The decision of the Appeal Court reads as being of a different age, with niceties around private conversations at social gatherings seeming to cause almost as much concern to the Judges as what the Sheriff actually said, with its disturbing implications. Nonetheless, the case, involving 14 men involved in the Strike, has left an understandable and indelible mark on the collective memory of the mining community throughout Scotland. While many people leave court feeling aggrieved, very few are able to point to hard evidence of unfairness in how their cases have been handled or in justice being seen to be done. These 14 men were able to point at least to a strong perception of unfairness and, in turn, their experience has informed that of many who also feel that they were treated unfairly, even if they are unable to point to a specific unfairness in their own cases such as those dealt with by the Sheriff following his unguarded remarks suggestive of prejudice against all miners charged with a crime connected to the Strike.

In our consideration of the justice system, we have been careful to note that there is an additional factor which may not be quite so obvious as the Procurator Fiscal and the Sheriff – the **defence lawyer**. The defence lawyer played a part in most of these cases from an early stage. When the miners appeared in court, many of them were represented by a lawyer, whether the duty solicitor, a union solicitor or some other solicitor. That lawyer would offer advice on the key questions of how to plead, whether bail would be granted and what the penalty would be following a plea of guilty or a finding of guilt after trial.

These days, that lawyer and the accused person would be informed by a summary of evidence attached to the complaint served on the accused. This allows for a more meaningful discussion than would have been possible in the days of the Strike when the only information would be the bare terms of the charge and whatever could be gleaned from the miner, in far from ideal circumstances with an often confused and vulnerable man in custody for the first time in busy, noisy and disorientating cells in the court.

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On the question of bail, the Strike pre-dates the impact on our courts of the Human Rights Act 1998 (given effect in Scotland from May 1999 through the Scotland Act 1998). This means that the attitude of the Crown was frequently given greater weight and less scrutiny than would be the case now.

From what we have heard, there were situations where the impact of the justice system on an individual developed as follows – if the first accused miner to appear from custody was refused bail on a plea of not guilty, and we heard of this happening, word would spread in the cells among other accused persons and in the court among the lawyers. This often resulted in reconsideration of a previously instructed plea of not guilty, as it was sometimes easier to obtain release by pleading guilty (which opened up the possibility of, for example, a fine to deal with the matter). Those already on bail, in particular if that was for a matter also related to the Strike, may well have been advised that they would be better off pleading guilty if their priority was to obtain their release. Following pleas of guilty, many men were indeed fined. We have heard complaints about the level of fines imposed which many are convinced were higher for some than fines for equivalent behaviour which was unrelated to the Strike but, for obvious reasons, a fine would almost always be considered preferable to a remand in custody.

Pleading not guilty would also involve at least the possibility of stringent bail conditions which would prevent further picketing.

Those who decided to plead not guilty faced trial, usually a few months after the initial court appearance but not uncommonly even later than that when cases were adjourned. Some of those who went to trial were also convicted with many convinced that they received unfair hearings, forming an impression that a guilty verdict was inevitable. We spoke to men who were acquitted following trial, with reasons varying from a lack of conjunction of testimony of police officers to impressions of a reluctance on the part of some officers to see men convicted, especially after the Strike had ended. The Fife Constabulary Debrief Report commented on acquittals as follows:

**“The main reason for the Not Guilty verdicts has been the evidence of some Sergeants who have not prepared their presentation in Court. This is a fundamental mistake, but not restricted to our Sherifffdom. Others have been found Not Guilty by virtue of mistakes made by the Fiscal Service in that they preferred inaccurate charges against a few accused. What happened was that where an accused was charged with attempting to rescue a prisoner the Fiscal preferred a charge of Police Obstruction and the cases fell because of this.”**

We encountered men who regretted pleading guilty to charges despite protesting their innocence, given the immediate and long-term impact of the conviction on their employment and employability, matters which were not anticipated, certainly in the early days of the Strike.

We move on now to address the issue of dismissals by the NCB. It is worth bearing in mind that dismissal was not an inevitable or expected consequence, even of conviction. It appears to have become so by operation of a specific policy by the NCB in Scotland. There may have come a point in the Strike when it was understood that dismissal may well follow but, given what happened in England and Wales, there may also have been an anticipation of the possibility of reinstatement. Arbitrary and unjustified dismissal in Scotland, frequently without reinstatement, is the single-most adverse lasting impact of the Strike on those from whom we received evidence.

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## NATIONAL COAL BOARD AND DISMISSAL

**“Police had full and certain knowledge that we would lose our job”**

**“Police said they didn’t know - but everyone knew”**

(quotes from miners at our public meetings).

**(iv) “We find it unsatisfactory and anomalous that the Scottish Coal Board director has stated that his policy includes dismissals even where there are court acquittals; and sackings even before summonses to court. He has also stated that he will not feel bound by decisions of Industrial Tribunals favouring reinstatement.”**

(Brown/Rees Report, page 66)

We did not locate any official documentation from the NCB to confirm such a policy but we heard evidence to that effect from miners and it was a policy identified as far back as this report in 1985.

When miners had been processed in the justice system, for many that was not the end of the matter. A policy of dismissal was instituted by the NCB for those convicted, seemingly regardless of the penalty imposed. The same happened to some men who were merely arrested, with charges subsequently dropped and even some who were acquitted. The numbers and percentages appear at the start of this Chapter.

Despite this stage being distinct from the justice system, we have included it here because of its particular significance and because what preceded it in the justice system was used as justification for what followed.

Questions were asked at our meetings about the lines of communication between the justice system, either the Procurator Fiscal or the courts, and the NCB, given the remarkable efficiency in a largely pre-digital age in tracking arrests and convictions and arranging dismissal. One miner told us of a hand-delivered letter of dismissal from the NCB waiting for him behind the door when he got back from court. The suggestion was made at meetings that the Procurator Fiscal updated the NCB with information about court appearances. The speed of some dismissals supports the suggestion and appears to us to be credible.

Even leaving aside data protection and GDPR (General Data Protection Regulation) issues these days, such a line of communication would be troubling. Many arrests were reported in newspapers and it may be that this was another source of information.

Men were often, but not always, dismissed when the court had decided that a financial penalty would suffice by way of punishment. There are serious questions about the proportionality of this action, with many of the convictions being for crimes where the underlying behaviour could not readily be described as “gross misconduct” or the equivalent, such as might have been used to justify dismissal. Many miners believe that the NCB used the excuse of arrest, among other things, to carry out a cull of “troublemakers”, with known union activists and officials featuring heavily in the arrests and dismissals.

It should be noted that the NCB was another arm of the State, albeit a statutory corporation established to run the nationalised coal industry in the UK, run, in theory at least, at arm’s length from

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Government. The Chair during the Strike was Sir Ian MacGregor. In his autobiography, he speaks of regular contact with the Government, including the Prime Minister, during the Strike. He mentions discussions with her about the policing of the Strike and his concern that the police were standing back too much and failing to offer sufficient protection to the miners who continued, or returned, to work.

With the NCB, a part of the State, the dismissal of convicted miners was another impact of State action. Indeed, for many, this was the impact which distinguishes the 1984/85 Strike from those strikes which had gone before. Many miners thought that, after the Strike, they would simply be allowed to return to work. If so, they were to be quickly disappointed. Some found other work, but we heard from men who never worked again. "Blacklisting" was part of what men described when they attempted to obtain other work after the Strike, although it seems that the mere fact of conviction operated as effectively as a blacklist for some. Those who held positions in trade unions or had been particularly active during the Strike seem to have been disproportionately affected in this way too.

One name mentioned repeatedly in our meetings was Albert Wheeler, NCB Scottish Area Director during the Strike. We were interested in seeing if we might be able to talk to him, especially to better understand the processes within the NCB which led to the usually strict policy of dismissal for convictions and arrests, as well as lines of communication with the justice system. Unfortunately, when we made inquiries, Mr Wheeler was unfit to be interviewed. He died earlier this year.

Notwithstanding evidence from several miners in line with the quotes at the start of this section about police officers knowing that dismissal might follow arrest, we should record at this point that police officers who provided evidence stated that they were unaware, at least during the early stages of the Strike, that arrested miners would often be dismissed. When this became common knowledge, it was suggested to us by some officers that miners were sometimes "arrested" but simply released after a short while without formal processing. Officers told us that they considered dismissal from employment an excessive response to most of the behaviour they had to deal with.

## **THE IMPACT OF CONVICTIONS**

As will be seen from our Terms of Reference, the conviction of specific individuals was beyond our remit. We have noted the patterns of convictions, however, because they represent a real and continuing impact of policing, a visible "scar", albeit also of some of the other processes described above which followed on from policing.

Several hundred men were convicted, whether by plea of guilty or verdict of guilt following trial, mostly on summary complaint for breach of the peace.

The impact of convictions went beyond the men affected, touching their families and communities, both in terms of the financial consequences of dismissal and unemployment, as well as confidence in the police, judiciary and the State. As outlined, dismissals followed in many cases, with pensions reduced or lost and re-employment thereafter difficult or impossible to secure for many. This compounded a sense of arbitrariness, even injustice in some cases.

For those who seek to challenge individual convictions, avenues already exist, whether by late appeal to the High Court or application to the Scottish Criminal Cases Review Commission ("SCCRC") to seek a referral back to the High Court – section 194C, Criminal Procedure (Scotland) Act, 1995: The grounds upon which the Commission may refer a case to the High Court are that they believe

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(a) that a miscarriage of justice may have occurred; and (b) that it is in the interests of justice that a reference should be made.

During the period of the review, we sought to signpost individuals appropriately, without raising expectations due to the uncertainty of these processes, as well as the high attrition rate for applications, with only a small number of cases being referred back to the High Court by the SCCRC and not all of them resulting in the quashing of convictions<sup>52</sup>. The small numbers are unsurprising for a number of reasons although it should be noted that the current system of independent assessment and investigation by the SCCRC is significantly better than what it replaced, namely review by Government. That system was seen as flawed for many reasons, not least the absence of proper independence and, in the SCCRC's 2019 Annual Report, it is highlighted that the referral rate by the SCCRC is 2,500% higher than that of its predecessor.

In fact, having checked the matter with the Chief Executive of the SCCRC in July 2019, over the period of the review there have been no applications to the SCCRC associated with the Strike. There may be a number of reasons for this, not least recognition of the practical and legal challenges, especially in relation to summary convictions from over 30 years ago.

The SCCRC performs a crucial role in our system, providing independent oversight of possible miscarriages of justice but its strengths – independence of investigation and assessment – are only effective in certain circumstances. It is significant for our purposes that the SCCRC is more effective when it comes to referring solemn cases back to the Appeal Court. That is because solemn cases necessarily produce more material which can be the subject of investigation, for example, transcripts of the Sheriff or Judge's Charge to the Jury or audio-recordings of the whole evidence in a trial. The SCCRC has also been most effective when considering cases which are relatively more recent than those from the Strike, where retention of records is more extensive than it was over 30 years ago or where retention periods have expired.

We have given this area further consideration and, as a result, it is now the subject of a specific recommendation. Taking into account the evidence we have heard and further exploration of the practicalities and legal technicalities of the process involved, we can no longer suggest that application to the SCCRC represents a practical and effective remedy for those with convictions arising out of incidents during the strike.

It was only towards the end of the review process that we reached this conclusion. It is informed in part by detailed consideration of the evidence we have heard as we prepared this report, including the absence of paperwork or documented evidence in the case of most individuals and the impact of the passage of time on the type of official records which would be a basic requirement for any investigation by the SCCRC. It will be noted that, unlike in solemn cases, there is no audio-recording of summary cases. Discussions with senior staff at the National Records Scotland, Crown Office and Procurator Fiscal Service and the Scottish Courts and Tribunal Service confirm that most relevant records (summary complaints, court minutes) will no longer exist owing to the passage of time and the fact that they involved summary procedure. The only other records which might exist would be the notes taken by the Sheriff. It is unlikely that many of these survive. In cases involving a plea of guilty, these notes would simply record the Crown narrative and any plea in mitigation. In trials which ended in conviction, it is unlikely that the Sheriff's notes would disclose anything which would be supportive of there having been a miscarriage of justice.

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Thinking about the possibilities for some sort of basis for an application to the SCCRC, the only conceivable case would be if there was some fresh evidence. 34 years on it seems to us to be most unlikely that any such evidence would appear. It appears to us that most, if not all, applications by miners to the SCCRC would fail at the early hurdle of having to set out a stateable ground of review. It may seem strange to some but “actual innocence” is not in itself such a ground. While, in order to demonstrate that there may have been a miscarriage of justice and that it is in the interests of justice to refer a case to the Appeal Court, actual innocence may be an important starting-point, a “stateable ground of review” would have to involve something more – significant disclosure withheld by the police or Crown, defective representation by the defence lawyer or additional evidence being the likeliest possibilities.

The removal of the SCCRC for all practical purposes in addressing convictions relating to the Strike has caused us to reflect further, recognising that this has been a fundamental aspect of the understanding we shared with the Scottish Government about the relevant landscape to an important part of the impact of the Strike. This change in our understanding is the main reason we sought a further extension of time to complete our work as we wanted to make sure that any misconceptions were fully addressed and that we gave careful consideration to any prospects for reconciliation.

Our evidence-gathering has included aspects of impact arising from and around convictions connected to the Strike.

The numbers involved are not insignificant, albeit many men affected have died in the 34 years since the Strike.

In evidence we heard from some who accepted that they were punished for what they did, that they behaved in a manner for which a criminal penalty was acknowledged as appropriate. This included acceptance of disorderly behaviour with even some hints of violence, albeit without explicit admissions of violence by those who gave evidence to us.

In addition, we heard from, and about, those who were punished but insisted that they had done nothing. Sometimes caught up in general disorder caused by others and, in some cases, complaints of being targeted for arrest without having done anything at all and not even being near the relevant scenes of crime or disorder.

In addition to penalties imposed by the Courts, however, there were more severe penalties imposed by the NCB. Even those who acknowledged that their behaviour was criminal complained of the disproportionality of impact upon them of often relatively low-level disturbance or violence, with dismissal by the NCB adjudged an excessive punishment for any behaviour admitted or accepted.

One retired senior officer who attended one of our public meetings said that he was struck by the disproportionality of consequences as against behaviour, in particular those consequences related to employment. This is part of the lingering damage on affected communities. At a meeting with retired officers from four of the main areas affected – Strathclyde, Fife, central and Lothian and Borders – all of the officers said that there were men they would not have arrested if they had known then what the consequences would have been for them. We were left with the distinct impression that in a high number of cases (but not in each and every case) – whether a miner was arrested, was in reality a matter of chance. We were also satisfied that arbitrariness in the application of the criminal justice system extended further, for the reasons discussed above.

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As stated above, the Kilmarnock case has entered into the institutional memory of mining communities, even in parts of the country other than Ayrshire. While aspects of that story have become exaggerated in the telling, the simple reality outlined in cold legal text is bad enough. It is easy to understand how one such example might become symbolic for arrested and convicted miners more generally. If the Sheriff's views, aired in private, were disclosed only because of the courage of one solicitor, in effect coming to public attention only by happenstance, or so the thinking goes, what other similar examples stayed beneath the surface, allowing unconscious or even conscious bias to warp outcomes for other miners?

In agreeing to this review, the Scottish Government has acknowledged a sense of moral responsibility for the lingering sense of unfairness which has become intertwined for some with institutions for which legal responsibility has been devolved. Looking in detail at the wider justice system as it impacted on, and was itself impacted by, arrested miners might require a separate review. The merits of such a review now would be limited, especially given the significant changes in personnel, legislation, policies and procedures in every part of the justice system. In any event, all it might tell us is that systems under undue and prolonged pressure cannot work at their best.

However, as it stands, we consider that we should offer some comment in this area, as well as a recommendation in our concluding chapter. The Strike placed demands on the police, Procurator Fiscal, defence lawyers and courts for which it appears they may have been ill-prepared. The number of prosecutions involved was significant and may well have skewed the system, in terms of delays if nothing else. The criminal justice system must be flexible enough to be able to cope with such unprecedented pressures in a manner which meets minimum expectations fairly. Of course, such pressures become less unforeseeable after they have persisted for a while. As the Strike continued, they became the norm, but we picked up no suggestion that the system had expanded to allow it to cope. Police cells were often filled beyond capacity (we heard of 15 to a cell on one occasion and the Fife Constabulary Debrief Report referred to the system becoming "overwhelmed with the volume of prisoners"), and miners were moved to other police stations to try to cope with the numbers. Arguably, such excessive overcrowding would now violate European Convention on Human Rights standards. Almost certainly, the Committee for the Prevention of Torture would be interested in such conditions.

It is inevitable, in a national event like the Strike, that discussions would take place in and between different branches of the State, for example, within the justice system, especially when it extended for a much longer period than might have been anticipated. It would not be unexpected to find that "policies" developed around matters such as bail and levels of fine. We understand that this happened. Apart from anything else, consistency and predictability in such matters are generally to be welcomed. For those affected by such policies, the benefits of consistency and predictability may be outweighed by implementation of the particular policy or level of penalty selected.

What we heard was of a system at times struggling to cope with the knock-on implications of the Strike. As with the policing of the Strike, it is difficult to isolate impacts for which the justice system alone is responsible. Nonetheless, as the police, justice system and NCB were all arms of the State, even if to varying degrees, it seems inappropriate for the State to avoid responsibility for any impact which can be attributed to the State by operation of various State actors but not attributed or attributable solely to any individual part of the State.

For many of those affected, the greatest disproportionality was inflicted by decision of the NCB as opposed to any part of the justice system but, as we have highlighted, the different State actors and processes were interlinked. The obvious remaining scars are the convictions. Consequently, we will return to the possibility of reconciliation by seeking to address at least some of the convictions.

## 4. Miners

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“During the 72-74 strike police respected pickets – there was a neutrality. Why was there a difference in 1984-85 strike?”

“They were being used against us”

(quotes from miners at one of our public meetings).

This Chapter reflects the views of miners gathered at our public meetings and in responses to the Call for Evidence, as well as some other sources which are specifically mentioned. Some matters mentioned by police officers in evidence have been raised with miners for comment. Some mentioned these matters unprompted in responses to the Call for Evidence.

Many men had lived through previous industrial action, including the Miners’ Strikes in the 1970s. Many police officers had been involved in those strikes too. That seems to have informed expectations of the Strike in 1984/85 but, if so, these expectations would not be met, certainly as the Strike developed. For the miners, even standing their long institutional memory of previous strikes and industrial action, this was a Strike like no other.

### EARLY STAGES

Many spoke of the early days of the Strike as involving a degree of mutual respect and understanding between miners and police, something made easier by having local men on the pickets and local police officers in attendance to ensure that there were no problems. Some of what was described at this point seems more recognisable as involving a degree of community-based policing, with an understanding of, and even responsiveness to, local concerns.

The men who stood across from each other at that point, some of them brothers, friends and neighbours, appeared to understand that they would have to face each other again after the Strike, however long it lasted, albeit in those days it must have seemed unlikely that it would last as long as it did.

### PICKET LINES

It is worth recalling that, in 1984-85, picketing was a lawful activity, subject to compliance with certain conditions, and the Strike by the NUM was ‘legal’<sup>53</sup>. Although we cannot trace a reported version of the case, it appears that there was a decision by a Judge in Scotland in 1984 (Fettes v NUM Scottish Area) which confirmed that the Strike was lawful under NUMSA (National Union of Mineworkers Scottish Area) rules. This was a decision in proceedings brought by strike breakers which, in effect, challenged the legality of the Strike<sup>54</sup>.

Although, over the course of the Strike there was much picketing which occurred peacefully and without incident, and many men took part without being arrested, for obvious reasons our focus has been far more on those occasions when there was difficulty or trouble of some sort.

In focussing matters in this way, given that we are looking at long-term impacts which were generally negative, it is worth remarking on the need for an outlook and approach by the police to lawful picketing or other public protests that is distinct from that required for general public disorder, albeit recognising that the former may include the latter. Some evidence suggested a failure to fully acknowledge or recognise this at times.

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A degree of low-level pushing or kicking seems to have been accepted as almost an occupational hazard on pickets. For example,<sup>55</sup>:

**“As for the policing of the dispute. I have no complaints about the policing of the picket line at Bilston. If you can’t put up with a little shin kicking and rib punching don’t put yourself on the front line. I had my shins kicked and I kicked shin.”** (quote from miner at one of our public meetings).

and:

**“He described it as the, “6 o’clock shove - every morning.”** (quote from miner at one of our public meetings).

Many of the accounts by miners expressed what happened using terms such as “civil war” – “Big mistake – we thought we were pursuing a dispute but we were engaged in a class war”;

**“All about class war - not industrial dispute” “Battle plans were drawn”**

(quotes from miners at one of our public meetings).

These quotes are informed by a variety of factors, including “big picture” aspects but also the violence involved. As reflected above, some of the violence was, in effect, at a background level, with little significance being given to it, then or now, by miners or police officers. In addition, however, there were accounts of violence which was more serious – kicking, headlocks and other physical violence, some of which involved injury. These allegations involving the use of unnecessary and unjustified physical force are too many to be simply dismissed. They also add to the continuing sense of unfairness reported to us. The use of such force can be explained in part – but not justified – by the extraordinary nature of the dispute and the difficult circumstances which individual police officers faced.

We received numerous examples involving allegations of violence, for instance<sup>56</sup>:

**“I was driving a mini bus with 11 other pickets and was arrested at 7am that morning by two police officers who came up behind me with one punching me on the head, knocking me to the ground. Both officers then jumped on me and put a tie wrap round my wrists. I was then taken to a van then onto police HQ, where I spent the rest of the day in a cell.”**

We heard similar accounts at our public meetings:

**“I was grabbed by two police officers and carried away... knocked hell out of as carried through the police cordon.”**

**“police horses galloping over old men who had been sunbathing”**

**“An old guy got smashed.”**

According to the Brown/Rees Report (page 9),

**“Official statistics on injuries to miners and other members of the public are not available as not all such injuries are necessarily reported to the police or elsewhere. The NUM, however, estimates that there were about 2,400 casualties to miners, although this estimate is not based on a complete record of all injuries. No police officers were killed during the dispute but two miners were killed whilst picketing and other deaths have been attributed to the dispute.”**

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No breakdown of these estimates is available, so care is required as they apply to the UK as a whole.

A frequent complaint about behaviour at pickets related to those at the back, often involved in pushing or other behaviour which impacted on others on “their side”. For example<sup>57</sup>:

**“I had noticed during the lorries passing a number of individuals who were standing well behind the picket and were taking no part in the picket line had been throwing objects which had been landing on the picket line and this had been in plain view of anyone observing the push. The Police had made no attempt to arrest any of these individuals which surprised me as they clearly did not hesitate to arrest persons in the Picket line.”**

We do not, however, doubt that police officers faced particular provocations.

Mention was made of the “hangers on” attracted to the Strike, whether local youths with time on their hands or idle curiosity, Trotskyist groups or similar. Some of the trouble was attributed to these groups. Some men felt that local union officials were hampered in their attempts to keep some control of picket-lines by such external interventions.

On the other hand, some policing tactics were reported as politically-motivated.

It was felt that union officials were targeted by “snatch squads”, with men sometimes arrested from the front of the pickets but sometimes officers arresting those at the back.

Reports described artificial boundaries being imposed to restrict the striking miners, with those crossing them, for example stepping onto the road or crossing a particular line, being arrested. Given the weight of numbers and the propensity for surges, this left those at the front exposed and vulnerable, firstly to being pushed onto the road in front of heavy lorries travelling at speed and, secondly, to arrest.

Due to what was observed of discussions and meetings, miners formed an impression of collusion between NCB management and the police, for example, many men spoke of the Yuill and Dodds<sup>58</sup> lorries, brought in to transport coal from Hunterston to Ravenscraig, thundering past pickets, often travelling at speeds which appeared to onlookers to exceed the legal limit and which were certainly excessive given the circumstances, with miners and police officers on or near the roads. Some lorries had a police escort for at least some of their journey. There was a sense of the police protecting the interests of management by doing this. On occasions, discussions between the police and NCB were designed to try to reduce opportunities for friction, for example, by arranging for some men to go to work at times that suited the police and avoided unnecessary additional commitment of resources<sup>59</sup>. On the other hand, the Fife Constabulary Debrief Report is highly critical of certain NCB action and decisions which “cost a great deal of money” when, for example, refusing to stifle untrue rumours of movement of workers which resulted in unnecessary picketing.

Suspected collusion between police and NCB was exemplified by a curious incident in Ayrshire in the autumn of 1984, when the first strike breaker was brought to Killoch Colliery on a bus from New Cumnock. Police officers on the bus stopped it outside the colliery, and invited on board six strikers who wanted to speak to the strike breaker, this being a common practice facilitated by the police at pickets across the country. The officers then commanded the bus to move off with the strikers, into the pit yard. The strike breaker did not turn back, but three of the strikers were subsequently dismissed by the NCB in connection with the incident<sup>60</sup>.

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The Yuill and Dodds deliveries were a key memory for many. Miners thought that the drivers were given carte blanche by the police to drive at speed and make sure that deliveries got through, with all other considerations (including compliance with Road Traffic legislation) secondary to that objective. For miners, the drivers were in the same category as the strike breakers and the companies involved had also chosen sides against the miners, all for the sake of money. The arrival of the lorries was therefore among those moments in a day when adrenaline would rush, as fear, anger and resentment built to a climax with speeding lorries delivering supplies past large numbers of picketing miners. Fear of death under the wheels of a lorry and anger at exposure to this, seems to be a particular feature of this Strike.

**“The main flash points would be when Yuill and Dodds lorries were moving coal/ore from the site to Ravenscraig. On many occasions the protests escalated with a small core of protesters throwing hardcore from the drainage ditches on either side of the entrance road towards the police and the haulage trucks. It was a dangerous environment...little wonder that there were arrests<sup>61</sup>.”**

### **INCREASING TENSION AND INTRUSION**

Those in mining and in policing commented on the changes in atmosphere when the ranks of “the other side” were swelled by, or replaced with, men from outwith the area. They spoke of some such men, miners and police, being careless as to any lasting impact, with provocative behaviour reported on the part of many, including violence on both sides and taunting by individual police officers.

One miner said<sup>62</sup>:

**“Matters changed drastically when the Fife police were removed from the area and Edinburgh Police arrived on the scene. I was instructed to step aside and not stop the car bringing the cover for the pit or I would be arrested. This was the start of what I can only describe as a monumental change in how we were to be policed.”**

### **FLASHPOINTS**

Although this Chapter deals primarily with the evidence received from miners, this section, dealing with key events at Stepps, Hunterston and Ravenscraig, includes quotes from both miners and police officers so that these important aspects of the Strike can be seen in fuller context.

### **STEPS STOP**

This incident should be seen in context. Reference is made to the official records mentioned in Chapter 2, particularly the CMGC Minute of the meeting of 8 May 1984.

On 10 May 1984, officers of Strathclyde Police stopped 290 miners (“eight coachloads”<sup>63</sup>) from West Fife, Clackmannanshire and Stirlingshire on the A80 at Stepps, many miles from Ravenscraig and Hunterston, albeit bound mainly for picket-lines at Hunterston. The miners disembarked, sat down and linked arms, blocking the road, before police intervened.

There were dozens of arrests, with miners held for several hours at different police stations in Glasgow. While there is an absence of any documentation to link the expression of the Prime Ministerial instruction on 8 May and the police action at Stepps on 10 May, the proximity in timing has struck most within mining communities as defying mere coincidence. It was mentioned at several of our public meetings, albeit also mentioned by us for comment if not raised by those present. For many of those in mining, especially when the 1984 CMGC Minute became public, this action represented further proof of political direction or interference.

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This incident was the subject of specific evidence received by the review, from miners and police officers.

### **Summary of miners’ accounts**

- Police stopped buses with “nearly 300 men” on A8 at Stepps
- Miners were on road to Ravenscraig (or Hunderston) – but denied this to police
- In protest at not being allowed to continue, miners got off the buses and sat on the road
- Police reinforcements physically lifted miners off the road and arrested them
- 292-300 were arrested and taken to police stations across Glasgow
- No note of anyone subsequently appearing in court

### **Summary of police officers accounts**

- Buses stopped “as a result of an otherwise unconnected road traffic incident”
- Some officers noted stopping buses was an intentional tactic
- Pickets sat on road and “had to be dealt with by the officers attending”

### **Key quotes – miners**

“After the bus was stopped and prevented from going any further by police, our bus emptied on the road and we were pulled and kicked before being put back on the bus<sup>64</sup>.”

“took our names, and charged a total of 292 of us under Sections 17 and 41 of the Police Act for failing to comply with a request to go home<sup>65</sup>.”

“charged with Breach of the Peace, finger printed and photographed<sup>66</sup>.”

“Incidents like the stopping of the buses on the A8 was a shameful act by senior Police officers in Scotland, intervening in an industrial dispute at the behest of the Conservative Government<sup>67</sup>.”

### **Key quotes – police**

“Pickets arrived by coach (sometimes with TV crews on board) and our perception was that some were seeking to raise the temperature by confrontation<sup>68</sup>”

“The tactic of Police stopping and preventing busloads of miners from reaching picket lines was controversial and created unnecessary volatility<sup>69</sup>.”

## **HUNTERSTON, RAVENS CRAIG, ENGLAND**

During the Strike there were particular flashpoints, in Scotland and elsewhere, which have informed the views of miners and police officers.

In Scotland, key flashpoints occurred at Ravenscraig and Hunterston, respectively a steel mill and ore terminal. These facilities were managed and owned by the state through the public corporation, the British Steel Corporation. Each represented an unusual pressure point for the striking miners to target, given the absence of impact of the strike on electricity generation. This pressure from the Strike strengthened the UK government’s clear determination to break the ‘siege’ at Ravenscraig, to maintain steel production and its flow to industrial customers.

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The sheer numbers present at Hunterston and Ravenscraig, police and miners, was considerable. For example, there was a combined force of 3,000 pickets at Hunterston and Ravenscraig on 7 May 1984. On 3 May 1984, nearly 300 men were arrested at Ravenscraig in another of the key events of the Strike. Descriptions of pickets and police action at these locations are among the most vivid of the Strike, with equally large numbers of police officers required, for example to be able to arrest 300 men. Some of the descriptions are reminiscent of a mediaeval battle, especially with the use of horses.

## **Hunterston**

### ***Summary of miners' accounts***

- Huge police presence including mounted officers
- Large numbers of pickets
- When lorries arrived there was shoving on both sides
- Miners report number of injuries and believe mounted officers a significant factor
- Miners report mounted police arrested them
  - including those knocked to ground
- In court, Sheriff (same as in the Kilmarnock appeal case) “not interested” in why arrested
  - “all found guilty”
- One miner noted that his verdict was overturned due to Sheriff Smith’s remarks at a private function

### ***Summary of police officers accounts***

- “Hundreds” to “thousands” of pickets on hills on either side of the road
- Police provided barrier to prevent pickets stopping vehicles
- Protests escalated when lorries arrived
  - “a dangerous environment”
- Pickets would run down the hill towards police/road when lorries arrived
- Police subject to physical and verbal abuse
- Police did not use protective equipment
- Police officers believe mounted officers saved lives
- Focus on maintaining law and order
  - only make arrests if necessary

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### **Key quotes – miners**

“Hunterston...turned out to be a miniature Orgreave... On Tuesday May 8th about 1,500 pickets there faced 1,000-plus police. The miners lined up and the police horses simply went right into them. I was surprised no-one was actually killed<sup>70</sup>.”

“At Hunterston, I had a smack to the side of my head by a police horse. This was caused by the mounted officer pulling his reins to the left and right making his horse weave its head in amongst the pickets<sup>71</sup>.”

“On arriving at the picket we were met with a mass of Pickets and Police (the Largest I had seen in Scotland) I was organising the Pickets on the embankment when one of the Officers leaned over and said Davie Move your men up the hill or there's going to be trouble, following the warning a number of things happened the horses started running up and down the inside line between pickets and the police line. Indeed, one the horses collapsed on a picket. I was arrested by the snatch squad who came through the lines, horses opened up and several officers grabbed me and pulled me through, which I have on video, proving I was wrongly arrested and in spite of this I was convicted of breach of the peace<sup>72</sup>.” [Strike leader in Lothians who was arrested on several occasions including at Hunterston where they sent “busloads” of Lothian miners to prevent transportation of coal.]

### **Key quotes – police**

“I was...shocked to see hundreds (perhaps thousands) of pickets on two hills, either side of the main road entrance into the terminal building<sup>73</sup>.”

“...the pickets had chanted and made noises that were like warriors preparing for battle, while police stood quietly awaiting the charge<sup>74</sup>.”

“Police were pelted with missiles... and an organised downhill charge was effected, at the cordon line in an effort to disrupt entry by well over 100 ore trucks<sup>75</sup>.”

“The picket charged the police lines and there was a very real danger of police and perhaps pickets being swept in front of the lorries. There were about 6 of our mounted branch in attendance. They obviously anticipated what was going to happen and charged the advancing pickets before they reached the police lines. In my view the day was saved<sup>76</sup>.”

“A number of the pickets were arrested who were kicking, punching, spitting, pushing and verbally abusing officers...there is absolutely no doubt in my mind that those mounted officers saved lives that day<sup>77</sup>.”

“The superintendent stated that our actions were being recorded by the press and he expected us to act in a professional and disciplined manner. Arrests were to be made only if necessary as this would weaken our line and cause more problems<sup>78</sup>.”

“holding the line was more important than apprehending<sup>79</sup>.”

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## **Ravenscraig**

### ***Summary of miners' accounts***

- Around 200 police present
- Miners/police would push each other when lorries arrived
- Lorries waved through at high speed by police
- Police arrested large numbers of pickets
- Miners concerned that they had “never seen” arresting officers who appeared in court
- Some found not guilty/case dismissed as police unable to give corroborating evidence
- “mini-Orgreave”

### ***Summary of police officers accounts***

- On occasion, up to 1000 pickets – made escorting lorries difficult and dangerous
- Pickets used objects to try and stop lorries and to throw at police
- Police subjected to physical assault by pickets
- No protective equipment was used by police
- Police state that they did not use excessive force – briefings focused on “common sense” policing using an “appropriate response”

### ***Key quotes – miners***

“Police would wave the lorries of Yuill and Dodds through at dangerous speeds<sup>80</sup>.”

“Perjuring themselves seemed to be normal procedure<sup>81</sup>”

### ***Key quotes – police***

“Having seen these lorries, it suddenly hit home as to the enormity of the situation and that there was a considerable potential for confrontation. I was young, had been given orders and instruction, but was nonetheless filled with an element of fear as to what I may have to face<sup>82</sup>.”

“Our supervisors told us to lock arms with each other to prevent the movement of these strikers but as they started to lash out with their fists and hands we had to break up to defend ourselves. I can remember a few arrests being made, but at no time did I witness excessive force or the use of batons<sup>83</sup>.”

“Senior officers did not envisage the numbers or anger of the striking miners, which made my job and others like it, including the front line officers trying to hold back the striking miners at the steel plant, extremely difficult and dangerous<sup>84</sup>.”

“We were further advised that we should remember those on the picket lines were ordinary members of the public and should be treated as such<sup>85</sup>.”

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## England and Wales

Even events in England and Wales affected the atmosphere at pickets in Scotland, for example, the widely condemned November 1984 killing of taxi driver David Wilkie. Mr Wilkie was fatally injured when two striking miners dropped a concrete block from a footbridge onto his taxi whilst he was driving a strike-breaking miner to work<sup>86</sup>.

Orgreave, in South Yorkshire, remains one of the key flashpoints in the Strike anywhere in Britain, with the date, 18 June 1984, indelibly marked into the collective memory of the mining community throughout the country. Although occurring in England, the “Battle of Orgreave” stands as a significant example which symbolises for the mining communities, aspects of the dynamics of the Strike as a whole<sup>87</sup>. It is also important to observe that countless Scottish miners were at Orgreave that day. Those who were, who gave evidence to us and commented on it, said that Orgreave was entirely different to any other experience they had during the Strike – “Police stopping us all over the country. But we were given free access/waved on to Orgreave. For one reason “to kick f\*\*k out of us.” (quote from miner at one of our public meetings).

Those who were there have this additional traumatic experience to add to what they witnessed on the part of the police in Scotland. Some of this is captured in the book, Polmaise: The Fight for a Pit by John McCormack (former Polmaise NUM delegate):

**“On June 19<sup>th</sup> [sic] 1984, the second “battle of Orgreave” took place, this time with contingents from Scotland, Wales and elsewhere in attendance. Straight away when they arrived, our men were rattled by the police attitude. They soon realised that the police were all organised to deal with the miners. At the height of the battle, police horses chased them through General Stores, through housing schemes and across people’s gardens, everywhere. Some miners came back to Fallin, men who had been working in the pit more than 40 years, and said they had never experienced anything like it in their lives. These were men who had been in many a strike, but Orgreave was the worst of the lot.”**

Historian Tristram Hunt (a former Labour MP) wrote of Orgreave<sup>88</sup>:

**“Some 20 years on, the chronologies and responsibilities of that blistering June day are still disputed. What is not in dispute is that the battle for the Orgreave coking plant was one of the great set-piece confrontations of the miners’ struggle. Almost medieval in its choreography, it was at various stages a siege, a battle, a chase, a rout and, finally, a brutal example of legalised state violence...To many, Orgreave remains a symbol of resistance to Thatcherism’s attempt to crush not only the miners’ strike, but with it a culture and a community diametrically opposed to 1980s Conservatism. (The coking plant itself was later shut down and demolished.) As one reader puts it, the strike was a “struggle for a livelihood, for jobs, and even for the identity of communities devastated by political decisions to close pits without thought for the lives affected. The poverty, deprivation and oppression were terrible. Yet the bravery of the men, women and children in those communities is almost forgotten, the struggle has all but been erased from memory.”**

Media reports at the time depicted it as “an act of self-defence by police who had come under attack”, and there still exists a body of opinion, albeit significantly reduced, that the police at Orgreave “were upholding the law in the face of intimidation from thousands of strikers”. Notoriously, the BBC played an important role in this depiction of events, with the following written apology issued only in 1991, years after it broadcast footage which appeared to show the police responding to violent provocation as opposed to the miners responding to an unprovoked mounted charge by police officers on horses:

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**“The BBC acknowledged some years ago that it made a mistake over the sequence of events at Orgreave. We accepted without question that it was serious, but emphasised that it was a mistake made in the haste of putting the news together. The end result was that the editor inadvertently reversed the occurrence of the actions of the police and the pickets.”**

This significant incident falls outwith our Terms of Reference but, along with other events, it plays its part in the continuing memories and impacts of the Strike, especially as regards the attitude of miners towards the police, the media and the Government.

### **Summary – Stepps, Hunterston and Ravenscraig**

- 28 consultation responses mentioned Hunterston, Ravenscraig or Stepps
- 16 were from miners – 10 gave details of Hunterston/9 Ravenscraig/5 Stepps
- 7 from police officers – 4 gave details of Hunterston/3 Ravenscraig/2 Stepps
- 5 from others – academics; local community; MSP. In these Hunterston mentioned 4 times, Ravenscraig 2 and Stepps 1.

In general, police officers gave a more detailed account of their experiences. The relative imbalance in detail makes it difficult to accurately assess the situation overall. However, there are consistencies in the reporting of events at Stepps, Hunterston and Ravenscraig:

- Miners and police responses reflect that Hunterston and Ravenscraig were major flashpoints during the strike
- Vast numbers (hundreds – thousands) of miners and police at each location
- Miners tried to prevent lorries arriving – police role was to protect them
- Tensions escalated whenever lorries arrived
- Injuries and element of fear on both sides
- Mounted police were deployed at Hunterston
- There is little mention of the Stepps incident in police accounts though they do confirm the overall situation as reported by miners.

Where there are discrepancies is in how the situations were policed; who was responsible for the escalation of the situations; the levels of intimidation/aggression on both sides; the outcome of arrests. Miners refer to events following arrest but this is rarely noted by police.

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## STRIKE BREAKERS

**“In the early stages of the strike there was a feeling the “community stood together.”**

(quote from miner at one of our public meetings)

As one miner put it<sup>89</sup>, explaining how encounters at pickets developed and worsened over the course of the Strike due to miners returning to work:

**“December 1984 the Coal Board had an initiative whereby men would be given a cash sum (£250, I think). This precipitated a surge in strikebreaking and deepened the divisions in the communities making the strike an even more bitter experience than it had been.**

**As the miners' strike continued beyond the summer and there were more people crossing picket lines, the relationship between ourselves and the police was completely hostile and there was no trust left.”**

Reference here to a ‘surge’ in strikebreaking is perhaps misleading. There was no significant back to work movement before February 1985 other than at Bilston Glen in Midlothian (from August 1984) and at the Ayrshire pair, Barony and Killoch (from November 1984). At the other pits, even the perhaps exaggerated NCB data shows just 10% of employees at work at the start of December 1984, 12.7% in January 1985 and 20% in February 1985<sup>90</sup>.

The strongest feelings of all seem to be reserved for those miners who returned to work. They were, and remain, despised. While we heard from men who will not trust the police as a result of the Strike, the strike breakers occupy a special place in the minds of miners because of what is seen as betrayal, men succumbing to the huge pressures felt by all striking miners. The word “scab”, used at all of our public meetings, retains a power for the mining communities, all the more difficult in some areas where the numbers who returned to work were greater –

**“there are scabs now.. I still won't speak to them”**

(quote from miner at one of our public meetings).

In a separate but related category, we heard from miners who were involved in safety cover in pits. In general, because of the essential nature of their role, they were allowed to cross picket lines, although some of them reported being abused and threatened, with police officers saying that their safety could not be guaranteed.

## **OTHER POLICE CONDUCT**

### **TAUNTING**

Police officers waving bunches of 10 or 20 pound notes, or in other ways emphasising the benefits to officers by way of overtime was a painful memory recalled by many miners, especially given the increasing hardships they endured as the Strike continued.

On the other hand, it was acknowledged that police officers and their families sought in some ways to mitigate the effects of the Strike, for example, through often unsung financial contributions, or helping in soup kitchens.

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Some miners complained that, while they were kept overnight or even longer in overcrowded police cells, police officers would stand near the cell doors eating fish suppers while leaving their prisoners without food. Again, the evidence was not entirely one way. A young man at the Alloa meeting recalled a young police woman who stepped in and gave him a dry blanket the night he was in the cells at Stirling. This miner was keen to point out that not all officers were unkind towards them.

## **HARASSMENT**

Evidence included reports of police activity in communities, away from the pits and picket lines –

**“Every night in winter months, police shone lights in living room. At 2-3am would get a phone call. No one there. Then the lights came back on. That’s the kind of harassment we had.”**

(quote from miner at one of our public meetings).

Some of this seemed targeted at union officials and on occasion involved arrests for seemingly minor incidents. It includes reports of attempts at intimidation by having police vehicles park in the street where union officials or other activists lived. For example (from the submission by Dr Jim Phillips, received in response to the Call for Evidence),<sup>91</sup>:

**“Police officers followed and attempted to intimidate striking miners in their streets and community, at distance physically from collieries and other sites of picketing. Such policing was reflective of the government’s broader political and social re-engineering. Some academics have labelled this as ‘class war from above’, with the state pursuing a deliberate strategy of isolating organised workers to minimise or even eliminate altogether their influence on public policy.”**

At the public meeting in Fallin, we were told that there was never any need of a picket-line at the local colliery (Polmaise) because support for the strike was 100%. Despite that, there was a larger than ever police presence in residential streets in the village and people felt that they were being “spied upon” and some striking miners complained about being “tailed” by police vehicles.

We also heard of miners arrested at home in front of their families, causing much upset to young children.

## **PERSISTENT MEMORIES – CONTESTED AND UNCONTESTED**

In oral evidence at our 8 meetings, and in some of the written responses to the Call for Evidence, we heard from individuals who were wholly convinced that certain extraordinary measures were employed by the police in the policing of the Strike. The persistence of such accounts was a matter of note, with mention being made by unconnected individuals at different meetings. In this Chapter, we simply report on these accounts but, as will be seen in the next Chapter, these are very much in the category of “contested memories”.

## **POLITICAL INTERFERENCE**

**“Police were used as a political tool against the miners”;**

**“Police force can’t be used a puppet for the government”;**

**“The strike was political – everyone knows that. It’s what the Government did/used as end to their means”;**

**“volume of policing orchestrated by central government in England.”**

(quotes from miners at one of our public meetings).

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The main conclusion drawn by all who spoke at our meetings and in most of the written responses is that the police were used as a political tool or weapon by a Government which was determined, among other things, to remove the power of the unions. This is the strongest and most persistent belief around the Strike as a whole. Much of it is personalised to those who espoused strong anti-trade union views or acted against the unions. The names of Margaret Thatcher and Albert Wheeler came up most frequently during the course of the review, for example, “Margaret Thatcher hated the Scottish people” (quote from miner at one of our public meetings). A great deal of literature has grown up around this view, with even some official records making it seem a reasonable, indeed even inevitable, conclusion that political influence was brought to bear, or at least attempted, on policing decisions. The situation with policing of the Strike in England, which obviously falls outwith our Terms of Reference, also informs views on political interference. At least some of what we have seen hints at greater involvement and co-ordination between Government and police there, with a blurring of some lines of responsibility and accountability. An example, from the early days of the Strike involved interviewing officers in one force in England asking miners “Are you a member of any political organisation?”, a question subsequently acknowledged by the relevant Chief Constable as “unfortunate”<sup>92</sup>.

The evidence is thought to start with the hardening in the 1970s of the Conservative Party’s approach, for example, in the Appendix to the Ridley Plan for the nationalised industries<sup>93</sup> (a plan for when they were in government but prepared when they were in opposition, including a Confidential Annex entitled “Countering the political threat” which included strategies for defeating a strike in a major nationalised industry, identified at the time as likely to be coal), leaked to the Economist in 1978. The author of the report, Nicholas Ridley MP. later became a Cabinet Minister, the Secretary of State for Transport, and, during the 1984-85 Miners’ Strike, attended meetings of the Cabinet Ministerial Group on Coal.

The fifth paragraph in the Appendix is of particular interest for our purposes, anticipating a central role for the police in future industrial action and suggesting the need for greater co-ordination of police responses:

**“Third, we must be prepared for these stratagems to fail, however; and we must take every precaution possible to strengthen our defences against all out attack in a highly vulnerable industry. If the attack comes in Electricity (or gas) there are really very few defences – we should be especially careful to avoid provoking the workforce in these industries. Luckily there is no great need to create redundancies in these industries.”**

**“The most likely area is coal. Here we should seek to operate with the maximum quantity of stocks possible, particularly at the power stations. We should perhaps make such contingent plans as we can to import coal at short notice. We might be able to arrange for certain haulage companies to recruit in advance a core of non-union lorry drivers to help us move coal where necessary. We should also install, dual coal/oil firing in all power stations, where practicable as quickly as possible.”**

**“The chosen battle ground could be the Docks. Here again the best policy is keep stocks as high as possible, and to try and keep some ports open (e.g. Felixstowe and Shoreham?) for essential supplies and exports. A dock strike is not as crippling as an electricity stoppage.”**

**“Road Transport is another industry which is vulnerable, but the diversity of firms and ownership and the weak nature of the Unions, makes it less likely that action could succeed here.”**

**“Fourth, by far the greatest deterrent to any strike, whether in the public or the private sector, is clearly to cut off the supply of money to the strikers, and make the Union finance them. This is a policy question going beyond the nationalised Industries, although as employer in these Industries**

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the Government could be said to have some right to treat strikers differently in relation to supplementary benefit and tax refunds. This seems too partial, however, and is not recommended. It is clearly vital in order to defeat the attack which assuredly will come in one public industry or another that our policy on state funds for strikers be put into effect quickly and that it be sufficiently tough to act as a major deterrent.”

“Fifth, we must prepare to deal with the problem of violent picketing. This again is a matter going beyond policy for nationalised industries. But it is also vital to our policy that on a future occasion we defeat violence in breach of the law on picketing. The only way to do this is to have a large, mobile squad of police who are equipped and prepared to uphold the law against the likes of the Saltley Coke-works mob.”

“It also seems a wise precaution to try and get some haulage companies to recruit some good non-union drivers who will be prepared to cross picket lines, with police protection. They could always be used in the crunch situations which usually determines the result of any such contest.”

“Conclusion. These five policies seem all that is available and if integrated and used wisely they provide a pretty strong defence – particularly when there is no Incomes Policy against which to strike. They should enable us to hold the fort until the long term strategy of fragmentation can begin to work.”

Perhaps the strongest example in the Scottish context which is suggestive of political influence, if not interference, is the Minute of the CMGC meeting of 8 May 1984 which was followed by the mass stop at Stepps only 2 days later, in what seemed to be a shift in approach by the police in Scotland, one which brought them more in line with how the movement of picketing miners was being handled by police south of the Border.

A newspaper story in the Scotsman on 11 May 1984 states that Assistant Chief Constable Roderick Nicolson took the decision to stop the buses at Stepps as preventative action to avoid further violence. The then Lord Advocate, Lord MacKay of Clashfern is quoted in another newspaper story<sup>94</sup> as justifying the lawfulness of such police action, claiming that it had a similar legal basis as the action taken south of the border as explained by the Attorney General.

The Stepps stop is mentioned in Jim Phillip’s book, ‘Collieries, communities and the miners’ strike in Scotland, 1984 – 85’ (page 95/96):

“With the strikers close to an important victory [cutting off supplies to Ravenscraig], Bob Haslam, BSC [British Steel Corporation] chairman, made a crucial intervention. On 8 May he advised Department of Energy officials that Ravenscraig was not attracting sufficient police protection, likening its impending closure to the mass blockade of the Saltley coke depot during the 1972 miners’ strike [it was specifically referenced in the Ridley report] ... This was a telling reference to a central episode in the Thatcherite narrative of unacceptable union ‘violence’ and power. .... until this point there had been no reported systematic halting of pickets at a distance from either of the BSC sites<sup>95</sup>. Haslam was perhaps aware of this, his careful approach geared to altering the position without attracting any potential charge of directly intervening in police operational matters. Department of Energy officials communicated his thinking to the Scottish Office<sup>96</sup>. It cannot be verified that it was also conveyed to Strathclyde Police, but it was surely no coincidence that Haslam’s intervention was followed within 48 hours by a change of policy... This removed ‘large numbers of trouble-making pickets’ from Ravenscraig and Hunterston, in the words of the Scottish Office daily situation report, and immediately improved supply to the plant<sup>97</sup>. Roderick Nicholson,

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**Strathclyde's Assistant Chief Constable, claimed that he alone was responsible for initiating this action, to prevent 'large numbers bent on disorder' for mustering at the BSC sites<sup>98</sup>. Haslam, maintaining a discreet distance, nevertheless wrote within a fortnight to Sir Patrick Hamill, Chief Constable of Strathclyde, offering thanks for the forces' successful efforts in dispersing pickets and relieving the pressure on Ravenscraig<sup>99</sup>."**

Dr Phillips' book was published before the CMGC Minute was available. The fuller picture is no less concerning. Despite the absence of evidence of direct communications ahead of the Stepps stop, the timing suggests that there was at least some co-ordination on these matters at the relevant time between BSC, the UK Government and Strathclyde Police.

In terms of the official records, it is possible to see a build-up to this change.

Developments towards this point are described from the perspective of miners in an NUM Report<sup>100</sup> which was published in May 2014. It is worth quoting from this report in a little more detail to see how belief of political interference in policing became a hardened conclusion:

**"Possibly the most alarming aspect of the way in which the strike was policed was the way in which the police were being presented as acting on their own discretion, whilst pressures were being put on them to arrest more pickets. It was said by ministers on a number of occasions that discretion as to whether individuals should be arrested as a result of their participation in mass picketing was a matter for the police and the police alone and that their constitutional independence should be upheld and respected. Despite this, there were private concerns from the highest ranks of both the NCB and the government that the police were not fully carrying out their duties and as a result, special efforts were made to step up action against the miners. Macgregor raised concerns at a secret meeting held at Downing Street with the Prime Minister and Walker on 14th march 1984<sup>24</sup>, in which he reported that he had won a High Court injunction against the NUM preventing it from using flying pickets:-**

**"While he had taken action under the civil law he was concerned that the criminal law was not being upheld. It appeared that no arrest had been made and that militants were not only preventing miners who wanted to work from doing so, but were preventing ballots from taking place...**

**The Secretary of State for Energy said that Police were interpreting their role as ensuring that anyone who expressed a wish to go to work would be able to do so. In practice, however, this was insufficient to ensure that pits were kept working as many miners were, understandably, reluctant to expose themselves to the hostility of picket lines...**

**He was concerned that failure to uphold the law would rebound on the Government and call into question its commitment to the rule of law and its employment legislation...**

**The Prime Minister said she was deeply disturbed by these reports. The events at Saltley cokeworks were being repeated. It was vital that criminal law on picketing be upheld. Helping those who volunteered to go to work was not sufficient; intimidation had to be ended and people had to be free to go about their business without fear. It was essential to stiffen the resolve of Chief Constables to ensure that they fulfilled their duty to uphold the law. The Police were now well paid and well equipped and individual forces had good arrangements for mutual support."**

**"The meeting then ended and was immediately followed by a discussion held by a wider group of ministers. Present was the Prime Minister, Home Secretary, Secretaries of State for Energy, Environment, Social Services, Employment, the Attorney General, the Financial Secretary to the Treasury and Peter Gregson<sup>25</sup>."**

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**“At this meeting, the Prime Minister again said that she was deeply disturbed by the reports she had been presented with by MacGregor and Walker minutes earlier. She said that “It appeared that the Police were not carrying out their duties fully as large pickets were being permitted and few arrests were being made “At the time, secondary picketing, and of course large pickets, were not an offence under criminal law – but nonetheless, ministers were concerned with the apparent leniency with which Chief Constables were treating striking miners.”**

**“The Home Secretary said that his department had alerted Police Chiefs earlier in the week on the extent of their powers but he was not satisfied with the response.” He had also outlined these powers, which included intercepting vehicles, stopping pickets from assembling and disperse excessive numbers of pickets. The minutes add that “He had gone to the limit of what the Home Secretary could do while respecting the constitutional independence of Police Forces”.**

**“This however, was not good enough, and there was further considerable pressure put on the Home Secretary to pass pressure down the chain of command.”**

**“Summing up, the Prime Minister said, “It was essential that criminal law on picketing be upheld and that intimidation should not be allowed to succeed. The meeting endorsed the action of the Home Secretary to ensure that Chief Constables carried out their duties fully. The matter should be discussed again at Cabinet when it would be clearer whether the police were adopting the more vigorous interpretations of their duties which was being sought. Ministers could then consider that further action might be needed.”**

**“It was said at the first official ministerial group on coal after the outbreak of strike action, held at Downing Street on 16th March (only two days after initial concerns over the Chief Constables’ efforts were raised) by the Prime Minister that the objective should be continuation “of the efforts already been made by the Chief Constables to cope with heavy picketing”. There is no mention in the discussion with the wider group of ministers that the Home Secretary was “not satisfied with their response” as it was previously recorded from a smaller meeting of ministers.”**

**“The difficulty arises again in finding out the nature of communications between the Home Secretary and senior police officers, given that the Freedom of Information request submitted to the Home Office Department was not met. Whatever those papers may or may not have revealed, the result was an increase in tensions between the mining communities and police, and a breakdown of relations that is, to some extent, present in some former mining communities today. Some senior police officers were quick to respond to claims that they were being used as a political weapon of the government, claiming that this was false. One senior police officer however, described his force as the “jam in the sandwich” in the dispute. Concerns were raised over the official policy of the police in Scotland, who appeared not to be enforcing the policy of turning away pickets. At the MISC 101 meeting on Tuesday 8th May, summing up discussions, the Prime Minister said the Secretary of State for Scotland should, “establish in particular whether the Scottish Chief Constables were willing as a matter of policy to take action similar to that taken in England to prevent pickets going to the scene of possible disturbances”. This strongly supports the assertion that ministers were interfering in the policing operation of the strike.”**

The same report addresses perceived attempts to influence the courts and judiciary.

Other examples of extraordinary actions alleged to have been taken by the State include the use of the military, phone-taps and surveillance of union officials.

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## **ARMY**

Stories of soldiers in police uniforms were told by miners at all of our public meetings, albeit questions about this tended to expose the extent to which it was a matter of hearsay. Men described individuals in ill-fitting police uniforms, sometimes too small and sometimes too big; individuals who were not tall enough to be police officers; marching and formations suggestive of military drills; an absence of officers' numbers visible on their uniforms. We heard second-hand of men seeing family members in police uniform who they knew to be soldiers.

## **TELEPHONE-TAPPING**

Phone-tapping of trade union officials and others connected to the Strike was suspected at the time, resulting in efforts to test the suspicion by way of discussions of false plans to see if police activity would be directed to the site of discussed but fictitious gatherings. Successful misdirection of the police is part of the accounts we heard which is seen to support this belief.

## **SURVEILLANCE**

In meetings, mention was made of Special Branch and even MI5 being involved in surveillance on union officials, Stella Rimington, who later became Director General of MI5, even said by some to have been seen monitoring pickets.

## **LOSS OF LEGITIMACY FOR THE STATE**

A combination of factors described in this Chapter led to a breakdown in trust in the State in general and the police in particular. This lack of trust led in turn to a sense that the State had lost its legitimacy, apparently prepared to use extraordinary measures to ensure victory in a battle with the miners it had been anticipating even before taking power in 1979.

The legitimacy lost in the Strike has, for many, never been restored. Indeed, the publication of some additional official records in 2015 under the 30 year rule is viewed as confirming suspicions of political interference.

## **LOSS OF DIGNITY AND RESPECTABILITY FOR THE INDIVIDUAL**

In addition to the wider loss of trust and sense of legitimacy of the State, there have been powerful personal impacts of the Strike. Some men reported being crushed by the combined loss of work, employability, income, family, self-respect and dignity. Some men suffered nervous breakdowns and some even committed suicide, such illness and death attributed by men and their family members to the events of 1984/85 and the lasting consequences of the Strike.

## 5. Police

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The Fife Constabulary Debrief Report has allowed us access to evidence and views from 1985, offering a policing perspective which is invaluable when considered along with the other evidence and submissions we have received from those within policing at the time. The Debrief Report offers us a useful summary of that perspective:

**“The object of this exercise is to take a dispassionate look at the problems which manifested themselves and the lessons which were learned by the Police during a dispute which will go down in the annals of history as probably the most derisive, bitter and costly disputes of all time. Through no fault of their own the Police Service, both nationally and locally, were cast in the role of mediator, adjudicator, referee or call it what you like, in a situation where the two sides were absolutely diametrically opposed with the word compromise being completely erased from their vocabulary. Against, this background Chief Constables were expected to maintain at least a modicum of normality in a situation which was totally abnormal. As an added problem, introduced into the arena, there were the distinct influences of political undertones. This problem was made infinitely worse in many areas with central Government being administered by a Conservative controlled organisation, which had its own level of expectation, while local Government was the domain of a Labour controlled organisation which held totally different views and principles. Under normal circumstances this would have been a totally acceptable state of affairs and a healthy way of maintaining the fundamental democratic principles which have prevailed over the years throughout the United Kingdom. However, these were not normal times with the result that every move involving any facet of the dispute was put under microscopic scrutiny and used as political propaganda or media material. In addition it is true to say that probably never before has the Police Service as a whole been subjected to such a searching examination and been held to such a degree of accountability for its actions. While in many instances the examination and accountability, which is part of the modern thinking, is welcomed in Police circles it must be approached on all sides by an open and unbiased mind which is generally what the vast majority of the public do. However, during this dispute there were signs that groups were endeavouring to manipulate the Police Services into a position where their actions might be interpreted as being supportive to a particular cause or viewpoint. All of the points raised made the role of the Police in this dispute more difficult and demanding. Furthermore officers were being required to go into situations, and to provide instant remedies, to problems where they could not draw on their experience due to the fact that the type of problem on the scale encountered had simply never before arisen unemployment especially amongst the youth of the community. Another element which cannot be ignored is that the Region of Fife, once the very hub of the Mining Industry in Scotland, has seen this industry decimated and that further erosion would have a very serious effect especially in areas like High Valleyfield, Oakley and Ballingry. All of these ingredients provide the climate where, given the right grievance and leadership, public order can be in danger. It is therefore legitimate to observe at this juncture that the Police Services responsible for these high risk areas must approach the problem much more carefully and with a much higher degree of sensitivity than that which might be necessary in a less volatile atmosphere. It would also not be unfair to say at this point that if one accepts that this dispute degenerated into a type of war that it has to be accepted that the first casualty in any war is the truth. Furthermore, any distortion of the truth gives rise to rumour and that rumour is a fertile breeding ground for trouble and disorder. It is also contended that the distortion of the truth element in this dispute, more than any other single factor, was responsible for causing the greatest number of problems for the Police Services. It is also contended that all elements in the dispute contributed to this and were to varying degrees guilty as charged.”**

(Although on line 4 of the extract, the word “derisive” appears, it should presumably read “divisive”)

**“we were defending the public peace and upholding the law.”**

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; and

**“I never enjoyed the police force being referred to as Maggie’s boot boys – a derogatory term implying an unhealthy close relationship between government and police which was certainly not felt universally within the police service. It is unfortunate that, although police services in the UK have learned many lessons since the ‘84/’85 strike about how to conduct relationships with governments, the same might not be said to be true in reverse<sup>101</sup>.”**

This Chapter reflects the views of police officers gathered at meetings and in responses to the Call for Evidence. Some matters mentioned by miners in evidence have been raised with retired officers for comment. Some mentioned these matters unprompted in responses to the Call for Evidence.

As with the miners, the police service and individual officers found themselves in a difficult position. Regardless of suspicions, or even certainty on the part of some, of political interference, it is inconceivable that the police could simply have stood back entirely during the Strike. The police had a duty to keep the peace and safeguard all members of the public, including miners, whether striking or working, as well as property –

**“We’d have protected the striking miners right to protest peacefully with as much energy as we spent defending miners arriving from work or providing self-defence from the many missiles that rained down on us<sup>102</sup>.”**

This was the view of police officers notwithstanding the conflicting interests of the different groups, whether picketing miners, miners who returned to work, the NCB or the general population.

While some police action may well have been consistent with the wishes of the Government, at least some of that was action which would have been taken anyway in light of major disturbances and violence.

Some, at least, in government were aware of the need to avoid political interference. See, for example, the Attorney General’s Report of 6 June 1984 at page 2:

**“We start with the general comment that, although the Home Departments have overall responsibility for the criminal law, many aspects of the daily operation of the criminal justice system are managed at local level and are not easily susceptible to central influence, even if that were desirable. We should not lay ourselves open in any way to a charge of interfering with the administration of justice”**

and page 10:

**“As regards prosecutions policy and the handling of cases by the courts, overt intervention by central Government would be inappropriate. Our proper role is to ensure that the responsible authorities have all the support they need to deal effectively with the situation in their area.”**

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## EARLY STAGES

Similarly to the miners, some in policing thought that the early stages of the Strike involved better relations between miners and police, largely because of recognition of the same local connections mentioned by miners in Chapter 5. Despite this, in the Fife Constabulary Debrief Report, it states:

**“At the outset of this dispute it was clear to all Police Officers in Fife that the dispute could be very different from previous disputes for a variety of reasons. Most of the reasons came to pass as the dispute progressed and it is my firm opinion that no one expected the NUM to fight so hard, so dirty, or for so long. There is absolutely no question that the majority of the NUM members and other related unions have a very close affinity with their Union and very few in Fife area ever wanted to go against their Union advice to stay on Strike.”**

Also, like the miners, some police officers attributed some of the problems to those who came to picket lines from outwith the area concerned. For the relevant constabularies, it was sometimes felt necessary to seek help from other constabularies, something known as “mutual aid”<sup>103</sup>. Although many miners had a strong impression that mutual aid was used extensively, those from policing advised us that its use was minimal and often initially requested and then cancelled before reaching the picket lines. More commonly, what did happen was that officers from other areas within the local force were deployed.

It was recognised that the presence of more “strangers” ran the risk of increasing tensions, in part due to the loss of some local recognition and respect, but this was done when it was considered operationally necessary, based on intelligence or developing situations.

We were assured by a senior police officer that at no time during the strike were police officers from outside Scotland deployed within Scotland.

Uncertainty about the length of the Strike had obvious impacts on policing, with increased pressure on resources, for example through overtime payments. It appears that some officers came to expect such payments:

The Fife Constabulary Debrief Report states:

**“After 8 hours were completed. (This is an aspect which required close supervision as there is no question that some officers of all ranks developed a greed for overtime and the resultant refreshment allowance.”**

## PICKET LINES – POLICE TACTICS INCLUDING ARREST, VIOLENCE, INCREASING TENSIONS

Police officers spoke of a wide range of experiences at picket lines, ranging from good-natured dialogue to low-level pushing and shoving, and to terrifying moments of violence, threatened and actual. The firm policy decision by Scottish police forces<sup>104</sup> not to use public order uniform and equipment (more generally referred to as “riot gear”) as a common part of daily duties left officers feeling vulnerable, albeit there was an understanding that this decision had been made to avoid an increase in tensions through the sight of heavily-equipped police officers, perhaps more familiar through footage from Northern Ireland. It appears that this decision was made by the Chief Constables separately, albeit there may have been discussion between them, for example at ACPOS (Association of Chief Police Officers in Scotland)<sup>105</sup> level. ACPOS had a monthly meeting called ACPOS Council which was all the Chief Constables and also a representative of the Deputy Chief Constables and

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also a rep for Assistant Chief Constables. It appears that this would be the regular meeting where any issues relative to the Strike would be discussed by the Chief Constables.

Some of the experience of officers can be gleaned from the following quotes:

**“police tactics were very simple in that any aggressive miner committing a criminal offence to or at officers at the front of the police line were thrown to the ground and pulled through the 6 deep rank to be arrested by officers at the rear. They would then be placed in custody vans and removed from the scene. I personally was assaulted and spat on, only during the presence of the Durham strikers at Bilston, and prior to their arrival thought that the humour and engagement between local miners and the police was of a good nature<sup>106</sup>.”**

**“Things could get heated at times but I was never subjected to assault or unreasonable force and I made no arrests<sup>107</sup>.”**

**“Yes, there was violence, the throwing of missiles, kicking and punching, and certainly a lot of pushing but nothing totally outrageous.”**

**“We were equipped with a van full of riot gear, short and long shields, helmets, shin guards etc. but at no time during the 6 months I was involved did a situation arise where the use of such a kit was required. Neither did we employ mounted police or dog handlers. I also cannot recall any ambulances being summoned for injured police or pickets.”**

**“While some nights were relatively quiet they attended on a particularly nasty one and had to beat a hasty retreat as the bottles and stones were flying and a number of arrests made.”**

**“The pickets were always bolder under the cover of darkness and in many cases were fortified with a few pints at the local miners' club.”**

**“...there was a minor though useful change. Arrested miners inevitably pled not guilty to breach of the peace and/or assault and were released on bail. A new bail condition was added that forbade that individual from attending a picket line until his case was heard. That kept several of the hotheads away<sup>108</sup>.”**

**“I was knocked off my motorcycle and had to be rescued by uniformed police officers to prevent me being assaulted by the striking miners who at that time were extremely violent towards police<sup>109</sup>.”**

**“Relatives, acquaintances and neighbours faced each other on opposite sides of picket lines and, with some exceptions, the daily routine consisted of half-hearted pushing, shoving and good-natured banter.**

**The whole tone of the strike changed when some miners returned to work to one of vitriolic hatred directed at those perceived to be breaking the strike.**

**The violence that was meted out to working miners, their families and property was nothing short of deplorable and left a shameful stain on the mining community.**

**my involvement in protecting them remains one of the most tension-ridden experiences of my entire Police service.**

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**This culture of intimidation also extended to Police Officers' wives and families (although not mine) being threatened and abused in mining communities, together with repeated damage being caused to their homes and property. Many striking miners were unable to comprehend that both these groups, working miners and Police families, were as much part of the community as they were.**

As the Police were perceived to be assisting and facilitating the working miners' return to work by escorting them, they were seen as being implicit in trying to break the strike and they too became the focus of the miners' wrath.

Acts of disorder were perpetuated by miners' pickets both on the picket line – abusive language, kicking, spitting and throwing missiles, and on the approaches to the collieries – throwing missiles or attempting to blockade roads. In some instances, individual officers felt so threatened that they were forced to draw their batons to protect themselves<sup>110</sup>.”

**(d) “Turning primary/secondary school children who were determined to join the picket line.”**

**“At this time several notable people attended at locus and without question this added to the stress factors of senior officers. However, the Police Command ‘bus was invaluable for “nearby on the spot meetings” where the Chief Constable, and if he was not present the Deputy Chief Constable, could meet with Gordon Brown MP and other interested parties and really “deflect the flock” and allow other operational officers to carry out their duties with that much less pressure.”**

**“Nothing induced pressure or stress more readily than the presence of women/children at Cartmore, then Lochore during Cartmore. I often ask myself, what would have happened if a lorry driver had knocked down a woman or child? Also the attitude of the women pickets every morning with the ritualistic appearance at Longannet to shout filthy phrases at the women going to work at offices at that location. Also the women and children in Oakley and Valleyfield. The children, aged 2-3 years, shouting “fucking scabs” and “fucking scab polis” does not augur well for the future.<sup>111</sup> According to the Brown/Rees Report (page 8), the total number of police officers in Scotland who were injured while carrying out duties was 110 – “No detailed breakdown by type or seriousness of injury is available but only two of those injured in Scotland were hospitalised.”**

**Even within policing responses, there was an acknowledgement of excessive use of force, for example, “The Police tactics at times were heavy handed although I realise that the law had to be upheld but sometimes it seemed over the top with the Police looking at laws from the 19th century to arrest active union members.”(police officer)<sup>112</sup>**

**“The miners were no angels and many of the most prominent agitators were men who hardly ever attended the pits this was confirmed to me by friends and relatives who worked in the mines<sup>113</sup>.”**

**“Detain those in question until the picket line cleared, then deliver them to their communities.**

**Throughout my dealings with local miners I felt that there was mutual respect and an understanding of each side. Situation was very different when our pits were visited by flying pickets from south of the border. No respect for either police or locals.**

**Visiting pickets caused significant damage to the mining equipment and private property<sup>114</sup>.”**

**“Numerous accounts of damage are contained in the Fife Constabulary Debrief Report, including damage to police buildings and cars, as well as assaults and other crimes.”**

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**“We had been warned about the possibility of “flying pickets”. Our supervisors told us to lock arms with each other to prevent the movement of these strikers but as they started to lash out with their fists and hands we had to break up to defend ourselves. I was frightened at the time, though I tried not to show it<sup>115</sup>.”**

**“The violence was usually worse when “flying pickets” appeared from England. At times they set tyres on fire, then threw stones at us through the smoke. We were not permitted to use any protective equipment, as it wouldn’t present a good public image. We did have a good relationship with many of the strikers, it was just some who seemed to have a propensity for violence<sup>116</sup>.”**

**“an exhausting and punishing time, but that was what was expected of us as Police Officers... most of the striking miners and the Police had no problem with each other on either picket lines nor on the streets, we could be on picket lines talking to miners about everyday things, like if we had brought pieces to eat and what was on them, until strangers turned up on the picket lines, there for only one reason, to cause trouble, these were usually shipped in on buses, with none of the pickets recognising them and were obviously shipped in thugs, there to cause trouble and animosity. I felt sorry for honest miners who were caught up in this and obviously did not really want to be. Many knew their jobs were on the line, as many pits could deteriorate beyond operable levels during the strike, if not run and maintained as normal every day, I felt sorry for them<sup>117</sup>.”**

**“I was brought up beside miners all my life and had nothing but respect for them for doing a very dirty, dangerous, hard job, that view has not changed of the honest hard working men I met and knew<sup>118</sup>.”**

## **STRIKE BREAKERS**

As outlined in the last chapter, a significant majority of miners were on strike, however, there were also miners who chose to work and their number increased as the Strike wore on. It is worth highlighting something that will be apparent from looking at the evidence we have gathered, namely that this group, the miners who returned to work, did not respond to the Call for Evidence or at meetings despite having the opportunity to do so in the same way as all those who made submissions. This is understandable, as strong feelings still follow them. In the eyes of the law, these men had a right to work, even if exercising it was seen as insulting and inflammatory by the striking miners.

Those who chose to work were subjected by miners to verbal abuse, threats and physical attack at picket lines as well as threats and attacks away from the picket lines, on their persons, families and homes<sup>119</sup>.

The Fife Constabulary Debrief Report contains detail of incidents involving violence, disorder and damage to property, including smashing the windows of the houses of miners who had returned to work and the fire-raising in Lochgelly of a car and garage belonging to a miner who was working through the Strike. There is also some detail in that report of a disturbing incident described as follows:

**“Now the examination turns to the Oakley area where there was little trouble until late in the dispute when two members of the community decided to go back to work and break the solidarity of the village in its support for the Strike. This resulted in serious outbreaks of disorder, the worst being setting fire to an upturned van on Sligo Street and trying to form a barricade by a group of men dressed in army style jackets and balaclava hoods with eye slits. This resulted in Police having to be drafted into the area with increased regular foot patrols and static watches.”**

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“Static watches” by the police were also required at the houses of these men. This involved officers being stationed there, sometimes for 24 hour stints, to try to deter individuals from causing damage to property or threat to those who were still working. This became a great drain on police resources<sup>120</sup>.

Miners who had returned to work had to have police escorts to get their coaches through the picket line, which often contained hundreds of strikers. Often the buses or “scab vans” were attacked with stones or bricks and windows smashed.

**“it was mainly to ensure the working miners were allowed in and out of the pit to get to work. This mainly consisted of the Police creating a physical path for cars and lorries to enter the pit area, followed by a bit of pushing and shoving with the striking miners which, on occasion, resulted in a flashpoint and a few arrests, mainly for minor breach of the peace or assault. When picketing miners from Durham arrived at Bilston. I have no recollection what changed in the strike to make the Durham men appear, but things took a very definite turn to the sinister when they did. I had the bare minimum of protective equipment (shin guards - nothing else) you can understand why I was so frightened<sup>121</sup>.”**

The relatively limited extent of strike-breaking underlines the effort being made by the police to safeguard the rights of a small minority. Consequently, this became an increasingly resource-intensive aspect of policing as the Strike developed and more men returned to work.

In passing, Jim Phillips has pointed out a possible explanation for at least some of the involvement of Durham miners. In March 1984, Easington Colliery became the first of the Durham pits to be involved in the Strike. In August 1984, there was a major crisis there which involved, in effect, a two week siege in the village<sup>122</sup>. A major police-NCB operation was undertaken to bus a single strike-breaker into the pit. The strikers engaged in a remarkable act of insurrection, invading the pithead and causing significant damage to NCB property. This was front-page news in the UK national press, e.g. The Guardian, 23 August 1984.

**“The same with those men branded “scabs” by extremists, miners who either did not believe in the whole thing and had the courage to say so and continue to work, I say courage, as many miners I also spoke to on the picket lines and elsewhere actually wanted to do the same, but were intimidated by threats against themselves and their families and many, both strikers and scabs were in severe poverty with the strike, their jobs having given them a standard of life which could not be kept up during a strike, particularly a lengthy one, again I felt very sorry for these men and their families, who were subject to attacks and constant intimidation by the extremists<sup>123</sup>.”**

As more miners returned to work, so grew the demands on the police to keep an eye on what was happening not only at picket lines but also in communities, at the homes of strike breakers and on their journey to work.

**“the mob did remain in the street whilst we safely escorted the miner from the coach into his home. During this time, the mob continued to shout expletives at him, including “Scab Bastard”, “Fucking traitor” and “You’ll be asking the Polis to wipe your arse next<sup>124</sup>.”**

**“Problems only arose when the working miners were leaving home in Kirkconnel, in the early morning, in darkness, on the bus. Persons, from houses and in the darkness, would shout abuse at the bus and its passengers. There were occasional reports of stones being thrown at the buses but I saw no evidence of that during my spell of duty. As far as I recollect no persons were detained or arrested during the time I was on duty at Kirkconnel<sup>125</sup>.”**

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**“involved over a prolonged period in the protection of ‘scabs’ at their homes as a number of families had suffered physical assaults and vandalism’s to their properties<sup>126</sup>.”**

In relation to Yuill and Dodds deliveries, there was an appreciation on the part of police officers that their arrival involved heightened tensions.

**“Manning a traffic point at the main set of traffic lights...entailed switching traffic lights off and affording coal lorries right of way as they headed backwards and forwards to the Ravenscraig Steel Works with coal supplies...it was safer for the lorries to travel at night so the drivers were also working nightshift. Having seen these lorries, it suddenly hit home as to the enormity of the situation and that there was a considerable potential for confrontation. I was young, had been given orders and instruction, but was nonetheless filled with an element of fear as to what I may have to face<sup>127</sup>.”**

(police officer)

## **FLASHPOINTS**

### **STEPPS STOP – 10 MAY 1984**

We were unable to identify any intervening documented links between the CMGC meeting of 8 May 1984 and the employment of this new tactic by police on 10 May 1984.

It is worth noting that, in the Fife Constabulary Debrief Report, their force decision not to turn buses round was commented on with approval as part of the debrief:

**With regards to Fife Police, I am satisfied that the Chief Constable/Deputy Chief Constable were correct in their decision that ‘buses would not be stopped or turned. To pursue this avenue, where would we have stopped them as they arrived via Forth Road Bridge/Kincardine Bridge/Gartarry Roundabout/Powmill Dollar Road and also from within Fife Region. In addition we had 5 mines/collieries in West Fife alone to Police so where would we have obtained sufficient manpower to undertake this task.**

### **HUNTERSTON, RAVENSCRAIG**

The large number of men present on pickets at these sites clearly represented a major challenge to the police in Scotland. Officers had to be present in sufficient numbers to try to avoid violence and disorder, or at least to try to contain it.

### **TAUNTING BY POLICE**

Even within policing, there was an acknowledgement of some inappropriate behaviour by way of taunting. See, for example, **“Police officers were flaunting their wage slips at the miners<sup>128</sup>.”**  
(police officer)

### **VIOLENCE IN THE COMMUNITY**

**“My son was assaulted at the school in Tranent because his father was Police Officer<sup>129</sup>.”**

### **PERSISTENT MEMORIES – CONTESTED AND UNCONTESTED**

Testing some of these contested memories was an aspect of our work and discussions with retired officers and two Chief Constables allowed us to confront them with some of the beliefs which have taken such firm hold.

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## POLITICAL INTERFERENCE – CHIEF CONSTABLES

Allegations that central government 'directed' police tactics in Scotland are difficult to fully substantiate.

Both retired Chief Constables with whom we spoke strongly defended the independence and integrity of the police, rejecting the suggestion that there was any political interference. They rejected explicitly the suggestion of taking orders from the Government. Both explained in a firm and detailed manner that they would not have entertained any such attempts, regarding any such behaviour on the part of Government or others as improper and a challenge to the independence of the police.

The content of CMGC minutes of 8 May 1984 and the subsequent mass arrests at Stepps two days later, however, are a troubling example of evidence gathered which has been interpreted by many within mining communities as clear interference by central government. The fact that less than 48 hours separates the police action from the Prime Minister's instruction leaves little room for any other conclusion. It is a matter of serious concern that the UK Government was willing to contemplate such political interference. In relation to the Stepps action by Strathclyde Police on 10 May 1984, it is also a concern if some within Strathclyde Police were prepared to intervene as requested by Government.

Unfortunately, we were unable to speak to other Chief Constables. Most have since died and one was too frail to meet with us. This leaves a gap in evidence on the police side, especially in relation to Strathclyde Police, on the matter of political influence or interference. For the sake of completeness, it should be noted that, in one of the available press cuttings, there is a relevant quote from Sir Patrick Hamill, Chief Constable of Strathclyde police at the time of the Strike, relating to replies from him to questions from Strathclyde Regional Council's Police and Fire Committee:

Sir Patrick denied he had been acting on Government instructions, and said:

**"I should like to advise you that any suggestion that I was acting on the instructions of central government is without any foundation in truth."<sup>130</sup>**

It is important to note the different policing landscape at the time – eight separate constabularies, each with its own Chief Constable, senior officers and command structure. Indeed, there were different models of policing adopted in police forces across Scotland and these in themselves resulted in different approaches and cultures. For example, in some areas there was a greater emphasis on, and consequent visibility of, a "command and control" approach to policing.

Political influence or interference would by no means be a simple matter, even if Ministers sought to act in such a manner.

In the case of Dr Ian Oliver QPM, at the time of the Strike the Chief Constable of Central Scotland Police, he has made a study of the subject of the necessary independence of our police service, including detailed recognition of the pressures on that independence. This was so to the extent that he was able to point us to a book he had written on the subject – **"Police, Government and Accountability"** (the First Edition even having a section on the Miners' Strike of 1984/85.) This book highlights the importance of the operational independence of the police, something that every Government should be aware of, respect and safeguard.

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## ARMY

We asked the police officers to whom we spoke about the suggestion of the use of soldiers in police uniforms. Apart from one quote received as part of a response to the Call for Evidence (see below – BHLF-EQ6D-TUX2-3), all rejected the possibility, stating that it would have been unnecessary and could not have occurred without them being aware of it, quite apart from the necessary authorisation being something which would have required an audit trail of authorisation at the highest levels.

We have also seen a quote from Sir Patrick Hamill<sup>131</sup> in response to questions from Strathclyde Regional Council's Police and Fire Committee:

**"The Chief Constable of Strathclyde yesterday defended his policing of the miners' dispute and denied that servicemen have been involved."**

**"As for the Police, we just did the best we could to preserve law and order and protect honest hard working men, under very difficult circumstances, with even lies having been spread among the miners that we were not Police at all on the picket lines, but troops dressed up to cause trouble, which is what more than one miner told me, which was ridiculous, yes we were a trained body of men and women, but the same trained body, whom miners and all turn to in times of trouble when they need help or assistance<sup>132</sup>."**

Apart from impressions from the picket lines, the only evidence of the presence of soldiers came from of a police officer –

**"On one particular picket line a striking miner went up to one of the "police men" and said "what are you doing here son? You're no' a polis man, you're a soldier." The answer was "I don't have a choice dad we've been ordered to do this." I think that the father was talking to his own son proved this to be true<sup>133</sup>."**

[Police officer]

It should be noted that this evidence stands alone on this subject and is contradicted by all other evidence from within policing.

The Brown/Rees Report spoke of hearing stories of the use of military personnel in police uniforms but of there being "no evidence at all" (page 30) in support of such allegations.

We are not persuaded that there is convincing evidence that the military were employed in any covert operation as alleged and it is specifically contradicted by the vast majority of those within policing who addressed the issue.

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## TELEPHONE-TAPPING SURVEILLANCE

In respect of evidence from police officers, these 2 headings can be dealt with together.

Police officers who spoke to us stated that they were unaware of phone-tapping or surveillance. Some went further, stating that these things had not happened.

At the time, the controls on telephone tapping and surveillance were far less rigorous than now, although there was a system of authorisation in place. Authorisation for telephone tapping was given by the Secretary for State for Scotland who, in 1984 and 1985, signed 71 and 59 warrants respectively. We have seen no evidence to indicate the authorisation of telephone tapping or surveillance related to the Strike.

It was pointed out to us that the police had other sources of intelligence which could have given the impression of such activities, including “indiscreet pickets” and listening into CB radio communications<sup>134</sup>.

**“Most bus companies were very helpful and content to inform if and when buses had been booked<sup>135</sup>.”**

We were even told that intelligence about flying pickets was gleaned from a local baker based on the number of pies required for each striking miner.

The Strike was without doubt a testing time for policing. In the Fife Constabulary Debrief Report, one senior officer summarised it as follows:

**Overall I would conclude this report by adding to the last paragraph that the men and women over this troublesome year carried out their duties and tasks in an exemplary way, often in tiring and difficult conditions and it is with great credit to them and to their wives and families who had to put up with the disruption of family life, that they coped so well. We did many things wrong, but we did many things right. We pleased some and did not please others, but overall I consider that Fife Constabulary came out of the strike with a degree of pride and proved that to be impartial is not to be weak, but that the police are there to protect society from itself.**

## 6. Communities

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“We had thriving community – look at it now? They took our jobs away.”

“There was a strong community spirit that is no longer there. That’s the legacy when you destroy the community.”

“as the strike went on the community changed”

(quote from miners at one of our public meetings).

We heard of the considerable extent of community participation and involvement by miners and their families before the Strike, going beyond familiar activities such as gala days and brass bands. Miners were extremely active within communities, for example, working with children and young people. Some men who had been convicted pointed out that this has ended their ability to take part in such activities, a matter of regret to them and the community.

Within communities, families were perhaps the most affected. To put the issue of impacts on families into some perspective, the average age of miners employed by the NCB in 1984 was 37 years, with many therefore likely to have young family and dependents.

Impacts included, of course, the extreme financial pressures, resulting in some families experiencing “extreme poverty” –

**“None of you have been in a soup kitchen. We have.”**

(quote from miner at one of our public meetings).

Some families fractured, with couples separating and all the individuals affected, father, mother and children, experiencing the damage which separation can cause.

Other families fractured when some men returned to work despite the Strike and others held out until the very bitter end.

We also heard of families in which there were police officers and miners, with only strained relations possible in some of those, if any at all.

**“General public helping – family helping.”**

(quote from miner at one of our public meetings)

### **COLLATERAL DAMAGE**

One man who came to our meeting at Cumnock, when introducing himself, said that he was “collateral damage” of the Strike. He was not a miner or a police officer. At the time of the Strike, he was a young man. He had been involved in a road traffic accident in which he was struck by a speeding Yuill and Dodds coal lorry in Ayrshire. In the accident, he lost one leg and the other was badly damaged. He showed us his wounds and explained that he expected to lose the other, still badly damaged, leg within a year or so. He said that the lorry driver was convicted of careless driving and fined, possibly banned, but did not receive a prison sentence.

## LOCAL AUTHORITIES – SUPPORT

There was considerable support for miners and their families from local authorities in some areas, although whether this happened and the extent to which it happened varied considerably across the country. In evidence, we heard in particular about Stirling, Glasgow and Fife councils. Efforts to support and help miners included giving them employment, despite criminal convictions acquired due to the Strike.

Some local authorities used discretionary powers under social work legislation to assist needy families of striking miners.

Some sacked miners managed to find alternative employment with their local council.

**“Half the sacked miners got a job at Stirling District Council thanks to the Labour Party”**  
(quote from miner at one of our public meetings).

Local schools helped by providing free school meals.

## DIVERSION OF POLICE RESOURCES AND IMPACT ON NON-MINING

**“Many local colleagues, like me, were removed from our local community policing role where we had built up strong bonds and business like relationships with the locals and our knowledge of the area, only for that to be wholly withdrawn for weeks at a time so that Policing could be deployed to police the aggression, the violent assaults and open hostility between miners and NCB/NUM officialdom, and latterly attacks on us as police officers doing our duty, as guided and impartially<sup>136</sup>.”**

**“Community cohesion suffered and anti-social behaviour grew in some mining communities. The effect on local communities was incredibly negative<sup>137</sup>.”**

The Brown/Rees Report states (page 9) an estimate of just over £5,000,000 (approximately £16,000,000 today) for the additional costs of policing the dispute in Scotland of which about £2,700,000 was expected to be met by Grant Aid.

## ECONOMIC DEVASTATION

Visiting various former mining communities, it was impossible to miss the economic impact of the closure of pits and the death of mining. Compounding the economic impact of the Strike, followed by the closure of the pits, is the failure to invest in these communities to address these earlier impacts.

In relation to long-run economic damage, some work<sup>138</sup> has been done to try to show the various impacts on mining communities by comparison to other areas. This shows that the out of work benefit claimant rate (combining incapacity benefit, job-seekers' allowance and income support) in the UK in August 2013 was 10.9% but in the former coal mining communities of Fife it was 15.7% and in the former coal mining communities of Ayrshire and Lanarkshire it was 15.2%.

## CLOSURE OF POLICE STATIONS

It is an unfortunate aspect of subsequent police station closures that some of the mining communities lost their local police station. This has had a number of effects, not least the absence of a familiar local face to counteract any general memories or impressions of a remote organisation interested only in maintaining control and order in the community.

## 7. Common Ground

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“we were guys on shifts with some coming from mining communities.”

(quote from miner at one of our public meetings).

**“The dispute had an effect on the personal lives of the mining communities but it also affected policemen’s life as well. We had to work long hours (sometimes 12 to 14 hours) and ok we were being paid, but it was stressful for family life. We had a job to do and, despite the difficulties, did the best they could in an unfriendly environment<sup>139</sup>.”**

While we were given considerable detail of the distinct experiences of those involved in the Strike, whether miners, police officers or others, we were also struck by the extent to which some of these experiences were very similar, indeed even shared.

Many police officers came from mining families. This created inevitable tensions – “Coming from a mining community I found it difficult to explain to my father (miner) how we justified our actions at that time<sup>140</sup>.”

**“My wife’s maternal grandfather and some of her extended family had been Miners. They never held it against me<sup>141</sup>.”**

**“Police officers in my area (Lothian and Borders Police as was) were quite closely aligned to miners when off duty. Many officers from Mid, East and West Lothian were sons, brothers, cousins, good friends of miners and there was a good deal of mutual respect prior to the strike<sup>142</sup>.”**

**“I’m a retired Police officer who came from generations of miners on both sides of my family and my sympathies lie mainly with the miners although I found this difficult at times as the law must be upheld<sup>143</sup>.”**

Some miners had been police officers. We heard of families where brothers featured on two sides, picketing miner and police officer. Many police officers lived in mining communities, even if they were not miners themselves. The ties of community played their part. We heard of one police officer involved in the Strike whose wife helped at the soup kitchen in their village –

**“I was transferred to Blairhall was to build bridges with the local community during and after the strike.**

**Both my sons were invited to, and attended, the Christmas Party in the Miners’ Welfare Institute and received their share of confectionery sent by French miners to their counterparts in the village. My wife was overcome and humbled by the fact that people who were literally struggling for their very survival could even think about her children, let alone involve them.**

**My wife was so touched by this that she contributed home-made soup to the strike kitchen on a regular basis done with the deliberate intention of showing that I, as a Police Officer, was human, open, approachable and compassionate, whilst not detracting from the firmness with which I policed the village as a family we cared about the community we lived in and wanted to be part of that community and not detached interlopers.**

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Relatives, acquaintances and neighbours faced each other on opposite sides of picket lines and, with some exceptions, the daily routine consisted of half-hearted pushing, shoving and good-natured banter<sup>144</sup>.”

“Another measure of the outcome of bridge-building can be demonstrated on a more personal level when my youngest son was hospitalised with a life-threatening illness. My wife and I were overwhelmed with offers of help from the people of Blairhall – to babysit our other son to let us go to hospital, do the shopping or walk the dogs. We had empathised with them during their time of need and we felt that they were reciprocating during our difficult time.

I strongly believe that I personally policed our community with its best interests always at the forefront of my mind. I also consider that Fife Constabulary policed the strike without fear or favour based on the needs of the entire population and with an eye to the future welfare of all residents of Fife<sup>145</sup>.”

On all sides, we heard of acts of compassion, charity and humanity, small and large, many entirely unheralded.

There were many police officers who sympathised with the miners and the aims of the Strike – “some police would put money in the tin at the gate.” (quote from miner at one of our public meetings).

Many miners recognised that individual police officers were simply doing their job, albeit this recognition was stretched to breaking point over the months of the Strike as they developed a growing belief in political interference.

During some of the main flashpoints throughout the Strike, at those times of the day when men were crossing picket lines or deliveries were being made, there were ranks of miners and of police officers. Although separated by profession and, at times, seemingly on opposing sides, in each group there were similarities.

The participants were mostly male, often young and inexperienced in anything of the scale of this Strike. Training was limited or non-existent –

**“I joined the Police Service in August 1983, so I was still in my probationary period when the Miners’ Strike started. I was 19 years of age.**

**I had received some Public Order training prior to the Strike, during my initial training at the Scottish Police College and again locally with Strathclyde Police. This consisted mainly of Shield training (as Public Order was called then) and was very basic compared to the training given today.**

**I was never called upon to put this training into practice throughout the Miners’ Strike or at any other time throughout my service.**

**Rest days were cancelled, court attendance was still expected and extra resources were allocated as and where required. If I remember correctly, all leave was cancelled, unless it was for a previously arranged special occasion, e.g. Officer marrying.**

**We were told that the situation would be handled the same as any other Public Order event but we were told there was a possibility of ‘rogue, militant groups’ infiltrating pickets and that the situation could escalate at any time...**

**further advised that we should remember those on the picket lines were ordinary members of the public and should be treated as such.**

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**A number of officers, including senior officers, highlighted the fact that Lanarkshire had a strong mining history and a number in our ranks would be related to Miners or knew Miners in their social circle. We were asked to apply common sense and appropriate responses in our dealings with the Pickets<sup>146</sup>.”**

Many did not want to be there:

**“The miners’ strike was a disaster for everyone...No-one joins the police to police an industrial dispute. During the strike we were in a position we didn’t want to be in.”**

(quote from a police officer at one of our meetings)

There were police officers from mining families who felt the pressure, internal and external, of simply being there and doing their job. There were miners who were struggling to support themselves and their families, often surviving on the charity of others, wishing that circumstances might change to allow them to go back to earning their living as they had before. At the same time, in the case of the miners, there was a strong feeling that this Strike was a struggle for the future of mining, and not, as on previous occasions, simply about improved pay and conditions.

**“We were not on strike to have a fight. We were on strike for our lives”**

**“That [1972 strike] was a strike about money. This was about jobs and communities.”**

(quotes from miners at one of our public meetings).

Many spoke of a shared understanding in the early days of the Strike, with local police officers and local pickets broadly sympathetic to the role of the other, sharing flasks of tea (or even “by and large the police would buy a couple of beers and we’d sit and have a blether” – miner at public meeting) and, occasionally, “getting into character” at specific times of day for the moments of confrontation.

**“cops and miners offered each other cigarettes and chatted.**

**for most of the time hundreds of miners stood in the public road outside Bilston Glen Colliery, chewing the fat with each other, and sometimes with police officers. the miners were generally a group of fit, healthy young to middle-aged men, standing opposite to a similar demographic of slightly less numerous police officers**

**We were grown men, in the late twentieth century, not 8 year old schoolboys, and yet we were behaving like kids in a particularly rough, ill-disciplined and hazardous playground maul.**

**miners objected to the fact that, occasionally, women police officers were on duty at picket lines and engaged in the reaction to a ‘push’. They felt it was unfair of the police to use women in this role because they, the miners, did not feel that they could use force against women<sup>147</sup>.”**

As mentioned in Chapter 4, in the early stages of the Strike there seems to have been a greater degree of mutual respect and understanding, or at least that was how it seems now. Those involved on all sides were often local men who knew each other and felt a shared sense of wider community, albeit the Strike started to put a strain on that. And the increasing use within policing and mining of men from elsewhere, something necessitated by a variety of factors, not least increasing numbers and tensions, caused some of the fractures in that shared sense of community.

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Retired officers and miners spoke with regret of this as an exacerbating factor.

As matters developed, various young men were often on opposite sides, literally and metaphorically, but they stood close by each other in the same weather, with the same frightening conditions when fast-moving lorries thundered past or when horses jostled ranks of men to try to keep control. Those moments experienced in common, charged with fear and adrenaline, happened for short bursts of time each day, increasing the tension and the risk of confrontation.

As the Strike wore on, miners felt increasing frustration and, at times, despair. Heightened emotions resulted from high stakes.

Through their evidence, at meetings and in written submissions, it was possible to detect a shared humanity on all sides.

We heard stories of men falling to the ground, both miner and police officer. In some of those moments, we were told that those near the fallen man sheltered him from the crowd who might have trampled him. We heard that this happened for fallen miners, aided by police officers, and police officers, aided by miners.

**“Senior police would liaise with local trade union leaders daily and talk about codes of conduct for the day. By that I mean, codes of conduct on both sides<sup>148</sup>.”**

**“Took time to develop a good relationship with the miners and their leaders**

**There was a strong feeling of sympathy to the lot of the miners and their families on the part of the police**

**It was often clear to us that many of the miners did not wish to be on the picket lines**

**Miners concerned having become a bit violent through utter frustration<sup>149</sup>.”**

Given the length of the Strike, we heard of the continuing demands on the police of trying to deal with other duties, for example, large-scale murder inquiries. Our understanding from miners and police officers is that, when approached about the need to remove officers for such inquiries, the miners agreed to scale down their pickets to free a number of officers for what was recognised by all as something important.

Following the Strike, some time in 1985, a football match took place between miners and police officers. That match has taken on apocryphal proportions, with various descriptions of opportunities taken to settle some of the grudges from the Strike. It sounded almost like the popular stories of football matches played between German and British soldiers on Christmas Day 1914. What struck us was the fact that two parts of the community, divided by the events of the Strike, were looking to engage with each other in a way which emphasised their shared humanity as opposed to what separated them, even if it involved some of them trying to kick lumps out of each other.

## 8. Lasting impacts

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**“One minute you’re salt of the earth the next you’re criminals.”**

(quote from miner at one of our public meetings)

**“As far as I am aware life more or less returned to normal once the strike ended however I accept that there would have been as elsewhere continuing animosity between strikers and non-strikers.**

**As far as general police & community relationships are concerned, I had occasional experience before and later working in the Kirkconnel area and would describe it as a community of, in the main decent, law abiding, community minded people, who were cooperative and friendly with and towards local police staff. It is a rather remote part of the country and in such areas local police depend on good public cooperation and community involvement. I suggest that during the miners' strike this helped overcome the short term understandable tension and difficulties which occurred<sup>150</sup>.”**

**“believe that the Strike has left a long-lasting bitter taste amongst the Mining community and their attitude towards the Police. I’m saddened that many individuals in that community couldn’t see that the Police were only doing their job, to the best of their ability and in my opinion, without fear or favour<sup>151</sup>.”**

**“To conclude with this aspect I am satisfied with the way that Valleyfield and Oakley have returned to almost normality some 4 weeks after conclusion of the Strike. This could be contributed by the bridge building exercises that have taken place throughout the dispute.”**

**“Two other features which have played a prominent part in the rehabilitation have been the fact that contact was maintained throughout the dispute with anybody who could be helpful including Councillors, Ministers and Community Helpers. The meeting held with interested parties and attended by both Mr Moodie and Mr Wilson also played a vital role in explaining the Police position and what they were endeavouring to achieve. A similar meeting in the Cowdenbeath and Benarty areas was similarly successful.”**

**“Despite all the bitterness and violence which became part of this dispute and the pessimistic predictions about the difficulties which would be experienced especially in mining communities in getting back to normal the strong indications are that the suggested scale of the problems just have not materialised. Much of this may be attributable to the fact that those with vested interests, such as politicians for instance, have left the scene to find causes new and have left the public and the Police to pick up the pieces which they have done successfully. This is said in the full knowledge that it is early days and there may yet be stormy waters ahead but it is contended that early indications are good and it may be at the end of the day the final outcome will be pleasantly surprising”.<sup>152</sup>**

Based on evidence to this review, it appears to us that some of this last quote was unduly optimistic.

**“The miners' strike destroyed communities and I feel the Police did not help things by our heavy handed tactics.” (police officer)<sup>153</sup>**

**“Even after the strike, many miners who worked were subject to abuse within their communities. This also extended to their families.”  
(police officer)<sup>154</sup>**

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**“Although miners and ex-miners in the years since have naturally viewed police officers with a degree of dislike, there is still a grudging acceptance that we did what we had to do just as they did what they felt they had to do.”<sup>155</sup>**

Many reported a lasting bitterness towards the police. Some younger family members felt the same, even if they had not lived through the Strike, for example, one young woman in Fife who attended with her grandfather who was a miner. As explained by one miner<sup>156</sup>:

My general feelings about the policing of the strike in Scotland are those of men being criminalized for trying to protect their jobs and families. another great regret is that it became difficult, if not impossible to teach our children to trust the police.

Some men explained that they had made an effort not to pass on their bitterness to the next generation.

As identified in Chapter 3, it is difficult to identify lasting impacts of the Strike on communities which are attributable exclusively to policing.

The impacts of the totality of the events of the Strike are perhaps more easily stated.

At meetings, we heard the phrase “Death of the pit. Death of the village”, “Close the pit, kill the community”, or variations on that theme. It was an expression used by miners at the time of the Strike to try to garner public support. For many of those who gave evidence, there is at least some truth in the phrase, although others bristled at the suggestion, pointing out that we were seeing them in their communities which may have been bruised or even badly damaged but had nonetheless survived.

Pit closures had a number of consequences for the local community, as did the Strike, with an overlap of impacts from each. The aim of the Strike was to stop or minimise pit closures. Although the two things – the Strike and pit closures – were obviously connected, few contend now that closure of pits could have been avoided entirely. What happened around the Strike, however, may well have lengthened and deepened the impact of closures for many.

Deindustrialisation is a common feature of mature economies, but the process was managed differently outwith the UK. Even in the UK, it was managed differently before the 1980s. In the 1960s, the coal workforce in Scotland was more than halved in size, but employment alternatives were stimulated by the government, and the NCB negotiated closures carefully with the NUM and other industry unions. In contrast, in the 1980s, deindustrialisation was managed recklessly by the UK Government, setting aside the interests of manual workers and the voice of their union representatives. This was consistent with the motif of class or civil war emphasised by police officers as well as miners.

Unemployment for men who had worked their entire lives. Loss of a future and prospects for some who had only ever known life as a miner, many of whom came from generations of miners. Loss of one future for their children – “With pits closed lost inter-generational contact – lost respect.” (quote from miner at one of our public meetings). Continuing hardship for families adjusting to life with little or no money, or dependent on state benefits and charity. Much of this fell on the women of the community, as it had during the Strike. We were told often that the Strike could not have lasted without the hard work and sacrifice of many, but not least the women.

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Some miners who lost their jobs following conviction were successful in gaining employment, whether in mining or elsewhere but many were not. Even those who might seem to have moved on from the Strike still feel its effects:

**“Although in later life I gained a degree and work as a professional now, I still have a criminal record and every time I apply for work in my chosen field (community work) I have to disclose this<sup>157</sup>.”**

Many lost pensions or received much less than they would have.

Importantly, for many the greatest loss still felt was that of their respectability. Many men who were convicted had been in no trouble before in their lives and would never again find themselves before the courts – “most people would not have had a criminal record before the strike and didn’t do anything after it... but still had to mention their record at every interview”(quote from miner at one of our public meetings)

For proud, respectable, working men, the loss of their good name through having a criminal conviction was a continuing pain which they cannot remove – “it felt like a stain that has stayed with me” (quote from miner at one of our public meetings). We heard of some who, until the day they died, remained acutely conscious of what they felt was this loss of respectability.

We recognise that our evidence came from a self-selecting group of individuals – the same is generally true of consultations – but the pattern and extent of similarities in what they said reinforced the impression of “deep scars” mentioned by Mr Matheson in June 2018. Of course, there were many who were involved in the Strike from whom we did not hear. Even some who attended our 8 events said that they would rather just forget about it. On the other hand, far more who attended said that they welcomed the opportunity to have their say, to share their experiences and feel that someone was finally listening. Some said that they had not shared their experiences, sometimes even with family, before giving evidence at one of these meetings. Many spoke through tears of upset and anger as their memories threatened to overwhelm them.

One of the meetings at which a retired senior police officer spoke was particularly interesting. Some things had been said before he spoke and identified himself which were clearly difficult for him to hear, including a comment which he would have found offensive (“if the police all got burnt and died tomorrow, I wouldn’t care...that’s the effect this has had”). When he spoke thereafter, and suggested that things in his area were not as bad as described by some, the responses from miners present demonstrated strong disagreement with his view and the lingering anger which several struggled to conceal, albeit the officer and several miners continued in discussion after the formal end of the meeting. We were impressed by how our witnesses were able to describe difficult, even traumatic events, while displaying at times a remarkable dignity and, at time, a sense of humour which was no doubt part of how they coped at the time and since.

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## **MEDIA**

There is little doubt that media portrayal of the Strike has also had lasting effect. While we heard reports that the presence of a camera crew on a miners' bus had prevented a repeat of police behaviour by way of stopping it and removing all the miners, the reporting of the Strike more generally is an additional source of resentment:

**“media came in making miners look bad.”; “Press/media – all buying into/building up ‘the enemy within’”; “Every time an incident occurred miners portrayed as cause. Always delivered that way.”**

(miners at one of our public meetings).

**“It is our observation that by its very nature, our media is concerned with catastrophe and that consequently during the dispute, it only concerned itself with the worst picketing and that its reporting in general was unbalanced. Nevertheless, the matter does not fall in our remit, so we do no more than report the strong feelings in the mining communities and observe that similar complaints can be made on the reporting of other events.”**

(Brown/Rees Report, page 68)

The Brown/Rees Report concluded with observations which are worth repeating (page 69):

**“Finally; our preliminary investigation and recommendations are concerned with, and concentrated on, the law and order aspects of the miners' dispute. In conclusion, however, we turn to another aspect of this that we feel we must highlight an underlying cause of the dispute.**

**There was violence, in some areas emanating sometimes from pickers, sometimes from the police, sometimes from both. It was not revolutionary but part of a broader trend which can be seen more clearly since 1979 as more generally the law and order in this country has steadily deteriorated. The miners' strike was not a thing apart.**

**This trend must constantly be brought to the notice of the Government. Why has the law and order situation so deteriorated despite the superlative promises of the Thatcher Government in 1979? What has gone wrong? What is the underlying cause of the problem in general and the miners' strike in particular?**

**In our view, one major factor is the social and economic problem that faces us; the economic decline in our older industrial areas, the even wider effect of unemployment, and the divisive society it has generated. It was true of Brixton and Toxteth as Lord Scarman pointed out: it was true of the miners' dispute.**

**On this basis alone, it is our strong view that the parliamentary party should put firmly to the Government the view that changes in the law are not enough. It needs to look at causes as well as symptoms: to give priority to defeat the terrible blight of unemployment, particularly amongst the young; to a revival of our inner cities and our older communities. There are the “enemies within” that need attention of us all.”**

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A lingering perception for some is of a Strike through which the police were politicised. Many say that they do not blame individual officers because they were simply doing what they were ordered to do. They lay the blame on the senior officers they feel were too ready to obey the commands of the Government. Notwithstanding strong rebuttals of political interference from those within policing, including from Chief Constables in charge in Scotland in areas with pits, this idea has too firm a grip to be loosened, regardless of any contrary views or evidence.

The National Reporting Centre (“NRC”) in England, first used there in the Miners’ Strike in the 1974, caused some concerns, within and outwith policing, as a step towards a single or at least centralised police force. Concerns about the constitutional position of the police and accountability feature in the Brown/Rees Report, with specific reference to the implications of mutual aid and co-ordination, perhaps even control by, the NRC. The NRC was not accountable to local authorities in the way that local constabularies were and some saw such centralisation as increasing the risk of political interference in policing.

This centralisation was an idea which was far from universally popular, even within policing circles.

It involved discussions with which we have become familiar in Scotland in relation to Police Scotland and the Scottish Police Authority.

The Brown/Rees Report quoted (page 37) with approval what was said by the then Home Secretary, William Whitelaw, on 25 November 1981, when he addressed the House of Commons on publication of Lord Scarman’s Report on the Brixton Disturbances of April 1981<sup>158</sup>:

“Lord Scarman’s detailed recommendations on policing policy and policing arrangements add up to a statement of philosophy and direction for the future which rests on the need for the police to carry out their duty with the consent and support of the community. The report rightly leads discussion away from simple concepts of “hard” and “soft” policing, and focuses on issues which reflect the real variety of policing, and the duty of the police to apply the law firmly and sensitively without differing standards. Lord Scarman emphasises that the consent and support of the community depend on good two-way communications between the police and the public. The operational judgment of the police will be informed, and not undermined, by consultation with the community that it serves. At the same time, the community has a duty to maintain discussion with the police, and to respond to their initiatives. Without such consultation there will not be accountability, and the necessary balance between preserving the peace and enforcing the law will be distorted.

I accept and endorse this statement of philosophy. It will be my responsibility, and that of my right hon. Friend the Secretary of State for Scotland in his area of responsibility, in consultation with all concerned, to see that it is carried into practice.

In particular, I accept the need to develop formal arrangements in every police force area for consultation between police and community at different levels, and for the involvement of chief officers of police in local social and economic decisions affecting policing.”

The Brown/Rees Report recommended a number of inquiries, primarily a Royal Commission into fundamental aspects of policing, including accountability. Secondly, it recommended an inquiry into tactics of the policing of the Miners’ Strike, similar to the Scarman Report. The Brown/Rees Report also alluded to the Peelian Principles<sup>159</sup>, a foundation for the notion of policing by consent.

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It is worth quoting these in full, given their relevance to the Miners' Strike:

1. To prevent crime and disorder, as an alternative to their repression by military force and severity of legal punishment.
2. To recognise always that the power of the police to fulfil their functions and duties is dependent on public approval of their existence, actions and behaviour and on their ability to secure and maintain public respect.
3. To recognise always that to secure and maintain the respect and approval of the public means also the securing of the willing co-operation of the public in the task of securing observance of laws.
4. To recognise always that the extent to which the co-operation of the public can be secured diminishes proportionately the necessity of the use of physical force and compulsion for achieving police objectives.
5. To seek and preserve public favour, not by pandering to public opinion; but by constantly demonstrating absolutely impartial service to law, in complete independence of policy, and without regard to the justice or injustice of the substance of individual laws, by ready offering of individual service and friendship to all members of the public without regard to their wealth or social standing, by ready exercise of courtesy and friendly good humour; and by ready offering of individual sacrifice in protecting and preserving life.
6. To use physical force only when the exercise of persuasion, advice and warning is found to be insufficient to obtain public co-operation to an extent necessary to secure observance of law or to restore order, and to use only the minimum degree of physical force which is necessary on any particular occasion for achieving a police objective.
7. To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police, the police being only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
8. To recognise always the need for strict adherence to police-executive functions, and to refrain from even seeming to usurp the powers of the judiciary of avenging individuals or the State, and of authoritatively judging guilt and punishing the guilty.
9. To recognise always that the test of police efficiency is the absence of crime and disorder, and not the visible evidence of police action in dealing with them.

Whether as a result of, or possibly enhanced by, the Strike, what impressed us, especially at the 8 meetings in mining communities, was the continuing strength of a sense of community. We were invited into places where most of us had never been, welcomed as guests, and allowed to share in deeply personal and scarring experiences and stories. People trusted us to take their evidence and use it for some greater good. The same applies to the police officers who spoke to us.

Trust has to be earned and can be easily lost. Loss of trust in the State is a lasting impact of the Strike for some. Respectable men expected a degree of respect from the State and found that, in their view, it gave them none. No respect for unblemished lives of hard work which contributed to the good of the country. The general sense of legitimacy which the State enjoys with most people was lost. For some, the police represented the State in its most immediate and local form, certainly at a time of heightened tension like the Strike, and therefore stood as a proxy for the State. Actions judged illegitimate can have lasting consequences – a lingering sense of unfairness from which it can be difficult to recover.

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That is especially so given that police offices in some of these areas have been closed – the human face of the local officer is an important means of reminding us of what is said in the Peelian Principle, that the police are the public and that the public are the police.

When recalling the Strike, men on all sides also described the lasting trauma experienced. We heard moving testimony from miners and police officers, struggling with the thought of a time in their lives which they had to endure. We heard of the scars recognised by Mr Matheson in June 2018, and witnessed some, literal and metaphorical. One police officer who came to a meeting in Glenrothes Police Office, said that he had suffered nightmares in the days before the meeting as he thought back to that time.

One miner, in his response<sup>160</sup> to the Call for Evidence, said:

**“Today I still do not trust the police and because of my age I doubt I ever will. The knock-on effect of the closure of our industry is still being felt today 30 years later. We as miners financially supported football clubs, pipe bands, brass bands, galas, outings and the list goes on. Our money kept the communities alive the local shops the clubs etc. nearly all gone.”**

Another<sup>161</sup> said:

**“Our community was left fractured irreparably by the strike, never to be healed in my opinion, respect and trust for the Police was gone in my opinion and personally for me has never returned, however I do believe on both sides there were good and bad people, I think the Police were driven by government and not a fair implementation of law was given during the dispute, you were guilty without proof, trial or evidence if you were unlucky to be arrested on a picket line, this is a fact.”**

## 9. And if it happened today ...?

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At the time of the 1984/85 Miners' Strike, there were eight regional police forces – Lothian and Borders; Fife; Central; Dumfries and Galloway; Grampian; Tayside; Northern; Strathclyde. There was a clear structure of command and operational deployment of officers. The response to the Strike was directed from the individual Chief Constables to their respective operational commanders. The direct effect of the Strike on police and communities may have been felt only in five of the eight areas – Lothian and Borders; Fife; Central; Dumfries and Galloway; Strathclyde – but there was an impact on policing more generally.

It was responsibility of each of the Chief Constables to consider the most appropriate response to ensure striking miners' right to picket, working miners right to work, the NCB right to transport coal and also the right of communities to go about their daily business unhindered. In balancing these competing interests, officers had the responsibility to enforce the law in terms of those who committed criminal acts.

It appears clear that Chief Constables were aware of the many pressures on their constabularies, as well as the possible impact on community relations of the policing of the Strike. In a letter dated 5 July 1984, Chief Constable Sir Patrick Hamill, at the time Secretary of ACPOS, wrote to the Scottish Office, addressing various aspects of the policing of the Strike, including the considerable financial implications. Presciently, he warned: "... Members [of ACPOS] were most disturbed at the severe strain which policing the current dispute is placing on police/public relations and the lasting damage which is likely to result.... This confrontation, with the police as referees, if allowed to continue is likely to have a profound affect[sic] on the Police Service, not only in industrial situations but in the way in which it is able to fulfil its accepted role in the community."

Since the 1980s a number of new laws have been enacted which have influenced the policing response to major events, including strike action. The most significant of these are the Human Rights Act 1998, Trade Union & Labour Relations (Consolidation) Act 1992 and the Criminal Procedure (Scotland) Act 1995. This legislation has featured in police training and, for example, human rights is now an early part of basic training for new recruits, as well as featuring explicitly in the constable's oath –

**"I, do solemnly, sincerely and truly declare and affirm that I will faithfully discharge the duties of the office of constable with fairness, integrity, diligence and impartiality, and that I will uphold fundamental human rights and accord equal respect to all people, according to law."**

There have also been new policies, guidance, and various learning opportunities as well as a growing bank of experience, all of which have further developed the police approach to dealing with major events. This obviously includes the police experience and learning from the Strike itself. The cumulative result has ensured that there is now earlier and sustained engagement with key individuals, groups, trade unions and communities and also a significant and detailed focus on understanding the immediate and long term impact on anyone affected by events.

This allows the service to more accurately assess the 'look and feel' of the police response to incidents or events which must ensure that any action taken by the police is tested against the principles of proportionality, legitimacy and necessity, and is ethical and reasonable in the circumstances at the time. All of these matters can have a direct effect on the trust and confidence the public have in the police service at any specific time and in general.

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Whilst the actual structure of command at such incidents has changed little, the police service has continued to develop over the years and, more recently, with the introduction of a single force in Scotland. Now there is a single command structure for any major event. Whilst this means there is a consistency across Scotland, the police approach recognises the differences across local communities and allows for flexibility of response if that is considered to be appropriate. Included in this structure is direct and dedicated contact with the Crown Office and Procurator Fiscal Service to ensure that the enforcement of the criminal law is consistent and proportionate.

At the time of the Strike, a tripartite arrangement existed for the accountability for police forces across Scotland. Scottish Ministers retained overall responsibility for policing policy. Police Authorities and Joint Police Boards were responsible for setting police budgets and ensuring that best value was attained. Chief Constables were acknowledged as being responsible for the operational aspects of policing within their force areas.

It was the responsibility of the eight local Police Authorities/Joint Police Boards to scrutinise their Chief Constables in terms of police activity in that force area. For understandable reasons, incidents and events that covered a number of Police Board areas may have limited the scope and depth of scrutiny as to the impact on communities by individual police boards.

As with the development to a single command structure within Police Scotland, the formal scrutiny arrangements have also changed. This is intended to ensure that there is scrutiny at a national level by the Scottish Police Authority as well as scrutiny by local police committees in each of the 32 local authorities. These are still early days for this new set of scrutiny arrangements which are still developing to ensure that they provide consistently robust and objective scrutiny of policing.

In addition to the formal scrutiny arrangements, there is greater informal scrutiny and commentary by the media and specifically social media, local and national partners as well as the wider public. It is routine now for police action to be subject to filming and simultaneous broadcast on social media, for example, at public demonstrations. There is no longer the same reliance on traditional media sources.

# 10. Lessons and a recommendation

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## **‘Unfinished business’ – ‘understanding, reconciliation and inclusion’**

With some Reviews, especially those with a narrow remit, a range of possible conclusions may commend themselves from the outset, albeit it is important to retain an open mind until all the evidence has been considered, and provisional thinking may be refined or redirected entirely. With others, the process of compiling a report can assist in drawing out conclusions and recommendations.

When we set out over a year ago, we were unclear, for a variety of reasons, as to possible recommendations. Even in the drafting process, it was apparent that there was no ready list of specific conclusions or meaningful recommendations which would meet the Terms of Reference. In part, fulfilling the Terms of Reference was done by listening carefully to the evidence of individuals and making sure that it was captured. In relation to that part of the Terms of Reference which specified that we should “provide a final report... which sets out lessons learned and makes recommendations for any further action required”, we have reflected carefully, bearing in mind also the underpinning idea of ‘understanding, reconciliation and inclusion’ and a sense of ‘unfinished business’. In part, the issue of “lessons learned” is addressed in Chapter 9. No doubt informed, at least to some extent, by the experience of the Strike, policing has moved on considerably. It seems doubtful that the precise combination of circumstances in the Strike would recur, although some of the recent protests by Extinction Rebellion came to mind as a test of modern policing of large-scale demonstrations. Lessons should always be learned from such opportunities.

For many within mining communities, the Strike will always be seen as a necessary response to overt political action by the then Conservative Government which was directed towards destroying the union movement or at least significantly restricting its influence. Unfortunately, for a variety of reasons, some acknowledged even within policing, many within mining communities see the police as having ‘taken sides’ against them, abandoning necessary independence and neutrality. Government bears some responsibility for this perception, with the CMGC Minutes of 8 May 1984 being evidence of, at the very least, their scant regard for the independence of the police. The Strike therefore serves as a reminder of the importance of the independence, perceived and actual, of our police service as well as the need for a robust and effective framework for accountability in policing.

That leaves the issue of “further action required”.

The Strike ended 34 years ago. Many of those involved are now dead. The pits are all closed. An entire generation in society has grown up for whom it is history, albeit for those in mining families and communities, it is history which is still relevant and important. The continuing economic and other impacts of the Strike and deindustrialisation in mining communities help to exacerbate memories of the Strike. Although these impacts are outwith our Terms of Reference, many, including some within policing, have commented on the failure of Government to do enough to address these consequences. Referring back to some of the points made by Dr Jim Phillips about how the matter was approached in the UK in the 1960s and in other countries, there are lessons for Government in how to manage such a major change without unnecessary and lasting damage to jobs and communities.

In policing, most of the officers involved are retired and some are dead. Most people give it little thought most of the time, perhaps calling it to mind when anniversaries arrive or television programmes offer reminders. Despite this, bitter memories of the Strike have refused to go away. It is important that this was recognised and that we take the opportunities presented by this review to arrive at positive conclusions, if possible.

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As writer and philosopher George Santayana said, “Those who cannot remember the past are condemned to repeat it.” We hope that our work is a useful addition to the canon of literature on the Strike and an aid to remembering the past, perhaps reflecting a particular aspect in light of previously unheard testimony. We hope also that some of those who participated in the process felt that they have been able to have their say in contributing to an independent review. It appeared to us that people on all sides glimpsed the perspective of others, whether instinctively or through the process of the review. What struck us was the shared humanity revealed in the different experiences of people who faced each other, often just from different sides of the road. And, perhaps most strikingly, there was widespread recognition on all sides of the disproportionate consequences of the Strike for some miners who were arrested or convicted, particularly in relation to dismissal and all that flowed from it.

Taking all of this into account, in the context of our Terms of Reference, we have settled on a single recommendation of ‘further action required’ which we think will promote ‘reconciliation and inclusion’, while the report as a whole should assist in understanding the continuing impacts of the Strike related, but not confined exclusively, to the policing of the Strike. Before that, we offer some general comments which may be of assistance in the future in avoiding some of the adverse and long-term consequences of the Strike – for the public, government and the police.

## LESSONS

Public confidence in the police is a complex product of a number of different factors, not least a sense of legitimacy. In turn, a sense of legitimacy depends on a number of different factors, not least recognition of the independence of the police from government and other exclusively private interests.

Government must at all times respect and ensure the independence of the police.

While it is always desirable to encourage good police-community relations, Government must not attempt to dictate or influence operational matters which are the responsibility of the Chief Constable.

This should be borne in mind at all times.

During an industrial dispute, when the police continue to have a duty to maintain law and order, full account must be taken of the sometimes conflicting rights which may be affected in different groups, individuals and society at large – for example, the right to strike, the right to peaceful protest, the right to work, the right to public order. Recognising that these rights can be difficult to balance at times, the police must make every endeavour to be even-handed and to be perceived as such. Engaging with groups and individuals to publicise and explain decisions can be a good way of doing this.

It is crucial that appropriate scrutiny of the police is maintained at all times, whether by the Scottish Police Authority or other relevant body, in addition to non-operational oversight by Government and Parliament.

Media coverage is another factor which can affect public confidence in the police, although, while obviously desirable, it would be beyond our Terms of Reference to recommend that such coverage should at the very least be truthful and balanced.

We received a great deal of evidence from both miners and police that relations between striking miners and police were less confrontational when local police officers were policing situations involving

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miners from the same area. Local knowledge and good communication at local level between police and communities are absolutely vital and even more so now that we have a single Police Service in Scotland.

## **RECOMMENDATION**

We received a number of complaints about State misconduct, including wrongful arrest, miscarriage of justice and unfair dismissal. In particular, the National Coal Board management in Scotland did not appear to be fair or consistent in its policy of dismissal, with many miners being dismissed for relatively minor offences, only some reinstated and some not re-instated despite industrial tribunals finding in their favour.

The complaints included those who said that they were arrested for no reason. In relation to complaints of miscarriage of justice, there were various examples, some men describing trials involving evidence given by police officers they had never seen before and yet who claimed to have been involved in their arrest and subsequent police procedures. As will be seen from the figures above in chapter 3, some men were also acquitted. Naturally, different men dealt with by different police officers and tried or sentenced before different Sheriffs received different outcomes but, in comparing their own cases, many have formed the view that some of the differences were a result of inconsistent application of the law as opposed to merely reflecting the factual differences in each case. This perceived inconsistency is part of the general picture of unfairness.

Even from a policing perspective, some of these perceived inconsistencies were the subject of comment, for example, in the Fife Constabulary Debrief Report:

**“The other area where problems obviously arose was where different Sheriffs even sitting in the same court had totally different views on what they termed the seriousness of picketing offences and this was never more clearly reflected than in the totally different levels of sentence administered in virtually identical situations. While it might reasonable be argued that this problem does not pertain solely to picketing offences it can also be argued that it appeared to be more pronounced in trials in the picketing connection.”**

Partly as a result of the “totally different levels of sentence administered in virtually identical situations” as well as the claims of miscarriage of justice, there has been discussion by some of the need for a pardon of those convicted during, or related to, the Strike, most recently at the start of 2019<sup>162</sup>. Among others who offered evidence and opinions, we heard this suggestion from former First Minister Henry McLeish who was Leader of Fife Council at the time of the Strike.

Some of what we heard suggests that the application of the criminal law by police, prosecutor and Sheriffs appears to have had an element of arbitrary application, for reasons outlined in more detail in chapter 3. While involving only a single member of the judiciary, the appeal case also casts a large shadow. While none of this establishes that any individual conviction is unsound, it represents a troubling part of the legacy of the Strike. Many men who had been in no trouble before and none since, burdened still by the loss of their jobs and good names, believe that the justice system and State as a whole punished them in a grossly excessive manner. It is hard to disagree, especially having regard to the dismissals which followed arrest or conviction. This conclusion applies even to cases in which a miner pled guilty in circumstances where he believed that such a course of action would be in his best interests.

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However, what sets these cases apart in our view is the disproportionality of cumulative impacts caused by dismissal following on from dealings with some aspect of the justice systems, especially convictions. No one has suggested to us that dismissal was an appropriate, reasonable or measured response to what were commonly relatively minor acts of public disorder punished by modest financial penalties imposed by a court. We consider that it was disproportionate, excessive and unreasonable. For reasons outlined above in chapter 3, we thought it appropriate to consider these circumstances and, although policing and the justice system were only part of what led to the totality of disproportionate impacts, they appear to us to have been a significant part, even if, to some extent, their role in the totality of impacts was unwitting. This has drawn us back to thinking about pardons, especially as our remit precludes the making of any recommendations about reinstatement, compensation or the like, which, in any event, would have needed a wider inquiry than this review.

One problem with any suggestion of blanket pardons is the range of behaviour involved in cases from the Strike, including in terms of gravity. Unlike, for example, the Historical Sexual Offences (Pardons and Disregards) (Scotland) Act 2018 which allows for pardons for same sex sexual activity which is now legal, much of the behaviour underlying convictions from the Strike would still be criminal if it happened today. Without greater scrutiny of individual cases, it is not possible on the basis of what we know to suggest that the context of the Strike trumps all criminality, regardless of gravity.

On the other hand, we have considered the position of many men described above – no previous convictions; no subsequent convictions; never in any other trouble; convicted on summary complaint for breach of the peace or breach of bail; fined anything between perhaps £80 and £400.

Today, leaving aside context, it is unlikely that the underlying behaviour in these cases would be the subject of prosecution at all. At most, some sort of diversion from prosecution might follow, perhaps a Fiscal fine. Context is, of course, crucial but so is some consideration of the actual behaviour.

While it is impossible now to undo all of the disproportionate consequences of such a conviction, and the SCCRC route is not a practical or realistic option, it appears to us that some positive steps should be taken towards recognising the totality of impacts as a wrong, having regard to the evidence we have considered and the background circumstances recognised by the Scottish Government when this review was announced.

Accordingly, it is our recommendation that, subject to establishing suitable criteria, the Scottish Government should introduce legislation to pardon men convicted for matters related to the Strike.

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## **CRITERIA**

The situation described to us as typical should be the simplest. It is the one recognised in the Brown/Rees Report as typical of 150 cases about which information was then available:

- (iii) **“From information available on 150 of the dismissed miners in Scotland, it appears that more than 90% of the Scottish dismissals have arisen as a result of breach of the peace offences, police obstruction and breaches of the Bail Act. In addition, the vast majority of fines imposed by the Courts have been £100 or less, and the majority of miners dismissed have no previous criminal convictions. Some miners have been dismissed even when they were admonished in court, found not proven or not guilty, or even not brought to court.”**

The Fife Constabulary Debrief Report also addressed the most commonly used criminal charges:

**“The above have had the effect of making the Police have to revert mainly to the common law breach of the peace or to contravention of Section 41 of the Police Scotland Act 1967 and by and large this is sufficient legislation to meet most of the needs in Scotland where the low key approach to picketing has had the effect of keeping the animosity between the Police and pickets to a minimum in industrial dispute.”**

Refining the typical example a little, if someone falls into all of the following categories (or at least 2, 3 and 4), they should be pardoned:

1. no previous convictions
2. no subsequent convictions
3. convicted for breach of the peace or breach of bail
4. case disposed of by way of a fine

There may be other examples which are not quite so straightforward, for example, those who pled guilty in circumstances where it is reasonable to infer that they did so without a full appreciation of the implications of their decision. We recommend that such individuals should also be pardoned if they meet the relevant criteria. We also recommend that the pardon should apply to those who have subsequently died.

## **PROCEDURE**

We suggest that pardons be given by Act of the Scottish Parliament, not by exercise of the Royal Prerogative. We do not envisage individual applications, rather the establishment of clear statutory criteria which the individuals can assess for applicability, with or without legal advice.

In the past, when looking at the question of pardons, a Pardons Tribunal has been suggested. It appears to us that this would be a cumbersome procedure whose aims would be thwarted by the same absence of records that prevents the SCCRC from being an effective and practical remedy in these cases.

The arguments around pardons have been aired from time to time. We appreciate that views vary, with some believing that it is illegitimate to seek to revisit or rewrite history in this way.

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Recognising the distinctive features of the relevant cases, but seeking some assistance from a situation where there are some similarities, we have looked at material in relation to the eventual pardon by the UK Government of the 306 men executed for desertion or 'cowardice' in the First World War despite many suffering from Post-Traumatic Stress. In some ways, this is a helpful comparison, certainly more apt than the recent Scottish legislation. It involved an aspect of the justice system, albeit the military system of justice.

It is helpful to consider the full terms of the ministerial statement<sup>163</sup> made on 18 September 2006 by Des Browne MP, then Secretary of State for Defence:

**“I have reviewed carefully the case for granting pardons and concluded that although this is a difficult issue it is right to recognise the exceptional circumstances that gave rise to these executions and to show compassion to the families who have had to live with the associated stigma over the years.”**

Given the paucity of records for the courts martial of those executed, I have taken the view that it would not be appropriate or fair to consider individual pardons under the Royal Prerogative but that a statutory pardon for all members of the group should be introduced. This approach removes the risk of individual cases failing to meet the criteria for a pardon under the Prerogative simply because of lack of evidence...

**Rather than naming individuals, the amendment will pardon all those executed following conviction by court martial for a range of offences likely to have been strongly influenced by the stresses associated with this terrible war...**

**In each case, the effect of the pardon will be to recognise that execution was not a fate that the individual deserved but resulted from the particular discipline and penalties considered to be necessary at the time for the successful prosecution of the war. We intend that the amendment should so far as possible remove the particular dishonour that execution brought to the individuals and their families. However, the pardon should not be seen as casting doubt on either the procedures and processes of the time or the judgement of those who took these very difficult decisions.**

The amendment will not create any right to compensation and the Royal Prerogative of Mercy will remain unaffected.

On the Radio 4 Today Programme, Mr Browne said:

**“We can't be in a situation morally where we cannot redress injustices because we don't have paperwork in relation to an individual case but we can in other cases where we have some paperwork.”**

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Also at the time, Mr Browne said:

**“Although this is a historical matter, I am conscious of how the families of these men feel today. They have had to endure a stigma for decades. That makes this a moral issue too, and having reviewed it, I believe it is appropriate to seek a statutory pardon. I hope we can take the earliest opportunity to achieve this by introducing a suitable amendment to the current Armed Forces Bill.”**

**“I believe a group pardon, approved by Parliament, is the best way to deal with this. After 90 years, the evidence just doesn’t exist to assess all the cases individually.**

**“I do not want to second guess the decisions made by commanders in the field, who were doing their best to apply the rules and standards of the time. But the circumstances were terrible, and I believe it is better to acknowledge that injustices were clearly done in some cases, even if we cannot say which - and to acknowledge that all these men were victims of war.”**

Similarities to the Strike will be recognised – aspects of the justice system in question, stigma affecting individuals and families, a moral issue which is the responsibility of the State, the lack of evidence by way of paperwork. Our conclusion is the same as Mr Browne’s – that injustices were clearly done in some cases, even if we cannot say which and even if arrest or conviction were only a part of the disproportionate impacts.

One of the arguments against the World War 1 pardons was the fact that the men concerned had been executed. One of the benefits of considering pardons in relation to the Strike is that men who are still alive would feel the restoration of their good name, the respectability they felt was lost to them over thirty years ago. It would be an effective remedy, not merely a theoretical or academic one. While to many, a pardon in such circumstances might seem either too much, or indeed, too little, we are reassured that it would have practical impact for the men and families involved. A pardon may also offer some comfort to the families, friends and communities of deceased miners. It would also offer some healing from the State to some of the scars mentioned by the Cabinet Secretary in June 2018. Our best sense of the policing side of the Strike, as expressed by some with whom we have spoken, is that the move would be welcomed if it is seen as recognition of the disproportionality of outcomes, as opposed to some sort of condemnation of the policing of the Strike. To that extent, we believe that such action would provide a degree of reconciliation, being understood perhaps even better by the police officers involved in the Strike than any others.

There may be practical issues around identifying convictions which are related to the Strike although this seems to have been managed in 1985, for example, in the figures quoted in the Brown/Rees Report. We anticipate that some of the convictions should be relatively obvious, for example, being convictions in between, say, 1984 and 1987, and, in most of the cases we are describing, standing alone as the only blemish on an otherwise clear criminal history check.

No doubt, checks on other criminal record could be made easily enough. In any event, the men and their families should be well aware of the true circumstances in each case. If properly set out, the individuals and families concerned will be able to see that the pardon applies in their cases.

The total numbers affected do not greatly exceed 500, so any administrative inquiries need not be too burdensome, for example, in relation to criminal records checks.

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Most, if not all, of the relevant convictions would now be considered 'spent' in terms of Rehabilitation of Offenders legislation. As we understand it, only in enhanced disclosure might the convictions appear. This emphasises the significance of the convictions, and any pardons, for the individuals concerned.

We appreciate that it may seem odd to recommend pardons when we are not saying that every case involved a miscarriage of justice, indeed it seems clear that many of the convictions were for behaviour accepted and admitted by the men involved. While the focus of our review has been on the impact of policing our recommendation is driven by the totality of impacts of various parts of the State, including policing. Especially where the then Cabinet Secretary sought 'understanding, reconciliation and inclusion' from our work, we could not step back from what appeared to us to be a fair, appropriate, indeed even necessary, recommendation.

With pardons, at least some of the damage – the 'scars' mentioned by the Cabinet Secretary in June 2018 – could be eased or even healed. For some men who spoke to us, they would be able to feel a sense of their respectability having been restored. To the extent that our conclusions and recommendation are welcomed by those from the policing community, it seems to us that a degree of reconciliation might also be achieved.

In one of its conclusions, the Fife Constabulary Debrief Report addressed some of the territory covered by our review:

**“The most important lesson of all, it is contended, is that there must be a positive approach and there must be determined efforts to build on what success was achieved. In this line it is as important for the Police to get back to normality as it is for the public. To help achieve this it is sincerely and honestly suggested that if in the pressure situation mistakes were made, lessons were not always quickly enough learned, harsh words were exchanged and the viewpoint of another was not always readily appreciated, the fact that all these things occurred in the most unusual atmosphere and conditions should be accepted. If this is the case it is confidently predicted that the Force can positively move forward with hope and build on the achievements which have been attained.”**

If our recommendation for pardons is accepted, it would be a “positive approach” by the Scottish Government to what it recognised as “scars” from the Strike. It would assist some by restoring some of what was lost, in particular the good name and respectability of honest working men engaged in trying to save their industry. It would address some of the “mistakes” of the Strike, many of which are the responsibility of the State, albeit not all through policing. As recognised by the police, the Strike involved a “most unusual atmosphere and conditions” and the men, women and families still affected by it as we have described are entitled to a “most unusual” remedy.

# Appendix A

## Miners' strike 1984-85 – Summary of arrest/conviction/dismissal data – combined from various sources

	Scotland	England & Wales	Source	Date
Number of miners	15,000	192,000	Tholing a double penalty – Scottish miner – June 1985	Jun-85
% of total UK miners	<10%		Labour Party Report – Gordon Brown & Merlyn Rees 9/5/85	May-85
% of total UK miners	7.20%	92.80%	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16
Number of arrests	1,350	Approx. 8,650	Tholing a double penalty – Scottish miner – June 1985	Jun-85
% of total UK arrests	13.50%	86.50%	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16
Court cases (as of June 85)	470	5,600	Tholing a double penalty – Scottish miner – June 1985	Jun-85
Conviction rate	85%	76.40%	The case for a review on the conviction of miners in Scotland – Public and Commercial Service Union/2015	2015
% found not guilty/ not proven	18%	21%	Tholing a double penalty – Scottish miner – June 1985	Jun-85
% total UK convictions	10%	90%	Labour Party Report – Gordon Brown & Merlyn Rees 9/5/85	May-85
Custodial sentences	1	200	Tholing a double penalty – Scottish miner – June 1985	Jun-85
Dismissals	200	700+	Labour Party Report – Gordon Brown & Merlyn Rees 9/5/85	Jun-85
Dismissals	202	900	Tholing a double penalty – Scottish miner – June 1985	Jun-85
Dismissals	206		The Strike: The miners fight for jobs & communities 1984/1985 – Miners' Strike Memorial Committee/1989	1989
Dismissals	205	809	Examination of pension entitlements – consultative document – DTI/May 2000	May-00
Dismissals	205	809	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16
% of regional workforce	1.50%	0.61%	The case for a review on the conviction of miners in Scotland – Public and Commercial Service Union/2015	2015

% total UK dismissals	>30%		Labour Party Report – Gordon Brown & Merlyn Rees 9/5/85	May-85
% total UK dismissals	30%		The case for a review on the conviction of miners in Scotland – Public and Commercial Service Union/2015	2015
% total UK dismissals	20.20%	79.80%	Examination of pension entitlements – consultative document – DTI/May 2000	
% total UK dismissals	20.20%	79.80%	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16
Reinstatements	0	280	Labour Party Report – Gordon Brown & Merlyn Rees 9/5/85	May-85
Reinstatements	0	280	Tholing a double penalty – Scottish miner – June 1985	Jun-85
Reinstatements	83	761*	Examination of pension entitlements – consultative document – DTI/May 2000	May-00
Reinstatements	83	465	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16
% dismissed miners reinstated	40.50%	57.50%	Notes for meeting with Cabinet Secretary for Justice on Miners' Strike in Scotland inquiry – Bruce Shields/Dec 2016	Dec-16

\* Report states "all but 170 were offered re-employment." Not clear if actually reinstated

# Acknowledgements

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## **MEETINGS**

The following engagement events were held by the inquiry in mining communities.

Alloa	25-Oct-18
Cumnock	13-Nov-18
Lochgelly	20-Nov-18
Newtongrange	21-Nov-18
Fauldhouse	27-Nov-18
Oakley	28-Nov-18
Fallin	05-Dec-18
Auchengeich	06-Dec-18

In addition, certain other meetings were arranged, involving miners, police officers, politicians and others with relevant experience and knowledge. Some individuals provided assistances but preferred not to be named.

23 August 2018 – Dr Jim Phillips – Senior Lecturer in Economic and Social History at the University of Glasgow.

23-Oct-18 – Michael Hogg – miner during the Strike and Michael then moved to railways which he found had a similar spirit to the mines. Has been an elected officer for RMT (National Union of Rail, Maritime and Transport Workers) since 1990.

12-Nov-18 – David Seath – employed by the NCB (National Coal Board) and held various managerial roles at collieries in Ayrshire, Fife, Lothians and Stirlingshire. At the time of the Strike in 1984-85 he was manager of Comrie mine in Fife.

19-Nov-18 – Tommy Brennan – former steelworker and Shop Stewards' Convener at Ravenscraig Steelworks, Motherwell. He held this position at the time of the Strike.

14 December 2018 – Graham Smith, General Secretary of the STUC.

13 January 2019 – Sir William Sutherland – Chief Constable of Lothian and Borders Police force during the strike.

13-Mar-19 – Dr Ian Oliver – Chief Constable of the Central Scotland Police force during the strike.

28-Mar-19 – Hugh Ormiston – Chaplain of the Longannet Complex during the Strike.

16 April 2019 – Henry McLeish – served as a Councillor and Leader in Fife Regional Council, part of which was during the Strike. Former First Minister of Scotland

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