

The advocate without a wig was Mr Scargill

By Alan Hamilton

"You are Mr Scargill?" Sir Robert Megarry inquired yesterday from the great height of his judicial bench of the familiar figure in the wall of his court below. The familiar figure, uncertain of protocol, semi-rose to the position of a half-open penknife. "Yes my lord."

It was merely a precaution, symbolic of the care with which the High Court Chancery Division hears its cases. M'learned friend the president of the National Union of Mineworkers was instantly identifiable as the one not wearing the wig, in defiance of newspaper cartoonists' obsession with the presidential hair.

Mr Sam Stamler, QC, for the plaintiffs, a rotund, panting junior Rumpole figure with

thick grey hair fighting to escape from under his wig, introduced himself breezily to his adversary and asked solicitously if Mr Scargill had all the documents. Mr Scargill did, in piles of smart blue folders on the floor at the feet of his sole assistant, a union solicitor.

Mr Scargill, who is no stranger to advocacy of a more populist kind, has chosen to do without counsel in his defence of the action brought by the mineworkers' pension fund, of which his union is a joint trustee with the National Coal Board.

The union trustees want the fund to stop investing overseas, and in oil, gas and other energy industries which compete with coal. The fund's managers have brought the action to restrain the union trustees from block-

ing the fund's forward investment plans, which they have been doing for nearly two years in an effort to change the investment policy.

With a fine regard for propriety, the judge opened the proceedings with a declaration of interest.

"I have got a holding in an English oil company, and some overseas shares", Sir Robert said. "I trust you have no objection." Mr Scargill half-rose. "I have no objection as long as you are not a member of the National Union of Mineworkers, my lord." Twitching his toothbrush moustache, Sir Robert readily gave that assurance.

Mindful of other events in the coalfields, Sir Robert then urged m'learned friend the

defence counsel to take a day off during the week, should he feel the pressing need to call a meeting of his national executive. Thank you but no thank you, the defence replied; he and his union colleagues were much too steeped in the present case to break off in midweek for such business as ballots and strikes.

Mr Scargill, in sober blue suit and crisp white shirt, looked lonely and exposed in his front row foxhole, the bar behind him entirely devoid of counsel. Several rows back sat a clutch of other union luminaries; Mr Michael McGahey studying *The Times* until an usher told him to put it away; Mr Peter Heathfield, the new secretary, in a stunning shirt of crushed strawberry in contrast to his grey-suited colleagues who

looked like a gathering of accountants.

Mr Stamler, fortified by two junior counsel and a clever red contraption which held his huge portfolio of files and papers, launched his case with a brief outline which lasted most of the day.

A dull recitation of figures and investment strategy was momentarily enlivened when he catalogued some of the investment decisions the union trustees, it is alleged, would have preferred to make.

Mr Scargill, it was claimed, wanted to buy the Eagle Star Insurance Company for the fund, until it was pointed out by the fund's professional managers that the price tag would approach £1,000m.

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with no wig

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Other enterprises which the miners wished to buy were Jaguar Cars, the Daily Mirror newspaper group and the Yorkshire brewery of T and R Theakston. In addition, Mr Stamler said, constantly turning to Mr Scargill to ensure that he was looking at the right piece of paper, the miners wished to establish their own road haulage business and building society.

On the other hand, he disclosed, the union trustees wished the fund to disinvest itself of a holding in a company which was found to trade in pornographic and violent video films.

As the court broke for lunch a gaggle of reporters descended on Mr Scargill from the press benches before he had even left his seat, until the whole circus was hustled off the premises by an usher.

M'learned friend, a model of courtesy and reason before the bench, then strode from the Royal Courts of Justice and gave a more characteristic impromptu press conference on the pavement on the hideous iniquity of pit closures.

The case continues today, as it must if Mr Scargill is to have his turn in the judicial limelight.