

# Judge adjourns hearing but Scargill remains defiant

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By Paul Routledge and David Felton

A High Court judge yesterday adjourned for six days an attempt by dissident Yorkshire miners to seek the jailing of Mr Arthur Scargill, the miners' president, for contempt but the miners' leader was unrepentant last night and determined not to appear in court for next Wednesday's hearing.

Mr Justice Nicholls said at the end of a two-hour hearing in London that he was allowing the adjournment so "wiser counsels may prevail" and in the hope that the National Union of Mineworkers would reverse its boycott of the proceedings.

But last night it emerged in Blackpool, where Mr Scargill is attending the Labour Party conference, that the mineworkers' leader will not appear in court on Wednesday although the union has still not decided whether to be legally represented. At a packed fringe meeting, Mr Scargill accused "non-elected judges" of delivering "class justice" and made it clear that the union will persist in its defiance of the court.

"I am not someone who wishes to go to Pentoville prison, but I want to make it absolutely clear that if the choice facing me is to be committed by the High Court to spend a prison term in Pentoville or any other jail for standing by this trade union or our class, or alternatively having to live with the imprisonment of one's mind for betraying one's class then there is no choice as far as I am concerned, I stand by my class and my union," he said.

"They have come today for the NUM. We are going to resist with all the power we can muster, and if that means that we have to suffer, either being fined or sent to jail then that is something we will have to accept.

Mr Scargill said he had learnt from media reports that the court had adjourned to give the union and its leaders time to reconsider their position. "I thought I had made my position clear on Channel 4", he continued. "If there is any ambiguity or doubt on the part of the BBC or ITV of the *Daily Express* let me not dispel it but specifically and categorically spell out the union's position."

He then read out the text of minutes for the NUM executive on October 1, which unanimously reaffirmed the union's determination to ignore court

orders and to reaffirm the strike action as official.

In court yesterday the judge referred to the "very grave state of affairs" having heard evidence of Mr Scargill's alleged contempt in statements he made to the *Channel Four News* programme last Friday during which, it was said by counsel, he mouthed deliberate defiance of a High Court order the judge had made earlier that day.

The order, prohibited Mr Scargill or the union from urging or instructing NUM members not to cross picket lines in Yorkshire or Deryshire after the judge had found that the area strikes there were unlawful and therefore unofficial.

During the course of the interview on the programme, a video of which was shown to the judge in court yesterday, Mr Scargill said: "Let me say this. The High Court decision as far as we are concerned will not be accepted."

The judge gave leave yesterday to solicitors representing the two Yorkshire miners, Mr Ken Foulstone and Mr Bob Taylor, to bring further allegations against the NUM based on a decision of the union executive last Monday which gave full backing to Mr Scargill's television comments.

He allowed an application by Mr Michael Burton, QC for the two miners, that any further notices of proceedings would not need to be served personally on Mr Scargill "in view of the difficulties experienced in the past" and instead they will be served on the union at its Sheffield headquarters.

