In the Matter of: A claim for damages against the Chief Constable of South Yorkshire by ~~GARRICK~~ ERIC SCOTT NEWBIGGING

OPINION

1. I am asked to advise on the merits of a claim for damages against the Chief Constable of South Yorkshire arising out of Mr. Newbigging's arrest at Orgreave, Sheffield on 18 June 1984. I have no hesitation in advising that Mr. Newbigging should commence High Court proceedings for malicious prosecution, false imprisonment and assault.

2. The brief facts of the matter are as follows: on 18 June 1984, Mr. Newbigging travelled from Fife in Scotland to picket the British Steel Corporation coking plant at Orgreave. Miners and police were present in large numbers. During the course of the day, police made repeated charges against the miners using horses and Police Support Units carrying short shields and truncheons. While running away from one of these charges, Mr. Newbigging tripped and fell. As he tried to regain his feet, he was hit several times by truncheon wielding police officers. He was pulled to his feet by his hair and arrested. On his way through the police lines, he was kicked in the groin by another officer. Shortly afterwards, he was taken to a hospital where a head wound was stitched and he was returned to police custody. He was charged with riot. During the night, he lost consciousness several times. He was bailed next day.

3. In early May 1985, Mr. Newbigging was one of fifteen defendants tried for riot at Sheffield Crown Court. I appeared on behalf of Mr. Newbigging. He was acquitted on the forty-eighth day of the trial when the prosecution withdrew the charge and the Judge directed the jury to bring in verdicts of not guilty against all the defendants. The trial ended before the prosecution evidence directly relating

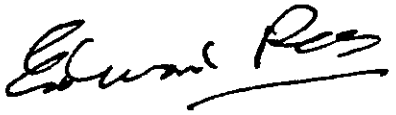
to Mr. Newbigging was given. Had the trial continued, two police officers, PC Stannard and PC Barnes of Merseyside Police, presumably would have given evidence in accordance with their depositions. These stated that they saw Mr. Newbigging throwing missiles, one of which hit PC Stannard. Both officers ran and caught Mr. Newbigging. They arrested him after a violent struggle.

4. Photographs taken at the time by a number of photographers and put in at the trial showed Mr. Newbigging being brought through the police lines by PC Stannard and another officer. The second officer is not PC Barnes but an unidentified officer from another force, probably West Midlands. During the trial, a considerable amount of information was gathered in evidence about police movements at the time of this incident. the version given by the officers in the depositions did not tally with the rest of the evidence. In addition, the evidence showed that there were no police charges after midday. Three officers claimed to haev arrested Mr. Newbigging half an hour later. In all the circumstances, I feel that Mr. Newbigging has a reasonable likelihood of persuading a civil jury that his version of events is more probable than not.

5. The proper Defendant in this action is the chief Constable of South Yorkshire. Although the officers belong to the Merseyside Police, they were co-operating with the Chief Constable of South Yorkshire under the Mutual Aid System of Inter-Force Support and were at all material times acting under his direction and control.

6. I have advised High Court proceedings because I believe Mr. Newbigging should be able to achieve at least £5,000 in damages. I anticipate that the action, if successful, would result in a large amount of exemplary damages as Mr. Newbigging was prosecuted on a very serious charge in a notorious case on evidence which was deliberately fabricated. The manner of his arrest was violent in the extreme

and his injury, as shown in the photographs, was quite severe. In addition, he was obliged to travel from Scotland to attend the trial in Sheffield and suffered considerable loss of wages.



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27 November 1985

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