This will probably be the last Durham Miner before the General Election and time is short for New Labour to clear up the mess they have created.

We waited a lifetime for a Labour Government with sufficient majority to radically change society and narrow the gap between rich and poor. Now, after 12 years of New Labour the gap between rich and poor is wider than ever and we are left with a catalogue of disasters.

Hanging on Bush’s coat tails Blair dragged us into two wars which have caused a horrific loss of human life. Those war-mongering MPs who blindly supported Blair should hang their heads in shame.

Greedy bankers have been rewarded with billions of pounds of our money for their abject failure when tens of thousands of taxpayers are losing their jobs and in some cases their homes.

We suffer all of this and then we find that MPs, many who raged about ‘benefit fraud’, were helping themselves to vast sums of Taxpayers’ money. We expect the Tories to have their noses in the trough, but it is profoundly demoralising when we find that many of our representatives are just as bad. No wonder there were local MPs who tried to block the Freedom of Information Act.

Labour voters have been badly let down and it is going to be extremely difficult to stop the Conservatives coming back into power. Some people might say, does it matter – aren’t they all the same?

However, I would seriously ask people to remember the damage we sustained during the 18 years of Tory rule. Not only was the British coal mining industry destroyed, but the whole manufacturing base of Britain. The privatisation of the publicly owned utilities, electricity, water, gas railways has been a costly disaster. Our communities and people were left almost in despair and a whole generation of our youth were denied the opportunity of real employment and job security.

The Labour Government has not matched the aspirations of our people but Cameron, Osborne and company will be no different to Thatcher.

May I take this opportunity of thanking all our members for their support over the last year and to wish you all and your families a very happy festive season and a prosperous New Year.
First Knee Assessments

Encouraging

Dave Guy

On April 15 this year the Department of Works and Pensions (DWP) announced that Miners’ Knee would be added to the list of ‘prescribed diseases’ meaning that sufferers would now be able to apply for State compensation through the Industrial Injuries Disablement Benefit (IIDB).

Already over 1,400 members of the DMA have been given assistance at our offices to fill in the appropriate forms. The first few members have been examined and assessed and the results ranging from 5 to 30 per cent have been very encouraging.

It appears that the long campaign by the Durham Miners, the National Union and the Miners’ Group of MPs has at last borne fruit and our members will receive a measure of justice for the damage they suffered from many years of work underground.

This is particularly good news for ex-miners who have been awarded percentage points for other industrial injuries but have failed to reach the 14 percent to qualify for an IIDB payment. In these cases just a few points could take them over the threshold.

If a member has been examined and given an assessment it is imperative that he inform the DMA immediately as an appeal may be required which must be registered within four weeks. It is also important that our members understand that if they are in receipt of any means-tested benefit and they are successful in being awarded an IIDB payment then this new payment may affect the means tested benefit.

MINERS KNEE LITIGATION.

Our action against The NCB and British Coal to gain compensation for our members who have suffered damage to their knees while working underground is quite separate from the decision of the DWP to classify miners knee as an industrial disease. While this decision hugely helps our case we still have to prove that the employer was negligent in not taking action to create working practices which could have prevented damage to miners’ knees.

A case review of the litigation was held in Leeds Crown Court on the 13th and 14th October 2009 where Judge Grenfell agreed the case would proceed with a five week hearing starting June 28 2010.

At this hearing the issue which the court will look at is the three year statute of limitations which determines that personal injury claims must generally be brought within three years of the date of injury.

However, where the case involves a disease which develops over time then the period runs from when a claimant knew or ought to have known his condition was caused, or may have been caused, by his working conditions.

There is obviously an issue to be determined by the Court as to whether our claims have been brought in time. If the Judge decides they are time-barred then the Court will be asked to use its discretion and allow the claims to proceed.

This statute was waived for the vibration white finger test cases and we are optimistic that it will be on this occasion. If we are successful then the action will proceed to a full hearing at some point in 2011.

The Defendant’s representatives also applied to have the issue of what impact a major knee injury would have on the development of osteoarthritis of the knee considered. The Judge declined to order this a separate preliminary issue although he ruled that it could be raised as the case progresses.

There are currently 935 cases on the Register of which 517 are from Durham and out of this list of cases, which have been submitted to the
court, our side are to select four test cases. The other side will also select four. A ruling on these test cases, as to whether not they qualify under the statute of limitation, will be made following the hearing in June/July 2010 and this will hopefully give us an idea of how the rest of the cases will be treated.

In a separate development there has now been an offer of insurance cover made to enable a further 935 cases to be entered onto the Register. This is a positive development as it means additional fighting funds to run the cases to trial. The additional cases will not be from the Durham area as all of our members who made a claim and who met the registration criteria have already been registered.

Progress is slow and we understand how frustrating this procedure is for our members who are suffering from this painful condition. However, they can rest assured that we are doing all that we can to push the process on and we will continue to ask the government to introduce a scheme which will compensate our members without the need for this costly and time-consuming litigation.

**INCREASE IN PNEUMOCONIOSIS**
We have been shocked by the increasing number of new cases of Pneumoconiosis which are coming to our attention 16 years after the last pit closed in Durham. It is now evident that the increased mechanisation of the mines in the 70s and the advent of the incentive agreements intensified the production of dust to the detriment of our members’ health.

**SURFACE WORKERS CHEST CASE**
Our members will know we have been trying to establish grounds for including surface workers in the chronic bronchitis and emphysema scheme. This required us to find evidence that the dust levels in surface areas such as coal preparation plants could be compared with those underground.

Unfortunately after several years of research the exchange of expert evidence has been assessed by leading council and has been deemed to be insufficient to give us any prospect of winning if we were to proceed. We have to accept this legal opinion and so the DMA have reluctantly abandoned the proceedings. We understand the disappointment this news will cause but our members can be assured that no stone was left untumed in our search for evidence.

**£236.672 MILLION RECOVERED**
I am pleased to report that the total compensation we have won for our members has reached £236.672 million. I am sure you will agree that given the difficulties we have faced over the past 16 years this figure is a tribute to the hard work of our Executive Committee our staff and our solicitors.
Lawrence Daly 1924 - 2009

On August 20, 2009, the Durham Miners Executive Committee attended a memorial service for Lawrence Daly, who was Secretary of the NUM from 1969 to 1983 and who died aged 84 on May 23rd, 2009.

Lawrence was born into a mining family in Kelty, Fife, on October 20, 1924. His father, a founding member of the British Communist Party, was victimised for his activity during the 1926 lockout. Remembering these times, Lawrence’s mother recalled, to the socialist academic and activist Jean McCrindle, how the family with nine children had been thrown out of the company house 15 times. It was these conditions which were to mould the views and form the character of Lawrence.

Leaving school at the age of 14 he began work at Glencraig colliery and at 15 he joined the Young Communist League. He immediately became active in the NUM and by the age of 21 he was a lodge official.

In 1945 he visited Stalingrad, which had been almost totally destroyed in the heroic siege which marked the turning point of the Second World War. On this visit, he met James Callaghan, later to become Labour Prime Minister, with whom he became a lifelong friend.

When he returned from the USSR, he wrote the pamphlet *A Young Miner Visits Stalingrad*.

In 1956, after Nikita Krushchev’s speech revealing many of Stalin’s crimes, Lawrence publicly tore up his Communist Party card in disgust. Later that year, the Soviet Union’s brutal intervention in Hungary confirmed Lawrence’s doubts and he was joined by thousands of communists who deserted the CP.

Lawrence and a group of socialists formed the Fife Socialist League, and in 1958 he became a local councillor for the new group.

By this time, Lawrence had educated himself, through a series of correspondence courses and extensive reading, and was making his mark as a socialist intellectual with a natural gift for public speaking.

He served on the board of the radical magazine *The New Reasoner* and the *New Left Review*.

In 1962 he was elected to the Scottish NUM Executive Committee. In 1963 he became a full-time agent and in 1964 he was elected Scottish Area Secretary after which he joined the Labour Party. He was an outspoken critic of the Vietnam War and in 1966 he became a founding member of the Vietnam Solidarity Committee and visited miners in North Vietnam who had been bombed by American bombers. He was later to serve on the Bertrand Russell War Crimes Tribunal, set up to investigate US atrocities in Vietnam.

In 1968 he beat the ‘right wing’ Joe Gormley and was elected National Secretary of the NUM.

When in 1971 Joe Gormley defeated Communist Mick McGahey to become the NUM President, the leadership of the Union was evenly divided between left and right.

When Edward Heath set up the Wilberforce enquiry during the miners’ strike of 1972 to examine the pay and conditions of miners it was Lawrence Daly’s evidence which was crucial to the outcome. The passion and skill with which he made his presentation was the defining moment of the strike.

The inquiry recommended that the miners should be regarded as ‘a special case’ and their wages should be increased by £4.50 per week. After further negotiations, the offer was improved and a further 7 rest days added. After years of defeats, this was a stunning victory for the mining communities of Britain.

In 1974 a second strike brought down the Heath government and gave miners the largest advance in wages in their entire history.

A year later in 1975 tragedy struck Lawrence’s family. While making a hurried car journey from London to Scotland, to visit his dying mother, Lawrence was involved in a car crash which killed his brother and his sister-in-law and left him seriously injured. His mother died a week later never knowing what had happened.

After many months, Lawrence slowly recovered but was never to regain his full strength. Many would see this tragedy as a turning point in life.

His move to London when he became National Secretary took him away from his roots in the mining community, which had been such a major part of his life. He told his friends that he missed the club, the crack and the comradeship.

After the election of a Labour Government during the 1974 miners’ strike, a new plan for coal was proposed for the development of the coal industry. After years of decline, the future looked more optimistic and Lawrence began to take a more pragmatic approach towards the Labour leadership and even supported the Government’s attempt to restrain wages.

Joe Gormley retired as President of the NUM in 1981 and was replaced by Arthur Scargill. In March 1984 on the
Obituary

Lawrence Daly 1913—2008

On the eve of the Great Strike Lawrence took early retirement on the grounds of ill health.

At the height of his powers Lawrence Daly was an inspirational figure and one of the most talented trade union leaders of our time. He was a warm friendly man who loved to socialise. He liked a drink and like many miners probably drank too much.

He was a fine singer and had an enormous repertoire of Irish and Scottish songs. It was, however, when he was speaking that he was at his best — his analysis was clinical, his delivery poetic and his passion compelling.

Members of the DMA Executive Committee and Durham Mechanics outside Dunfermline Abbey before the memorial service for Lawrence Daly

Jack Jones 1913—2009

A Tribute by Rodney Bickerstaffe, former General Secretary of UNISON

Jack Jones died peacefully on April 21 2009 at the age of 96.

He was born into poverty in Liverpool’s Docklands in 1913 and devoted his life to help the exploited, the oppressed and the disadvantage both at home and abroad.

There were three clear periods of major achievement in his long life.

The first began in 1936 when a group of fascist Spanish generals led by Franco and backed by Hitler and Mussolini staged a coup against the democratically elected Spanish Government. Jack was appalled and driven by his hatred of Fascism he bravely enlisted with the International Brigade to defend Spanish democracy.

He fought at the battle of Ebro where he was badly wounded in the shoulder, hospitalised, and finally repatriated to England. It was this courage and commitment which would define the rest of his life.

Jack’s parents had given him the middle name Larkin in memory of the Irish trade union leader James Larkin and Jack in the second phase of his life became a trade union leader in his own right working in Liverpool and Coventry and finally being elected General Secretary of the largest union the Transport and General Workers Union which he led with integrity and became a compass for the whole Trade Union Movement.

Not everyone would agree with every detail of his policies but none doubted his hard work and commitment to fairness and equality. As chair of the TUC International Committee his strong support for solidarity and democracy was renowned.

On reaching the age of retirement many who had worked as hard as Jack would have rested on their laurels — not Jack Jones. He was just starting the third phase of his life in which he became the driving force behind formation of the National Pensioners Convention which he led for nearly 25 years. Every pensioner owes a huge debt to Jack’s efforts. Fairness and respect for pensioners was his credo and he championed the cause of health and social care, free travel, education, and of course an adequate and generous State Pension.

Jack Jones was a man of deep integrity, a great family man who was uninterested in wealth and lived in a council house all his life. When offered a peerage he turned it down. When given a cheque for £10,000 on his retirement he asked for it to be given to the pensioners movement.

All his life and even after he died he was attacked by the right-wing press but the countless slurs bounce off the memory of this great man who became known throughout the labour movement as ‘Incorruptible Jack’.

The old class warrior is dead. His courage in the fight against racism and fascism is as relative today as it was in the 1930s.

I was honoured to be with him during his life and at its end.

A Tribute by Rodney Bickerstaffe, former General Secretary of UNISON

From left to right: Rodney Bickerstaffe, Jack Jones and Menai Williams who dressed Jack’s wounds during the battle of Ebro 1938. Photo taken 2005
Gala 2009

Photos: Keith Potts
Thomas Hepburn Memorial Service 2009
Dave Hopper welcomed the members of the International Brigade Memorial Trust to Red Hills and said it was an honour to be able to remember those brave men and women who volunteered to fight Fascism in Spain. He referred to the Chopwell banner which was displayed on the stage. ‘This,’ he said, ‘was the banner of Clifford Lawther, a miner who fought with the International brigade and was killed at the battle of Jarama.’

Dave also paid tribute to the late Jack Jones, former General Secretary of the Transport and General Workers Union who died at the age of 96 on March 29 this year and who as a young man fought in Spain under the standard of the International Brigade.

Present on the platform was Jack Edwards a 95 year-old veteran of the International Brigade and one of the nine known survivors of the conflict. He arrived in Spain in January 1937 and over a period of two years fought in the battles of Jarama, Teruel, Aragon and Ebro.

On July 17 1936 a group of monarchist and fascist Spanish generals staged a coup d’etat against Spain’s democratically elected Republican Government. What ensued was a bloody and bitter civil war which lasted for three years. The International Brigade was a 35,000 strong fighting force of volunteers from many countries outside Spain who took arms against fascism. 2,500 were from the British Isles many from the North East of England.

While the Fascist governments of Germany and Italy actively intervened on the side of the generals Britain and other European countries took up a policy of nonintervention. This ‘non intervention’ justified British Prime Minister Stanley Baldwin in sending the British Navy to blockade Spanish ports to prevent any arms and food reaching the anti-fascist forces.

The Soviet Union sent some military help which proved insufficient and in 1939 Franco was installed as the third fascist dictator in Europe — a dictatorship which lasted until his death in 1975. In 1978 Spain adopted a democratic constitution and gradually Franco’s image disappeared, often in the dead of night, from the towns and cities throughout Spain. Today 70 years since the end of the civil war the mass graves of republicans are being exhumed and those killed and interred are at last to be given a dignified burial.

The International Memorial Trust was formed in 2002 by former brigaders, the families of former Brigaders historians and other interested parties to ‘keep alive the memory and spirt of the men and women who volunteered to defend democracy in Spain’
Energy Crisis

Nuclear Madness

For years we were told that nuclear energy was the cheapest means of producing electricity when in fact it was the most expensive. We now know that the post-war-nuclear programme was not about producing cheap electricity at all but all about producing plutonium for nuclear bombs.

Now the government wants us to believe that the only way to reduce emissions and plug the energy gap is to build 10 new-nuclear-power stations. Already the private energy companies are lobbying for massive handouts.

The French energy company EDF which is to build four of these stations at a cost in the order of £20 billion has told the Government that none will be built unless the Government agree to underwrite part of the cost and rig the market against coal and in favour of electricity from nuclear plants. According to the Guardian newspaper the Government has already drawn up secret plans 'to tax electricity consumers to subsidise the construction of the UK’s first new nuclear reactors.'

So we will have to pay higher prices for electricity and still subsidise the private energy companies through higher taxes.

Will this solve the problem of global warming? No, because whatever we do coal will be burned in massive quantities on a global scale for the next hundred years. Carbon capture is therefore the only way the major source of greenhouse gases on a world scale can be significantly reduced. But the Government only pays lip service to the development of carbon-capture power stations while the big money is poured into a nuclear black hole.

This is not the first time a Labour Government has made a nuclear blunder.

In 1966 a Labour Government took the decision to build a nuclear-power station at Hartlepool right on top of hundreds of millions of tons of coal reserves. On this occasion they did not have global warming as an excuse for kicking the loyal Labour-voting Durham Miners in the teeth.

Construction began in 1969 and 14 years later in 1983 it produced its first electricity. For years after it was constantly off line due to technical failures. We don’t know the total cost of its construction and no one knows what the cost of de-commissioning will be. But we do know who will pay the bill — we will.

It is not too late to stop another nuclear disaster.

Don’t Worry About Tony

When Tony Blair resigned as Prime Minister some may have worried that he faced an uncertain future. However, The Times reports that, ‘Since stepping down as prime minister in June 2007, Blair is said to have earned as much as £15m from a variety of business deals and a book venture. He has been paid a £4.5m advance for his Downing Street memoirs, a £2.5m salary as a part-time adviser to the American investment bank JP Morgan Chase and £2m for an adviser’s role with the Swiss firm Zurich Financial Services.

He has also worked on the after-dinner lecture circuit. Last year a Spanish newspaper reported that he had earned up to £240,000 for making a 90-minute speech to 2,000 entrepreneurs in Barcelona. Blair also receives a taxpayer-funded pension of £63,468 a year, plus an annual £84,000 allowance to run a private office.’

In addition to all that he has set up a company called Tony Blair Associates cashing in on his contacts made in the course of the Iraq war which offers a consultancy service to states and businesses in the Middle East which is estimated to make him £5m a year. The Blair family also own 6 houses bought for £4m, £3.65m, £800,00, £30,000, £1.13m, £260,00 and £265,000.

Cherie works as a top lawyer and a part time Judge to help with the family budget.

So worry about the innocent men, women and children killed in Iraq and Afghanistan. Worry about the starving children in Ethiopia. Worry about the unemployed and worry about how you are going to pay for Christmas but don’t worry about Tony — ’cos the boy done good (for himself).
Dave Anderson MP, chair of the all party Coalfield Communities Group, is investigating why there is such a variation in the average compensation awards achieved by different solicitors. The figures (see table) have been provided by the Department of Energy and Climate change (DECC) in answer to the parliamentary questions asked by Dave Anderson.

An article published in the Law Society Gazette on July 30 2009 states:

‘Given the nature of his constituency Anderson can hardly be faulted for voicing his concerns and trying to get to the bottom of what explains these — on the face of it glaring anomalies.’

The Law Society Gazette explains in detail how solicitors were paid for processing miners’ claims for Chronic Bronchitis and Emphysema (CB&E) and for Vibration White Finger (VWF).

The Department of Trade and Industry (DTI) Solicitors drew up legal documents called Claims Handling Agreements which governed how solicitors would be paid.

These agreements awarded a fixed payment for each successful claim processed by a solicitor. In the VWF scheme if an initial offer of compensation was accepted without dispute then the solicitor received their costs in full. If an offer was rejected, to pursue services payments for example, then the solicitor only got a percentage of their costs and the balance was left to the end of the claim.

The suspicion is that solicitors who achieved on average lower awards were advising their clients to accept the first offer to create a faster turnover — i.e. more profit for less effort.

In the case of VWF claims, the Law Society article explains that there were further anomalies where many thousands of miners were not paid the full amount which could have been awarded.

When the VWF compensation scheme was first established there were two categories of compensation where damage figures were agreed — for pain, suffering and loss of amenity and for disadvantage on the labour market.

After 2003, agreement was reached on how to deal with services (assistance with everyday tasks) and loss of earnings.

The overall best performing solicitors, Thompsons, who dealt with all of the cases for Durham Miners and Mechanics and were instrumental in winning the original test cases warned miners who were made offers prior to 2003 not to settle as there was the possibility of further compensation which was under negotiation. Only if the client absolutely insisted on an immediate settlement was the DTI’s offer accepted. Although this strategy delayed the payment of the major part of the fees to Thompsons it was hugely favourable to the claimant as the service awards could be significant. In excess of £30,000 in some cases.

The Law Society Gazette has obtained unpublished figures from the DTI which show that at the time when the VWF scheme closed, 109,000 of the 170,000 miners claiming compensation were eligible for service damages awards but only 59,000 miners had lodged claims. Clearly 50,000 miners who could have received awards lost out.

It appears highly likely that those miners who lost out did so as a result of the bad advice of their solicitors and this would certainly explain the wide discrepancy in the performance of the different firms.

When asked to comment on the discrepancy in the performance figures Avalon & Co, Moss Solicitors, Barber and Co and the Union of Democratic Miners / Vendside did not respond.

All other firms claimed that they had always acted in the best interests of their clients pointing out that other factors could have influenced the final
The table above demonstrates that the best overall performing solicitors were the DMA Solicitors Thompsons.

Factors could have influenced the final awards such as the average degree of disability of their clients or the number of claims that were processed for the families of deceased miners.

Tom Jones of Thompsons gave the following response:

‘One large case could for a firm running only a few cases enormously effect their average. We ran thousands of miners’ scheme cases so our results cannot be dismissed as a statistical aberration. Any firm that ran a significant case load of scheme cases could have achieved similar results.

‘We have always strived at Thompsons to achieve the maximum compensation available for all our clients in all our cases. It has been highly gratifying to see a reflection in these tables of the effort made on behalf of former miners and their families referred to us through their union. They are results of which we are proud.’

<table>
<thead>
<tr>
<th>Solicitor</th>
<th>Average Damages</th>
<th>Combined Averages</th>
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<tbody>
<tr>
<td></td>
<td>VWF</td>
<td>CB&amp;E</td>
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</tbody>
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The table above demonstrates that the best overall performing solicitors were the DMA Solicitors Thompsons.

Durham Miners’ Association Membership

Membership of the DMA will entitle you to the following benefits of membership:

Legal Support
Through the Association’s solicitors, Thompsons, the Association can offer expert support on the following issues:
- Legal advice and representation where deemed appropriate in any litigation concerning an injury or disease incurred or contracted whilst working as a miner in the Durham coalfield
- Legal advice and representation where deemed appropriate for you and the members of your family if you suffer injury in a road accident, whether as a driver, passenger, cyclist or pedestrian
- Legal advice and representation where deemed appropriate in any other litigation concerning an injury or disease incurred or contracted outside the workplace
- Free initial legal advice on any matter
- A free will for you and your partner
- Low cost conveyancing

Representation
Through our network of branch representatives and full time officials we can provide expert and experienced support and assistance with:
- Mineworkers Pension Scheme entitlements
- Social Security entitlements including representation before Social Security and Medical Appeal Tribunals
- Advice and representation on any issues relating to concessionary fuel and cash in lieu

Our Association’s business has been inspected by the Monitoring and Compliance Unit of the Ministry of Justice who have asked us to amend some of our paperwork and this has been done.

Although we have done it before, we are also requested to clarify again that we are no longer registered with the Certification Office as a Trade Union and are now a Claims Handling Organisation registered and regulated under the Ministry of Justice.

If you change your address ring 0191 3843515 for the Durham Miners’ Association
If you have a case running ring Thompsons on 0191 26 90400
Mineworkers pension Scheme 0845 606 4444
Fuel Office: 0845 75 90 529
Cash in Lieu: 0845 759 1562
Convalescent Holidays

North East Mineworkers Convalescent Trust Fund (NEMCTF) provides funding for holidays for ex-employees of the NCB and British Coal who live in the North East. Transport from designated pickup points is provided to and from the homes.

The Holidays are at the following locations:

The Yorkshire Miners’ Holiday Home at Low Hall, Scalby near Scarborough.

Three weeks’ intake is reserved for men only and two weeks for couples each year. The accommodation is half board with en-suite facilities for an 11-day stay.

Sam Watson Rest Home (Richmond, Yorkshire)

20 intakes are funded throughout the year for women only and the accommodation is full board.

The Derbyshire Miners’ Convalescent Home

This home is situated on the seafront at Skegness. Holidays for two groups, predominately couples, are provided and the accommodation is en-suite and full board. These holidays are recommended for couples who have slight to moderate health or mobility needs.

Vitalise, Sandpipers — Southport

Vitalise are an international specialist provider of holidays for people who have substantial physical, health or personal care needs and their carers. NEMCTF provides holidays for two groups per year comprising of couples or individuals for one week’s stay.

All couples who apply have to be assessed by a social worker from the Coal Industry Social Welfare Organisation (CISWO). Due to the long waiting list for holidays for couples each couple is restricted to one holiday only.

All who apply for a Vitalise holiday must also be assessed by a social worker from CISWO.

Any member who wishes to take advantage of these holidays should get in touch with the DMA office: Tel 0191 3843515.