

Core participants

Ruling 8

1. On 23 May 2016 the Inquiry received an application from Public Interest Lawyers on behalf of Mr Eric (“Ricky”) Tomlinson for designation as a core participant in the Inquiry under rule 5 of the Inquiry Rules 2006. I explained the principles on which I would act when considering applications for designation at paragraphs 1 – 16 of my first Core Participants ruling of 21 October 2015 (which can be found on the Inquiry’s website).
2. Mr Tomlinson seeks designation as a core participant in category [E] Trades unions and trades union members and category [I] Victims of miscarriage of justice. There follows an account of the factual assertions and arguments made in support of his application.
3. Mr Tomlinson is best known as an actor, particularly for his role in the successful BBC comedy series, *The Royle Family*. In the late 1960s and early 1970s, before he became an actor, Mr Tomlinson worked in the building trade as a plasterer. Mr Tomlinson was a member of and an activist in the Transport and General Workers Union.
4. In May 1972 there was a national strike by building workers seeking a substantial pay increase. On 6 September 1972 Mr Tomlinson was one of some 300 trade unionists who visited building sites throughout the Shrewsbury area with a view to persuading workers to join the strike. They were later described as “flying pickets”. There were no arrests or complaints made on the day. On 14 September 1972 the trades unions achieved a settlement with the employers. Five months later, on 14 February 1973, allegedly at the instigation of the Shrewsbury employers and the Home Office, 24 individuals, including Mr Tomlinson and Mr Des Warren, were arrested on suspicion of unlawful assembly, intimidation, affray and the common law offence of conspiracy to intimidate, in connection with their visit to Shrewsbury. Some 200 witness statements had been taken. The trial of Mr Tomlinson and Mr Warren and others commenced on 3 October and was completed on 19 December 1973. Mr Tomlinson and Mr Warren were convicted of a variety of offences. On 29 October 1974 their appeals against conviction on the conspiracy count were dismissed. Mr Tomlinson was returned to prison to serve the remainder of his sentence of two years imprisonment. When he was released from prison having served half his custodial term Mr Tomlinson was unable to obtain work in the building trade.
5. In the course of the BBC documentary series *True Spies*, broadcast in 2002, a former Special Branch officer based in Lancashire, Tony Robinson, claimed that the Workers Revolutionary Party, which had been supported by Mr Tomlinson, were “*not reticent in*

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promoting violence in support of their aims". Those aims included "*subversion*" of the democratic system of government. Mr Robinson claimed to have seen Mr Tomlinson's Special Branch file. In it Mr Tomlinson was described as "*a political thug*". Mr Tomlinson denied that he had ever taken part in violence in the course of his union activities. It is argued on behalf of Mr Tomlinson that it is "*inconceivable that the WRP [Workers Revolutionary Party] were not infiltrated by [a] CHIS [Covert Human Intelligence Source]*".

6. It is claimed in the application that Mr Robinson admitted during his on-screen interview with the BBC that the Special Demonstration Squad had created a file on Mr Tomlinson. The significance of that claim is that the Special Demonstration Squad comprised police officers who acted undercover. However, the "admission" claimed does not appear in the transcript on which the application relies. The programme commentator says that by the time Mr Tomlinson was convicted at Shrewsbury Crown Court in December 1973 his *Special Branch* file had been created. There is no mention of the Special Demonstration Squad in connection with Mr Tomlinson that I have been able to find. Special Branch files may be created from a variety of sources including the uniformed police, detectives, informers, police records and public knowledge.
7. Mr Tomlinson's name appeared in an employment blacklist created by the Economic League. The blacklist is at tab 12 of the documents attached to the application. It is argued that it is probable the blacklist was created with the assistance of the police. The date of Mr Tomlinson's inclusion in this list is not known. It may be, I acknowledge, that a police officer was the source of information given to the Economic League. However, Mr Tomlinson was, he accepts, a union activist who spoke at public meetings in support of the Workers Revolutionary Party. He was charged with conspiracy to intimidate in February 1973. There is no reason to think that the information that led to his inclusion in the list was covertly obtained by an undercover police officer.
8. As I said in my first Core Participants ruling at paragraph 11, I have given particular attention to the question whether the applicant played or may have played a direct and significant role in the matters to which the Inquiry relates. Nothing that has been said on Mr Tomlinson's behalf demonstrates that information held about Mr Tomlinson by Special Branch emanated from an undercover police officer. It may have done, but equally it may not. Secondly, there appears to be no connection between Mr Tomlinson's conviction in December 1973 and undercover policing. The complaints made relating to the conviction are that the prosecution was politically motivated, that an ITV programme *Reds Under the Bed*, broadcast on the day the prosecution case concluded, prejudiced a fair trial, and that the catch-all charge of conspiracy to intimidate was an inappropriate one. These are matters outside the Inquiry's terms of reference.

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9. At present I am not in possession of information that enables me to conclude that Mr Tomlinson played or may have played a significant role in matters to which the Inquiry relates or that I should at this stage designate Mr Tomlinson a core participant. However, sufficient information has been received by the Inquiry to require further investigation. Mr Tomlinson's application will be kept under review.

6 June 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry