

British Weights and Measures Association

The 'metric martyrs' trial showed how the UK government bypasses Parliament to implement EC law



Among the headlines last week is news that EC Commissioner Günter Verheugen is abandoning the EC's drive to make Britain metric. Headlines such as "EC ends battle to force Britain to go metric" have been typical.

Except it is not true; imperial units remain illegal for virtually all purposes, a prohibition arising from 27-year old EC Directive 80/181.

EC directives work differently from British law; whereas our laws make things unlawful, EC directives say what will be allowed. Thus, the Directive allows UK units for three purposes: milk bottles, draft alcohol and road signs. All purposes not made legal are deemed illegal. And that's a lot of purposes.

Our Association campaigns for legal parity between imperial and metric units,



Manufacturers reduce product sizes when converting to metric without corresponding price reductions

and welcomes the proposal by Günter Verheugen and his team to make the above exemptions permanent. But these three purposes do not constitute an amnesty for non-metric measurements as a whole.

For instance, during the 1990s, the Directive allowed pounds and ounces for selling fruit and vegetables. In January 2000, the legality expired, leading to prosecutions of traders for using imperial scales and ticketing.

BWMA recently wrote to Mr Verheugen - on 24 July 2007 - to ask that the exemption for pounds and ounces be restored. We argued that selling fruit and vegetables was a domestic matter, unrelated to EU cross-border trade, and that Britain's own Parliament should decide the fate of these imperial measures.

To our dismay, Mr Verheugen said the Directive would not be amended. He advised that we might, "...consider discussing in more detail the manner in which the Directive is implemented in the UK with the UK's authorities".

Such advice is meaningless; how can one discuss the matter with the UK government when it is bound by a Directive which the EC refuses to amend?

No sooner had we digested Mr Verheugen's reply did we see his press statement of last

week: "Neither the European Commission nor any faceless 'Eurocrat' has or will ever be responsible for banning ... weight measures in pounds and the ounces".

Mr Verheugen's public statement is incorrect. Pounds and ounces are illegal under his proposals and will not be recognised in law for any purpose. What he in fact offered, in addition to the above three exemptions, is authorisation to display imperial as conversions while undertaking transactions in metric. This begs the question: since when did we need authorisation to provide conversions?

That question aside, the metric Directive is frequently cited as an example of the shift of power from London to Brussels; but its implementation also illustrates the diminishing role of Parliament vis-à-vis the UK's executive.

Although EC Directives must be implemented by UK legislation, Parliament has never acted to outlaw pounds and ounces. Our most recent Act, the Weights and Measures Act 1985, says the pound weight is lawful. The government found a way round this by passing a statutory instrument under the earlier European Communities Act 1972, thus contradicting the UK constitutional process whereby later Acts prevail over earlier ones. The government's manoeuvre was shockingly upheld by the Courts.

So, the story behind this week's metric headlines is not just about weights and measures, but how European law operates, how EU law is presented, how our government implements it without Parliament's consent, and how the press fails to scrutinise public statements. For BWMA, meanwhile, the campaign to restore our traditional measures continues.

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