

# The Yardstick

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*BWMA records with gratitude the honorary membership of the late John Aspinall  
Nirad C Chaudhuri CBE & Jennifer Paterson*

## **A decisive stage in our campaign**

As reported fully in this issue, BWMA is closely involved with the defence of Steven Thoburn, who faces trial at Sunderland Magistrates Court on Monday, 15 January, for the "criminal offence" of selling fruit and vegetables in pounds and ounces. Steve and his "partner in crime," Neil Herron, are very fine men and already great friends of BWMA - as, of course, Steve's barrister, Michael Shrimpton, has always been.

Here, then, is the long-awaited test case to determine the legality of the metric regulations, and also to test the fate of the UK's constitution. A very recent opinion poll shows that 91 per cent of the population are opposed to this prosecution. We are now reaching a climax of our five-year-long campaign. We therefore appeal to all Members to help in every possible way.

For we are not only giving the defence team our moral support and expert advice, as well as generating valuable publicity, but also raising funds towards the heavy legal costs for which Steven Thoburn is personally liable.

So, please, use the enclosed envelope to send a donation or, if you have previously contributed, pass it on (with the inserted postcard) to a potential supporter. Also, if you can, come to the Gala Dinner in Sunderland on Saturday, 13 January - full details in this issue. It is a tremendously stimulating and enjoyable experience to discover the overwhelming support for Steve, from the public and the media, throughout the North East. Our task now is to spread that favourable climate to the rest of the country.

It is humbling yet inspiring to realise that BWMA is leading a campaign that will uncover the current state of our constitution. The political repercussions of the trial are also momentous, for whichever party loses will probably lodge an Appeal, to the Divisional Court in London, where it would be covered by the metropolitan media, possibly in the midst of the next General Election.

## The Steven Thoburn case

A Public Meeting was held in Sunderland on 17 October to rally support for Steven Thoburn. Two of the principal speakers were our Director and Neil Herron, who is Steve's close friend and local campaign manager. Neil is a well-known fish merchant and market stall-holder who has also been threatened with prosecution. Together they are known as the "Sunderland Metric Martyrs." BBC and commercial TV and radio, national and local, as well as the regional press, all covered the event.

The following day, Neil took his family off for a short holiday, leaving the business in the hands of his father, who on the 20th went down to the Old Quay (the historic wholesale fish market – owned by the City Council) to buy fresh supplies. On Neil's return he went through his father's paper-work and was amazed to discover a receipt, headed "City of Sunderland – City Treasurer's Office" and narrating "Received from Herron Sea Foods the sum of Twelve Pounds for 3 stone small Prawns" and signed "For the City Treasurer".

It was evidently by chance that the employee in this solitary instance absent-mindedly (no doubt while chatting to Herron senior) scribbled the receipt in the price per stone, but it was certainly providential from our point of view and made a good story for the press. The Sunderland paper carried it on the front page under the headline "Prawn Crackers," *The Times* reported it fully, and the *Daily Telegraph* gave it half a column under the headline "Prawns tip scales of justice in metric case," quoting Neil as "demanding to know if the Council intends to mount a prosecution against itself or drop the action against Mr Thoburn." The "3 stone of prawns" has become a talisman and the prawn a motif for our campaign.

From our point of view, the preliminary hearing in the Sunderland Magistrates Court on 7 November could not have gone better. Opposing counsel – Eleanor Sharpston QC for the prosecution and Michael Shrimpton for the defence – had two main tasks to accomplish, both of which were achieved, with the approval of the Court: first, to agree a strict time-table for the lengthy process of preparation – with deadlines for each stage – leading to the trial, which was arranged to commence on Monday 15 January and continue as required for the next two days, 16th and 17th; and second, to agree on the elimination of every issue and aspect of the case that is superfluous or not in dispute, to save time and money by ensuring that the arguments and evidence are confined to the essentials. It was accordingly declared, exactly as BWMA wanted,

that – since the facts are not in dispute – the *only* issue is the fundamental, constitutional question as to whether or not the 1994 metric regulations are lawful.

It is doubly wonderful, not only that this momentous case – which effectively will decide whether or not Britain's constitution is dead – has arisen directly from the prosecution of a market stall-holder for the crime of selling a pound of bananas, but moreover that it is to be tried and determined by three lay magistrates, as representatives of the people. It is most gratifying, too, that BWMA is an integral member of the defence team.

Of course, the magistrates' verdict is unlikely to end the matter; for – whatever the outcome – it is surely bound to be appealed against. If it goes against us, Steve Thoburn will have no choice but to fight on, assuming his nerve holds, while the Council will be compelled to appeal, if only on political grounds, in the event of our winning in the first round. The case would then go to the Divisional Court in London, attracting enormous national publicity.

The timing of the appeal hearing is uncertain, depending partly on the date of the general election, with which it might clash, and partly on whether Steve is the appellant, in which event the authorities can afford to delay proceedings – possibly for another six or even twelve months – in order to impose additional burdens on our hero and on our campaign, whereas if the prosecution has failed in the Magistrates Court then the authorities will surely accelerate the appeal in order to minimise their embarrassment.

The only consolation for a long delay in the former event is that we would have more time in which to raise the necessary funding. For the question of costs is paramount, and a major preoccupation in all our minds.

The financial details are naturally confidential, but in round figures, very approximately, let's say that the defence has so far cost £10,000 (solicitors plus barrister), of which BWMA has contributed £2,700. A cheque for that amount was handed by our Director to Steve's solicitors, McKenzie Bell, at a meeting in their offices at mid-day on 7 November, before they went on to lunch with Mr Shrimpton, Steve and his wife, accompanied by Mr and Mrs Neil Herron, prior to the afternoon Court hearing.

Steve and Neil are most grateful to all those who generously contributed to BWMA's defence fund. That sum represented the total amount collected to date. For the donors' satisfaction, it

should be placed on record here that the letter handed to Vivian Linacre by McKenzie Bell reads:

"We acknowledge receipt of a cheque from the British Weights and Measures Association for £2,700 and undertake to apply that money solely to the legal costs and disbursements of Steven Thoburn in connection with his dispute with Sunderland City Council regarding the legality of the use for trade purposes of non-metric weighing equipment."

As more cheques have arrived since then, we are building our fund up again. A rough estimate of funding required for Steve's defence costs through to conclusion of the January trial is a further £30,000, so do please send what you can – simply by cheque in favour of "BWMA" with a note specifying the Thoburn fund. We do not deduct one penny for administrative expenses.

It helps that Mr Shrimpton is charging less than the full, commercial rate. Incidentally, although a leading constitutional lawyer, he is "merely" a barrister, not a QC – or, as he modestly puts it, "not a silk but plain polyester."

Steve and Neil have their own "Metric Martyrs" fund, supervised by eminent local Trustees. It has already contributed to the costs so far incurred, and it was given a huge boost by Christopher Booker in his *Sunday Telegraph* column on 19 November which brought in donations amounting to a staggering £17,000!

Another contributor to the costs so far incurred was *The Sun* newspaper, donating £2,500.

It is hoped that *The Sun* will give more, or even enter into a longer-term commitment to secure the funding of the defence through the appeal proceedings, for once the appeal stage is reached, costs will run into six rather than only five figures!

But none of that can be taken for granted, and meanwhile we are facing a large deficit that must be met. Legally, the whole liability falls on the shoulders of young Steve Thoburn, which is a terrifying responsibility for him and his wife.

To protest personally (*not* mentioning BWMA) against the prosecution, write to Mr T. Terrett, City Trading Standards Officer, City Health and Housing Services, PO Box 107, Civic Centre, Sunderland SR2 7DN. Or complain to the Prime Minister at 10 Downing Street, London SW1A 2AA. It all helps.

### Public overwhelmingly against the prosecution

A public opinion poll conducted by ICM Research Ltd (15-17 December), on behalf of a leading advertising agency, asked:

"On the 15th January, a greengrocer in Sunderland will appear in court, charged with weighing out fruit and vegetables in pounds and ounces, rather than in EU-approved kilos and grams. Do you think he should be prosecuted?"

The result was that, of those expressing an opinion, **91%** answered "No."

Even among the metric-educated youngest age group (18-24 years old), 87% said "No."

## Gala dinner on 13 January

One means of raising money is to stage a special event, which is what Messrs Thoburn and Herron are doing, in association with BWMA on Saturday, 13 January, by organising a Gala Dinner.

This is to be held at "The Stadium of Light," the new home of Sunderland Football Club. The magnificent Banqueting Suite seats over 350, but we expect it to be sold out soon.

The programme will include speeches, entertainment and an auction of prizes donated by celebrities. The media will be present in force; for this event, on the eve of the trial, will attract national and even international interest.

Tickets cost £42 for a single (Why £42? Because 42 pounds = 3 stone!), or £70 for a pair, or £325 for a table of 10. Please apply quickly, with your cheque, to our Edinburgh office.

Guests can meet in the Sports Bar for a drink from 6.30pm before the main event which starts at 7.30 for 8.00pm. Evening dress is optional.

Neil Herron has produced a spoof "menu" for the Dinner, starting with "half a pint of finest European onion soup, served with lightly toasted Council *cretins*" followed by "Three Stone of Prawns," then "Chicken Gordon Blair – a succulent 8oz chicken fillet with unelected Brussels sprouts ..." and concluding with "Banana Soufflé – containing a pound of the finest bananas without any abnormal degree of curvature."

At the dinner, we shall hand to the McKenzie Bell representative another cheque, for the amount to which our defence fund has by then re-accumulated. So let's make it an impressive figure!

An explanatory postcard is enclosed, with an envelope addressed to BWMA, in which everyone who cannot come to the Dinner may care to send a donation. Those who have already contributed generously can pass the postcard and envelope on to someone else who might help.

The cartoon is also available as a postcard at a price, including postage, of only £1 for 5, £9 for 50 or at 15p each for 100 or more.

## The prosecution's case

It is important that BWMA members and supporters, while rightly proclaiming our contention that the metric regulations are unlawful, also be fully aware of the authorities' argument to the contrary.

It is tempting for all of us, who are dedicated to the campaign of opposition, to become so immersed in our side of the debate and so confident of its absolute merits, as to forget that the prosecution also has a powerful case. The first rule of war is to know your enemy.

The only issue before the Sunderland Magistrates Court at the Thoburn trial from 15 to 17 January, since there is no dispute as to matters of fact, is the fundamental constitutional question as to whether the regulations are *ultra vires*, null and void, or are legally enforceable. It is therefore incumbent on all those who are convinced that an Act of Parliament can *not* be overturned by EU regulations to familiarise themselves equally with the official reasons for the opposite view. There is another danger we must guard against, too.

In a normal criminal prosecution, the burden of proof rests with the Crown - the accused is not required to prove his innocence - but here, quite exceptionally, the obligation is effectively laid upon us, to demonstrate that the regulations are invalid. Instead of the defendant enjoying the presumption of innocence until proved guilty, for once it is the prosecution - the City Council - that has the great advantage of the presumption that the regulations are lawful, until Counsel for the defendant persuades the Court otherwise. The other team have automatically won the toss and put us in to bat on a sticky wicket; so, no matter how proud we are of our batting, we must study their bowling very carefully.

Accordingly, here is the best summary that we have seen of the government's case, taken from a letter sent to an MP by Dr Kim Howells, the responsible DTI Junior Minister.

"The ounce and the pound were formerly authorized as units of weight by the Weights and Measures Act 1985. However, Directive 89/617/EEC on units of measurement, which was adopted in 1989, ceased to authorize, among other units, the ounce and pound for most uses after 31 December 1994 and for the sale of goods from bulk after 31 December 1999. These provisions were implemented in the UK in 1994, including amendments to the 1985 Act by secondary legislation made under Section 2(2) of the European Communities Act 1972. The implementing legislation was considered by the Joint Committee on Statutory Instruments and was debated by the House of Commons First Standing Committee on Statutory Instruments and by the House of Lords.

Section 2(4) of the 1972 Act specifically provides that the same provisions may be made by means of

Section 2(2) powers as may be made by primary legislation. This includes an amendment of primary legislation, including any legislation made subsequently to the 1972 Act, in order to implement any EC obligation into which the UK entered under the Treaty of Accession in 1972 and any EC obligation into which the UK entered subsequent to 1972. The Treaty of Accession included the obligation to adopt the metric system, and to phase out the imperial system, by no later than the dates to be determined for specific units. It therefore follows that proper use was made in 1994 of Section 2(2) powers to amend the Weights and Measures Act; and that, as a consequence, use of the ounce and the pound is not permitted (other than as supplementary indications alongside the metric units of weight) for the sale of loose goods after 31 December 1999.

The local authorities, who have an independent statutory responsibility for enforcing the Weights and Measures Act, quite rightly sought independent legal advice concerning Mr Shrimpton's opinion. The advice they have received confirms the Department's view that the 1994 changes to the Weights and Measures Act are valid, and that traders are under an obligation to use metric weights for the sale of loose goods after 31 December 1999. A case is pending so the courts will be able to give a definitive ruling on the validity of the 1994 amendments. Therefore it would not be right for me to comment further at this juncture." So that's the case we must convince a Court of Law to reject.

## The Queen's Speech

Speculation has been mounting about the Government's forthcoming legislative programme, announced in the Queen's Speech on 6 December. *The Times* on 27 November reported that it would include "a deregulation Bill covering rules on fire safety, licensing, *weights and measures* [our emphasis] and employment tribunals".

It went on: "the new Bill will put more than 100 pages of regulations on weights and measures into a simple document, officials say, to 'relieve the burden on shopkeepers and give consumers greater confidence'."

Now "deregulation" is widely welcomed, but consolidation "into a simple document" could hide a sinister purpose. It could be the intention to use a "portmanteau" Bill such as this to slip in amendments to the 1985 Weights and Measures Act in order to give the 1994 compulsory metrication regulations the Parliamentary legitimacy which we believe they have hitherto lacked.

We must watch the drafting and progress of this proposed Bill very carefully indeed; although, of course, it may well be interrupted by the General Election.

## Anti-consumer groups

In its pro-metrication propaganda, the Department of Trade and Industry makes great play of the alleged support for official policy from "Consumer Groups."

For instance, a widely circulated DTI paper, designed for public consumption, states: "The Government announcement in 1965 that the UK would go metric in stages was based primarily on the commercial needs of manufacturing industry. Thereafter, the consumer groups have accepted metrication as inevitable. Their focus of attention has been to argue that the change to metric should take place with the minimum of inconvenience to consumers. In this respect, consumer groups have been critical of what they see as the slow pace of completing metrication in the UK since 1965."

Who these groups are is a mystery to the overwhelming majority of consumers. How they are constituted, how their leaders or representatives are elected or appointed and - most important of all - how they are funded, are even greater mysteries. As to the opening sentence of the above quotation, of course, there was no such "Government announcement in 1965" that had any Parliamentary authority. The first publication by any government was the 1972 White Paper which assured the nation that metrication would always remain a voluntary process. Any pretence that commerce and industry either demanded to be compelled to go metric (which they have been free to do voluntarily ever since 1897), or demanded that their customers should be compelled to go metric, is utterly ludicrous.

However, these persistent official falsehoods arouse grave doubts concerning the integrity of the so-called "consumer groups."

Vicki Gardner is heading a BWMA investigation into this sinister area, with help from Pamela Shaw-Hesketh and others. The role of the so-called consumer associations in the process of compulsory metrication has been overlooked. Preliminary findings confirm our worst suspicions. It is clear that these groups, so far from reflecting public opinion, are merely mouth-pieces of government policy.

For instance, the same DTI paper states: "As regards the apparent anomaly between surveys that identify public dislike for metrication and surveys by the National Federation of Consumer Groups and the Consumers in Europe Group that identify consumer preference in the way that metric units are used, survey findings are circumscribed by a number of factors. The factors include the size and composition of those interviewed, the questions asked, the way the questions were asked, the overall balance of the questions, and how the answers were interpreted." This last sentence is sheer eyewash, for the "apparent anomaly" has everything to do with the fact that the "Consumer Groups" ("CGs") and the actual consumers - i.e. the general public - were asked

completely different questions. The CGs were not asked whether they preferred imperial or metric measures, or whether they wanted imperial measures prohibited in favour of a metric monopoly - and chose to remain silent on the whole issue. Instead, they were merely consulted as to the best means of introducing and enforcing metrication!

(Of course, exactly the same approach was adopted in the early 1960s when the FBI, now the CBI, was merely consulted on ways and means of imposing metrication, enabling the government to claim that industry was strongly supportive of the policy, on which actually it had not been invited to express any opinion.)

In contrast, the real consumers, in scientific samples across the country, have been asked the direct questions in several independent surveys, conducted by professional market research companies, proving the intense unpopularity of compulsory metrication. The DTI's paper, therefore, is not merely evasive but deliberately deceptive.

The main consumer groups are the Consumers Association and the National Consumer Council, as well as the National Federation of Consumer Groups and Consumers in Europe Group. All claim to be independent. The National Federation of Consumer Groups claims to represent the views of grass-roots members to government, Consumers in Europe Group's literature boasts that it is independent, accountable, representative and democratic, the National Consumer Council's remit includes "ensuring the consumer voice is heard," while the Consumers Association proclaims its commitment "to empowering people to make informed consumer decisions."

How were the mass of consumers empowered to make an informed decision whether or not to go metric? Perhaps the title of the Consumers Association's magazine should be changed from "Which?" to "When?". How did the NCC consult its mass membership and ensure that their voice was heard, and how did the NFCC obtain a mandate from its grass-roots members with which to confront government? As events have proved, none of them made any attempt to fulfil its avowed purpose.

The NCC feebly told Vicki that they were too small to undertake research; the NFCC blustered that they had conducted such research several years ago but unfortunately those findings were not to hand; while Consumers in Europe Group admitted that only rarely did their budget permit carrying out national opinion surveys, yet that did not prevent them from - according to the DTI - "pressing for a rapid transition to the full use of the metric system" without consulting the public at all. Nor did it prevent them from claiming that their twenty-five member organisations endorsed the policy of rapid transition to metric measurement. To test this, Vicki

personally contacted fourteen that were directly involved with consumers; of which only one (the NFCC, would you believe!) could express support for compulsory metrication. Of the other thirteen, most had no policy either way or actually disapproved of the policy.

For example, the National Council of Women of Great Britain stated that they had no policy on the subject but added: "However, I can safely say that, as an organization of mainly older women, we deplore it." Likewise, the National Federation of Retirement Pensions Associations responded: "A conference resolution of 1998 came out against ALL compulsory metrication. The rule on fresh foods is a particularly oppressive example. All good wishes." And the National Housewives Association responded: "We object to all EU measures which are not needed. It just masks price rises and confuses the older generation."

Now these are member organisations of the Consumers in Europe Group, which nevertheless informed Vicki that, "the Group first discussed metrication in the 1980s. The Group amended the then draft paper because they wanted to add a recommendation calling for a rapid UK transition to use of the metric system."

So clearly they had already come to a conclusion at the outset – a conclusion supporting government policy – long before consulting member organisations! Their reply to Vicki continued: "The Group has since discussed metrication on two further occasions in the light of legislative developments ... and with members endorsing their previously agreed policy." That appears to be untrue.

As for the Consumers Association, which does seem to be a genuinely independent and aggressive body, a spokesman confirmed that it had never made

any pronouncement on the issue or surveyed its vast membership as to preference. Indeed, the view was that metrication is a political matter! So, according to the Consumers Association, whether shopping in pounds and ounces is to be made a criminal offence is of no concern to consumers!

Now, will it surprise you to learn that the National Consumer Council is largely funded by grant-in-aid from the DTI, and that it has fourteen part-time Council Members who are all appointed by the Secretary of State for Trade and Industry? Would it surprise you, either, that Consumers in Europe Group is also funded by the DTI through the NCC; its member organisations including the National Council of Women, in turn represented on the Women's National Commission, which is fully funded by government – whose Chairwoman, indeed, has herself served in four EU groups and has even been an MEP?

The NFCC appears to be financed largely by its own membership of about 1,500, helped by a grant of £15,000 from the DTI. How ironic that the only organisation not corrupted by government funding is the Consumers Association, and it carefully ducks the whole issue! Regarding all the other so-called consumer groups, it is evident that their role has been to promote government's views to the consumer rather than – as they pretend – *vice versa*. They have done this at the consumer's expense.

So it has been a double deception: the CGs have used public money for metrication propaganda, without consulting the public and contrary to public opinion, while government justifies metrication by quoting the CGs' propaganda. This is a bureaucracy at its worst, combining scandalous misuse of tax revenue with abuse of administrative authority. Our investigation continues.

## Human rights and forced metrication

The October number of *The European Journal* carried a brilliant article entitled *Compulsory Metrication: Weighing up Human Rights* by Chris Ballinger, who is researching a doctorate in political science at The Queen's College, Oxford. We are privileged to print the following excerpts.

"There has been no attempt in the United States to prevent traders altogether from using imperial measures, because completing metrication in this way would almost certainly raise constitutional issues. Whilst Article 1 Section 8 of the Constitution grants Congress the power to "fix the standard of weights and measures," it is by no means certain that this power could be employed to compel metrication, as freedom of commercial speech is protected by the Constitution's First Amendment. It is possible that a similar conclusion could obtain in Europe under Article 10 of the European Convention on Human Rights.

If expressing a desired quantity of goods in pounds and ounces is deemed equivalent to speaking in a particular language, then the European Convention on Human Rights may provide a ray of hope for imperial traders. Article 10 of the ECHR protects freedom of expression, including the freedom "to receive and impart information and ideas without interference by public authority." There are necessary exceptions to Article 10, but as constitutional expert Geoffrey Marshall noted in *Public Law* in 1996, to advertise and sell goods in imperial units does not seem to act against the interests of national security, to promote disorder, to endanger public health or morals, to threaten the reputation of others, or to undermine the authority or impartiality of the judiciary.

The likeness of different systems of weights and measures to different languages is reinforced by Schedule 1 to the Weights and Measures Act (1985)

(as amended [?]), where a phrase book is provided. It defines one pound as being exactly 0.45359237 kilogram; one yard as 0.9144 metre; one pint as 0.56826125 litre. Dr Howells confirmed to the House of Commons that retailers are to apply this phrase book – customers may continue to ask for a pound of apples but retailers have to measure out 0.45359237 kg of apples.

It would seem that a set of scales calibrated in pounds is precisely equivalent in law to one calibrated in divisions of 0.45359237 kg. If this were not so, the retailer who served a customer with 0.45359237 kg of apples when asked for 1 lb would be

failing to supply the customer with the goods requested. Why then is it illegal for Messrs Thoburn and Herron to use their imperial scales to weigh orders placed in imperial units? Any prosecution would effectively be seeking to convict them for supplying the advertised quantity of their goods. This is the sort of trial to which only A P Herbert could do justice."

Sir Alan Herbert (1890-1971) was a barrister, MP, comic poet and librettist, best known for exposing legal absurdities. Were he alive and active now he would still find much absurdity to which draw to attention.

## BWMA news

### New Honorary Members

**Sir Julian Hodge**, the well-known banker, writes that he finds our material of considerable interest, and is more than happy to accept our invitation. **Antony Worrall Thompson**, the celebrity chef, writes that he would like very much to become an Honorary Member. We are delighted to welcome them both.

### "Foot, Pint and Pound"

Our new pamphlet is proving a great success in many ways. We are very grateful to the publishers and editors of several friendly journals for agreeing to distribute it as a loose insert with their own publications.

Have you ordered extra copies yet? If not, will you please do so, for sending to your local Councillors, MEPs and MPs, libraries and schools, for enclosing with letters to newspapers, complaints about metric signage, etc, and for handing to supportive shop-keepers. You will recall that the cost is only 6 x 1st-class (27p) stamps for a dozen copies, a cheque for £7 for 6 dozen or £12 for a gross.

Uncommitted MPs generally respond favourably. For example, Mr K C Burton of Thetford received this reply from The Rt Hon Gillian Shephard MP: "I had not in fact seen the enclosure headed *Foot, Pint & Pound* and am grateful to you for sending it to me. I have a great deal of sympathy for the views expressed both in your letter and the enclosure." That's typical of most replies. It's well worth the effort!

### New BWMA site on the Internet

Simon Stoker is responsible on a daily basis, on behalf of BWMA, for our new Internet site (<http://www.footrule.org>). Here is a summary of his "Preliminary Report" presented on 4 November.

*Domain names.* BWMA's new domain name ([www.footrule.org](http://www.footrule.org)) was registered on 4 October

2000. As a precaution, the other key domain variants – [footrule.co.uk](http://footrule.co.uk), [footrule.org.uk](http://footrule.org.uk) and [footrule.net](http://footrule.net) – were also registered. BWMA will retain both the ".org" and ".co.uk" names, while the ".org.uk" and ".net" suffixes will be retained, at least for the time being, by a BWMA member. By taking this action, it is hoped to avoid possible (or even deliberate) confusion on Web searches. The two key domain names will be properly transferred to BWMA ownership as and when the relevant paper-work is delivered.

The site has been constructed with standard Web-design software. The design has been kept deliberately simple and has avoided "bells and whistles" because it is easier to read, updating information is very much faster (minutes) and new pages can be inserted quickly and to a format. Information includes some 21 illustrations of assorted graphics and photographs. Subjects covered include:

About BWMA. news pages, kill the metre campaign, metric martyrs, Michael Shrimpton's Opinions, what British business thinks, conversion scales, items for sale, the case for British measures, growing resistance to metric, deceptions *versus* rights, the strange story of the shuttle and 2 horses' bums, cartoon page (including a BWMA fundraising postcard), links to other organisations, and an e-mail address for BWMA.

Most of the pages have been kept as short as possible so that a reader can change pages quickly and reach required information without wading through the whole site. Similarly, the use of the standard menu on almost every page allows a visitor to navigate the site quickly and easily. The approach to presenting the information tends towards the basic and attractive for very good reasons. Visitors prefer the essential information from which to draw conclusions, and if interested will then move on to the relevant detail. Web sites are a visual medium.

However, this is not to say that more complex subjects should not be featured. Simon Stoker has in mind to add a new section of longer articles, specifically to serve the needs of researchers. The

overall appearance will be visually much the same as the main pages, subject to "readability" conditions. There is no reason why other such sub-sections cannot also be added to suit.

*Links to other organisations.* The site carries a links page which, it is hoped, will grow over time. There are currently 8 active links to other organisations or individuals in the same sphere as BWMA. There is a link on the menu to the original BWMA site, where visitors can read more detailed material. (There is also a link from the original site to the new one.)

*Search engines.* The site has been registered with all the major search engines and many of the minor ones. In all over 55 search engines have received requests to register the new site.

*Statistics.* Very detailed statistics are obtained on how the site is being used. However, the real bonus is in the amount of information delivered (on a daily basis) to visitors. This is measured by megabytes (Mb) or fractions thereof. This is a more reliable guide than a "hit" counter which merely records a visit, whether the visitor bothers to read any pages or not. What matters is how much of the site is being read.

This was vividly illustrated by analysis of the surge of visits immediately following Christopher Booker's wonderful article in *The Sunday Telegraph* on 19 November. He showed that the total amount of information broadcast from the site was 15.35Mb - over 25 times the 0.6Mb the day before!

There were 810 "requests" (i.e. computers logging on) for 292 pages of information. We can find which browsers are most used, what times we are visited, what pages are most popular, and so on. It is also clear from the files downloaded that most visitors go for short snappy items, only 13% staying long enough for much detail.

We are indeed fortunate to have such an expert and dedicated "Web master."

Members may contribute information to the Web site by telephoning or faxing new material to Simon Stoker on 01629 650001. Members are encouraged not only to visit the site but also to tell their friends and colleagues about it.

Our main site (<http://users.aol.com/footrule/>) and the new one are linked and complementary, the older, plainer site containing more texts and the newer, more graphic site carrying the latest news.

## Campaign news

### "Forces of Conservatism"

Our Director received the following letter from Mrs Angela Browning MP, dated 20 September, while still Shadow Secretary of State for Trade and Industry, shortly before becoming Shadow Leader of the House of Commons. Her opening reference is to the BWMA Parliamentary Lobby at which she spoke on 22 June, as reported in the last issue of *The Yardstick*.

"I apologize for the delay in responding to your earlier letter following what I thought was a very successful rally in London concerning weights and measures and particularly loose bulk. I can confirm (and I'm sorry if that was not clear on the day) that the Conservative Party are committed to allowing those retailers who wish to sell loose bulk in pounds and ounces to be allowed to do so without fear of prosecution from Trading Standards Officers and I have publicly given my support to those who have already suffered from this.

With regard to metrication generally, it is not our intention, for example, to change the school curriculum yet again. As you will be aware, metrication has been used in the school curriculum for many years but I think the problem that we face in the UK is that in some areas of business metrication has been used for some time and I would certainly not wish to add to business costs in order to force them to make yet another change but for there to be flexibility. Where there are traditional measurements and weights and where the people in those industries wish to be able to offer either or both

they should be allowed to do so. This is a clear example of the State getting off the backs of businesses and allowing freedom of choice. That is the position we shall follow on coming to office and I hope it clarifies the matter. With all best wishes ..."

Next, Vivian received a letter dated 17 November from her successor as Shadow Secretary of State for Trade and Industry, the Rt Hon David Heathcoat-Amory MP:

"Thank you for your kind letter on my appointment. I am very opposed to the persecution of traders who are serving their customers by sticking to Imperial measures. I am trying to get to the bottom of the legal situation regarding the regulations and the underlying Directive. I will then be in a better position to see what we can actually do in government to keep Imperial weights and measures where appropriate."

BWMA is making every effort to get the Conservative Party off the fence on this issue. The Thoburn case affords the ideal opportunity to extract an unequivocal commitment - to go into their general election manifesto - to abolish compulsory metrication.

### *The Times*

Warwick Cairns had the following letter published in *The Times* on 15 November.

"On the very same day that Robin Cook attacked the press for predicting an EU in which people could be arrested for drinking beer in pints, Sunderland greengrocer Steven Thoburn was in court, being



prosecuted for selling bananas by the pound in contravention of European law."

José O'Ware had this letter published on 11 November.

"In my own business of selling window blinds, 95 percent of my customers prefer to use imperial measures - including the younger generations. When a customer comes to me with metric measurements it is invariably because they thought they had to, and not because they wanted to. The possibilities for costly errors become greater with the lack of understanding of metric; it is not unusual for me to be asked for a blind 1,200mm wide with a 54in. drop!

Allan Charlesworth, the boss of the Trading Standards Institute, says that his members' main concern is that vulnerable consumers are protected. I agree they should be, and nothing is more likely to make a consumer more vulnerable than being forced, against their wishes, to use what to the majority of the public is an alien concept.

When petrol was priced in litres, most people did not realise just how expensive a gallon had become. With metric measures it is easy to perpetrate a deception on consumers, the very thing Mr Charlesworth says he wishes to protect us from."

Alongside was this very sensible letter from Mr Alec Tilley.

"Common law has, or used to have, the answer to problems such as metric martyrdom: *de minimis non curat lex* - the law is not concerned with trifles. Eurosceptics and Europhiles could surely agree that if selling a pound of Brussels sprouts is a crime, it is a trifling one without a victim.

Magistrates would strike a useful blow for freedom and common sense if they threw out such cases and made it clear that they did not intend to let court time be wasted by niggling prosecutions."

### Private polls

A BWMA Member from Somerset, working in the public sector, made use of a staff survey into commuting distances in order to check comparative expressions of distances between km/m and miles/yards. (Hence the need to protect her anonymity!) The result was as follows.

Age	Those using miles/yards	Those using Km/m
15	4	0
16	59	1
17	21	2
18	3	0
19	2	1
20	3	0
23-62	<u>11</u>	<u>1</u>
Total	<u>103</u>	<u>5</u>

Could other Members please follow suit? Such exercises would be very helpful, especially if conducted on a larger scale and in the private sector, so that the location etc could be identified. Naturally, staff must be asked to indicate commuting distances in their own way, without prompting as to whether

metric or traditional measures should be used, and with no idea of this further comparative exercise.

### Media friendly

The November number of *London Voice*, the London regional journal of the Federation of Small Businesses, carried letters (in reply to criticisms of our joint campaign published in the previous issue) from Simon Kirby (managing director of Thomas Crapper & Co Ltd), Dr Bernard Juby (Chairman of FSB Trade & Industry Affairs, UK Policy Unit), and also one from Vivian Linacre, which read as follows:

"May I reveal the real origin and purpose of compulsory metrication, for the benefit of Mr Milan Svanderlink and any other readers who still support it.

I had extensive dealings with the arch-apostle of this policy, Commissioner Martin Bangemann (who was forced to resign in disgrace last year), and with those in charge of the relevant unit within his Industry Directorate, who explained to me that '*the UK is in an anomalous position, as a full partner in the EU yet sharing a common system of weights and measures with the USA, which gives Britain an unfair competitive advantage in transatlantic trade.*'

The response of our government, predictably, was: Quite right - it is monstrous that Britain enjoys this colossal cultural and commercial benefit by virtue of the common system of weights and measures that is shared with the world's superpower - clearly this must be abolished.

So the real reason why it is now a criminal offence to sell a pound of apples is the EU's loathing and envy of the Anglo-American cultural and commercial community. The Brussels bureaucrats could do nothing about our common language, but they could prohibit the Anglo-American system of customary measures. The object, therefore, was not to help British trade but to penalize it. That is why we and the FSB are determined to restore freedom of choice."

*The Spectator* of 21 October carried a cartoon by Adam Singleton, showing the statue of "Justice," crowned with a wreath, sword upraised, scales balanced in the other hand, but - instead of a blindfold - wearing a startled expression, as she is confronted by a policeman accompanied by a chap in a raincoat, holding a clip-board on which is written "Trading Standards," who is saying sternly to the statue: "The scales aren't metric - you're under arrest!"

*The Daily Telegraph* on 21 November carried a cartoon showing an officer of the new "European Army" pointing to the target for an attack by his motley troops with the command: "I want you to imagine that hut is a greengrocer's selling vegetables in pounds and ounces!"

### The enemy's allies

Tony Parkins of Chinnor received this letter dated 3 August from Mr Marcus Foreman of the

Editorial and Investigation Team at BBC Information, Television Centre, Wood Lane, London W12 7RJ:

"I can assure you there is no 'hidden agenda' behind the use of Centigrade in preference to Fahrenheit in our weather forecasts. There is no law insisting we broadcast in Centigrade but can only reiterate that the BBC decided to change over to the metric system in our weather broadcasts in 1991. As such, while I will register your continued annoyance, I do not feel there is anything I can usefully add to my previous correspondence."

Readers now know to whom letters of complaint (hundreds, we hope) should be addressed!

Miss Betty Darrell-Smith of Sutton Scotney received this letter dated 8 November from Mr

Anthony Perret, Editor of the journal published by The Environment Council (a registered charity), 212 High Holborn, London WC1V 7VW:

"I must admit I had not even noticed the lack of imperial measurements as I have grown up using the metric system. While I appreciate your concern I can see no real benefit in keeping hold of a system that differentiates us from the rest of the world, especially now that so much is transacted on a global stage. Change, though it can be very hard to get used to, does unfortunately happen and we have to keep up with it ..." What clap-trap - he does not recognise that "the rest of the world" includes the USA, the world's superpower, where our system predominates!

## Road signs and the metric muddle

Writing to a Local Authority in order to complain about metric road or pedestrian signs can bring either frustration or reward.

William Scott has sent us a file that is a classic case of the series of evasions, digressions and deceptions to which one may be subjected, ending up back where one started - furious and frustrated.

His opening letter was to the Head of Transportation at the East Lothian Council HQ in Haddington, requesting confirmation that, in view of the Traffic Signs Regulations and General Directions of 1994, certain pedestrian signs in North Berwick which indicate distances only in kilometres are unlawful.

The reply failed to answer the question, merely making the excuse that "as a large number of visitors to East Lothian are from other countries it was considered beneficial for metric distances to be included where a destination was a particularly long way from the town centre."

(As this is a common excuse, in most cases it is worth the rejoinder that (a) the vast majority of the public served by these signs - whether local or visitors - are British who prefer imperial measures, especially the elderly who do not understand metric, and (b) fully half of the overseas visitors are from the USA and the former dominions, who understand imperial perfectly well, and (c) people take holidays abroad in order to enjoy different cultures - the British don't expect Continental countries to put yards and miles on *their signs!*)

Here, however, Mr Scott rightly stuck to the main issue: "Do the signs bearing only metric measurements comply with the law? That was the question I asked and I should appreciate a simple, straightforward reply." Back came another equivocation: "... I can confirm that ... the 4 signs with metric distances do not fully comply with the Traffic Signs Regulations ... However, these signs are solely for the direction of pedestrians and are not intended for road users." To say "do not fully comply" is another weasel phrase, intended to bamboozle. Either they comply or they don't! This is the authorities' euphemistic way of admitting that they are

breaking the law, because they can't do so honestly. Furthermore, it is irrelevant whether the signs are intended for the benefit of pedestrians or road users. Mr Scott made both these points in his reply, concluding that he looked forward "to hearing that you intend to have the offending signs removed or amended to comply with the law."

East Lothian Council then found a fresh refuge from legality by responding with: "You may not be aware that the Scottish Executive is currently amending the 1994 Traffic Signs Regulations. Therefore appropriate action will be taken dependent on the content of the new regulations."

It is unfortunately true that, because the Scottish Executive is so servile towards the EU, the new regulations North of the Border could well permit metric-only traffic signs.

However, meanwhile, Mr Scott took the only route still open to him, by writing to the County Procurator Fiscal (Scottish public prosecutor), enclosing copies of the whole correspondence and inviting his formal opinion "as to whether the head of a local authority department can flout the law in such a way or not."

The reply was a predictable brush-off, saying: "My remit is, *inter alia*, the prosecution of crime in the public interest and I have taken the view that should you have difficulty with the decision to await new regulations then this is not a matter within my remit but one which you should take up with the elected members of the Council."

Mr Scott heroically returned yet again to the fray, as follows: "To save the time of the elected representative that I shall approach, I should be grateful if you would provide some information that I am sure will be helpful to him. (i) Is the display of the finger-post signs a criminal offence? (ii) What is the penalty if convicted of displaying such signs? (iii) Can you quote a precedent to justify no action being taken against the Head of Transportation? (iv) Are there any circumstances that you know of where existing laws might be ignored on the chance that at some future date the illegal activity will become lawful?"

The Fiscal's final reply was a "jobsworth" classic, failing to answer any of these questions but recommending Mr Scott to consult his solicitor or report the offending signs to the police or to his local Councillor, and concluding: "On a more general note, all persons and organisations with very few exceptions are subject to the rule of law. The Head of Transportation is not an exception. As to your final paragraph, each case must be adjudicated on its merits."

This last sentence means nothing and the previous sentence is plainly untrue. The worst of it is that we have to pay for all these useless jacks-in-office.

Equally maddening was a letter received by Mrs Rosemary Wickenden from Mr Malcolm Tuck, Traffic Manager, East Sussex County Council, Bexhill, in which he said:

"Due to the need for road signs to be understood quickly and the large number of 'older' drivers who understand the imperial system, the UK has been given dispensation to continue the use of miles, miles per hour, feet and inches for the time being."

"Given dispensation"? By whom, precisely? And how long is "for the time being"? And at what age does one qualify as an "older" driver? And how many "younger" drivers do *not* understand miles and mph? Is it not a fact, indeed, that "younger" drivers generally understand miles and miles per hour *better* than kilometres and kph, despite their metric education? BWMA will consider undertaking surveys on this vital question.

Patrick Carroll successfully conducted a pioneering one-man campaign against metric signs in Lowestoft as long ago as 1996. His letter of complaint in April that year about "Slippery Slope Ahead" signs at The Ravine drew this reply from the Council's Head of Construction Services: "You are quite correct in your observation that the sub-plate to each of the signs should give the distance in yards not metres. I have issued an order that the plates be removed and, when available, new plates substituted."

The same official kindly replied to a similar complaint in June that year concerning a public toilets sign at Kirkley Cliff: "I shall arrange for the sign to be amended." Then in January 1999 he wrote, thanking Patrick Carroll for "bringing to my attention the error on the sub-plates to a number of signs. I have discussed this with Persimmon Homes and they have assured me that the sub-plates will be changed as soon as they take delivery of the correct signs."

Next, in April 1999 he received a less helpful letter from the Property Services Manager in reply to a complaint about finger signs on the sea-front, claiming that "Since the promenade and sea-front are not classified as Highway, it is considered the EC Directive 89/617 and the Traffic Regulations do not apply." Mr Carroll quickly corrected this nonsense, whereupon it was confirmed by the same official that "The signs on the sea-front which indicate distances in metres will be changed to imperial measures."

Mr Carroll later turned his attention to offending pedestrian signs associated with the Cabinet War Rooms: the following is quoted from the reply by Iain Forbes, Corporate Manager (Transportation), City of Westminster: "You are correct in stating that all traffic

signs (including pedestrian direction signs) which state a distance should do so in either miles, fractions of miles or yards. This is set out in the Department of Transport's Traffic Signs Regulations and General Directions 1994. However, the remaining signs for the Cabinet War Rooms which include distances given in metres are attached to the walls of buildings in the vicinity, which are not covered by this regulation. Under these circumstances there is nothing further I can do. However, I do feel it is fair to point out that London is also a very popular destination for tourists from a large number of European countries where the metric system is fully understood ..."

Once again, what is recommended in the William Scott saga above as the "rejoinder" ((a), (b) & (c)) applies to that feeble excuse. The other excuse about exemption for metric signs if fixed to walls of buildings must also be demolished. But elsewhere, Patrick Carroll's campaign shows that persistence pays, and there is no justification for any metric distance or directional signs anywhere in Britain.

Austin Spreadbury from Enfield had a similar success last October, receiving this reply from the responsible project engineer to his complaint about signs on the A41 Bicester Toucan Crossing Cycle Network Route 51: "I would agree that the supplementary distance plates should have been stated in yards not metres. These observations have been passed on to our contractor for action. Thank you for bringing this anomaly to our attention so that the situation can be addressed."

Patricia Nugent of Altrincham and Chris Robinson of Stockport have had similar successes. Mr S Tamblin of Wellingborough, however, sent us a *cri de coeur*, wondering why "so many local authority publications and press releases slavishly use metric measures? I enclose a photocopy of Northamptonshire County Council's roads helpline. It does not appear at all strange to them that, while they deal in metric distances, the public navigate the highways by imperial road signs.

Of course, this confusion extends to other government bodies ... Contradictions exist within the Ordnance Survey's products: road atlases that have spot heights in metres but contours in feet and distances in miles.

The O.S. road atlas (Phillips 1997) states that maps are drawn to a scale of 1 to 190,080 or 'about 3 miles to 1 inch'; but in fact that is *exactly* 3 miles to 1 inch! (Then why not show that - as it can't just be ignorance, it must be because they've become so politicised that they daren't admit to the flexibility and convenience of imperial scales for mapping purposes.) He continues: "Even more curious was my recent discovery in a book store of one of their tourist maps, drawn in the crude style of the 1:50,000 maps but scaled to '1:63,360' - i.e. 1 mile to 1 inch!"

Mr A E Lott, a chartered engineer from near Reading, was angered by the blue direction signs with white lettering, showing distances to various attractions in metric measures only, in the mystical town of Glastonbury of all places! "There is considerable scope for action by any members in the Glastonbury area to have these signs removed."

## More good news

Tony Parkins of Chiltern Trains (Brunel House, 36 Station Road, Chinnor, Oxon OX9 4GW), when writing to apply for membership, told us:

"We are pleased to advise that ... we adhere to a strict policy of the sole use of imperial measures in our holiday brochures. We would also wish to apply your logo 'English spoken here' to our website (<http://www.chilterntrains.cwc.net>). It would also be our intention to affix a *hyper-link* to this logo taking the user direct to your site for further information. We can extract the logo direct from your site for this purpose."

That is an admirable initiative: will other Members who have occupational (commercial, professional or institutional) interests, even remotely concerned with weights and measures, please do likewise!

Roger Dykes from the East Riding of Yorkshire reported on a mid-summer holiday in the Southern Lakes peninsula, where he found leaflets for visitors produced by the local authority with maps for walks in miles, a town centre map scaled and distanced in yards, information on gardens and parks in acres, heights of monuments in feet and areas of buildings in square feet - all this in a publication "partly funded by an EU regional development grant."

Peter Howell, a model-maker and silversmith from Malmesbury, advises that "I have already resigned my membership of the National Trust over this issue after a sharp exchange of letters. I continue to use Troy ounces in my workshop which is the system I trained with, and buy bullion by the ounce from dealers in London."

Tony Luckhurst of A J Luckhurst & Sons, London butchers, sent us the classified meat prices section from their trade journal, showing columns of figures for every part and cut of beef, lamb and pork, in the Glasgow market, calculated in price per lb. Why Glasgow should be expressed in imperial and Birmingham in metric, is not apparent!

Mr A E Lott writes that he recently had to replace his ancient sink disposal unit and reluctantly bought a new German appliance (cheaper than the British equivalent and with a 4-year guarantee). It is held to the

underside of the sink by a triangular metal plate that also compresses the water seal; secured by three 1½ inch long metal studs which had twice worked loose (having no means of self-locking), each time leaking water into the kitchen unit.

"Lock nuts were the obvious answer; so, assuming they were metric, I visited my local Motor Mart but found no metric nuts to fit. Returning home, I applied a thread gauge and found to my astonishment that these three studs were 5/16ths inch British Standard Whitworth - a standard long obsolescent in the UK! Fortunately, I had a tap to that specification in my workshop, so I drilled out three metric nuts and retapped them 5/16ths" BSW. Problem solved: but why, in an all-metric EU, is a German manufacturer making NEW equipment with British Standard Whitworth studding?"

### A nomination for the *Inch-Perfect Award*

From a letter by Dr Ariadne Tampion of Loughborough (25 Sept.): "I shall keep an eye open for metric road and footpath signs, but I think our local highways department may well be clued up on the legislation because we have recently started to get 'key pedestrian routes' finger-posted, and the signs I have seen are all unfaultably in yards ...

I have a nominee for the next 'Inch-Perfect Award'. Cadbury's seem to have me on their mailing list for children's activity stuff: the latest pack included a bookmark with some '*Weird and wonderful facts*'. I enclose a photocopy and, as you can see, all these facts are expressed exclusively in imperial measurements ['Mount Everest is over 5 miles high', 'Baby blue whales can gain 200 pounds a day', 'The longest earthworm ever found was over 9 feet long', etc.]. Educating the young in imperial measurements seems to me a particularly meritorious activity. Perhaps such encouragement might help them restore dual marking to their chocolate bars - not a problem for German chocolatier Weinrich."

The enclosed wrapper for a Weinrich & Co GmbH nougat praline product is marked "100g 3½oz". Other nominations are invited for this Award - to be presented at the AGM in the Spring.

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Membership costs £10 for a year. Send a cheque or postal order (payable to BWMA) to the Hon. Treasurer.

The list of members is kept on computer but not disclosed to commercial organisations.

Views expressed in *The Yardstick* are not necessarily those of the Association.