

The Yardstick

Journal of the British Weights and Measures Association

Number 41

ISSN 1361-7435

May 2010

Patrons

Lord Monson
Vice-Admiral Sir Louis Le Bailly, KBE, CB
Sir Patrick Moore, CBE

Honorary Members

Peter Alliss, CBE
Clive Anderson
Trevor Bailey, CBE
Michael Barry, OBE
Christopher Booker
Sir Ian Botham, OBE
Max Bygraves, OBE
Jilly Cooper, CBE
Prof. Richard Demarco, CBE
Roy Faiers
Rt Hon Frank Field, MP
Sir Ranulph Fiennes, OBE
Edward Fox, OBE
Sandy Gall, CBE
Candida Lycett Green
Simon Heffer
Peter Hitchens
Jools Holland
Prof. Richard Holmes, CBE
Conn and Hal Iggulden
Richard Ingrams
Dr James Le Fanu
Jonathan Lynn
Dr Richard Mabey
Christopher Martin-Jenkins
Alexander McCall Smith, CBE
Reverend Peter Mullen
Robin Page
Andrew Phillips, OBE
R W F Poole, MBE
Sir Tim Rice
Andrew Roberts
J K Rowling, OBE
Quinlan Terry, CBE
Antony Worrall Thompson

BWMA gratefully records the Patronage of the late The Hon. Mrs Gwyneth Dunwoody, MP and Lord Shore, and the Honorary Membership of the late John Aspinall, Nirad C Chaudhuri CBE, Jennifer Paterson, CBE, Leo McKern AO, Norris McWhirter CBE, Fred Dibnah MBE, Sir Julian Hodge, KStG, KStJ, Bernard Levin, CBE, Dr Charles H Sisson, CH, DLitt, Fritz Spiegl, F S Trueman, OBE, Sir Rowland Whitehead, Bt, George MacDonald Fraser, OBE, Beryl Cook, OBE, John Michell, David Shepherd, MBE, Keith Waterhouse, CBE, Dick Francis, CBE, Prof. Anthony Flew

Still, they will not let go

The European Commission's promise of indefinite use of supplementary indications is turning out not to be worth the press release it was written on. Although Directive 2009/3/EC omits any reference to a termination date, it alludes to future circumstances that will prompt 'proposals'. BWMA's reading of the Directive is that that the EC will reintroduce the ban on supplementary indications in the event of the United States no longer requiring dual marking. This issue contains the Commission's responses to our questions.

Not a man of letters

Lord Drayson appears reluctant to respond to letters. Last issue, we noted how he passed our letter, questioning the government's practice of repealing new Acts with old Acts, rather than the other way around, to the National Measurement Office. In this issue, he leaves the matter of a future ban on supplementary indications with Kerry at the public relations office. As always, the government is incapable, or unwilling, of addressing matters of principle.

Metric signs

Unlawful metric road and pedestrian signs continue to be seen around the country; to assist members writing to offending local authorities, we reproduce and insert a copy of the Department for Transport's 2002 memo that summaries their legal obligations.

Annual General Meeting & Conference – 29 May 2009

We are delighted to be joined this year by Fiona McEvoy of the *Taxpayers' Alliance*, which campaigns for lower taxes and better services. TPA started in 2004 as a group of volunteers meeting in coffee shops, and has grown to one of the UK's most influential and quoted pressure groups. Also joining us is barrister Michael Shrimpton who, in 2002, argued the case against the metric regulations so effectively that Lord Justice Laws had to invent a new British constitution to get the government off the hook. See the back page for date and venue details.

John Gardner, Director

BWMA is a non-profit body that exists to promote parity in law between British and metric units. It enjoys support from across Britain's political spectrum, from all manner of businesses and the general public. BWMA is financed by member subscriptions and donations.

Membership is £12 per year. Cheques or postal orders payable to "BWMA", 41 Greensleeves Avenue, Broadstone, Dorset BH18 8BJ

Long-term UK/EC intentions towards supplementary indications

1) BWMA to Lord Drayson, Minister for Science and Innovation, Department of Business, Innovation and Skills, 16 November 2009

In March 2009, the European Commission removed from EC Directive 80/181 any reference to a deadline for the use of supplementary indications (i.e. imperial/U.S. measurements) alongside mandatory metric indications.

However, the British Government said in a letter to the EC, dated 5 March 2007: "*As to the form of a further extension [of supplementary indications], we favour an open-ended extension rather than for another 10-years ... An extension without time limit has the advantage of providing greater certainty to business. If, at some point in the future, the USA should change over to the metric system, the Directive could be reviewed in light of those changes at an appropriate time*".

The last sentence suggests that the government is willing to reinstate the ban on supplementary indications at some point. Please could you explain the government's long-term intention towards supplementary indications.

Yours sincerely, etc

Reply from DBIS, 7 December 2009

Thank you for your email of 16 November about dual metric and imperial labelling (supplementary indications). I can confirm that the Government has no plans to end the use of supplementary indications or to review their use. Indeed, during the negotiation of Directive 2009/3/EC, we argued strongly that supplementary indications should be retained beyond the deadline of 31 December 2009, and that there should be no time limit on their use. As you know, this argument was accepted by the European Commission, European Council and European Parliament, and the new Directive allows for the use of imperial units alongside metric as supplementary indications indefinitely.

However, we can't predict what circumstances may prevail in the longer term. Therefore, we must reserve the right of future administrations to reconsider this issue should they want to do so, either as a result of significant changes in the use of metric around the world in the future or for any other reason.

I hope this is helpful. Yours sincerely,
Kerry Aspinall
Public Communications Unit

2) BWMA to European Commission, Directorate for Construction, Pressure Equipment and Metrology, 16 November 2009

In March 2009, the European Commission removed from EC Directive 80/181 the reference to a termination date for the use of supplementary indications (i.e. imperial/U.S. measurements) alongside mandatory metric indications. However, I draw attention to paragraph 5 of amending Directive 2009/3's preamble: "*It is appropriate that the Commission continue to strongly pursue, in the context of its third country trade relations, including the Transatlantic Economic Council, the acceptance in third*

country markets of products labelled only in the units of the International System of Units (SI)".

This is a reference to legislation such as the Fair Packaging and Labelling Act in the United States that places metric and inch-pound units on an equal footing.

We also draw attention to newly inserted article 6b which states: "*The Commission shall monitor market developments relating to this Directive and its implementation with regard to the smooth functioning of the internal market and international trade and shall submit a report on those developments, accompanied by proposals where appropriate, to the European Parliament and to the Council by 31 December 2019*".

An interpretation of these two paragraphs is that, should the U.S. Fair Packaging and Labelling Act be repealed in the next ten years, the EC will re-instate an expiry date for supplementary indications. Please could you therefore explain the Commission's long-term intention towards supplementary indications.

Reply from European Commission, 22 December 2009

Dear Mr Gardner

Thank you for your question. The Commission's long-term intention towards supplementary indications is as is stated in recital 5 and article 6b of Directive 2009/3/EC.

Best regards,
Daniel Hanekuyk, DG Enterprise and Industry

Second BWMA email to European Commission, 24 January 2010

Dear Daniel

My previous email was prompted by a divergence between EC public assurances regarding the display of supplementary indications, and the wording of Directive 2009/3/EC. The EC is on record as saying that the purpose of the modified Directive is to '*permit the use of supplementary indications indefinitely*'. The Directive removes the January 2010 date for their termination.

Yet, the Directive adds another date, 2019, requiring a "*report on ... developments, accompanied by proposals where appropriate*". The implication of recital 5 and article 6b is that withdrawing 'authorisation' for supplementary indications remains the Commission's policy; except that the end date is not now fixed, but dependent on certain future circumstances. Please explain what those future circumstances might be, and the intended nature of the "proposals".

Thank you, etc

Further reply from European Commission, 31 March 2010

As indicated in the email of 22 December 2009, the Commission's long-term intention towards supplementary indications is as is stated in recital 5 and article 6b of Directive 2009/3/EC.

Please note that in line with smart and better regulation, review clauses are now pretty much the rule in the Union's legislative texts, so a review in 10 years is not exceptional and even shorter periods occur.

Best regards,
Daniel Hanekuyk, DG Enterprise and Industry

Third BWMA email to European Commission, 14 April 2010

Dear Daniel, etc

When the various EC committees met to discuss recital 5 and article 6, they must have referred to certain ideas and intentions that formed the basis of the words "circumstances" and "proposals". Please can you provide the minutes of these meetings, so that we may see what these intentions are.

Thank you, etc

Editor's note: the EC's response, not received at time of going to print, will be in a future *Yardstick*.

BWMA President Vivian Linacre comments: All this equivocation and ambiguity is intolerable. If use of supplementary indications is authorised *indefinitely*, then any threat or notice of renewed prohibition must require fresh justification - the case for banning and for penal sanctions would thus have to be made *de novo*. Otherwise, if the EC is free simply to revert to the *status quo ante*, without requiring a fresh Directive, then the present situation is not that use has been authorised indefinitely, but that prohibition has been *suspended* indefinitely - a situation fundamentally contrary to natural justice, and in breach of the universal principle that the law must have *certainty*. All that has happened on 1 January 2010 is that the previous derogation has been extended, but whether for ten months or ten years or the next millennium they are not telling us and we have no right to know. We are actually worse off than hitherto, from 1980 to 1990 to 2000 to 2010, when there existed a fixed deadline that we all recognized had to be overcome; but now we are in perpetual danger of ambush. The public assurances of indefinite suspension are a confidence trick - a delusion - which must be exposed. The symbol of the EU should be Janus.

* * *

Further Parliamentary Questions by Philip Hollobone MP to Sadiq Khan, Minister of State for Transport, 8 February 2010

Philip Hollobone MP (Conservative, Kettering): To ask the Minister of State, Department for Transport, what information his Department holds on (a) the number of bridge strikes in other EU countries where metric height and width restriction signs are required and (b) the number of such strikes involving UK lorry drivers in the last 12 months.

Sadiq Khan, Minister of State: The Department for Transport does not hold this information.

Philip Hollobone MP: To ask the Minister of State, Department for Transport, what steps his Department has taken to ensure that accurate information on the (a) location and (b) height in metric and imperial measurements of low bridges is accessible to producers of satellite navigation systems.

Sadiq Khan, Minister of State: None. Producers of satellite navigation systems are responsible for the accuracy of information provided in their products. Moreover, the onus

remains on drivers to adhere to warnings and restrictions indicated by traffic signs.

Further BWMA letter to Lec Napal, Consultation Co-ordinator, Department for Transport, 16 February 2010, regarding BWMA complaint (see *Yardstick* 39)

Dear Mr Napal

We are concerned that we have not yet received a response to our complaint of 1 December 2009, regarding the Department for Transport's absence of research into assumptions underlying its proposals affecting the Traffic Signs (Amendment) Regulations and General Directions 2010. For your awareness, I attach a copy of a recently received Parliamentary question and answer that further indicates the absence of research. We look forward to your response to our complaint in due course.

Yours sincerely, etc

From *TaxPayersAlliance.com*, 23 March 2010

Emma Boon, TPA Campaign Manager writes: The Government has just spent £71 million pounds on building motorcycle test centres, all for the sake of 1.2 miles an hour, what a waste. It's all thanks to the metric nuts in Europe, who decided that our motorcyclists have to perform manoeuvres at a speed of 50km per hour when taking their L-test. The problem is that equates to 31.2mph, meaning that these moves can't be performed on the streets where they've traditionally been carried out as the limits there are mostly 30mph. So the DSA has had to splash out millions on more than 60 test centres, so that candidates don't have to speed to pass their test. It is maddening that for the sake of some EU directive taxpayers have been hit with a huge bill, even more so when the money could have been put to use better elsewhere ... It seems unbelievable that Britain couldn't opt out of the 50km per hour requirement for tests, and save taxpayers some cash. In a situation like this the speed limit for Britain should have been allowed to be set in miles, not kilometres to avoid an expensive fiasco.

YouTube: Active Resistance to Metrication

Tony Bennett of A.R.M. has released via YouTube a 10-minute educational film, shot in Essex in spring 2009, showing the work of Active Resistance to Metrication in changing illegal metric signs into lawful miles and yards; visit YouTube and search for "Active Resistance to Metrication", or go to this direct link:

http://www.youtube.com/watch?v=W5FbEmqo_sA

The Daily Mail

The Editor of the *Daily Mail* wrote to our colleague Stuart Delvin on 13 July 2009:

Dear Mr Delvin, Thank you for your further letter and enclosures. I can assure you that many of our readers prefer the Imperial measures to the metric and do not hesitate to remind us of this when we lapse. Thank goodness America has kept them. I have re-issued a note to those responsible that both metric and Imperial should be given whenever possible. With kind regards,

Yours sincerely, Robin Esser, Executive Managing Editor

Prof Antony Flew: BWMA Chairman Mike Plumbe's letter in *The Times*, 23 April 2010

Antony Flew was a great fighter on Freedom issues and was a member of many organisations such as The Freedom Association, the Society for Individual Freedom, and the Bruges Group. He joined the committee of the British Weights & Measures Association and, even in his last years, gave valuable, clear-headed advice when we were supporting a market-trader who was being prosecuted (and was convicted) for selling a pound of bananas. He believed it was quite wrong for this case to be pursued. That he should be involved here showed his passionate concern for the rights of the small man against bureaucratic EU diktats.

**Annual General Meeting & Conference
Saturday, 29 May 2010**

**Victory Services Club, 63 Seymour Street, London
W2 2HF, Tel: 020 7616 8305
(off Edgware Road, just north of Marble Arch)**

AGM 10.30 for 11.0am - free to members

The following nominations have been proposed and seconded: Chairman Michael Plumbe, Director John Gardner, Hon Treasurer, Membership Secretary & Deputy-Chairman Lee Consterdine. Committee Members: Derek Norman, William Peters, Peter Rogers, Robert Stevens, John Strange.

Conference 1.30 for 2.0pm

(£5 admission on door)

Guest speakers

**Fiona McEvoy, The TaxPayers' Alliance
www.taxpayersalliance.com**

**Michael Shrimpton, barrister and specialist in
Constitutional Law and National Security**

Further contributions by Neil Herron, Metric Martyrs Defence Fund; and John Gardner, BWMA Director

* * *

Minutes of the thirteenth Annual General Meeting, held on 14 May 2009 at the Victory Services Club, 63 Seymour Street, London; 11.0am

Present: Michael Plumbe (in the chair) and 25 members.

CHAIRMAN'S OPENING REMARKS: Michael Plumbe welcomed members to the meeting.

APOLOGIES FOR ABSENCE were received from Roz Bowles, Warwick Cairns, Pamela Shaw-Hesketh, Simon Kirby, Derek Norman, Fabian Olins, Philip Pitt, Robert Stevens.

MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 19 MAY 2008 having been previously circulated were taken as read. Proposed by Mr D Hughes, seconded by Mr D Turner and agreed *nem con*.

MATTERS ARISING: None.

HON TREASURER'S REPORT: Lee Consterdine submitted the year-end accounts for 1 April 2008 to 31 March 2009, showing a total cash balance of £22,229.25; but these had not been signed off as the Hon Auditor was on holiday. To avoid this in the future, the year-end could change to March. Income was up, due to a legacy of £8,451.23. Interest rates were down, only £3.47 interest in the last quarter. Donations down only by £60 for the year. There had been a drive to promote Standing Order Mandates; 81

members had signed up. There is a membership of 472 (including three life members) down by a hundred, believed due to members thinking the battle had been won. The accounts were adopted, proposed by Mr F Roffe, seconded by Mr R Carnaghan and agreed *nem con*. Mr Consterdine was thanked for all his hard work throughout the year.

DIRECTOR'S REPORT: John Gardner gave a full and detailed report on recent campaign developments. He gave a review of the Devers case and Hackney Council's decision to abandon the remaining charges on unit pricing. He had submitted an article for *Trading Standards Today*. John Denham MP had said prosecutions were to be suspended but this was found to be false during a meeting between himself and NWMI (NMO); Phillip Hollobone MP is to seek clarification by asking a question in the House of Commons. Although the Government said it would have no further metrication, 'creeping' metrication continues. The Government claims to have always supported supplementary indications but this was contradicted by historical letters. There was an ongoing application under Freedom of Information Act lodged April 2008, holding letters received May, September and December 2008. The EU Parliament had decided in December 2008 to extend supplementary indications. Three editions of *The Yardstick* had been published during the year. There had been a BBC interview with Warwick Cairns. Several members were campaigning against Tesco/Sainsbury's showing of point-of-sale items in metric only. An Automobile Association poll showed that most motorists supported miles. BWMA would have to wait for another trader dispute before further action could be taken.

There were many comments from the floor. Mr Linacre said nothing had yet changed on supplementary indications, that Gunter Verheugen of the EC had only made a suggestion, and that the biggest battleground was yet to come, UK law must be seen to be changed. Mr Gardner said he would follow this up. The report was approved and the Chairman thanked Mr Gardner for doing an excellent job.

ELECTION OF OFFICERS AND COMMITTEE

Chairman: Michael Plumbe, proposed by Mr L Consterdine, seconded by Mr M Davies, agreed *nem con*. The Committee: Lee Consterdine, John Gardner, Derek Norman, Fabian Olins, William Peters, Peter Rogers, Robert Stevens, John Strange were re-elected. Proposed by Mr V Linacre, seconded by Mr F Roffe, agreed *nem con*.

The Chairman advised that a Special Group had been formed comprising three members, Warwick Cairns, Pamela Shaw-Hesketh and Bruce Robertson, who continue to make a special contribution to the Association.

APPOINTMENT OF HON AUDITOR: Proposed by Hon Treasurer, seconded by Mr P Rogers. Mr W Featherstone was re-appointed.

ANY OTHER BUSINESS: A member asked for leaflets that promoted BWMA. Several members referred to companies/products using customary/metric measures eg: Asda using metric only; Belgian chocolates display ounces, goods worldwide having differing measurements.

Meeting closed at 12.30pm

**BWMA, 11-Greensleeves Ave,
Broadstone, Dorset BH18 8BJ
☎ 020 8144 1064 (ansa machine)**

Website: www.bwmaOnline.com

Hon President: Vivian Linacre

Director: John Gardner

Chairman: Michael Plumbe

Acting Press Officer: David Delaney ☎ 01544-267197

Hon. Treasurer: Lee Consterdine

11-Greensleeves Avenue, Broadstone, Dorset BH18 8BJ

Production and Distribution: Robert Stevens