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BWMA gratefully records the Patronage of the late The Hon. Mrs Gwyneth Dunwoody, MP, Lord Shore, Vice-Admiral Sir Louis Le Bailly, KBE, CB, and Lord Monson, 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 Mitchell, David Shepherd, MBE, Keith Waterhouse, CBE, Dick Francis, CBE, Prof. Antony Flew, Trevor Bailey, CBE

Government gone mad; the corner shop is categorised as 'cross-border trade'

EC units of measurement Directive 80/181 states in its text that it applies to cross-border EU trade: "... the laws which regulate the use of units of measurement in the Member States differ from one Member State to another and as a result hinder trade; in these circumstances, it is necessary to harmonize laws, regulations and administrative provisions in order to overcome such obstacles".

However, David Willetts, Minister for Universities and Science, is unwilling to acknowledge that the UK's domestic retail trade, such as selling fruit and vegetables, is outside the Directive's remit. His most recent letter (inside) obfuscates: "... while the Directive aims at facilitating cross-border transactions, its application is broader in the sense that, in order to achieve that objective, it requires the amendment of domestic rules governing units of measurement which would otherwise impact on cross-border transactions".

So, an EC Directive, that exempts domestic retail trade of Member States, is portrayed by the UK authorities as *not* exempting domestic retail trade.

Honorary Treasurer

After six years sterling work, Lee Consterdine is standing down as Treasurer. We thank Lee for his contribution to the Association, and to the cause. Members interested in undertaking the role are invited to email bwma@email.com, or write to the Chairman at the address below. Duties include reporting to Committee on Association finances, preparing annual accounts for the AGM, and receiving and banking membership renewals.

Annual General Meeting & Conference

The AGM and Conference will be held on Saturday 28 May 2011 at the Victory Services Club, 63 Seymour Street, London W2 2HF, near Marble Arch. **Please note**, the times are different from previous years; the AGM is at 2pm, and the Conference at 3pm, with coffee between. We are delighted that Neil Hamilton, former Trade Minister, will be our Guest Speaker. In 1994, Neil proposed that metrication orders be removed by way of a De-regulation Order, and we are pleased to republish an article by him that explains this. This theme is especially relevant in light of the government's Red Tape Challenge, announced in April, to which BWMA is responding.

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", EGS Panther House, 38 Mount Pleasant, London WC1X 0AN

BWMA questions, 4 January 2011, to David Willetts, Minister for Universities and Science (reproduced from Yardstick 44)

1) Please could you explain the process surrounding the Conservative Party's change in policy, including when it took place, and by whom. We would be grateful for a copy of the minutes relating to the meeting at which the policy reversal was made.

2) The National Measurement Office acknowledges that the EC metrication Directive is aimed at "*facilitating cross border trade*". You may also be aware of David Cameron's statement that, "*Since the goods sold are for domestic sale only, there should be no difficulty in allowing the use of pounds and ounces for loose goods to continue*" (letter 20 Dec 2002, copy attached). What we seek from you, as Minister of State for Universities and Science, is a free and full acknowledgement that the EC Directive does not apply to domestic trade.

3) We are grateful for the further explanation of "potential market failure"; however, what we would like to know is the government's *evidence* that supports this theory. For example, has the government undertaken field surveys, case studies or other research that takes its concerns of "potential market failure" beyond the merely theoretical stage?

Reply from David Willetts, 28 February 2011

Thank you for your letter of 4 January in response to Paul Cole's letter of 14 September about units of measurement in use for trade. I apologise for the delay in replying.

The policy outlined in Mr Cole's letter is that of the Coalition Government. The Conservative Party established a position on metrication in response to the imposition of metric units in 2000 and the subsequent prosecution of traders for using imperial units. However, since that change-over took place there have been important changes to both European law and UK enforcement.

The European Directive was re-negotiated in 2009. There were significant gains for the UK in changing European law to remove the threat to the use of imperial units as supplementary indications and in removing any requirement to end the use of the pint, mile and troy ounce. These changes were supported by the Conservative Party in the European Parliament to protect the future use of imperial units and ensure British consumers and businesses retained the right to use imperial alongside metric for as long as they wanted.

In December 2009, LACORS published guidance advising Trading Standards against prosecution for units of measurement offences unless there was clear evidence of consumer or business detriment. This new guidance rightly recognised the importance of proportionality. The government supports proportionate and flexible enforcement that intervenes only when there is a clear case for protection. These changes have resulted

in a different environment to that which prevailed in 2002.

The Government is committed to upholding existing uses of imperial units and dual labelling. However, we must also take into account the needs of all users including those consumers only familiar with metric units as well as science and business.

I can confirm that the scope of Directive 80/181/EEC applies to domestic as well as to cross-border trade. As Mr Cole noted in his letter of 14 September whilst the Directive aims at facilitating cross-border transactions, its application is broader in the sense that, in order to achieve that objective, it requires the amendment of domestic rules governing units of measurement which would otherwise impact on cross-border transactions.

The potential for market failure is based on economic theory. If one trader is using only metric units and another trader is only using imperial units for the same product, the consumer cannot easily compare prices and value between the two traders. This information problem could create inefficiencies in the market, as resources may not be allocated efficiently. However, no research has been conducted by the Government specifically into this area.

You may be interested in a trial scheme being operated by the Local Better Regulation Office and the Office of Fair Trading to give Trading Standards Officers access to a range of civil sanctions as an alternative to criminal prosecution. The National Measurement Office is participating in the trial and it will include most weights and measures offences, including those relating to units of measurement. This will provide Trading Standards Officers with an even more flexible and proportionate range of sanctions, other than criminal prosecution. I hope that this addresses the concerns in your letter. I understand that my officials have already been in touch to offer to meet with you to discuss any issues you have in more detail.

BWMA reply, 8 April 2011

Thank you for your letter of 28 February 2011. You have misinterpreted the meaning behind our first question; we are not asking for the justifications behind the government's policy.

Although we see flaws in the justifications, our concern, at this stage, is why the government did not seek out and consider such flaws before setting in place its policy. For example, your invitation for us to attend a meeting, while appreciated, is academic, since the meeting cannot now be part of a process of formulating policy.

To clarify our first question, therefore, what caused the government to block out discussion before undertaking its policy u-turn? Are you not concerned that, by not consulting, you might have got the policy wrong?

To be continued ...

The Inside Story on Metrication by Neil Hamilton

ONE OF THE FIRST ACTS of the incoming Thatcher administration in 1979 was to announce the abolition of the Metrication Board. It comes as a bit of a surprise, therefore, that our newly Euro-sceptical Government under Mr. Major should have so recently rung the death knell over virtually all the imperial measures used since time immemorial. The Government claims that it was obliged to perform this act of interventionist vandalism because of the Units of Measurement Directive agreed by Francis Maude in 1989. This is quite untrue.

As Corporate Affairs Minister in the DTI from 1992 to 1994, I was responsible for weights and measures. I looked into the background and examined the Directive and concluded that we did not need to enforce any such change. As the Deregulation Minister, my job was to prevent unnecessary legislation getting onto the Statute Book. The Deregulation Initiative was declared by the Prime Minister and Michael Heseltine (prior to his titular demotion from President to Deputy Prime Minister) to be one of the Government's highest priorities.

Where new regulations had to be introduced as a result of European Directives, we explicitly stated that we would go not a jot or comma further than our bare legal obligation required. We would end the practice of 'gold-plating', whereby British Ministers would end up pushing through Parliament Statutory Instruments which imposed more onerous requirements than the Directive itself. New regulations would be justified only if the benefits to the public outweighed the costs. We would transpose European obligations by the least costly and intrusive means. Any obligations imposed beyond the call of European duty would have to be justified separately by the same cost/benefit test.

Compulsory metrication failed all these tests spectacularly. It would make a mockery of the Deregulation Initiative. One of the most offensive features of the Metrication Order was the criminalisation of the use of our traditional measures. What possible harm would be done by selling goods in pounds and ounces? Why should we give the peaked cap and clipboard brigade the power to harr and prosecute our fellow citizens for daring to exercise their free choice in such a harmless manner? Why should we give the Courts the power to fine up to £5,000 for such so-called 'crimes'? In this respect the Government did 'gold-plate' the Directive, which does not require the imposition of criminal sanctions. They are not applied elsewhere in Europe. How can the Government now claim with a straight face that it is going to fight unnecessary Euro regulation?

But there is an even more tragic and important feature to all this; the Metrication Order was not necessary at all - even under the terms of the Directive. There was a simple deregulatory way around it, using the powers which my Deregulation Act had just provided. The Directive applies only to 'authorised measures', i.e. where the Government requires as a matter of law particular measures to be used. The Weights and Measures Act used to require the use of imperial measures. Under the Units of Measurement Directive, if we are to have compulsory measures they must be metric (with a few exceptions like the pint for milk or beer).

But if we do de-authorise units of measurement and leave it up to individuals to decide which units they prefer to use for sales and purchases, then we do not need to compel

metrication upon those who do not want it. A Deregulation Order could be introduced under the provisions of the Deregulation Act to repeal the compulsory elements of the Weights and Measures Act and the Units of Measurement Regulations 1994 could be repealed. The Government would thus be reducing and not adding to the number of pages on the Statute Book. It would also remove a criminal offence whose creation was an affront to law abiding citizens.

The Government would also strike a symbolic blow against the tendency of Eurocrats to pry into the nooks and crannies of our lives. By doing so, it would live up to its recent rhetoric on sovereignty, subsidiarity and cutting red tape. It was a great disappointment to me that the Government pressed ahead. I argued the case but failed to convince Michael Heseltine to do more than delay the measure as long as possible. When it was implemented, I refused to introduce it to Parliament. It was left to my otherwise splendid colleague, Lord Strathclyde, to introduce it in the Lords. It was never debated in the Commons.

My attitude was summed up by a famous remark of Quintin Hogg - "we do not believe it to be necessary, and even if it were we should oppose it". Compulsory metrication is a profoundly un-Conservative measure. Unconservative in every respect. It offends Tories who emphasise our commitment to preserve familiar and well tried institutions. It offends those who emphasise limited Government and free markets. It is the essence of Heathite corporatism - a cobwebbed and discredited era in Conservative history. Our maxim ought to be: when it is not necessary to change it is necessary not to change. Compulsory metrication is not necessary and the legislation should be repealed.

This article first appeared in the European Journal, December 1995.

Red Tape Challenge

On 7 April 2011, the Prime Minister David Cameron announced a Red Tape Challenge; he said in a letter copied to all government ministers: "Today, there are over 21,000 statutory rules and regulations in force, and I want us to bring that number - and the burden it represents - down. Indeed, I want us to be the first government in modern history to leave office having reduced the overall burden of regulation, rather than increasing it ... Our starting point is that a regulation should go or its aim achieved in a different, non-government way, unless there is a clear and good justification for government being involved. And even where there is a good case for this, we must sweep away unnecessary bureaucracy and complexity, end gold-plating of EU directives, and challenge overzealous administration and enforcement".

All 42 weights and measures regulations are listed on the Red Tape Challenge website, including those relating to metric conversion; the website states: "Tell us what you think should happen to these regulations and why, being specific where possible: Should they be scrapped altogether; Can they be merged with existing regulations; Can we simplify them, or reduce the bureaucracy associated with them; Have you got any ideas to make these regulations better; Do you think they should be left as they are?"

BWMA shall be making a submission shortly. It remains to be seen whether Red Tape Challenge lives up to its name, or is simply another "Your Freedom".

<http://www.redtapechallenge.cabinetoffice.gov.uk/weights-and-measures/>

Annual General Meeting & Conference

Saturday, 28 May 2011

Victory Services Club, 63 Seymour Street, London
W2 2HF, Tel: 020 7616 8305

(off Edgware Road, just north of Marble Arch;
nearest tube stop Marble Arch)

AGM 2.0pm - free to members

The following nominations have been proposed and seconded: Chairman Michael Plumbe, Director John Gardner. Committee Members: Derek Norman, William Peters, Peter Rogers, Robert Stevens, John Strange.

Conference 3.0pm

(£5 admission on door)

Guest speaker: Neil Hamilton, former Minister for Deregulation and Corporate Affairs

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Minutes of the fifteenth Annual General Meeting, held on 29
May 2010 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 Philip Pitt, Irfon Roberts, Jack Scullard and Ariadne Tampion.

MINUTES OF THE ANNUAL GENERAL MEETING HELD ON 9 MAY 2009 having been previously circulated were taken as read. Proposed by Mr P Kirby, seconded by Mr M Davies and agreed *nem con*.

MATTERS ARISING: None.

HON TREASURER'S REPORT: Lee Consterdine submitted the year-end accounts 1 April 2009 - 28 February 2010 showing a total cash balance of £22,600.49. The Association's financial year has been changed to end February to enable the accounts to be signed off before the AGM. The revenue increased last year due to a legacy of £8,451.23 and the Janet Devers Fund for £863. Administration costs had reduced by £780 as this included a double payment for the Victory Services Club, as they were late submitting their first bill. Expenditure now included £910 travelling expenses for Committee Meetings, as advised at last AGM. Subscriptions were down though several generous donations had been received. There were 430 active members of which 24% paid by standing order. Mr V Linacre asked the incremental cost per member and suggested promoting a subscription of £5 for the first year. Mr Consterdine said that the cost of membership per member for the previous year was £10 and would be approximately £15 for the current year, depending upon how many more joined. It was suggested that UKIP members could be approached, and that a venue cheaper than the VSC could be used. The accounts were adopted, proposed by Mr D Turner, seconded by Mr D Hughes 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 reported the following developments. A meeting with the National Measurement Office, which reiterated enforcement of metric regulations. Enforcement guidance released subsequently by LACORS with no change but more aggressive language. Government statutory instruments passed, permitting supplementary indications, yet passed under 1972 Act, to amend 1985 Act. Ongoing correspondence with UK and EC authorities on long-term future of sup-

plementary indications, but neither giving an unconditional assurance that they will be permitted permanently. Request made to EC for minutes of meetings relating to EC directive amendment of supplementary indications. Submission made to the Department of Transport re metric height signs, also complaint that they undertook no research, no reply received. Various questions put to Transport Minister via Philip Hollobone MP. Information received from Government, via Freedom of Information, received a year late and by then of no value. Letter sent to Department of Education requesting details of policy on teaching imperial. Other developments included NASA reverting to English measurements; numerous reports from members of metric signs being changed; and downsizing of products such as Roses, Terry's, etc. There had been five Committee Meetings in the year, four issues of *The Yardstick*, a press release on supplementary indications which was reported by Christopher Booker in the *Sunday Telegraph*. The Rt Hon Frank Field had accepted honorary membership. The report was approved and the Chairman thanked Mr Gardner for continuing to do such an excellent job.

ELECTION OF OFFICERS AND COMMITTEE: The President Vivian Linacre took the chair for this item. Chairman: Michael Plumbe proposed by Mr R Willis, seconded by Mr M Davies, agreed *nem con*. Hon Treasurer and Deputy Chairman: Lee Consterdine proposed by Mrs V Gardner, seconded by Mr P Kirby and agreed *nem con*. The Committee: John Gardner, Derek Norman, William Peters, Peter Rogers, Robert Stevens and John Strange proposed by Mr M Davies, seconded by Mr P Kirby, agreed *nem con*. The Chairman paid tribute to Vivian Linacre who had travelled from Perth to attend the AGM and to Sheila Eustace for taking the minutes.

APPOINTMENT OF HON AUDITOR: Proposed by Hon Treasurer and seconded by Mrs S Eustace, Mr W Featherstone was re-appointed.

ANY OTHER BUSINESS: Mr D Hughes was thanked for making a generous donation of £200 to BWMA. Mr M Davies thanked the Committee for all their work. A member suggested that name signs be placed on the table.

Meeting closed at 12.20pm

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Nominet (internet registry for .uk website domain names) acknowledges (16 March 2011) BWMA's submission of 14 December 2011, regarding its policy on domain names used in criminal activity

Dear Stakeholder,

Thank you very much for your interest in the discussions relating to the issue brief on domain names associated with criminal activity. The secretariat has reviewed each of the 200+ written responses to the issue brief and also met with a number of representatives and organisations to discuss their views and concerns. These were fed into the period for initial comments. The responses received have been wide-ranging, covering issues from due process and civil liberties, to questions related to proportionality, legitimacy, and the jurisdiction regarding Nominet's action to suspend domain names. Responses were received from a variety of organisations and individuals including registrants across large and small business, financial services, consumers and consumer protection, intellectual property protection, civil liberties, child protection, registrars, law enforcement and regulators, internet service providers and security experts ... Leanne Kenny, Policy Advisor, Nominet

BWMA

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