

Miss L. Bennett
1050
(0191) 553 1050

LB/SJ/59³⁵¹~~491~~
lynn.bennett@sunderland.gov.uk
27th September, 2000

Clerk to the Justices,
Sunderland Magistrates' Court,
Gillbridge Avenue,
Sunderland.

Dear Sir,

City of Sunderland –v- Steven Thoburn
Section 11(2) Weights & Measures Act, 1985

I enclose for your attention two Informations and Summonses regarding the above matter.

Please could you sign and date all copies and return the Summonses to me as soon as possible in order that I may effect service of the same.

Thank you for your assistance in this matter.

Yours faithfully,

LB


for Legal Services Manager

INFORMATION

THE INFORMATION of Colin G. Langley, Director of Administration and duly authorised Officer of the Council of the City of Sunderland of Civic Centre, Sunderland, being the local weights and measures authority for the said City WHO STATES THAT on the fourth day of July, 2000 at The Market, Southwick, Sunderland in the County of Tyne and Wear, STEVEN THOBURN of 11 Association Road, Roker, Sunderland did have in his possession for use for trade a non-automatic weighing machine, namely a System 30 weighing machine, serial number 290412, which did not bear a stamp indicating that it had been passed by an Inspector or approved verifier as fit for such use, which was not defaced otherwise than by reason of fair wear and tear.

CONTRARY to Section 11(2) of the Weights and Measures Act, 1985.

AND the said Informant now applies that the said STEVEN THOBURN shall be summoned to answer the said Information.



Informant

Clerk to the Justices for the
Petty Sessional Division of
Sunderland

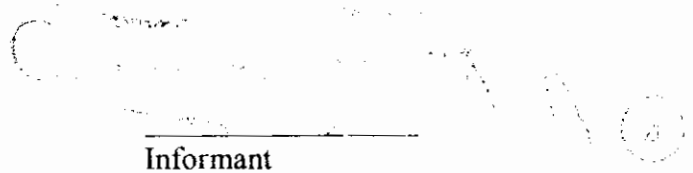
TAKEN)
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CONTRARY to Section 11(2) of the Weights and Measures Act,1985.

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Informant

Clerk to the Justices for the
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SUMMONS

TO: STEVEN THOBURN

OF: 11 ASSOCIATION ROAD, ROKER, SUNDERLAND

INFORMATION has this day been laid by Colin G. Langley, Director of Administration and duly authorised Officer of the Council of the City of Sunderland of Civic Centre, Sunderland, being the local weights and measures authority for the said City THAT on the fourth day of July, 2000 at The Market, Southwick, Sunderland in the County of Tyne and Wear, you did have in your possession for use for trade a non-automatic weighing machine, namely a System 30 weighing machine, serial number 290412, which did not bear a stamp indicating that it had been passed by an Inspector or approved verifier as fit for such use, which was not defaced otherwise than by reason of fair wear and tear.

CONTRARY to Section 11(2) of the Weights and Measures Act, 1985.

YOU are hereby summoned to appear before the Magistrates' Court sitting at Gillbridge Avenue, Sunderland on Tuesday the 7th day of November 2000 at the hour of 2.00 p.m. to answer the said Information

DATED 29th September 2000



Clerk to the Justices for the
Petty Sessional Division of
Sunderland

SUMMONS

TO: STEVEN THOBURN

OF: 11 ASSOCIATION ROAD, ROKER, SUNDERLAND

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DATED 29th September 2000



Clerk to the Justices for the
Petty Sessional Division of
Sunderland



CHRIS MULLIN MP
Sunderland South

3, The Esplanade,
Sunderland. SR2 7BQ

Tel: (0191) 567 2848
Fax: (0191) 510 1063

1st December, 2000

D. Adams
All replies direct, copy to me.

Dear Mr. Sinclair,

As you will know, the local Trading Standards Officer has initiated a prosecution against a Sunderland market trader, Mr Steve Thoburn, for refusing to use metric scales.

I understand that the case, due to reach court on January 15th, is likely to be vigorously contested and that the legal costs could be considerable if, as seems likely, it is appealed to the higher courts.

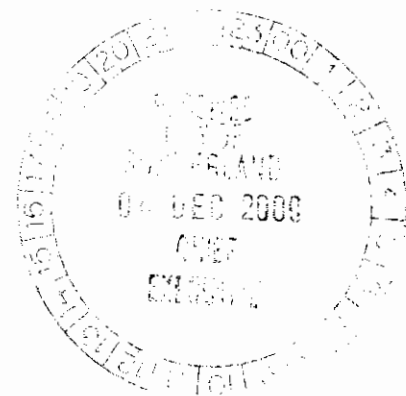
I would, therefore, be grateful to know (a) who authorised the prosecution (b) who will be paying the Council's costs

Yours sincerely,

CHRIS MULLIN MP

Mr. C. W. Sinclair,
Chief Executive,
City of Sunderland,
Civic Centre,
SUNDERLAND SR2 7DN.

c c. Mr N. Herron



Miss L. Bennett
1050
(0191) 553 1050

LB/JG/59851
20th December, 2000.
lynne.bennett@sunderland.gov.uk

Mr. C. Mullin MP.,
3 The Esplanade,
Sunderland,
SR2 7BQ.

Dear Mr. Mullin,

Re: City of Sunderland – v – Steven Thoburn

I refer to your letter of 1st December, 2000 in respect of the above matter, addressed to the Chief Executive, which has been passed to me for reply.

It is correct that the proceedings against Mr. Thoburn in respect of his use of non-metric/unstamped scales are due to come before the Sunderland Magistrates' Court on 15th January, 2001 for hearing.

The decision to seize the scales was taken by the City Trading Standards Officer, Mr. Terrett. Mr. Thoburn had been advised on three separate occasions between February and June this year of the need to convert his scales and was afforded ample time to do so before the scales were finally seized on 4th July, 2000. Mr. Thoburn then threatened to institute proceedings against the Council to recover the scales and seek compensation.

The Council has a duty to enforce the weights and measures legislation within its area and after taking Counsel's advice and consultation with leading members, it was agreed that I would institute the proceedings.

The facts of the case have been agreed and the issue is one of law, i.e. whether the then Government successfully transposed the relevant European Directive on metrication into English law. In this situation, it would be clearly unfair if the costs of the case fell directly on this authority. In these circumstances, the Council and Mr. Thoburn are to make a joint application to the DTI to fund the costs of the case, in view of its national significance and the high degree of public interest. Should that be unsuccessful, then, in the event of the Council securing a conviction, it will seek an order for Mr. Thoburn to pay its costs. Further if, as anticipated, the matter proceeds to the High Court, the Council will also seek the support of other local authorities to make contributions towards any costs it may have to bear, as the matter is one of general concern.

Yours sincerely,

Director of Administration