

The Yardstick

Journal of the British Weights and Measures Association

Number 77

ISSN 1361-7435

December 2021

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Metric Thaw

Lord Frost, Minister of State at the Cabinet Office, announced on 16 September, "new plans to capitalise on the freedoms from Brexit". The accompanying 4-page document, *Brexit opportunities: regulatory reforms*, stated:

"The UK's exit from the EU created a unique opportunity to review the laws which govern our nation and ensure that they are tailored to support the best interests of business and citizens. As such, in February, the Prime Minister asked Sir Iain Duncan Smith to convene the new Taskforce on Innovation, Growth and Regulatory Reform to examine our existing laws and identify future opportunities following our exit from the EU.

The first phase of the response to this report was the consultation on reforming the better regulation framework which will close on 1 October and we expect to respond rapidly thereafter.

The second phase of our response includes a package of proposed individual regulatory reforms to laws inherited while a member of the EU which the Government is setting out today".

The document listed 23 regulatory reforms, the fourth one of which was:

"*Review EU restrictions on selling in pounds and ounces* - We will review the EU ban on markings and sales in imperial units and legislate in due course".

Vivian Linacre

We are sad to report that BWMA's Founder Vivian Linacre died on Friday, 17th September. He had a fall at home and was sent to hospital, but did not recover. But this was not before Vivian heard the news about Lord Frost's announcement. Vivian's wife Margaretha said, "*My beloved husband was dying when I gave him the good news. He smiled. I want to share his joy with everyone who supported his tireless efforts to preserve our ancient system*".

As a tribute to Vivian, we reproduce *This England's* article "A Silver Cross for the crusader battling against metric madness", published in the summer of 2000, and Vivian's own "Sundown over Sunderland", published 2001. Bruce Robertson, former BWMA Chairman, said: "Vivian was a cultural evangelist, patriot, inspiration - and cracking good company over a pint".

Hon. Member - Christopher Hope

We are delighted that Christopher Hope, Chief Political Correspondent and Assistant Editor for the *Daily Telegraph*, has joined us as Hon. Member. Christopher is a keen supporter imperial measures, and has reported numerous metric-imperial stories. Watch Christopher's 13-minute feature on Youtube, "*EU made my life misery; Britain's forgotten Brexit criminals*", in which he investigates the cases of the Metric Martyrs, and interviews Steven Thoburn's daughter, Georgia.

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, all manner of businesses and the general public. BWMA is financed by subscriptions and donations. Membership is £12 per year. Sort code 20-68-79, Account 60547255. Cheques/POs payable to "BWMA", 29 Chart House Road, Ash Vale, Surrey GU12 5LS

BWMA letter to Lord Frost, Minister of State, Cabinet Office, Whitehall, 4 July 2021

See the third page of Yardstick 76 for the background to this letter.

We were very pleased to read Proposal 17.1 by the Taskforce on Innovation, Growth and Regulatory Reform, that the Government should:

“Amend the Weights and Measures Act 1985 to allow traders to use imperial measurements without the equivalent metric measurement”.

To recall the history of metrication: when metrication was originally proposed by the Labour Government in 1965, it came with the assurance that the process was voluntary. When it became clear by the late 1970s that retailers were volunteering *not* to use metric, the Government attempted statutory metrication orders. These orders were opposed in the House of Commons and withdrawn in 1978.

The following year, the incoming Conservative Government made a commitment to preserving the use of imperial units. The Metrication Board was wound up in 1980 and, in 1985, the Weight and Measures Act recognised both imperial and metric as authorised units. That should have been the end of the matter.

But Britain’s membership of the European Community reversed British policy; EC Directive 80/181 banned the use of imperial units for packaged food and loose goods in 1995, followed by loose foods in 2000, resulting in the criminal prosecution of Sunderland greengrocer Steven Thoburn.

Now that Britain has left the European Union, there can be no reason, let alone justification, for metric compulsion to continue.

We make the following further points:

- An opinion poll conducted by the *Daily Express* on 14 June 2021 found that in response to the question, “Should Boris Johnson reintroduce imperial measurements now the UK is out of the EU?”, 71% of respondents (6,105 of 8,623) said yes.
- The EC’s 2019-2020 survey of British, European and American stakeholders regarding the long-standing EC proposal to ban non-metric “supplementary indications” found that the ban was overwhelmingly opposed.

These surveys demonstrate that, even after decades of legal and political pressure to use metric, imperial units remain in demand by both public and business.

Proposal 17.1 will allow people to decide for themselves what units they wish to use; this will enable metrication where it has merit, but not where it is a

burden to business or unpopular with the public. Traditional units are preferred for a variety of trades at local and international levels.

Proposal 17.1 will also enable trading standards authorities to concentrate on their proper role of protecting consumers from fraud and inaccuracy, rather than policing *which* measures are used.

The prohibition on imperial units should be lifted completely. The Government should make the necessary changes in legislation, and issue a statement that the drive for a metric-only society is being brought to a formal close.

We look forward to hearing the outcome of the Brexit Opportunities Unit’s work in due course.

Reply from BEIS, 23 July 2021

Thank you for your letter of 4 July to The Rt Hon Lord Frost CMG PC, regarding the Weights and Measures Act 1985. Your letter has been forwarded to this Department for reply.

The Government welcomes the Taskforce on Innovation, Growth and Regulatory Reform’s work and the comprehensive set of recommendations. All of these are currently under consideration, and we will publish a full response as soon as practicable. We will consult widely across industry and civil society on how TIGRR’s ambitious vision can help us to usher in a new golden age of growth and innovation right across the UK.

Thank you also for sharing information from the *Daily Express* and the European Union on the views of British, European and American stakeholders on imperial measures.

The Government recognises that the UK’s system of measurement remains an important issue for many people across the UK, and that many are more familiar with, or prefer to use, imperial measures in their day-to-day lives. At the same time, it recognises that many others are not familiar with imperial units, and that a consistent measurement system enables consumers to compare prices and quantities. The metric system also remains essential for British businesses to compete in markets around the world, as well as for British leadership in science, both of which are vital as we take advantage of the opportunities offered by the UK’s exit from the EU.

Now that we have left the EU, the UK is able to take its own decisions on units of measurement. Any proposals for change to weights and measures requirements based upon the recommendation made by the Taskforce on Innovation, Growth and Regulatory Reform will only be taken in the best interests of Britain.

U. Fatania, Correspondence Unit

Metric Martyrs 20 years on - how a bunch of bananas sold in Sunderland led to Brexit

Sunderland Chronicle, Mike Kelly, 9 April 2021

Yardstick 76 contained the Sunderland Chronicle piece, "The Sunderland Metric Martyr and reluctant hero; his daughter pays tribute". This was the first of two articles; this is the second.

As the UK comes to terms with leaving the European Union, Friday marks the 20th anniversary of a North East court case which many felt fired the starting pistol for Brexit. Its importance was to prove that EU law could take precedence over UK laws and concerned what the presiding judge described as "the most famous bunch of bananas in legal history".

It was on April 9, 2001, that greengrocer Steven Thoburn was convicted of two offences of breaching the Weights and Measures Act 1985 after a trial held at Sunderland Magistrates Court, charges he had denied. He was prosecuted for refusing to convert from traditional pounds and ounces to Euro-approved metric measures and had become the first British trader to be prosecuted under regulations that came into effect on January 1 that year.

The origins of the case began in 2000 in a visit by trading standards officers to Mr Thoburn's stall at Southwick market, Sunderland, when he was warned about using scales with imperial measures. After officials stamped his scales and banned them from use, he defied them and an undercover officer moved in to buy 34p worth of bananas - weighed on the scales - and he was arrested. After having three sets of scales confiscated, Mr Thoburn turned to fishmonger Neil Herron who had a retail outlet at the market for help.

"We spoke in the back of his shop when they were first taken," said Mr Herron. "There was a lot of interest already in the case and we talked of what to do next. I told him he could become the most famous greengrocer in the world. He said 'I just want my scales back'."

Mr Thoburn by this time had been dubbed the Metric Martyr. The facts were not in dispute. What the case hinged on was whether the European law or British law took precedence. In his ruling, District Judge Bruce Morgan, made it

clear. He said: "So long as this country remains a member of the European Union then the laws of this country are subject to the doctrine of the primacy of community law." He continued: "The passing of the (European Communities Act) 1972 meant that European legislation became part of our legislation ... This country ... has joined this European club and by so doing has agreed to be bound by the rules and regulations of the club..."

The effect of that decision reverberated down the years until June 23, 2016, and the EU Referendum which saw the UK vote Leave. The first constituency to declare in favour of leave that night was, of course, Sunderland.

Looking back two decades on there is an Ealing Comedy, Passport to Pimlico feel to the whole case, not least at the thought of trading standards officers going undercover to buy bananas to catch him. Mr Herron said: "There was also the element of the little guy taking on the system. We didn't know anything about the politics back then. All Steven wanted to do was serve his customers in imperial measures which they understood. Contrary to what has been said, he also had metric scales if anybody wanted him to use them."

It proved a strain on Mr Thoburn, who in the lead up case reportedly said: "I wake up at night in a panic and try to work out how we got to this state and how my mates and I could find ourselves persecuted for doing nothing more than selling fruit and veg."

After the April 9 guilty verdict he appealed, the legal costs would have been ruinous, but by this stage a hugely effective public relations campaign orchestrated by Mr Herron, backed by certain newspapers, the UK Independence Party and a swathe of the public, had brought in not just moral but financial support too.

The appeal failed in 2002 and Steven returned to work but things for him and the country were never the same again. He died aged 39 after a heart attack in 2004 leaving a widow, Leigh, their young children Georgia and Jay, and a son Rhys from a previous relationship. Leigh also passed away in 2016.

At the time there had been a warning that the pint of beer could be threatened if the prosecution succeeded as it would pave the way for the

UK going totally metric. However the case saw warning bells sound about the public mood for such a change. Mr Thoburn had been the first of five Metric Martyrs who received a criminal conviction for not converting to metric measurements, the others being John Dove, Peter Collins, Julian Harman and Colin Hunt.

As time went on the authorities became less keen to enforce the use of the metric system through the law. In 2008, four years after Mr Thoburn's death, the law was updated to ensure that action against so-called metric martyrs was "proportionate, consistent and in the public and consumer's interest" and enabled them to escape prosecution. His widow, Leigh, said at the time: "Steven would have been extremely proud. It's a shame he's not around to see it."

Mr Herron is now a tech entrepreneur and is CEO of Newcastle-based Grid Smarter Cities. He has written a book about the case which will be published soon. It is part historical document and also a tribute to Steven in "recognition of his courageous stand". He said: "I finished it last summer. When I wrote the book it all just seemed like yesterday. It was quite a journey."

What started out as a seemingly mundane dispute between Sunderland market stall owners and trading standards officers snowballed into a huge political fight which changed the UK forever. Mr Herron said: "The impact of a greengrocer being convicted of the criminal offence of selling bananas by the pound, we believe, sowed the seeds of Brexit. The case of the Metric Martyrs is one of a fight for freedom and justice and a determination by us to stand up for common-sense. In a true David against Goliath battle the British public supported what became a formidable and unique campaign that forced both the EU and the British Government to concede defeat."

Bruce Robertson, boss of the West Country's Trago Mills, and former BWMA Chairman: it's wonderful to be reminded that we should never lose hope or give up, ever. Now, we must roll back every dilution of our sovereignty if our sense of self, identity, and national pride is to be restored. And not a moment too soon with all this woke nonsense turning common sense and everything we were taught on its head.

BWMA letter to Kwasi Kwarteng MP, Secretary of State for Business, Energy and Industrial Strategy, 12 May 2021

Yardstick 76 reported that we had written to the government regarding the *Sunday Telegraph* article of 2 May 2021. This letter was superseded by our letter to Lord Frost, but we reproduce it here, together with the reply.

Our Association noted last week's *Sunday Telegraph* article regarding a possible change in the law to permit the use of imperial measurements for trade, and a Pardon for those previously convicted under metrication regulations, such as the late Sunderland greengrocer Steven Thoburn. In particular, the article stated:

The Telegraph has learned that ... officials at the Business, Energy and Industrial Strategy department are looking first at how they can repeal the legislation under which the five were convicted. Once that has taken place, the martyrs or their families would have to apply to the Ministry of Justice for a disregard of their convictions.

Please could you provide information on the government's present thinking and intentions; which Minister instructed officials to look at the law; and what time-scale is expected for the amending of legislation.

Reply from BEIS, 7 July 2021

Thank you for your email of 14 June, about the *Sunday Telegraph* article on 2 May and the Government's plans regarding imperial measurements. The Secretary of State is grateful to you for having taken the time to write. I have been asked to respond on his behalf.

For your information, weights and measures policy forms part of the portfolio of Paul Scully MP, in his role as the Minister for Small Business, Consumers and Labour Markets.

As you know, metric units are the legal unit of measurements used for the majority of trade in the UK, and the UK measurement system currently takes account of the preferences of some people to use imperial units by allowing for information to be provided in imperial alongside metric units. In addition, there are some limited exemptions that allow for certain traditional imperial measures to be used, without metric alongside, for specific uses such as the pint for draught beer and cider. Those exemptions were agreed when the UK was a member of the European Union. Now that we have left the EU, the UK is able to take its own decisions on units of measurement and is considering whether further limited exemptions can be applied.

With regards to your question on the timetable, work is underway and is at an early stage of development. The Department would expect to consult with the British Weights and Measures Association and other key stakeholders on any legislative changes in due course.

Thank you again for taking the time to write.

V Jeffery, BEIS CORRESPONDENCE UNIT

BWMA letter to Oxford University; “decolonising” imperial units

The *Sunday Telegraph* reported on 15 May 2021 that Oxford University was “decolonising inch by inch, with imperial measurements the next target”. BWMA wrote to Professor Sam Howison, Head of Division, Mathematical, Physical, and Life Sciences Division, on 18 May.

We were interested to read in last weekend’s *Sunday Telegraph* article of the University of Oxford’s apparent plans regarding imperial units of measurement; the article stated:

“The mile, inch, yard, pound and ounce are “tied deeply to the idea of the Empire” and their presence in the curriculum could change, decolonising plans by Oxford’s maths, physics and life sciences faculty suggest”.

British and English units have been developed and used over centuries, through the Anglo-Saxon period, the Norman Conquest, Tudor England, the Elizabethan era, the English Civil War, the Glorious Revolution, the Acts of Union, the Colonial period, and the World Wars. We see no reason why the University of Oxford should link the imperial system to the Colonial period, particularly, aside from that in 1824 the system was called “imperial” to distinguish it from former units still being used in the independent United States. Otherwise, imperial units served their usual purpose: weighing and measuring.

It is frustrating to us that so many institutions committed to “diversity” do not tolerate diversity in weights and measures, such as championing a choice between British units, which developed organically, and metric units, created by design. Instead, such organisations seek to phase out the former, and use only the latter.

Among the public, however, British imperial units remain popular and enduring, not just because they are familiar, but because they possess ergonomic divisions, sizes, and ratios which reflect the common purposes for which they are used.

To help us understand the MPLS Division’s interest in imperial units, please explain the background to the *Telegraph*’s article, and clarify Oxford University’s intentions.

In the meantime, I am pleased to enclose a complimentary copy of our journal, *The Yardstick*.

Prof. Sam Howison did not reply, so on 9 July, and again on 2 September, we wrote to the Chancellor, Lord [Chris] Patten of Barnes, but received no reply.

In response to Oxford University, *Express & Star* columnist Peter Rhodes wrote on 19 May 2021:

This week’s event in the national *I Can Take More Offence Than You* contest opens with Oxford University suggesting that Imperial measurements, such as the mile, yard, inch, pound and ounce, are “tied deeply to the idea of Empire” and should be “decolonised” from the curriculum. This is bracing stuff, especially if you ignore the puzzling fact that the world’s biggest user of Imperial measurements is also the world’s most successful federal republic and spent many years striving to dismantle the British Empire. It is, of course, the United States of America where the locals are proud to be measured in feet and weighed in pounds.

And if Imperial measurements are to be publicly harangued and decolonised, is it not time to root out Mint Imperials? I saw a packet only the other day. These sweets are not only imperialistic but offensively, hideously and exclusively white.

Final thoughts on the evils of imperial references and measurements: how much longer can a progressive, woke society tolerate Cussons Imperial Leather, a brand of soap whose name not only celebrates the legacy of imperialism but is also grossly offensive to vegans?

Hedges

Paul Rippingham refers us, 19 May 2021, to “an interesting and encouraging page from one of The Conservation Volunteers nature handbooks, referring to hedging practice”:

www.conservationhandbooks.com/hedging/introduction

“Measurements are generally given in imperial, with the metric equivalent in brackets, with the diagrams labelled in imperial only, for clarity. Hedge laying is one of many crafts, as well as other day to day activities such as gardening, that has not adapted to the metric system, and most people continue to use the comfortable and easy-to-visualise approximations of ‘about 4 inches’ or ‘just over a foot’.

“The only metric measurement commonly used in hedging work is that of the metre, used for measuring lengths of hedgerow, and possibly that is only used because people know it is about 3’ or one yard, which they can visualise. Metric measurements are the standard for describing hedging plants and other nursery stock, and are used here. Statistical studies of hedgerow length tend to be measured in kilometres, which most people will need to convert to miles for comparison with lengths they can imagine.

“It is interesting to note that hedge laying traditionally used extra body measurements in addition to those of the standard imperial system, with the ‘elbow to fist’ length giving the spacing of the stakes, and the fist measuring the height of the stake above the binding”.

Vivian Linacre

A Silver Cross for the crusader battling against metric madness

This England, Summer 2000, David Leake

It was two o'clock in the morning and Vivian Linacre was relaxing in his bath when through the steam emerged an idea that was to turn his life upside down.

Before long it was to take over virtually his whole existence, make him the hero of anti-metric campaigners from Land's End to John O'Groats, cost him a small fortune - and bring recognition as one of the greatest crusaders of modern times for the sovereign right of Britons to create, and live by, their own laws.

But in the days before that Eureka-like bathtub inspiration six years ago, like most people in Britain, he had never heard of the British Weights and Measures Association.

He had enough on his plate as a busy commercial sector surveyor, with a private practice in Edinburgh and fellowship or membership of several national and international professional bodies.

One was the Incorporated Society of Valuers and Auctioneers. Today it is part of the Royal Institution of Chartered Surveyors, but in 1994 they were separate organisations - and it was an edict issued by both their councils that set him simmering ...

They announced that when compulsory metrication was introduced into Britain for the first time in 1995, all full members should adopt it.

Vivian Linacre, then a Fellow of the ISVA, delights in recalling his reaction. "I thought to myself, 'Oh really? I don't think so! Why on earth should we?' Then I talked to colleagues, and they agreed it was an utter nonsense.

"And then in my bath at 2a.m. one morning I hit upon an idea - I get all my best ideas in the bath - I decided to write a pompous letter to all our property journals announcing the formation of the Imperial Measurements Preservation Society (IMPS) to contest the edict - I liked that acronym, because it had connotations of mischief, which is what I wanted to stir up.

"There was no such body of course, but to my astonishment what started as a joke was taken very seriously. The letter was published, and the response was overwhelming, from others within the profession all wanting to keep using feet and yards. It was all great fun, but stimulating too.

"My exercise succeeded. Where the commercial sector is concerned, my own profession to this day completely ignores the regulations.

"The public sector uses metric, which hardly anyone understands, but otherwise any regulations relating to land and property are simply not observed, and not enforced."

It was not long before the groundswell of resentment among Vivian Linacre's colleagues rippled further afield. He began getting telephone calls and letters from complete strangers, all full of interest and admiration.

"They had begun latching on to what was happening and urged me to broaden the protest, to go national. Then some brilliant, talented people introduced me to the dormant British Weights and Measures Association.¹ It was founded in the 1860s to withstand what proved an abortive threat of compulsory metrication, but though it had been moribund since the early 1900s and records and archives had long since disappeared, it was lying there ready to be resurrected.

"So that's what we decided to do, really to see what sort of reaction we would get."

A press conference was held in September, 1995, cannily staged just before the introduction of the first compulsory metrication into this country, for pre-packed goods, the next month. The response took Vivian Linacre's breath away. "It was massive - the interest was huge. There was a media firestorm. We weren't launched - we were catapulted - into the headlines, on to the airwaves.

"All at once I found myself riding the back of a tiger. But there could be no getting off, no turning back. How could there be?"

After almost 40 years as a surveyor Vivian Linacre - who describes himself as "an incredibly

¹ Vivian's collaborators at this time were Mike Plumbe and Robert Carnaghan; the latter suggested reviving the BWMA name.

youthful, 71-year-old grandfather" with four married sons, four grandsons and four granddaughters - found his life following a totally different blueprint.

For the past five years he has devoted himself full-time to the BWMA, working harder than he has ever done in his life and not only not earning money, but losing it. He pays his own enormous telephone bill and travel expenses, asking the Association only for postage and stationery.

One day, he says, life will get back to normal, and he will take up his career again, start earning a living and find more time for his family.

Meanwhile he has no regrets, if only because he has relished tapping into the British public's inherent repugnance of being browbeaten and dictated to.

That repugnance was strengthened by incredulity and outrage at the realisation that, with the introduction of the final measures this January, an honest tradesman could now be fined, jailed and rendered criminal for life for selling potatoes by the pound.

To Vivian Linacre it was as if people had suddenly come to with a start. "Let me explain", he says. "In the years from 1 October 1995 to 1 January 2000, when the process of bringing in compulsory metrication was completed with the application of the regulations to fresh produce and loose goods, the present administration and its predecessor were intent on getting it all through with a minimum of fuss.

"The current lot wanted to say to Brussels this January, 'Look, we've done it! Haven't we been good, see how we've complied? Britain is now officially legally metricated.'

"In order to do this, to keep it all nice and quiet so that folk didn't start kicking up, a considered policy of concealment, secrecy, deceit and misrepresentation has been pursued.

"But when the announcement of the final regulations sank in it was as if the whole nation had suddenly woken up. There was media outrage, fury, at the way we had all been quite deliberately conned.

"The last measures, the measures that would complete the whole process, that would make it officially illegal to sell fruit, vegetables or any

other goods priced in traditional units, make it a criminal offence to use our preferred weights and measures for trade in our own country, were slipped before the Commons on the eve of the last weekend before the long summer recess.

"Such an enormous, far-reaching issue, yet there was hardly anyone in the House at the time. It was appalling."

What he yearns for now is a prosecution, so that the Association can fight it as a test case - "But there has not been the least sign of a charge", he adds regretfully, "and much though we'd dearly love to do battle in court, I'm pretty sure there won't be."

That is not only, he submits, because the regulations are so hugely unpopular, or that there are strong grounds for arguing they are unlawful and therefore unenforceable. "What it is easy to forget is that it is not the Government that prosecutes. The only imperative upon the Government is to be able to say the country is officially metric, which it now is.

"It is local authorities who have been landed with the onus of taking so-called transgressors to court, of suffering the odium and the cost. But what sensible councillors are going to prosecute honest traders for the 'crime' of selling in pounds and ounces? Not if they want to be re-elected, they won't!"

Rarely has there been a finer candidate for *This England's* Silver Cross of St. George than Vivian Linacre. The views of the many readers who have nominated him for the award are succinctly crystallised by Mr. Gerald Stancey, of Oakham, Rutland:

"He has vigorously fought for our freedom to use our customary weights and measures, lobbying MPs, embarrassing the Department of Trade and Industry, and writing letters to the papers to expose the sham behind the Government's thinking in this matter. Through the British Weights and Measures Association, he has provided a focal point and encouragement for all like-minded individuals."

A fitting, and nobly-earned, citation for our Silver Cross.

Visit: www.thisengland.co.uk

Sundown over Sunderland

Vivian Linacre on the Thoburn trial and its consequences

The Salisbury Review, Summer 2001

Ironically, it is those responsible for imposing compulsory metrication who must now, despite their apparent victory in the Magistrates Court at Sunderland on 9th April, execute a *volte-face*. For hitherto they have all - from Brussels and Strasbourg to Westminster - maintained the pretence that the 1994 Metric Regulations making use of imperial weights and measures a criminal offence were not inflicted on us by the European Union but merely represented the culmination of a voluntary process that Britain embarked upon some thirty-five years ago. But Judge Morgan's judgement (running to fifty pages of longhand which took an hour-and-a-half to read out because neither a stenographer nor even a typist had been available for production of copies) made it clear that the only reason why he was obliged to convict Steven Thoburn was because even such secondary legislation introduced by Statutory Instruments in compliance with EC Directives takes precedence over, and accordingly amends, such primary legislation as the Weights and Measures Act of 1985.

Furthermore, the Judge made no attempt to justify the Regulations, nor felt able to take account of their unpopularity, which he recognized from correspondence sent to the Court by the general public as well from the media. He simply declared that he was bound to enforce European law, since effectively the sovereignty of Parliament was abolished by the European Communities Act of 1972. He upheld the prosecution's argument that the United Kingdom no longer exists as a legal entity. So, at long last, any illusion that compulsory metrication is anything more than repression for its own sake - cultural cleansing - is finally shattered. The facts that no proposal to prohibit trading in customary measures was ever mentioned in any political party's election manifesto or in any Queen's Speech is irrelevant. Freedom of choice between the metric and imperial systems, which we enjoyed for almost a century, from 1897 - when alternative use of metric units wherever appropriate was made legal in Britain - until compulsory metrication of pre-packed goods was imposed in 1995, and which is still enjoyed in the USA, is anathema.

The judgement therefore exposes another absurdity: the constant complaint from the authorities that opposition to compulsory metrication is largely

inspired by anti-EU sentiment rather than by the merits of the case - for the EU itself is the sole source and *raison d'etre* of the policy. The Judge emphasized that the only way to restore legitimacy to customary measures is to repeal the 1972 Act, which Parliament is free to do at any time. Then so be it. Consequently, the British Weights and Measures Association is also having to turn face-about; because, having always insisted that our campaign against compulsory metrication is non-political and must succeed strictly on the merits of the case, we are paradoxically and most reluctantly compelled by this verdict to adopt a directly anti-EU policy.

Of course, the Judge and prosecuting counsel both assumed that, as this was a test case, it will go to appeal - to the Divisional Court in London - which will probably require a five-day hearing (by 'stated case') in the autumn. Thence it could go to the House of Lords. It was because of the presumption of an appeal that the Judge made no award of costs - indeed, the prosecution made no application for costs - and Mr Thoburn was granted a conditional discharge without penalty. For this fundamental constitutional issue, that has been rumbling beneath the surface for the last twenty-eight years, has never been resolved in a UK court of law. As Michael Shrimpton, defence counsel, declared in his opening address: 'This is the trial they said could never happen'. He also remarked, in a closing tribute to the judge, that if only his explanation of the constitutional position had been given to the nation in 1972 by Heath or Rippon, both of whom assured us that the European Communities Act entailed no loss of essential sovereignty, it would never have been signed!

If the metric regulations are valid, then no useful purpose is served by holding a general election in Britain this year or ever again. Last year the scales were seized from Steve Thoburn's market stall: now they must fall from the nation's eyes. If the regulations are valid, then the vital principles of our constitution - that no Parliament can bind its successor, that a later Act overrides an earlier, and that, above all, the powers of the Queen in Parliament are unfettered - are all extinguished. This was not only a test case for defiance of compulsory metrication, but also the test case to determine the primacy of UK or EU law.

Yet media coverage of the five-day trial (15-17 January and 1-2 March) concentrated on personalities and never rose above the level of metric versus imperial - the superficial merits of the case - with scant regard to its epoch-making implica-

tions. Steve and his glamorous wife and his campaign manager Neil Herron became local heroes, and the Washington Post captured the mood by dubbing the affair 'Bananagate'. Which were worse, the Labour City Councillors, none of whom was willing publicly either to condemn or to applaud the prosecution that had been brought in their name, or Tory politicians who loudly deplored the case without challenging the legality of the regulations?

There might have been some excuse for the short-sightedness or indifference of almost all the media and the political classes if they had been obliged to infer or construe the constitutional issue from the presentation of the prosecution's case. But no such effort was required; it was the prosecuting counsel, Eleanor Sharpston QC (one of the quirks of this case is the pairing of Shrimpton and Sharpston), who argued unequivocally and exhaustively that it was because British law is subservient to EU law, because a legislative and judicial "revolution" occurred in 1972, when Parliament "wholly, expressly and voluntarily" sacrificed national sovereignty, that therefore the regulations obviously take precedence over the Act of Parliament. The impotence of Parliament and the demise of our constitution were not the implication of her case but the presumption for it. It is indeed impossible to exaggerate the constitutional issue, since it was Ms Sharpston herself who astounded us all (the few who were paying attention) by expressing it in such absolute terms.

Yes, it inspires intense pride in our system of justice and government that our country's future is decided, in the first instance, in a humble Magistrates Court and as the result of a trifling alleged offence - and yes, it is sublime that, thanks to the heroism of the Metric Martyrs, the six-year campaign by BWMA, and the brilliance of counsel, history is being made here - but it is absurd that the nation is not in uproar, that questions are not being asked in the House, that there are no crowds demonstrating outside the Court. An independent, nationwide public opinion poll found that 91% answered "No" to the question: "Should Steven Thoburn be prosecuted?" - but what are the people or their MPs (or the Civil Liberties lobby or those government mouthpieces laughingly called 'Consumer Councils') doing about it and how do the media reflect that overwhelming popular view?

Mr Shrimpton argued, incidentally, that compulsory metrication appeared to violate Articles in the European Convention on Human Rights guaranteeing

freedom of expression and freedom of trade. He might have added, pointing to the huge royal crest on the wall above the magistrate's chair, that if these regulations are valid, the mottoes should be altered: 'Honi soit qui mal y pense' to *Gloire* soit qui mal y pense and 'Dieu et mon droit' to 'Dieu et mon *tort*'.

While preparing for the appeal, we shall also have to launch a public appeal for funds. Total defence costs from the original summons last September will have amounted to about £30,000, of which BWMA has raised over £20,000, but we are now confronted with a huge financial challenge. The vast bulk of contributions to date have come from hundreds of private individuals, but we shall need a major backer - a national newspaper or corporate sponsor or philanthropist. Thoburn and Herron have also set up a properly constituted Metric Martyrs trust fund.

The prosecution has had no financial worries, of course, being funded by Sunderland Council Tax payers - since evidently this is considered a better use of revenue than caring for the homeless or repairing roads - which is why a QC was retained together with her junior, in contrast to the defence's Mr Shrimpton, who modestly demurs: "I am not a silk, just plain polyester". Meanwhile, an added danger is that, pending our appeal, other local authorities that have been awaiting the outcome of this test case will immediately proceed against numerous rebel retailers in their areas whose confidence and resolve may suddenly weaken and who may not be able to afford the cost or the strain of a defence. They are likely to be encouraged in this action by renewed pressure from the DTI as well as local government and trading standards organizations. Our hope must be that, in typical British style, once we are facing defeat the national spirit will be stirred and the people rise up against this tyranny.

It is a consolation that the official argument cannot now change - it can hardly be varied or augmented at an appeal - whereas we can meanwhile assemble an ever-growing stockpile of fresh ammunition against the regulations.¹ And public revulsion is mounting against the alien concepts of European law, exemplified by compulsory metrication. For British law (English or Scots) is fundamentally *proscriptive*: it states what you must *not* do - commit murder or walk on the grass or whatever - on the presumption that we are free to do anything that is not expressly prohibited, in the same way that we are presumed innocent until proved guilty. But the metric regula-

¹ *Editor's note*: in fact, Eleanor Sharpston *did* backpedal at the Court of Appeal, claiming that she never said the UK lost its sovereignty, only that Parliament accepted certain restraints; it could repeal laws expressly, but not impliedly. Vivian, sitting in the public gallery, turned and whispered, "She's changed her position".

tions, like so much continental law, is *prescriptive*, specifying the authorized units of measurement; on the presumption that use of any not expressly permitted is a criminal offence. This creates numerous anomalies, owing to inadvertent omissions of some specialist trade or vernacular units from the relevant schedule, or confusion between the array of conventional 'metric' units and those conforming to *Le Systeme International* which are the only ones strictly approved.

Also mounting is public revulsion against the series of deceptions used throughout the process of compulsory metrication. This is well illustrated by the correspondence from Tony Blair himself. Writing from The Office of the Leader of the Opposition in November 1995 (and on many other occasions), he said: 'Labour is pressing the Government to ensure that for the foreseeable future consumers are able to buy pints of milk, draught beer and cider.' That was deceitful, because neither then nor in the future could a UK government prevent the EC from issuing a Directive under qualified majority voting which abolished the pint completely. He went on: 'We are also determined to ensure that shopkeepers can continue to use pounds and ounces to sell goods such as loose fresh fruit and vegetables, meat, poultry, cheese and fish.' But he meant precisely the opposite, for the next sentence read: 'No change can be made this century.' This *century*? So what he really meant was: 'We are also determined to ensure that only five years from now it will be a criminal offence to use pounds and ounces to sell goods'.

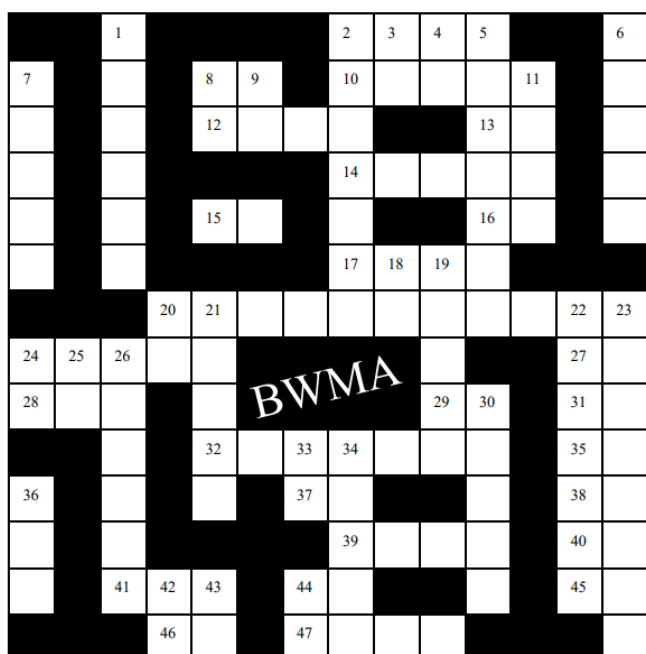
Now, as Prime Minister, he continues with his deceptions, writing personally on 29 January to Neil Herron from No. 10, opening his final paragraph: 'Of course, the weight and unit price may also be indicated in pounds and ounces.' Just ten days later (8 February) his government published Statutory Instrument No. 2001/55, to put an end forever to the use of 'authorised supplementary, subordinate indications' - i.e. the equivalent in imperial measures alongside the primary metric marking - after 31 December 2009. So what he really meant was: 'Of course, in less than nine years it will be a criminal offence even to use pounds and ounces as supplementary indications.' And he had the gall to conclude: 'Similarly, if your customers feel more comfortable specifying how much they want to buy in pounds and ounces they can continue to do so.' Is that not a gratuitous impertinence? By what right does he condescendingly confer permission for customers to do something for which no government has any right either to grant or withhold permission? The regulations relate to selling and have nothing to do with buying: I can order a ton of horse-feathers from Harrods or ask my newsagent for a nine-foot tall garden gnome if I feel like it, and whether or not

either cares to oblige is entirely their decision. It is a fast growing tendency of government to presume to define our 'rights' and to presume thereby to earn our gratitude; whereas in reality it is (a) begging the question as to who gave it the right in the first place to decide what our rights are, and (b) implying that by granting us certain rights now it will have the right to withdraw any of them in the future, and (c) also implying that anything not defined as an express right is prohibited.

The concept of 'supplementary indications' perfectly illustrates this totalitarian mindset, for they consist of no more than provision of additional information, for which no permission could ever have been required and which accordingly can never be banned. Since the only requirement is the metric marking, it is of no concern to any authority whether or not a supplier chooses to display also the imperial equivalent. In the absence of any suggestion of fraud or infringement of consumer protection legislation, permission to show additional information for the customer's benefit can be neither granted nor withheld. All this regulatory machinery concerned with the definition and control of 'supplementary indications' is a gigantic hoax by the EC and DTI, and their proposed abolition (during the parliament after next!) is a desperate recognition that the whole project of a metric monopoly is doomed.

It is intolerable that the criminal offence is purely the use itself of imperial units, despite the vast majority of the population's preference for them and in the absence of any criminal intent or effect. It is intolerable, too, that the EU recognizes eleven different languages yet cannot tolerate two codes of weights and measures; and that Britain, having yet to decide on the paramount issue governing a single European market - whether or not to sacrifice the pound sterling for the euro - should insist meanwhile on enforcing a far lesser priority by sacrificing imperial measures for metric. It is intolerable, finally, that the whole object of compulsory metrication is deliberately to damage Britain's interests by undermining the Anglo-American cultural and commercial bond that was forged centuries ago by a common system of customary weights and measures, which the European Commission regards as giving us 'an unfair competitive advantage in transatlantic trade.' The only reason that Steve Thoburn was prosecuted is because of the EU's envy of this UK-US solidarity that sets us apart from our European 'partners'. As there's nothing they can do about our sharing a common language, they were all the more determined to deprive us of our common 'inch-pound-pint' heritage. Our nationhood, culture, freedom, could all hinge on the ultimate outcome of this case.

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ACROSS

- 2 Footballer George....
 8 Vinyl, 33 1/3 RPM
 10 Extreme [synonym] UHF
 12 Left or Right. Bird, plane
 13 Not out!
 14 Adjust, change, alter
 15 Wonderful Wizard of ?
 16 Elec. switch: Off / On
 17 Asian weight: 1 3/4 ounces
 20 Long American river
 24 High-up Swiss cereal
 27 Like 24 down, not FM
 28 Siemens, reciprocal: Ohm
 29 Motorcycle: Not kick-start
 31 Measure of Luminous intensity
 32 Immediate, all at once
 35 That is, NOT the same as e.g.
 37 Mr Bentley's initials
 38 Priest: Father
 39 Small lake
 40 Roman 2, looks like eleven
 41 Card in mobile phone
 44 Aeroplane company, degree
 45 California postal abbreviation
 46 Opposite of AC
 47 UK: 13 amp, or in a bath

DOWN

- 1 16 in a pound
 2 Expensive, fast, car marque
 3 Word before "Cid"
 4 Street or saint [abbreviation]
 5 Capital of Libya
 6 £ or LB
 7 Oz, just one
 8 SW, MW and ?
 9 XXII over VII. Pork? Apple?
 11 Against. Not your uncle!
 18 - you like it
 19 2nd largest city of the Ruhr
 20 Not you, but -
 21 Country: home of Taj Mahal
 22 Peaceful Ocean
 23 Relating to an empire
 24 1st person to be in the morning
 25 Not right hand
 26 Lbs
 30 Granite, basalt, sand, lime ...
 33 Opposite of North East
 34 Adds up to this petrol brand
 36 Shorter than writing "pounds"
 42 Shorter than "identity"
 43 Master of ceremonies 1,100
 44 UK Petrol, for Scouts?

Terence Jones writes, 18 May 2021: Why is Carol Kirkwood [BBC weather presenter] so desperate today to quote metric tonnes and kilometres; does she think that the Continent is in danger of slipping away somewhere and being forgotten?

Peter G Scott had the following letter published in The Railway Magazine's September issue: Regarding the Sandilands tram derailment [Croydon, 2016], why is it that Britain's modern tram networks do not follow British custom and display speed limits in mph? Speed limit signs in kph display a higher figure, giving passengers in a speeding tram a false sense of security. Was this obvious problem not considered by the RAIB (Rail Accident Investigation Branch)? Mixing measuring systems is never a good idea. In Britain, speeds are thought of in mph and newspaper reports of the Sandilands crash converted the speed limits into mph. Tram speed limits (in mph) could be clearly displayed on signs headed 'Tram Limit'. Passengers will then have a better notion of permitted speeds and be more likely to act in the case of a speeding tram.

Stephen Speakman writes, 12 April 2021: At Stockport railway station about a year ago, I noticed that two signs had been raised saying 100 metres and 80 metres to the station front. Given that you can see the station front anyway, it defeats me why these signs were necessary; but also of course they were in metric which is illegal. What ensued was a bouncing between Network Rail and Stockport MBC as to who was responsible. Eventually Network Rail sent a map confirming adoption by Stockport. A gentleman rang from Stockport to say he had not realized the law, and thanked me for raising this matter. Many months of pursuit by me followed and eventually a councillor got them to ring me last week. They apologized and advised me Imperial signs are now on order.

José O'Ware writes, 20 September 2021: I've just watched the GBNews interview with Warwick Cairns. Very pleased to see it came up under the title "Best of British!", and to see support from the interviewers. Well done to Warwick, but when will we also start seeing that he was the BWMA spokesman and not spokesperson?

Decimal Watch: Chicago Tribune, 7 January 2021: A coronavirus story on Monday mis-stated how many people have been infected nationwide. The error occurred because of a missing decimal point. The correct number was that more than 20.5 million people have been infected nationwide. The Tribune regrets the error.

Jonathan Myles-Lea, 1969-2021

We were sad to hear that Jonathan Myles-Lea died in August. He wrote to us in January: *Many thanks for your very kind invitation to be an honorary member of the BWMA. I would be very happy to accept. That is so kind of you. I found your website and I've been reading some of the material you have published. I fully support your efforts!*

Canadians Hate the Metric System

**Walter E. Block, professor of economics at Loyola University, New Orleans,
Wall Street Journal, 16 September 2021**

A recent flyer from Safeway Canada tells its customers that Sterling Silver Premium Beef, “cut from Canada AAA beef,” is on sale for \$9.99 a pound, or \$22.02 a kilogram. A similar announcement from another large Canadian grocer, Save-On Foods, announces that Western Family chicken breasts—boneless, skinless, frozen—are available in a three-kilogram box for \$21.10. Shoppers are notified that this works out to \$3.19 a pound, and, in case anyone doesn’t appreciate the splendid opportunity, the flyer explains that this is an “unbelievable price.” Nothing untoward, except maybe for the “unbelievable” claim. The interesting part is that the prices by the pound are written in a typeface five to 10 times the size of the prices in metric weights.

A dual citizen, I worked in Canada for more than a decade. And the great secret all Canadians know is that people still shop and weigh their purchases mainly in imperial measures, despite the compulsory metrification imposed on the nation on April 1, 1975, in a grand attempt, typical at the time, to align Anglophone nations with European practices.

The marketing people at Safeway and Save-On aren’t stupid. They wouldn’t engage in this practice if they weren’t fully convinced that imperial measures mean more to consumers than metric measures. The question is why the Canadian government has been trying to cram the metric system down the throat of its citizenry since 1975, despite the unwillingness of ordinary people to swallow it. One answer is that many of Canada’s international trading partners use the metric system, and wholesalers have to accommodate them. But the U.S. accounts for a large majority of the country’s international trade.

Another possibility is that by its conversion, Canada hoped to persuade its southern neighbor to take the plunge on metric measurements. But while Canadians know much about what happens in the U.S., most Americans are barely aware of what goes on north of the border. It isn’t likely that the U.S. will follow Canada in this or in any other way. As the pithy aphorism goes: When America sneezes, Canada catches a cold.

Then there is the sheer bloody-mindedness implicit in governing how citizens are allowed to measure things. And this explanation is the one that ought to worry us the most. Some people simply enjoy ordering other people about, and the specifics don’t much matter. The metric system is as decent a stick as any with which to beat others about the head. Free-market principles demand that, absent fraud, merchants should be allowed to announce prices in any format they desire and use whatever measuring system they want. If customers don’t understand the measurements, the sellers will suffer, and the market will correct.

The promotion of liberty requires undoing useless and unwarranted regulations. And an easy place to start is by repealing the requirement that every advertisement include metric measurements. From there, it might be just a few more steps to even greater liberty.

BWMA gratefully records the Patronage of the late The Hon. Mrs Gwyneth Dunwoody, MP, Lord Shore, Vice-Admiral Sir Louis Le Bailly, KBE, CB, Lord Monson, and Sir Patrick Moore, CBE

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