

# The Yardstick

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## *Thwarted*

It appears that when not thwarted by the judiciary's connivance with the government, we are thwarted by its incompetence. Of the thirteen charges against Janet Devers sent by Bow Street Magistrates Court for jury trial, it now transpires that nine cannot be so heard; these are the charges relating to the Weights and Measures Act 1985, and the law is such that *weighing* matters can only be dealt with at Magistrates Court.

The law does, however, allow jury trial for matters that relate to *pricing*, as do the remaining four charges which are under the Prices Act 2004. In Janet Dever's case, three of these relate to the selling of produce by the bowl. The one metrication-related charge – the use of imperial unit pricing for the pricing of dates – is denied by Janet since these were not on her stall (they were on an adjoining stall) and she will not acknowledge responsibility for it.

BWMA remains committed to supporting Janet Devers on her return to Magistrates Court, and an account of Janet Devers' preliminary hearing at Snaresbrook Crown Court on 24 May 2008 is on pages two and three of this *Yardstick*.

## *Thus far and no further*

New government wording on metrication was revealed in a letter from Ian Pearson MP, Minister for State for Science and Innovation, to our friend Alex Bailey on 25 March 2008, including the words, "I can confirm that we have no plans ... for further metrication":

"Since, 1965 it has been the policy of successive UK Governments to adopt metric weights and measures by stages in recognition that the global trend towards metrication would be likely to place UK business at a competitive disadvantage in world markets where transactions are conducted primarily in metric units. Metric units of measurement are now used for most transactions regulated by the Weights and Measures Act 1985. However, in recognition that a proportion of the public still prefers imperial units, the use of imperial units alongside metric is still permitted. I can confirm that we have no plans to replace metric measurements as the legal units of measurement in use for trade or, conversely, for further metrication".

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", 11 Greensleeves Avenue, Broadstone, Dorset BH18 8BJ

## **Janet Devers, Snaresbrook Crown Court, London, 24 May 2008**

The court convened at 11.20pm

The judge, Her Honour Jacqueline Beech, asked the purpose of the hearing. Nicholas Bowen, representing Janet Devers, said that it was to put forward an "abuse of process" argument against Hackney Council's intended prosecution. However, Mr Bowen also said that he had reached agreement with his learned friend, Sarah Le Fevre, acting for Hackney Council, that the Crown Court had no jurisdiction over the summary matters [i.e. the weighing machine charges].

Mr Bowen said that according to the European Commission, with regards to Article 4 (Article 4 of what?, the judge asked; Mr Bowen replied Article 4 of the EC Directive), imperial units were legal, albeit this announcement was made "by political statement". Mr Bowen said that the EC confirmed it was never the intention of the Directive to make the use of pounds and ounces a criminal act. However, Mr Bowen acknowledged that UK law could not sit within the construction of EU law. Judge Beech agreed, saying that offences cannot "drift around in ether".

Judge Beech said the offences had been "incorrectly committed to this court" and had to go back to the magistrate. Ms Le Fevre agreed that the offences sat automatically with the magistrate; the Crown Court cannot rule on matters not properly before it. Judge Beech said that she had no authority in this matter "unless I can reconstitute myself as the Divisional Court of Appeal" (laughter). The summary matters would be put to one side; "Are you content with this?" Both Mr Bowen and Ms Le Fevre agreed; there was no alternative.

Regarding the remaining four charges, Mr Bowen said Hackney Council had an enforcement policy with an emphasis on sensible and consistent enforcement. Three of the offences (selling by the bowl) were common practice. The crime of which Janet Devers stood accused was common to the itinerant trader. Judge Beech questioned whether Janet Devers was itinerant.

Mr Bowen listed the offences: sweet corn on the cob, three for £1, "a crime"; selling pak choi (Chinese cabbage) by the bowl; Scotch Bonnets by the bowl; and dates on sale at £1.90/lb – "a crime".

Mr Bowen explained that the first three were a technical infringement against the Prices Act as there was no reference to weight. However, unless Parliament had taken leave of its senses in 1974 and 2004, "which we must assume they did not", they could not have intended to criminalise Janet Devers. Mr Bowen said the purpose of the Prices Act was to ensure there was no bad practice or packaging; for example, if Tesco were to mislead over steak.

Judge Beech asked the difference between ocras on Janet Devers's stall and steak at Tesco, saying the "mischief is in the weight". Ms Le Fevre said, "The offence is about the pricing of the produce". Mr Bowen said "...what we say is that there is no evidence that there was no price. The pictures show prices". Judge Beech, looking at the photos, murmured a £1 a box, and

said, "Everything has a price on it". She added, the mischief was not in the price but the [lack of a] weight.

Mr Bowen said it was unfair to prosecute Janet Devers; Judge Beech said, "As I understand it, there have been other prosecutions". Mr Bowen related an instance when he spoke to two other traders; they said, "we cannot believe we are being taken to court", as their customers were happy. Mr Bowen said the district judge in their case made it plain he disapproved of such prosecutions, but could do nothing to stop Hackney Council and so fined them something like a £1 a week. Mr Bowen said the "reasonable man on the tube" would respond in disbelief that resources were being spent by Hackney Council on this and ask whether this is a proper prosecution.

Judge Beech said the prosecution had nothing to do with her, but she could reflect her views in the punishment. Mr Bowen said an absolute discharge was a possible outcome; yet, Janet Devers would still have spent time and nervous energy in the face of the full majesty of the law.

The judge asked whether there was a judicial review of the decision to prosecute. Mr Bowen said that was not possible as it did not happen.

Mr Bowen referred to Hackney Council's enforcement policy: enforcement should not be over-prescriptive, be equitable, protect the community, respond to complaints. Judge Beech said Mr Bowen was racing ahead. Mr Bowen slowed down. He pointed to discretion. He acknowledged that Janet Devers had turned down the formal interview requested on 20 December 2007, and said that was an error of judgement, but her sister was seriously ill. The matter did not justify the use of criminal law or covert cameras with long lenses. Judge Beech asked whether Hackney Council had been notified about Janet Devers' difficulty in attending an interview. Mr Bowen said no. Mr Bowen went on: the scales were then seized without continuing dialogue: "Corrective action had been made, kilo pricing enforced, and the scales placed in secure storage". There had been no written warning.

Judge Beech asked: what about the advice pack? Mr Bowen replied it was not a written warning, just informal advice; "If we put aside 1 May, there was only one warning". Judge Beech asked, "Why should I put aside 1 May?" Mr Bowen said there was a long time between May and September, but only a short time between 6 and 12 September. Hackney Council proceeded very quickly after a long period of inactivity. It was a "sledgehammer approach". The Janet Devers family had been traders for sixty years, selling by the lb which is what people want. It was an emotive issue, in which there was public interest.

Judge Beech asked: is this what it is about, the lb? Mr Bowen said, "I do not wish to address you as a jury, but please allow leeway on metrication". Judge Beech interjected, "For which I have no jurisdiction".

Mr Bowen asked: why are they proceeding against her? The crime is not using metric. Judge Beech said, "I understand the public concern about people excluded from using the pound". Mr Bowen asked what sensible and concerted attempt did Hackney Council make to educate? None; instead, they "relied on hell, fire and

brimstone. They returned to the market, found that stallholders were still doing it, hid and used cameras with telephoto lenses". They should have instead considered a caution; criminal prosecution was not in accordance with the enforcement policy. Mr Bowen added that the criteria for prosecuting presents a real problem for Hackney Council. They are obliged to consider the public interest and breaches that cause harm, but there is absolutely no evidence of harm.

Mr Bowen further said there had been no other prosecutions. Judge Beech asked: Do you have evidence of that? Mr Bowen said no. Judge Beech: "Then you are giving evidence on something about which you have no evidence". Mr Bowen: "I'd better withdraw that".

Mr Bowen went through the enforcement criteria: pre-meditated ("I concede that might well be engaged"); harm – none; complaint – none; victim – none ("the victim point goes the other way"); protect children from harm – irrelevant.

Judge Beech asked, "What of those brought up on kilos?" Mr Bowen said it was a matter of supply and demand; Janet Devers also had metric scales on the stall and could supply if asked. Judge Beech said, "I was aware that the EC said it was quaint that we still used pints, but I do not know the detail". Mr Bowen said that we were now allowed to show supplementary indications; this was relevant to the re-education process, rather than Hackney Council's "six day gallop to prosecution". Mr Bowen said: "What I am asking you to do is to ask: is it in the public interest. I suggest the answer is a plain and resounding no". The trade description Act was intended for consumer protection.

Judge Beech: "I do not have the power to stay a prosecution because I do not like it. It is a matter of discretion for the authority. I make my view clear in the sentence".

Mr Bowen asked that the judge "zone in" on the abuse of process on page 7 of its enforcement policy. Mr Bowen said that if one searches for public interest, there is none sufficient to assert evidence that this is proportionate and justified prosecution. Even if Janet Devers went down on a technicality, there would be a case for an absolute discharge.

Lunch was approaching. Judge Beech said that points to clear up were the distinction between selling foods loose from bulk and from the bowl, and whether Janet Devers was itinerant, in view of the exemption for selling by the bowl. At 1.0pm, the court broke for lunch.

2.0pm. Mr Bowen noted that the court restaurant was selling tuna and tomato sandwiches which were neither described nor priced. There was no intent to mislead or offend, but this represented an everyday example of how mistakes were made. Judge Beech said it was not a good point; it would only be so if the court restaurant ignored warnings from trading standards.

Ms Le Fevre, responding for Hackney Council, said non-compliance advice was given to Janet Devers in May; after the stalls were re-inspected on 6 September, given further advice. Only on 12 September, after extensive time to comply, was Janet Devers invited to an interview under caution. At this point, a formal caution or no further action was a possibility. If still not put right after interview, Hackney Council would then consider

prosecution. Ms Le Fevre said that, in Ridley Rd, there had been seven prosecutions and three formal cautions. Mr Bowen's statement that there had been no prosecutions was inaccurate.

Ms Le Fevre said that, in May, Ridley Rd traders including Janet Devers were given a leaflet, "What happens if I do not comply", so it was clear what Janet Devers was exposing herself to. She had a long time to enable compliancy, but on 12 September, officers did not detect any improvement. Hackney Council is obliged to charge within thirty days, and Janet Devers did not respond to a request for interview. The enforcement policy is a sliding scale of enforcement action, and this took place from May to early September. A caution cannot be issued unless the offence is admitted, so the option of caution was not available; therefore, one comes to prosecution. Ms Le Fevre emphasised that the standards for trade are compulsory, and not at the discretion of the trader. There is no physical harm in Janet Dever's case, but uncertainty is a form of harm.

Judge Beech: what about the gravity of the offence?

Ms Le Fevre: could not say it is the most serious; it is not a case of violence or public safety. The ignoring of requirements is where the seriousness lies.

Judge Beech: the benefit of the prosecution?

Ms Le Fevre: it is not in the public interest that laws are applied at the trader's discretion; they are the law whether we like it or not.

Judge Beech: Nicholas Bowen talks of a victimless offence. What detriment is there to the consumer?

Ms Le Fevre: lack of uncertainty caused by misconduct.

Judge Beech: in what way uncertainty?

Ms Le Fevre: a consumer has no way of knowing what price strategy is applied. They must know the price of goods. No price was given in terms of the [price marking] order

Judge Beech: Nicholas Bowen says the bowls are there to be seen, everyone knows what they are getting.

Mr Bowen stood up to say that the prosecution had placed emphasis on a confusing and unfair marketplace, but one cannot simply assert unfairness; it has to provide evidence. No evidence was offered, there is no real vice. Judge Beech said to him, "You say this is not proportionate; I am speculating this is a sledgehammer to crack a nut. Would not Janet Devers accept a caution?" Mr Bowen said that he would have to take instruction. He added that the photos do not provide evidence. Judge Beech asked the prosecution to go through the photos. The photos showed prices; however, Ms Le Fevre said Russell Fielding saw unpriced foods with his own eyes, and his statement refers to a schedule where these unpriced foods are listed.

After a period when Judge Beech left to consider her decision, she said that the decision to prosecute is for the authority, not the court, and the court must "exercise the greatest caution" before intervening. Whether Janet Devers likes it or not, there are pricing regulations. "I am satisfied the prosecution is not an abuse of process and that is the order of this court". Judge Beech said the trial would go ahead at Wood Green Crown Court on 12 January 2009. The indictment was read out and Janet Devers pleaded not guilty to each of the four counts.

## ***Maths Teacher writes to the Mayor of Hackney, 28 April 2008***

Last issue's *Yardstick* featured Hackney Council's *Weights and Measures Project Briefing*, February 2008. Wellington Maths Teacher Robert Goodhand had this to say in a letter to Mayor Jules Pipe, 28 April 2008:

Dear Sir

I have read the above document which states "imperial measures no longer legally exist". Then, later in the same document, you say that a customer asking for a pound is to be served with 454g. How can you say on the one hand that pounds don't exist and then later on actually give the conversion between grams and pounds? You can pass an Act of Parliament removing the Queen from Head of State but she's still the Queen. You can't legislate for something not to exist when patently it does. Why don't your Weights and Measures Authority just put a 454g test weight on imperial scales and check that they read a pound? It's hardly rocket science is it?

Further, on what statistical basis are scales that have not been tested for 7 years "*at least seven times more likely to be inaccurate*"? You can't use a phrase such as "*at least*" to precede a probability statement, because "*at least*" is a statement of certainty. All scales are inaccurate; the issue is the degree of inaccuracy. Do you mean that scales that haven't been tested for seven years are likely to have an inaccuracy at least seven times more? If so then you then have to define "likely". And what does "*possibly against the consumer*" mean? What percentage probability do you assign to the word "possible"? Moesteller and Youtz (1990) determined a bias for probabilities less than 50% so you seemingly think customers are more likely to get better value for their money on imperial scales. Someone it seems is bandying about mathematical terms they know nothing about in an attempt to bolster a pointless waste of public money.

Finally as a Maths teacher for ten years, I know that about 80% of secondary students still think solely in imperial units and would prefer to shop in them.

Yours faithfully

Robert Goodhand

Maths Teacher, Wellington, Somerset

**Ashley Mote MEP** also challenged Hackney Council and received the following reply from Trading Standards Manager Murthy Balakrishnan on 18 June 2008: "... this is the first time the expression 'alleged error of calibration' has come to the attention of either this Service or to any other individual involved in either the investigation or prosecution process, and

therefore as such this Service is unaware of its relevance in respect of these proceedings".

Readers of *The Yardstick* are encouraged to compare the above statement against Hackney Council's *Weights and Measures Project Briefing* reproduced in the last issue, and assess for themselves the accuracy of Murthy Balakrishnan's claim.

## **2008 Conference report (with thanks to Derek Bennett)**

On Saturday 17 May 2008, BWMA held its Annual Conference in the Trafalgar Room at the Victory Services Club, central London.

The first speaker was **John Bentham**, Managing Director of Benoil Services, and who had worked for many years in the oil drilling industry. He explained how extracting oil varied in operating techniques depending on the part of the world you were in. Drilling for oil in the North Sea is very different from operating in the middle of a desert. The nature of the ground also makes a big difference. In some areas it is solid rock, others sand. He explained the way in which the oil is drilled affects the choice of tools used. The bore hole is drilled and a casing is put down to prevent cave-ins. The casings taper as you go down, but he stressed that wherever you are in the world these casings are always produced in imperial measures. All tools have to be synchronised to work in imperial. He pointed out the pressures measured in these tubes when the oil is drawn is in pounds per square inch only. The reason imperial is the norm in the oil industry is because the Americans developed the initial technology and have always dominated the market. Because of this, European oil companies work in imperial.

**Councillor Steve Radford**, the President of the Liberal Party spoke about his empathy with the BWMA campaign. He related his experiences with a company he once worked for, and that one of his duties was to remove all the safety signs in a factory which had to be changed to comply with EU legislation. In his opinion the Union of England, Scotland, Wales and Northern Ireland has worked well because, unlike the European Union, it never tried to undermine the different cultures of the people in these places. He felt that working to preserve our imperial weights and measures was a stand against EU conformity. To him, officials trying to enforce metrication was a waste of time and money. John Gardner asked Steve exactly what powers Councillors have over their officials? Steve replied that since the change to the cabinet system the cabinet members do have some influence, but he advocated that people themselves put pressure on their own ward councillors and complain to them if any traders locally are pressured by their council.

**Ashley Mote MEP** and **Neil Herron** were also in attendance; BWMA chairman Mike Plumbe presented Neil with a cheque for £1,500 from BWMA's members for the Janet Devers legal fund. Neil subsequently wrote to BWMA on 29 May: "I would like to thank you for the very generous donation to the Metric Martyrs Defence Fund. I would also like to take this opportunity to thank BWMA and all its members for the fantastic support that we have received from the outset and anticipate that we are not far from justice being done".

## ***Freedom of Information: BWMA appeal to the Information Commissioner, 28 April 2008***

Dear Sir

I would like to appeal a decision by the Department for Innovation, Universities and Skills to withhold information.

The details are in the attached correspondence; to summarise, we have requested correspondence between the UK and EC authorities concerning EC metrication directive 80/181. The Department for Innovation, Universities and Skills declined to provide this under 27 (1) (b) of the FOI Act which concerns relations between the United Kingdom and any international organisation.

### **Internal review**

Our request for an internal review, dated 28 December 2007, pointed out that section 27 (1) (b) of the FOI Act applies to "relations *between* the United Kingdom and any *international* organisation". The correspondence that we seek relates to a Directive that is applicable across EU borders and is therefore a matter in which UK is *part of* the EU. Consequently, this is not a case of the UK as a separate nation dealing with the EU as another separate body, so the 27 (1) (b) exemption designed to protect the sensitivity of international negotiations does not apply.

The internal review dated 29 February 2008 said that:

"... section 27 (5) of the FOI Act defines an international organisation as "any international organisation whose members include any two or more states, *or any organ of such an organization*". The European Commission is without doubt an 'organ' of the EU. My view therefore is that your interpretation of section 27 is legally incorrect".

### **Appeal to the Information Commissioner's Office**

We are not disputing that the European Commission is an organ of the EU. Our point is that the description of the EU (and EC) as 'international' is only correct in areas where policy and laws are decided within Member States.

Where Member States do not decide policy and laws, and instead pass laws in accordance with EC Directives that apply across borders, the EU is a *supranational* body; officials in London and Brussels are operating at different levels of the same government.

Therefore, the reason cited in the internal review not to release the information - that the European Commission is "without doubt an 'organ' of the EU" - is irrelevant to our claim, and the original reason, that the matter involves international relations, is not applicable.

I therefore request (a) that this objection be rejected and (b) that, as no other objection was raised, the required correspondence be released, in the public interest, without further delay.

Yours sincerely, John Gardner

## ***Information Commissioner's Office reply, 27 May 2008***

Thank you for your correspondence dated 28 April 2008 in which you make a complaint about DUIS's decision not to release the information you requested. Your case has been

allocated to one of our case resolution teams who will contact you as soon as possible to explain how your case will be progressed. Due to the volume of complaints we are receiving at present it may be several months before you hear from us.

On behalf of Paul Arnold, Head of Customer Service, Case Reception Unit

## ***The Government's latest new history***

Ian Pearson MP, Minister of State for Science and Innovation, responsible for units of measurement, wrote the following to Ashley Mote MEP on 18 June 2008: "I agree that the Commission proposal, namely, that the use of supplementary indications be extended for an indefinite period beyond 2009, is a most welcome development. **The Government argued consistently for this amendment**, which will allow the continued use of imperial units alongside metric units in dual labelling, without time limit".

This claim of consistent support is not supported by the historical record; the following are extracts of previous letters sent by the government to BWMA:

3 August 2004: "[BWMA] is concerned that the Directive authorises non-metric units as supplementary indications of quantity alongside metric units only until 31 December 2009 [and] expressed the hope that the Government would seek to amend the Directive to remove the time limit on supplementary indications or at least extend the period during which supplementary indications may be used ... **I think it is too early to take a view at this stage on whether a further extension might be appropriate beyond 2009**".

3 November 2004: "... it is too soon to reach an informed decision on whether a further extension would be appropriate beyond 2009".

23 August 2005: "As for the position after 2009, I can only say, as I have before, that it is too soon to reach an informed decision".

*As so often before, the government is inventing its own political history which bears no relation to what actually happened.*

## ***Sioux City Journal, USA, 6 April 2008***

[Referring to Ted Watson, assistant roadway design engineer for the Nebraska Department of Roads]

Watson recalls a time in the 1990s when the department began switching projects to metric units in anticipation of a federally mandated Sept. 30, 2000, deadline for all federally funded highway construction to convert to the metric system.

Watson said: "But, as that date drew closer and closer, it seemed that a lot of the (roads departments) were in a quandary about whether the feds were really going to hold us to that date". As it turned out, Congress rescinded the deadline while still recommending federal agencies convert to metric units.

But Nebraska roads officials, seeing the movement falter within the ranks of construction contractors and other state roads departments, backslid. "We started going back the other way," Watson said. "We're not completely back to full English, but we're almost there."

## ***The Automobile Association: "Panel members don't support going metric on the roads", 2 August 2008***

The following is taken from the AA website, [www.theaa.com](http://www.theaa.com)

Two thirds of UK drivers are reticent when it comes to any attempts to adopt metric measurement for all things motoring, according to the latest AA/Populus poll of 18,500 members.

Millions of UK drivers happily take to Europe's roads each summer and 'vive la difference' - speed limits indicated in kilometres per hour and distances to La Plage in kilometres rather than miles. However, when back home their reticence for UK to adopt metric signing comes out clearly in the latest AA Populus survey which shows 64% strongly disagree with the suggestion that speed limits should be shown in kilometres per hour rather than miles per hour and 63% feel the same way about distance measurements in kilometres in UK. Only 8% supported going metric for speed limits and distance.

However, when it comes to 'metric' fluent drivers coming into UK only putting feet and inches on bridge height warning signs can sometimes spell disaster with dozens of bridges struck each year by foreign lorry drivers. 2,000 bridges were hit in the UK last year.

At the forecourt UK drivers are well and truly confused, they price and buy petrol and diesel in litres but the strange thing is they work out their fuel consumption in miles per gallon. Support for metric fuel prices runs at 34%, so the UK's adoption of this system seems to have entered the consciousness, but 37% still disagree and would prefer a return to the gallon. In terms of measuring fuel consumption 68% oppose measuring this in kilometres per 100 litres rather than miles per gallon.

Surprisingly the strongest opposition to going metric was from the younger age groups with 83% of 18-24 year olds opposed to speed limits in kilometres per hour and 79% of the same age group opposed to distances being signed in kilometres. Drivers in Yorkshire and Humberside were most opposed to metric measurements with 80% opposed to metric speed limits and 79% opposed to metric distances.

Commenting on the findings, AA President Edmund King said: "Not only would going fully metric cost a fortune to implement in Britain it would also not go down well with a majority of the motoring public. As a result of keeping an eye on increasing prices, motorists now seem to understand the fuel price in litres. It does seem odd that we buy our fuel in litres but think about fuel efficiency in miles per gallon. We appear to be an Imperial Metric Nation. However, when it comes to the safety of UK drivers and travellers we have to remember that with over 1 million metric minded drivers coming into the UK each year many would benefit from having the metric measurements put up alongside our yards, miles, feet and inches, especially those driving large lorries under bridges".

## ***Trading Standards Institute***

Ron Gainsford, Chief Executive of the Trading Standards Institute, wrote the following letter to the UK Metric Association, 21 February 2008

"... I have shared your papers with my advisers and await their considerations regarding the nature and content of the

TSI submission to NWML. You will know however from our previous exchanges that **TSI continues to hold a neutral position on the matter of metric and imperial units of measurement.** I am sure the Association will continue to understand that our members bear the responsibility of regulating the marketplace in the impartial manner expected of bona fide professionals. As their Institute we remain appropriately sensitive to that imperative".

By way of comparison, this is what Ron Gainsford wrote to BWMA in May 1997, then acting Assistant Chief Executive of LACOTS, the co-ordinating body for trading standards:

"Since the introduction of the new metrication laws we have been working with trade and industry representatives and Government officials to assist local enforcement authorities in their efforts to help business achieve as smooth a change-over as possible. Emphasis has been put on education and advice and, on the whole, we hope the business community has appreciated the local authority role and has adopted a positive approach to the latest and future metrication changes. Allegedly hostile views of local authorities involved in enforcing metrication legislation appear not to have been borne out in practice and an enormous amount of assistance has been given by local authorities to business as part of the process of introduction of new legislation. **LACOTS continues to support and co-operate in the effort to complete the metrication process which was initiated decades ago and has become the primary system of measurement for many people**".

## ***Farmers Guardian, "EU plans to ban the acre", 22 July, 2008***

THE Government has rubber-stamped EU plans to scrap the acre as a unit of measurement. From January 2010 the acre will be banned by EU legislation and will instead be replaced on all documents and advertisements by the hectare. The move comes as a shock after Brussels recently backed down on other British measurements including the pint and the mile, but Commissioners have judged the acre a step too far.

Andrew Shirley, head of rural research at Knight Frank said: "It is still unclear exactly what the implications of this ruling are, but if, as suggested, it means the acre is literally banned as a unit of measurement it seems unnecessary, especially as the EU seems to have taken a more conciliatory view on the use of imperial measurements recently.

"From the point of view of selling farms it will have little impact because hectares are already used in tandem with acres in most particulars and documentation. Farmers, however, are used to dealing in acres and it is a unit of measurement they feel comfortable with. To avoid confusion, it would seem sensible to be allowed to refer to both acres and hectares. "But whatever the autocrats say I don't think the acre will ever die. It ranks alongside the pint and mile as an iconic British unit of measurement that people will always refer to."

The UK previously had a derogation from the EU's use of some metric measurements, which allowed the continued use of acres in land registration, but at a low-key Brussels meeting last week junior minister Jonathan Shaw signed off on switching to hectares.

Shadow Europe minister Mark Francois branded the move 'pointless interference' and lay blame for the move at the Government's door. He said: "Whether we use hectares or acres should be a matter for Britain to decide, not the EU."

### ***Vivian Linacre writes to The Times:***

Sir, The EU regulation abolishing the acre is not due to come into force until January 2010, so we still have over a year in which to save it, which we certainly shall. Besides, informal use of acres -- e.g. for advertising and other descriptive purposes -- is not affected, for the prohibition relates only to registration of title and legal contracts.

The otherwise infallible Alice Thomson is wrong, however, in saying that "Carpet and timber can still be sold in yards." Anything that requires to be weighed or measured for the purpose of sale (what is called "loose from bulk") must be priced in metric units. Hence the absurd distinction - giving rise to countless anomalies - between an actual carpet, which may be measured as 'x' yards by 'y' feet and inches because that is purely descriptive of an individual item, and buying off the roll, which must be by the metre. So timber is commonly bought as e.g. "6 metres of 4 x 2 [inches]".

Anyhow, landowners and surveyors will continue to use acres because the hectare is too large for everyday purposes -- as is the metre -- and so involves decimal places, leading to confusion and errors.

Two facts must be emphasized. First, the acre is not a quaint historical unit but an integral part of an organic structure of square measurement. Thus: 1 acre equals 1 furlong x 1 chain or 1 furlong x 4 rods (or poles) or 1 chain x 10 chains or 1/640th of a square mile. It is so easy because everything fits and, of course, like the whole imperial system, is based on factors of 2 and 3, like the clock, the calendar, the compass -- and music.

Secondly -- in answer to Alice Thomson's question, "So why is Brussels doing it?" -- my consultations with the responsible Commissioner in 1995-96 explained that the purpose of compulsory metrication had nothing to do with "harmonisation" but was solely to break the bond between the UK and USA of a common system of weights and measures, which is (or was) of such immense cultural and commercial value, second only to the importance of a common language. As the Commissioner said: "It has to go because it gives Britain an unfair advantage in transatlantic trade."

I refuse to change my name to "Linhectare".

### ***Letter to the Yorkshire Evening Post, 5 July 2008***

YESTERDAY, I went to my usual supermarket and among the various things I bought were two ordinary potatoes for baking or boiling. They were not the largest available but I wanted one for mash and one to bake. In my mind I was covering three meals. Looking over the bill I find that the two potatoes had cost £1.32. They were 0.7kgs in weight and priced at £1.80 per kilo.

I am not very good, like most people in coming to terms with kilos but I can add up and convert pounds and ounces, so I weighed the two potatoes. One was 14oz, the other 10ozs and priced them in pounds and ozs. The cost is quite staggering to say the least -- it was 96p per pound for two potatoes that weighed 24ozs. We must be out of our minds to let supermarkets rip us off with everything they can mark up in kilos and fluids in litres. This is just as bad, or even worse, than the petrol increases, as we all have to eat ...

D Birch, Cookridge, Leeds

### ***The Liberal Party view, Warrington Guardian, 31 January 2008***

WE in the Liberal Party wonder what has become of the sense of priority in this country. In the week that a gang of youths were convicted of the senseless murder of a family man outside his home in Warrington, officials from Hackney Council have chosen to prosecute a pensioner for the grave and weighty crime of selling fruit and vegetables in pounds and ounces.

The murder of Garry Newlove has shocked the nation and sparked an overdue debate about gang culture, teenage drinking and how to police this yob culture which appears to rule the streets. In response to this Hackney Council has chosen to bring a prosecution against Janet Devers for using imperial weights on her market stall in response to requests from her customers. We wonder how much of the council's time and money has been spent on this pointless legal action.

We can only assume that Hackney is a Utopia where there are no problems with unruly youths or anti-social behaviour to the extent that council officials have nothing better to do than take the high-handed decision to persecute Ms Devers through the courts. The council officials have defended their actions, stating that they were only doing their duty. Such a statement is not far removed from the traditional defence of only obeying orders.

The prosecution will doubtless come as a surprise to Gunter Verheugen, the EU Commissioner, who recently stated that there was no such law which prevented the use of imperial weights and measures in this way. He stated that such laws were the invention of the British tabloid press. Ms Devers now knows better. Perhaps Mr Verheugen will give evidence in her defence.

DANIEL WOOD Chairman of the Policy Committee The Liberal Party Kingswood

### ***The Green Party***

Our colleague Stuart Delvin received letters from two Green Party Members of the London Assembly, January 2008.

Cllr. Darren Johnson: "I am afraid I cannot support the Metric Marty's campaign as I feel it is vital that this country abandons the outdated and incomprehensible imperial measurement system once and for all, just as we did with our currency in 1971".

Jenny Jones: "Whilst I sympathise with the plight of the individuals concerned, I believe it is appropriate for the UK to use a metric measurement system, in line with the rest of Europe and legislation is necessary to ensure compliance".

### ***Westminster City Council car park signs***

Warwick Cairns wrote the following to Car Parks Customer Care at Westminster City Council:

"Dear Sir, I'm writing to let you know that the height signs on a number of your car parks contravene the Department of Transport's Traffic Signs Regulations and General Directions, by giving dimensions in metric units only. I attach a DoT memo which clarifies the legal situation, but in essence, you have to show the heights in feet and inches (with or without metric units as a supplementary indicator) or else the signs are illegal. In particular, anyone suffering damage to their vehicle as a consequence of exceeding the maximum height would be

able to claim that this was due to your negligence in not providing the correct information. I attach a photograph taken at the Oxford Street car park today, showing the heights in metres only. Yours sincerely, etc”

Westminster City Council replied on 27 June 2008: “Thanks for bringing this to our attention. I will speak to our technical officer in charge of car park signage and ensure we are meeting the requirements of the law. Many thanks, Bryan Hunter, Marketing Executive, Car Parks Parking Services”.

### **Tesco supermarket**

Our colleague Eddie Worster received the following letter from Tesco's Chief Executive Terry Leahy, dated 3 September 2007: “To answer your concerns, I can advise that as soon as the EU permitted the use of dual Imperial and Metric weights and measures, we began to display this on our packaging. We are grateful for your helpful suggestion; however this process was already being put into practice.

Our shelf-edge labels now all have comparisons in grammes or kilograms, as well as pounds and ounces, for variable weight products such as meat poultry and cheese. This was done so quickly due to customer feedback, as people told us that they still preferred to know what they were buying in pounds and ounces, rather than the metric scale. Therefore, we re-introduced 'price per lbs' on product packs. Imperial Weights are displayed larger on shelf edge labels, however, under new Euro rules, metric measurements are to take precedence.

From research and regular customer surveys, we found that over 53% of our customers found metric measurements confusing and that 76% of them still wanted imperial measurements displayed. Only 8% of customers wanted metric weight displayed on its own.

Therefore, all our posters and point of sale labels are legal, as our labelling carries both metric and imperial unit pricing. I do hope this information has been helpful and I would like to thank you for taking the trouble to write to me. Yours sincerely, Terry Leahy”.

### **BMI Healthcare**

Eddie Worster received the following letter from the Executive Director of BMI Healthcare, concerning road signs indicating distances to the BMI Hospital in metres: “I refer to your two letters dated 18 February and 2 March regarding the BMI signage in Uplands Park Road. My apologies for the delay in replying but I have been obliged to check with our Legal Department. They have now confirmed that the signage should indeed be in yards and arrangements are being made to have the signs changed accordingly. Thank you for bringing this to our attention. Yours sincerely, Paul Possamai, Executive Director”.

**Tony Bennett** reports: “Type in the word 'mile' on the video internet site YouTube, and you get over 202,000 entries. Do the same for 'kilometre' and you get 1,800. I make that a victory for the mile by around 99.1% of the vote to 0.9%”.

**Warwick Cairns** notes (18 Jun 2008): “There's a new pizza restaurant in Shoreditch called The Yard (140 Tabernacle Street, London EC2). Its speciality is that it sells pizza by the yard on long wooden platters. You can buy a quarter-yard-long piece with rocket and Parma ham for £7.95, or a full yard for £25”.

### **Foreigners**

Peter Rogers, BWMA Committee member, recently related that he did double conversions for his 97-year old father when at the supermarket; for instance, apples priced at 90 pence per kilogram would be translated into eighteen

shillings per pound. A curious young shop assistant, on hearing the conversions being made, asked: “What country are you from?”

### **From the Archives: “Card Indexing Cabinets; a Warning”, from the BWMA annual report of 1907:**

Most progressive people now-a-days use card indexes of some sort or other, and with these obtain the necessary drawers, etc, for filing them. The standard sizes of these cards are 3 x 5, 4 x 6, and 5 x 8 – cabinets being sold to fit. We would warn all our members to make sure in purchasing these cabinets that the drawers will fit these sizes of cards. There are some cabinets on the market at present with drawers presumably of the standard size, but on looking closely at the circular or catalogue describing them, you will find the word “approximately”. These cabinets are not made in England, and are made to take cards according to millimetre sizes, which are incommensurable with British sizes. If you should unfortunately get this make of cabinets in your office, you will find yourself tied to obtain your future supplies of cards from the firm, or pay extra if you go elsewhere, as a drawer 75 x 125 millimetres will not take a 3 x 5in standard card. The difference is slight but just enough to tie you to one firm for supplies at their prices. We don't want tied houses in the stationery trade, neither do we want confusion introducing into our sizes, which are based on the Imperial standard inch. There are excellent makers who supply cabinets to British standard sizes, and our members should insist on having these sizes.

**BWMA, 11 Greensleeves Ave,  
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