

# The Yardstick

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## Total Onslaught – Total Retaliation

The cause of the assault on rods and poles for allotments, reported in *Yardstick 54*, has been identified as one “David Johnson”, an apparently lone operator who has been emailing councils across the country (150 to date) telling them – quite falsely – that they are “breaking the law” by using non-metric units for allotments. We are taking steps to neutralise Mr Johnson’s influence: in October, we contacted associations representing 9,000 English parish councils; in November, a letter was sent to over 800 local newspapers across the UK; and in the New Year, a letter will go to a thousand town, borough, district, city and county councils. A report will be in the next *Yardstick*.

## Metric road signs

The Department for Trade and Industry is to make mandatory the use of metric units on road signs for height and width restrictions. If one excludes the tonne, this is the first time metric signs have been made compulsory on British roads. The DfT’s *modus operandi* was to deny at the outset of its consultation, in May, that its proposals involved changes to units of measurement - but then adding the metric requirement upon the conclusion of its consultation, in November. Freedom of Information requests have gone in, and a complaint is in preparation.

## Advertising and description

An attempt has been made to outlaw imperial units for advertising, instruction manuals and “descriptive” purposes, such as describing a piece of furniture as four feet wide. We do not expect the legislative amendment to be adopted, but we are disturbed by the government’s reason for not adopting it: that the law *already* makes such uses unlawful. This is not a correct understanding of the 1994-95 metric regulations, and we are seeking an explanation.

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 subscriptions and donations.

Membership is £12 per year. Cheques or postal orders payable to “BWMA”, 98 Eastney Road, Croydon, Surrey CR0 3TE

## Metric to be made mandatory for road height and width signs

In May of this year, the Department for Transport (DfT) produced a consultation paper on proposals for the Traffic Signs Regulations & General Directions 2015 (TSRGD). The consultation document stated that metrication would not be part of the proposals:

"Please note the new TSRGD will not make any changes to the units of measurement used in the UK traffic signing system. The Government has decided to retain the imperial unit system for this purpose, and this matter is therefore out of scope of this consultation".

BWMA did not make a representation regarding the consultation, since there was nothing to respond to. However, when DfT released its Consultation Response on 6 November, it declared on page 38 (the final page), under the heading "Other issues" (it was the only "other issue"), that using feet and inches solely would not be lawful on new signs, and that metric would be compulsory alongside imperial:

"In order to improve road safety and compliance, Ministers have decided that the revised TSRGD will no longer prescribe imperial-only height and width limit signs. Imperial only signs can remain in place only until such time that they become life-expired, or replaced during routine maintenance, at which time the dual-unit equivalent must be used".

The DfT was quoted in the press as saying:

"Displaying dual measures of height and width restrictions make it easier for drivers and are designed to help improve safety on our roads. There are no plans to duplicate any other type of traffic sign. The Government has been clear that it will retain imperial unit system for other traffic signs".

This is not the first time the Department for Transport has sought to make metric compulsory on height and width signs; it made an attempt in 2009, claiming safety benefits. Yet, when BWMA asked DfT for its research on the relationship between the types of sign and bridges struck by lorries, it replied: "*The Department does not hold information on the signing in place at locations where bridge strikes have occurred, nor has such research been carried out*" (letter, 10 November 2009). Following BWMA's representation to the then Secretary of State for Transport Philip Hammond, the proposal was quashed.

In 2011, ostensibly to reduce sign clutter, DfT proposed the legalisation of dual metric-imperial signs for width, similar to those that already existed for height. DfT gave BWMA an assurance that there was no compulsory element to this new dual sign: "... *there is no change to the Government's policy on the use of metric measurement on traffic signs and there are no plans to review it*" (letter, 15 December 2011).

The latest May 2014 assurance was either a feint to exclude BWMA from the consultation process, or persuasion was brought to bear on Ministers between May and November, outside of the consultation process altogether.

BWMA's Warwick Cairns was quoted in the press:

"This sounds as if it could be the first stage in a move towards metric signs. We are concerned that the change might be creeping up, that there might be more empha-

sis given to metric measurements in a few years; then metric-only signs. Then it could be presented as a *fait accompli*".

This concern would appear to be substantiated by the design of dual signs which places metric in the top position, and in larger type:



The effect of making dual signs mandatory is that feet and inches need no longer be *relied upon* as the standard system; thus, the DfT could issue "guidance" to providers of road atlases, internet route-finders and suppliers of in-cab height indications to proceed without imperial units. This, in turn, means feet and inches can be removed totally.

### Freedom of Information questions by BWMA to the Department for Transport, 8 November 2014:

This FOI request concerns the Department for Transport's Consultation Response for the Traffic Signs Regulations and General Directions 2015, the outcome of which was reported in the press on 8 November 2014.

i) The Consultation Response states the following: "In order to improve road safety and compliance, Ministers have decided that the revised TSRGD will no longer prescribe imperial-only height and width limit signs".

Please provide **the names** of the Ministers who made that decision.

Please provide a copy of **the minutes** for the meeting in which Ministers decided to "no longer prescribe imperial-only height and width limit signs"

Please provide a copy of **emails and other correspondence** that relate to the above decision

ii) A Department for Transport spokesman was quoted on that date in the *Daily Telegraph* as saying: "Displaying dual measures of height and width restrictions make it easier for drivers and are designed to help improve safety on our roads".

Please provide a **copy of the research** that substantiates the Department for Transport's view that having two sets of measures on signs, rather than one set, makes signs "easier" for drivers, and will "improve safety".

### DfT holding reply, 11 November 2014

I am writing to acknowledge receipt of your request for information. A response will be issued to you in due course.

Kelly Chicken

Department for Transport FOI Advice Team, Information & Security Division, Zone D/04

*To be continued ...*

## **Railway chain and mile; BWMA letter to Mark Carne, Chief Executive, Network Rail, 3 June 2014**

*Readers will recall from Yardstick 55 that BWMA had received no reply from Network Rail or the Technical Strategy Leadership Group regarding plans to remove the mile, chain and yard from Britain's railways. BWMA member Peter Schubert wrote a letter of his own to Network Rail which elicited a response on 14 May; we used this reply to jump-start our earlier correspondence:*

Dear Mr Carne

Please find attached Richard Glanville's reply to Peter Schubert of 14 May 2014, which Mr Schubert has forwarded to us. Our Association advocates the retention of British imperial weights and measures.

The implementation of ERTMS, to which Mr Glanville refers, is a separate issue to the changing of measurement on Britain's railways. Removal of imperial units is not required by the UK's Rail (Interoperability) Regulations 2012, nor by European Union Directive 2008/57, which together are responsible for ERTMS. ERTMS is technically capable of use in either metric or imperial.

In his final paragraph, Mr Glanville says that the "real time conversion" between ERTMS using metric and imperial distance markers along the Cambrian route would be impractical on a national scale. Yet, rather than resolving this by tailoring ERTMS to the existing system of measurement, Network Rail is changing the latter.

Mr Glanville does not explain, to our satisfaction, why Network Rail has chosen this course. If signalling design conversion, which Mr Glanville cites, is a significant problem, then signalling design would not have deviated from the existing units in the first place.

Can you please indicate whether there are other reasons for Network Rail's decision to replace miles, chains and yards with metric units?

Also, please tell us whether Network Rail has conducted (i) a cost/benefit analysis relating to a change of measurement units and (ii) a consultation process.

Thank you in anticipation of your reply.

### **Reply from Network Rail, 7 August 2014**

Thank you for your letter dated 3rd June 2014 regarding the retention of imperial measures on Britain's railway. Please accept my apologies for the delayed reply; I have been liaising with my colleagues for answers.

As you quite rightly point out in your letter, implementing a European signalling system (ERTMS) on Britain's railways is not the same as removing imperial measurements from the railway and therefore the former should not be considered to imply the latter. It is worth noting, however, that there are good, genuine reasons for accepting the use of metric measurement in the ERTMS system implemented on Britain's railway, despite the fact that this will create a degree of divergence from the predominantly imperial measurement system that is still in use today.

The first is simply that it is a European system that has been developed as a common platform for in cab signal-

ling to be used across 19 member states of the European Union. You are right that the statute resulting from the Railways (Interoperability) Regulations 2011 does not require a change in the measurement basis used on Britain's railways, but what it does require is that the implementation of ERTMS on Britain's railways is not undertaken in a way that provides a barrier to interoperability for foreign trains coming onto our network. Therefore, the GB ERTMS implementation has to be able to support operation based on kilometres and should not require any unreasonable adaptation on the systems installed in foreign trains or by their respective host systems in the other members states from which they originate.

The second point (which reinforces the point highlighted by you in regard to the final paragraph of Mr Glanville's [sic] letter to Mr Schubert of 14th May on this subject) is one of safety. On a complex, mixed traffic (i.e. intercity, commuter, freight, etc.) railway, as much of Britain's railway is, having a system that enables drivers to reference specific positions in either imperial or metric terms is open to safety risk arising from confusion over which form of measure is being used and therefore what point of the railway is being discussed. It is clear from previous discussions within the industry that the introduction of ERTMS on a dual measurement system basis would not constitute an acceptable basis for a safety case for such a safety critical area of our operation. Indeed, it is extremely likely that none of the Train Operators that use Britain's railway would agree that this is an acceptable safety risk. The counter argument to this is of course that trackside workers would still report their position in relation to line-side mileposts, but accurate reporting of the position of trains is of such paramount importance that this would outweigh any other consideration. In addition, in the fullness of time, trackside workers will more and more use handheld devices connected to the ERTMS system to improve the levels of track worker safety and therefore would use the measurement system inherent in ERTMS to report their position.

Neither of these reasons inherently would require the removal of imperial mileposts from the railway or indeed their replacement with metric equivalents, but Network Rail would reserve the right to do so in the future if there is a justified safety reason to do so.

In addition, in relation to your points about cost/benefit analysis and consultation process, adapting ETRMS to conform to imperial measurements would add a cost that would otherwise not be incurred and, if they were practicable, would require additional mitigations to address the resultant safety risks for international traffic; consequently there is no business case to do so. Consultation on the introduction of ERTMS onto Britain's railway is carried out with Duty Holders (i.e. Train Operators) under Network Rail's obligations under the Network Code, as overseen by the Office of Rail Regulation. This process has commenced for the national introduction of ERTMS and should this matter be of concern to those Duty Holders, will be raised in objection in their responses to that consultation.

I trust this provides you with a more specific explanation of our reasons for adopting metric measurement in relation to ERTMS.

Richard Glanville  
Executive Contact Officer

*BWMA also received a reply from the Rail Safety and Standards Board, bearing the same date as Richard Glanville's letter, indicating that the two organisations had liaised:*

## Reply from the Rail Safety and Standards Board, 7 August 2014

In February and April you wrote to the rail industry's Technical Strategy Leadership Group (TSLG) about the article in Rail News in October 2013 about the use of imperial measurements (miles, chains and yards) on the railway system. Please accept my apologies that it is taken so long to reply.

At RSSB we help the rail industry understand risk, guide standards, manage research, development and innovation and collaborate to improve. This includes bringing the industry together in TSLG and managing research on its behalf.

Although issues around units of measurement have been discussed by TSLG and other cross-industry groups, neither RSSB nor TSLG is in the lead on taking decisions about particular operational or engineering judgements - including, in this case, whether to use (and how to apply) imperial or metric measurement, which for the national main line railway infrastructure, would be for Network Rail to lead on.

Best regards, Matt

*The email had the following footnote:*

This email should not be used by anyone who is not an original intended recipient, nor may it be copied or disclosed to anyone who is not an original intended recipient.

\* \* \*

## Metric Downsizing: BWMA letter to Mars Incorporated, 17 March 2014

Dear Sirs

### Twix – 58 grams to 50 grams

I am writing on behalf of the British Weights and Measures Association, a non-profit body which campaigns for the retention of UK imperial units of measure.

We are disappointed that Twix has recently been reduced in weight from 58 grams (originally 2 ounces) to a metric-rounded 50 grams. Please explain why this change was made. Was the price of Twix reduced in line with the weight reduction?

We hope that Twix will restore the 58 gram packs as soon as possible, and label them "2 oz". We look forward to your comments.



## Reply from Mars, 20 March 2014

Case ID 39988166 - Hi from Greg at TWIX

Thank you for your recent letter. As you're aware, we have recently reduced the weight of our standard Twix bar from 58g to 50g. The reason for this is that we have made a global pledge to ensure that all of our single-serve chocolate products would contain no more than 250 calories per portion by the end of 2013. This is part of our commitment to promote responsible consumption, as a signatory of the Department of Health's Responsibility Deal calorie reduction programme.

You may know that this is the latest in a series of commitments that Mars has made to ensure that our products allow responsible consumption: we have already removed artificial trans fats from our products and reduced the levels of Saturated Fat in our Mars, Snickers, Topic and Milky way bars by 15%. We still believe our products represent good value for money.

We also do not have any plans to swap from using grams to oz as we can more accurately measure the weight of our products in grams as opposed to oz.

If you have any more feedback for us then please do not hesitate to get in touch.

Greg Devine, Consumer Care Team

*Analysis:* Mars says that it has no plans to switch from grams to oz because, "... we can more accurately measure the weight of our products in grams as opposed to oz".

Confectionary that is packaged in round ounces or half-ounces does not need the finer granularity provided for by grams. Mars' letter is therefore an admission that it chooses grams over ounces because it gives them greater *manoeuvrability* in packaging sizes.

The reason for this manoeuvrability is explained in the closing sentence of *Yardstick 53's* article "Metric's Dark Markets": "What metric policy has done is to replace free markets with dark markets, whereby the proliferation of huge arbitrary numbers obscures quantity and real price, presenting manufacturers with opportunity for reduction by degree".

*The letter from Mars refers to the Department of Health's Responsibility Deal. The DoH's website<sup>1</sup> explains:* "The Food Network Team has produced a Calorie Reduction Pledge Development Tool to support current and future partners to the calorie reduction pledge. The tool identifies the elements that constitute a good pledge and presents commitments made and actions taken under the various pledge categories".

*The Calorie Reduction Pledge Development Tool is a 17-page document which says:* "The calorie reduction pledge launched in 2012 provides a mechanism for the food and drink industry to make and record its contribution to helping the population meet the calorie reduction challenge set out in *Healthy Lives, Healthy People: a call to action on obesity in England*. It is an opportunity for the industry to build on its track record and to go further,

<sup>1</sup> <https://responsibilitydeal.dh.gov.uk/>



recognising the scale of the challenge we face. This pledge is a priority for Government. It is a key plank in its strategy to reduce calorie consumption. To build on the progress already made, we urge more companies to rise to the challenge and take action under the pledge”.

*The Department of Health refers to Mars as a success story (our emphasis):*

“Mars has reduced the average number of calories per portion in their single products by over 10% by innovation and reduction in portion size”.

### **BWMA letter to the Rt Hon Jeremy Hunt MP, Secretary of State for Health, 1 June 2014**

Our Association is a non-profit body that advocates the retention of British imperial weights and measures.

For some years, we have been monitoring the metric downsizing of consumer packaging. This occurs in two stages: first, a mechanical reduction on the switch from imperial to smaller metric sizes; second, incremental reduction aided by the abstract three-digit indications that metric produces. I attach an article from our newsletter *The Yardstick* that describes this process in more detail (attached: “Metric’s Dark Markets”, *Yardstick* 53).

It has come to our attention that confectionery producers are citing the Department of Health’s “Responsibility Deal” as the reason for reducing quantity.

Consumers already have the power to reduce sugar intake, simply by consuming less food and drink that contains sugar. That the government is intervening in the market to encourage the reduction of portions suggests that consumers do not have the *knowledge* to make healthy choices. Given that data on sugar, etc. is supplied in abundance on food and drink packaging, we draw the conclusion that this information is not being conveyed in terms that the public understands.

For example, according to its wrapper, a Snickers bar contains “21.7g” of sugar. We question how many people can visualise this quantity of sugar, or know whether it is a high or low amount.

If, however, the wrapper said that a Snickers bar contains “five teaspoons of sugar”, everyone would know what that is, since this is a common household amount to which anyone can relate, not just nutritionists and scientists.

We believe that, were health information to be conveyed in a manner that was familiar and graspable, consumers would be able to make their own choices, thereby removing the need for the Department of Health to support the downsizing of consumer packages which hits consumers in the pocket.

I would be grateful for your comments on this proposition.

Yours sincerely, etc

### **Reply from the Department of Health, 24 June 2014**

Thank you for your letter of 1 June to Jeremy Hunt about food labelling and portion sizes. Whilst the Government

knows that it is ultimately for individuals to take responsibility for their health, including what they eat and where they eat, it needs to change the environment to help make it easier to make healthier choices.

The food and drinks industry has a key role in helping the public to make informed, balanced choices that will allow them to live healthier lives. Through their position of influence, companies can deal with some of the wider issues that affect people's health, for example how healthy our food is and how easy it is to access opportunities to be more physically active.

With regard to your concerns about the labelling of food being understandable, to help people make informed decisions about what they are eating, the Government has introduced colour-coded food labels to help people to think about a healthy diet and switch to healthier versions of the same food. Some foods and drinks can contain more calories than people think and by providing this information, consumers can make choices that will easily reduce their calorie intake and make them more aware of the energy content of food. Information about the food labelling scheme can be found by searching for 'red, amber and green colour coding' at [www.nhs.uk](http://www.nhs.uk).

Finally, with regard to your concerns about changes to portion sizes, the Department published *Healthy Lives, Healthy People: A call to action on obesity in England* in 2011, which set out the steps it is taking to help people to make healthy choices for themselves and their families. The report made it clear that reductions in the nation's calorie consumption were needed if the level of obesity is to decline. One way the Responsibility Deal will encourage this is to reduce the amount of calories people consume by reducing the size of portions. You can find information about the Responsibility Deal's Food Network at <https://responsibilitydeal.dh.gov.uk/> by clicking on the 'Food Network' on the right hand side of the page.

I hope this reply is helpful.

Beth MacKay, Ministerial Correspondence and Public Enquiries

*Comment:* the key sentence in the above letter is, “... to help people make informed decisions about what they are eating, the Government has introduced **colour-coded food labels**.”

The British people have been told, endlessly, that metric is “easy” and “simple”. Were that so, the government would not now be using, of all things, colour coding to explain what metric units are supposed to mean.

\* \* \*

### **Candida Lycett Green and the Duchess of Devonshire**

*Vivian Linacre remembers of Honorary Member Candida Lycett Green:* I met Candida at the memorial service in 2009 to another former Honorary Member, John Michell, when she gave a reading - and another, Jools Holland, provided a piano interlude.

*On the Duchess, Vivian Linacre wrote in The Times:* BWMA's galaxy of supporters has lost another bright star with the passing of the Duchess. She may have “claimed to hate books” but said that her copy of *The General Rule - A Guide to Customary Weights and Measures* was “a book to cherish among the non-stealables”.

## Consumer Rights Bill: attempt to extend compulsory metric conversion to descriptions, advertising and instructions

Lord Taverne, patron of the UK Metric Association, is seeking an amendment to the government's Consumer Rights Bill to extend metrication to advertising, description, and non-sales materials such as instructions and manuals.

So far, the government has blocked the amendment, not because it *opposes* Lord Taverne's ideas, but because, it says, the existing law *already applies* to these uses. According to Baroness Jolly, metrication covers "most advertisements or product descriptions for goods". The following is from Hansard.

**29 October 2014, 3.45 pm**

*Amendment 55*

*Moved by Lord Taverne*

**55:** After Clause 60, insert the following new Clause -  
"Product description and advertisement

(1) Subject to subsection (2), where any specification, description or advertisement of goods, services or land or property offered for sale, hire or lease, or any instructions or maintenance manual relating to such goods or services includes one or more units of measurement, those units shall be -

(a) those set out in Schedule 1 to the Units of Measurement Regulations 1986 (as amended); or

(b) any multiples or submultiples of those units as set out in Schedule 2 of those Regulations.

(2) Subsection (1) shall not apply to products listed in Schedule (Product description and advertisement).

(3) Subject to subsection (4), supplementary indications may be used in addition to the units authorised in subsection (1).

(4) Where supplementary indications are used -

(a) in the case of a conflict between an indication of quantity expressed in an authorised unit and a supplementary indication, the authorised unit shall prevail; and

(b) the authorised unit shall appear first, and any characters employed in the marking of quantity in relation to a supplementary indication shall be no larger and no more prominent than those employed in the marking of quantity expressed in the authorised unit.

(5) In this section -

(a) an "authorised unit" means a unit of measurement specified in Schedule 1 to the Units of Measurement Regulations 1986 (as amended) or any multiples or submultiples of those units as set out in Schedule 2 to those Regulations,

(b) a "supplementary indication" means one or more indications of quantity expressed in a unit of measurement, other than an authorised unit, which is used in conjunction with an indication of quantity expressed in an authorised unit,

(c) "unit of measurement" does not include arbitrary sizes such as sizes of shoes or clothing, paper and stationery or eggs,

(d) a "year" is not to be treated as a unit of measurement."

**Lord Taverne (LD):** My Lords, I apologise for not having taken part in the discussions on this very welcome Bill but my special concern is with the particular and rather unfashionable subject of metrication. The Bill offers an opportunity to clear up some anomalies in the law as it stands that can only confuse consumers and also to promote some modest steps towards a simpler and more

rational system of measurements that has been promised for many centuries.

The first commitment was made in Magna Carta. It required one measure for wine, corn and cloth throughout the realm, and similarly for weights. This was to stop consumers being ripped off. Since then, progress has been rather slow. Four and half centuries later, in 1668, Bishop John Wilkins proposed a universal decimal system of measurement in England. Similar proposals were made from time to time but mostly came to nothing. I will refer to only a few of them. Skipping two centuries, in 1895, the Commons Select Committee recommended that the metric system should become compulsory after two years and be taught in elementary schools. In 1904, the House of Lords voted for a compulsory change to a metric system but the Bill failed in the Commons.

Yet, 1971 was a star year when we changed to a decimal currency - a major operation that I remember well because I was Financial Secretary in 1970, when Roy Jenkins was Chancellor. I was involved in preparations for the change, which many prophesied would cause chaos. It went through very smoothly. The following year, a Conservative Government produced a White Paper that recommended a gradual but not compulsory change to metrication. A Metrication Board was set up then, but a few years later it was abolished - perhaps because, more recently, metrication has become associated with Brussels. Most Commonwealth countries have adopted metrication. That is nothing to do with a Brussels agenda but because it is much simpler and more commercially convenient. That is also why British schoolchildren are taught the metric system.

However, we still allow two separate systems to exist side by side in a number of commercial transactions. My amendments seek to dispel the confusion that this can cause. They bring product description and advertising in line with the rules for package labelling and for the sale of loose goods from bulk. At present, package labels must give the metric quantity with the option of a supplementary indication in imperial measurements - for example, "568 millilitres, equal to 1 pint". Pricing of goods must be by metric quantity - for example, "tomatoes at £2.50 per kilogram", with the option of a supplementary indication of "£1.14 per pound".

However, these rules do not apply to product descriptions and advertising, which can prove thoroughly confusing for purchasers. A carpet can be described as measuring "eight feet six inches by 16 feet three inches", with no indication of metric measurements. We also have the absurd situation that manufacturers and retailers often use incompatible units even for products displayed side by side. For example, a consumer may have to compare a fridge of six cubic feet with a fridge of 200 litres. In property advertisements, some estate agents describe room sizes in feet, inches and square feet, while others use metres and square metres. Therefore, we need a minimum common standard that all manufacturers, traders, advertisers and estate agents must follow. Since the law already requires that goods and services must be priced per metric unit, with the option of an imperial equivalent, it is sensible that the minimum standard for product description and advertisement should also be in metric units.

Subsection (1) of my proposed new clause indicates the scope of the clause to achieve this aim, but allows for certain exemptions. It requires the same units as are already required for the pricing of goods and services - namely those listed in the United Kingdom's Units of Measurement Regulations 1986. However, in order to help older people who are still uncomfortable with metric units, and to avoid cases of so-called "metric martyrs", the new clause permits the use of supplementary indications using the exact wording from the Units of Measurement Regulations and the price marking order. Also included are a number of minor exemptions, such as car tyres, where it would not be practical to require them to be relabelled. There may need to be other exemptions, so the new clause gives discretion to the Secretary of State to amend the list.

Subsection (2) exempts the cases listed in the proposed new schedule. I will explain the reasons for the exemptions when I come to the new schedule. Subsections (3) and (4) permit the use of supplementary indications - that is, imperial equivalents - while

making it clear that the metric unit is primary and must not be less prominent than the imperial unit. Proposed subsections (5)(a) and (b) define the terms “authorised unit” and “supplementary indication”, using the same wording as in the Units of Measurement Regulations. Subsection (5)(c) makes it clear that clothes and shoe sizes, et cetera, are not to be regarded as units of measurement. In subsection (5)(d), “year” is excluded because, unlike other units of time, it does not appear in the Units of Measurement Regulations; if it were not excluded, it might not be possible for traders to offer, for example, a two-year guarantee.

I now turn to the new schedule. Paragraph 1(1) explains that the reason why tyres need to be exempted is that the labelling conforms to an international standard which, for historical reasons, is expressed partly in imperial inches. Since the labelling is part of the moulding of the tyre, and since tyres are manufactured and traded internationally, it would not be practical to require them to be relabelled in metric units.

The reason for sub-paragraphs 1(2) and (3) is that the Units of Measurement Regulations specifically permit draught beer and cider, and milk in returnable containers, to be dispensed and labelled in imperial measures - that is, pints. It is therefore necessary to exempt the glassware from the requirements to display metric units; otherwise, all pub glasses would have to be dumped. As for paragraph 2, there may be other cases where an exemption is justified. This paragraph gives the Secretary of State the power to amend this schedule, subject to the consent of both Houses.

In summary, the amendments enable consumers to compare products on a like-for-like basis, using the same units as in the Units of Measurement Regulations and the price marking order. They would not prevent anybody from using imperial units in addition if they wished. I suggest that these amendments are eminently sensible: they are sensible improvements for the benefit of consumers, especially the younger ones who have only been taught the metric system at school. I also hope that this Committee will feel that moving a little closer to the requirement of Magna Carta for a common standard of measurement, and doing so after a mere 800 years have passed, is not displaying an excessive sense of urgency. I beg to move.

**Lord Harris of Haringey (Lab):** My Lords, the noble Lord, Lord Taverne, raised some interesting issues. However, I am slightly disappointed that he did not attempt to sort out some other problems at the same time, as a number of issues such as product descriptions and advertisements of the size or quantity of goods, particularly food products, could usefully be addressed in this amendment. If he gets the traditional rebuff that Members of the Committee expect from the Minister, he might want to consider including those issues as additional items when he brings the amendment back on Report.

I have noticed a tendency for supermarkets to surreptitiously change the size of products, usually food products but also others, as a means of covertly increasing the price, so things which were previously sold at 140 grams weight are now sold at 120 grams weight. Conveniently, the label moves from the front of the packaging to somewhere at the back, often to a place where it is difficult to read. These are all issues that could usefully be addressed if we are trying to simplify and improve the quality of product descriptions and amendments. It is pertinent that we should look at it. The noble Lord also highlights in his proposed new schedule the anomaly that exists in the markings on beer glasses. However, for those of us who drink rather more wine than beer, there is even more of an anomaly as places that sell wine by the glass may claim that the glass contains 150 millilitres, or whatever it is, but when you look at it, to the untutored eye, it does not look as though it is anything like that amount. I have on occasion challenged this in restaurants and been told, “Sorry, it’s a big mistake. We have given you the small measure rather than the large”, and a smidgen more appears. However, if one is trying to rationalise this - and the motivation of the noble Lord, Lord Taverne, is entirely helpful in addressing this issue - you might as well try to get a number of other

things right. Between now and Report perhaps he and the ministerial team will see what else can be got right and included in the Bill.

**Baroness King of Bow (Lab):** My Lords, the noble Lord, Lord Taverne, makes a persuasive argument, to which I listened with great interest. It is interesting to note that we use metres and kilometres for our athletics, miles per gallon for our cars, pints for our milk and beer, miles for our speed limits, feet for our height measurements, and our distances are often measured in yards. As the noble Lord pointed out, we have been hemming and hawing on this issue for 800 years, so I doubt that we will sort it out in the next eight minutes. Suffice it to say that Amendment 81 would safeguard a critical element of British heritage, not to mention a key aspect of British identity - the right to buy beer and milk in pints. For some reason, the self-esteem of the British people depends on it. I thank the noble Lord for bringing this issue before us. As my noble friend Lord Harris said, the motivation behind these amendments is entirely helpful. I hope that we will get a thoughtful response from the Minister and I look forward to returning to this on Report.

**Baroness Jolly (LD):** My Lords, I start by reassuring noble Lords that a statutory framework for the use of units of measurement is already in place. The Weights and Measures Act 1985 requires the use of metric units for any regulated transaction, with the following exceptions - draught beer and cider, bottled milk and precious metals, where we still use the troy ounce. These are required to be sold in imperial units. In addition, the Units of Measurement Regulations 1986 list all the legal units available for any other purpose. The Weights and Measures Act applies to any unit or measurement in use for trade. This is intended to apply not just in the transaction itself but to any use in connection with, or with a view to, trade. That would already cover most advertisements or product descriptions for goods. I hope that noble Lords will be reassured by this. I am certainly very keen to avoid any possible confusion for consumers, businesses or enforcers. I am concerned that businesses might be confused by duplication of existing requirements, particularly if that were to result in reduced levels of compliance as businesses were uncertain about which set of rules they must comply with. Having a single set of requirements on units of measurement, as we currently do, all under the weights and measures framework, makes it easier for businesses to know where to look for the rules and how to comply with them.

I am entirely with noble Lords in the spirit of this framework. We live, and therefore must operate, in a world in which people use modern and internationally recognised units of measurement. That is why the Government support a single system of units. It allows consumers to compare quantities and make informed purchasing decisions and it reduces costs for businesses. The UK is already a metric nation, with the vast majority of trade taking place using metric units. Some £212 billion of household expenditure per year is protected by weights and measures legislation, with the vast majority of that sold in metric units.

However, the Government also recognise that some people are more familiar with, or prefer, imperial units. That is why we are committed to retaining imperial units where they are currently the legal unit or where they are used alongside metric as supplementary indications, for as long as people find them useful.

As the noble Lord has mentioned, the existing framework for units of measurement has been in place for almost two decades and metric has been taught in schools since the 1970s. I think it might be earlier than that; I took A-level physics at the end of the 1960s and we did it in metric. However, metric units are now the norm. The existing regulations have helped the UK to make the transition to metric units for the vast majority of transactions and they remain in place to ensure consistency in the use of units. I therefore ask the noble Lord to withdraw his amendment.

**Lord Taverne (LD):** My Lords, I welcome the suggestion by the noble Lord, Lord Harris, that one might look at broader issues than the ones I have raised. My proposals were very much modest ones. As far as the Minister’s reply is concerned, I will have to look very carefully at what she says. I understand that in the examples I gave,

retailers and manufacturers are doing something that is perfectly legal and it is certainly very confusing. I will consider very carefully the suggestions we made. This is an issue to which we can return on Report to see either whether we can examine the issues more widely or whether in fact there is no reason to worry about the examples I gave. I beg leave to withdraw the amendment.

*Amendment 55 withdrawn.*

**24 November 2014, 6:08 pm**

**Lord Taverne (LD):** My Lords, I start with an apology to the noble Lord, Lord Harris of Haringey. In Committee I said that I would certainly look at the idea of somewhat broadening the scope of what we were considering. However, I received the official reply very late, and I have also suffered, as I hope will not be too much in evidence as I move the amendment, from a chest infection, which means that I dissolve into coughing fits from time to time. Therefore, I was unable to pursue the matter further and I apologise to the noble Lord.

I moved this amendment in Committee because the present law - at least, as widely understood - causes confusion. In descriptions or advertisements, there is no need as in other transactions to quote metric as the primary measurement. I shall give two examples. Some estate agents describe properties in square feet, others in square metres. As carpets are normally sold in square metres, it is hard for a would-be customer to know whether a carpet will fit into a room in a flat or house which they want to buy if it is advertised in square feet. The other example that I gave in Committee was that a retailer may offer in his showroom two comparable fridges - one whose capacity is described in litres and the other in cubic feet.

It appeared that the present Government's view is that descriptions and advertisements are covered by the Weights and Measures Act, but David Willetts, the previous Minister concerned, held the view that they were not. Trading standards officers responsible for enforcement of the law believe that the law does not apply. They have given me examples of where they understand certain terminology to be legal and where similar terminology is illegal. One described the law on this subject as "an ass".

This morning I met the Minister. It was a heart-warming occasion. My noble friend the Minister and her officials were the soul of reason and agreed to advise the professions and trading standards officers that the law did require the primary description to be metric, with every right to quote imperial measures as well. Therefore, the position should now be clarified and I am most grateful to all of them. I have one reservation, which I hope will give rise to some discussion before I announce what I will do with my amendments. I was told that the Government have no intention to make any further moves towards metrication. They are happy to let two separate systems - conflicting systems, in some ways - coexist, whatever the confusion and cost that may cause for ever and ever.

I mentioned in Committee that in 1970, as Financial Secretary when Roy Jenkins was Chancellor, I helped to prepare the change to decimalisation, which was subsequently carried out by the Heath Government in 1971. We sounded out no focus groups and commissioned no opinion polls. We thought that opinion might well be rather against the move and many people forecast chaos. However, the decimalisation board made the most careful preparations and explained everything very clearly. There was no chaos and everything went smoothly, and who now doubts in retrospect - except, no doubt, some irrational UKIPers - that the change made life simpler for consumers?

The then Prime Minister had set up the Metrication Board to do for metrication what was so successfully done for decimalisation, but Mrs Thatcher abolished the board. It nevertheless continued to be government policy in principle to move towards metrication, but slowly and very cautiously, at a snail's pace. Even that has now been abandoned. Everyone else - except, as far as I know, Britain

and the United States - has gone metric, including, for example, the Commonwealth.

The United States and Britain have paid for that. If you run two systems side by side, there will be mistakes, some of which will be very costly. There was the orbiter disaster in the United States. In Canada, the so-called Gimli Glider ran out of fuel because of the same mistake and nearly killed hundreds of people. In Britain, only in the past few weeks, we have heard about the difficulties of Network Rail. A BBC reporter was told about maintenance crews across Britain who record what they do in different ways. He said: "Network Rail told me that in some parts of the country they use miles, in other parts they use kilometres, so when two teams record the fact that they've fixed 'three units' of line, some mean three miles, others mean three kilometres. I don't need to spell out what a mess that makes".

In Committee, I said I hoped that in my urging further steps towards metrification after Magna Carta we might record some progress. Magna Carta decided that there should be one measurement for weights throughout the country. I also said that I hoped that the Committee would not feel I was showing an excessive sense of urgency in asking for further progress when it had been a mere 800 years since the concept was first advanced.

As well as the cost to employers such as Network Rail and the possibility of serious disasters, YouGov recently polled a number of consumers and asked them if they understood the present system. It asked for quick answers to how many yards there are to a mile and how many metres to a kilometre. Most people found it difficult to answer those questions. It was easier for them to answer that there are 1,000 metres to a kilometre than to get the 1,760 yards right. These surveys did not show that there was any easy familiarity with either system. Of course, it would be much simpler for consumers if there was one system, and the metric system should be the only choice.

We have not exactly speeded up since Magna Carta. In fact, we have moved backwards. Clearly, Magna Carta's commitment to one measurement was far too radical for the present Government. We have gone backwards instead of forward. I hope that there will be some protests at this progress at a snail's pace and at what I would call the cowardice of the Government in going back on the Magna Carta decision. It should be tackled for the benefit of the consumer. For the fear of whom have the Government run away? Possibly, it is UKIP because it does not like that kind of thing as it is too common in Brussels.

**Lord Deben (Con):** My Lords, in Suffolk it took us a very long time to get used to getting rid of the word "coomb", which used to be how we would weigh corn. The problem was that other counties had a different coomb so it was quite difficult to compare one with another. Gradually, we came to terms with the idea that you might have tonnes - which we have now more or less accepted. However, this House should be very careful about this amendment because we are less well qualified to talk about this matter than most. Young people do not have a problem: they have only one system of measurement. My young are in their 20s and 30s. If I say, "Oh, it's about 22 yards away", they have no idea what I am talking about. One reason why the *Daily Telegraph* has been losing readers is that it still uses only imperial measures, which limits one's audience to a particular age. Given its views, that is probably quite suitable for that newspaper.

There is a simple way around this, and I want to ask the Minister to help me. It is perfectly reasonable for an aged gentleman doing his shopping to be able to ask for a pound of apples. I can see that if you have never asked for half a kilo, it is somewhat difficult. Equally, it is perfectly reasonable for shops at a local level to make that kind of arrangement. But we have had from my noble friend Lord Taverne an example of something quite different, and that is the railway industry. If that industry cannot use one system, and if we cannot organise people to use one system for measurements, what then? Of



course we could go back to using imperial measurements, but it is more difficult to add up, multiply and divide using that system. I remember that there are 1,760 yards in a mile, but most people who are aged under 40 do not.

This seems to me to be one of the most footling battles I have ever heard of. It really is not sensible to say that our sovereignty is being impinged by a system that is easier for us all and which means that we can communicate with people. We would still have to talk to them even if we were not in the European Union - it would be very silly indeed to suggest that - so would it not be a good idea to use the same language? The people who want to carry on with imperial measures grow fewer and fewer as the days go by.

I would like us to take one tiny step - I hope that the Minister will be able to say something by way of encouragement - which is that in all areas that are not about the immediate local connection between a shopkeeper and a shopper, only one measurement shall be used. That should not be too difficult to achieve. The shoppers and shopkeepers will change as they die off. Indeed, I notice that in my local village shop there are people who ask for their goods in either one measurement or the other. That will change and it can happen as slowly as we want, but surely any normal business-to-business activity - all of us now know what the term B2B means - ought always to be carried out using metric measurements.

I end by saying that I am experienced in this because a friend of mine was the chairman of the Anti-Metrication Board, an organisation set up by those who felt that something deeply awful was happening to Britain. I know that my noble friend takes that view on most things. The board had a mystical view about the fact that you could not measure ley lines using the metric system. There are few in this House who wish to measure ley lines. I am happy if the Government decide that in future ley lines may be measured only using the imperial system, but could they please ensure that all normal, reasonable activities other than the very smallest ones can be done using one of the most remarkable inventions of all? It took the great step from Roman numerals to Arabic numerals one stage further and gave us a system that even I can use simply and surely. Please let us not go on fighting a battle against Napoleon.

**Baroness Jolly (LD):** My Lords, I start by thanking my noble friend Lord Taverne for his well considered speech and the thorough explanation of his amendments. UK weights and measures legislation works by focusing regulation on measurements and equipment that are in “use for trade”. This ensures that the primary focus is on those transactions where consumers need to know the quantity they are purchasing, how it compares to alternatives, and that they can rely on the quantity being accurate. The fundamental principle behind weights and measures policy is that every measurement used for the purpose of “use for trade” should be subject to the minimum level of regulation to ensure that businesses and consumers are protected against short measure and can have confidence in measurements.

Any transactions being made by reference to quantity or any statement of quantity made or implied in relation to a transaction is caught by the term “use for trade”. It applies widely and is intended to apply not just to the transaction itself but to any use, “in connection with or with a view to”, a use for trade - perhaps that is B2B. That would already cover most advertisements or product descriptions for goods. However, there are some cases, of which my noble friend highlighted several examples, where a product is not being sold on the basis of quantity and so the unit itself is not being used “in use for trade”. In these cases the usage would fall within the more general rules on what constitutes a legal unit as set out in the Units of Measurement Regulations.

This additional legislation, outside the Weights and Measures Act, makes it clear that metric units are the legal unit for any purposes beyond “use for trade”. Therefore, the use of a non-metric unit in the examples given by my noble friend are already not legal uses under the existing legislation. The Government are not aware of any

significant demand from business or consumers to extend the scope of offences under the Weights and Measures Act to cover uses of units of measurement beyond “use for trade” or to extend what is caught by “use for trade”.

However, this morning I was glad to meet my noble friend and officials in order to talk through the issue. He raised an important point about how product descriptions and advertisements are being used in the marketplace, and the potential impact on consumer protection. We have tried to clarify the issue. The Government will commit to taking this forward with the relevant industry bodies to remind them of the current legal position and the importance of providing clarity for consumers. I hope that in due course we will not have a mixture of square metres and square feet when describing rooms so that we can purchase carpets more easily. As my noble friend stated, the Government do not believe that it is in the national interest for further metrication to take place against the wishes of the UK public. I fear that my noble friend’s bid for total metrification will have to wait a while - but I sincerely hope not 800 years.

While my noble friend has clearly targeted his amendments at units of measurement, I would be concerned at the risk of unintended consequences from making any extension to the scope of weights and measures law and the risk of causing confusion by duplicating existing legislation. The UK is already a metric nation, along with most of the rest of the world, as my noble friend said. The majority of UK businesses and the public sector switched to metric units almost 20 years ago. The vast majority of trade is now undertaken using metric units, and metric has been taught as the primary unit of measurement in UK schools ever since 1974. Over time, public support for metric units is increasing, and as we have heard, especially among young people. Businesses that are not providing metric units risk losing business as more and more people are using metric in everyday life. My noble friend Lord Deben asked why single units could not be required for other purposes. These uses are already regulated, and metric units are the legal measurements required under the Units of Measurement Regulations. However, imperial units can always be permitted as a supplementary indicator.

I hope that noble Lords are reassured that “use for trade” already applies widely and catches all transactions which are based on quantity. Even in those cases where “use for trade” does not apply, the legal units are already defined in law. Therefore, I ask my noble friend to withdraw the amendment.

**Lord Taverne (LD):** My Lords, my Amendment 40B might possibly have unintended consequences and I was not going to move it. If the Government do in fact live up to their promise and ensure that the professions and those responsible for enforcement tell people exactly what the law is, which is that it requires that metric units should take priority even in advertisements and descriptions, that will meet my objections. I am very happy to withdraw the amendment.

*Amendment 40A withdrawn.*

*BWMA comment:* Baroness Jolly says on 29 October, and reiterates on 24 November, that the law applies “... not just in the transaction itself but to any use in connection with, or with a view to, trade. That would already cover most advertisements or product descriptions for goods”. This makes no sense, since “trade” in this context refers to per unit transactions (i.e. loose goods), not descriptions. It is also inconceivable that metric regulations extend to advertising, since (a) advertising is discretionary and (b) “trade” requires both a buyer and a seller, and there is no means in law of confirming, still less identifying, the existence of the prospective buyer. Even more baffling is that Baroness Jolly makes these claims not once, but twice, a month apart, in response to Lord Taverne’s clearly expressed assertion that the regulations do not apply. Under the circumstances, Baroness Jolly would surely have sought clarification from advisors. We are writing to the government for its comments.

## Appeal to Ofcom

In *Yardstick 54*, we reproduced an email from the BBC to Rex Poulton, banning him from making any complaints about its use of metric units until 21 November 2015. Rex appealed to Ofcom, and here we present its reply, dated 30 April 2014:

Dear Mr Poulton

Thank you for your email to Ofcom's Chief Executive, Ed Richards, dated 9 April 2014 ... Ed Richards has asked me to reply on his behalf.

### Background

In your previous correspondence with Ofcom you raised a number of issues which I will cover in more detail below. Firstly, it may be helpful to summarise Ofcom's broad understanding of metrication in the United Kingdom.

In 1969 UK government policy to support voluntary metrication (requested by industry) was initiated and the Metrication Board was created to co-ordinate its use for trade. Following the United Kingdom's decision to become a member of the European Union, formerly known as the European Economic Community ("EEC") on 1 January 1973, the UK was required to implement into domestic law all EEC directives. These included an earlier 1971 directive to introduce the use of metric units in economic sectors other than trade and the use of international standard ("SI") based units. The requirements under this EEC directive were later replaced by a new 1980 European directive which allowed the continued use of imperial units in trade until 1995.

Our understanding is therefore that the use of metric measurements in the UK is compulsory in some but not all contexts, and is now widespread and accepted by many - but not all - in the UK. It is obvious that in some contexts some people remain more comfortable for example with using and referring to miles rather than kilometres, and pints rather than litres.

### Ofcom's role and duties

Under the Communications Act 2003, Ofcom has a duty to set standards for programmes on television and radio in services in areas such as to ensure that generally accepted standards are applied to the content of television and radio services as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material. These standards are set out in the Ofcom Broadcasting Code ("the Code") in the form of rules that broadcasters must abide by. This Code applies to all broadcasters licensed by Ofcom, and to the BBC. As previously advised a copy of our Code can be downloaded from our website at <http://www.ofcom.org.uk/tv/ifi/codes/bcode/>

The Code does not contain any specific provisions about the portrayal of metric measurements. In our view, in light of the background I have set out above, the use of metric measurements in the UK is lawful, and so in principle on British television reference to such measurements would not raise any issues under the Code. As Alistair Hall pointed out in his email to you on 2 April 2014 we regard the use of metric or imperial measurements in programmes as an editorial matter for individual broadcasters (including the BBC).

### Ofcom and the BBC

I note that you appear to have already had quite extensive correspondence with the BBC about this issue and the BBC's view is that "metrication does not breach BBC editorial guidelines" and it has informed you that it has "now decided no longer to communicate with" you.

You ask why Ofcom "is unable to draw BBC Trust attention to" the "[f]ailure of the BBC to comply with its Memorandum of Understanding obligations agreed with Ofcom", and [why] the "BBC publicly fails to apply its own editorial guidelines, broad-

ly identical with Ofcom's Broadcasting Code which commercial broadcasters must obey".

Although the BBC is not licensed in the same way as commercial broadcasters, as you are aware, under the Communications Act 2003, observance of the Code is required by the BBC as set out in the BBC's Royal Charter. The Memorandum of Understanding between Ofcom and the BBC Trust sets out the areas of responsibility for Ofcom and the BBC Trust in the application of the Code to the BBC. In summary, and insofar as relevant to your concerns, Ofcom regulates the content of the BBC in all areas except Section Five (due impartiality and due accuracy and undue prominence of views and opinions) and Section Six (elections and referendums). These two areas are the sole responsibility of the BBC and the BBC Trust. Their decisions in these areas are final. To the extent therefore that your complaint concerns an alleged lack of due impartiality by the BBC in their presentation of metric measurements, the BBC's view on this issue is final.

In your email of 9 April to Mr Richards you referred to other potential issues under the Code which you considered might be raised by the BBC's use of metric measurements e.g. protection of the under 18s and the application of generally accepted standards. These are covered by Section One and Section Two of Code respectively. The BBC's editorial guidelines aim to reflect the Code in all respects to the extent that the BBC must comply with the Code - and indeed in some respects they impose higher standards on the BBC than are applicable through the Code to commercial broadcasters.

You say that the BBC's view is that its use of metric measurements complies with its editorial guidelines. I cannot comment on this. Compliance with these guidelines is a matter for the BBC and not Ofcom.

I fully understand your strong feelings about the use of metric measurements. Some individuals still prefer to use imperial measurements for various reasons. This does not mean however that broadcasters are, or should be, under any obligation under the Code to use exclusively or primarily imperial measurements in programmes. As I have already indicated, the use of metric measurements by a broadcaster is a matter of editorial discretion.

On the basis of your letters I therefore am not aware of any evidence that the BBC has failed to comply with the Memorandum of Understanding or the Code as regards the use of metric measurements in its programmes. In these circumstances I do not think it necessary or appropriate for Ofcom to draw the attention of the BBC Trust to the issues you are concerned about ...

Trevor Barnes

Head of Harm, Offence and Fairness Standards  
Content, Standards, Licensing and Enforcement (CSLE)

### Kilometre road paint marks

*Yardstick 55* reported metric paint marks placed on the road by Calderdale Council for the Tour De France. Calderdale Council's Technical Assistant Helen Martin justified these paint marks on the grounds that Kirklees Council had placed "similar" marks on the road, thereby setting a "precedent". Our friend Les Harrison went to see these marks for himself, and sends us the following field report, dated 10 August 2014: "I travelled the Holme Moss road out of Holmfirth over the top and observed the graduations that Helen Martin, of Calderdale Council, alluded to as 'setting a precedent'. As she says they are marked on the road surface as a white marker line just like the Cragg vale ones. However, the numerical graduations marked on them are in imperial measurements of 1 mile and fractional markings of 3/4 mile, 1/2 mile and so on, until arriving at the summit they reduce to yard graduations of 100yds and decreasing until you are at the top. It would seem that the 'peleton' of the Tour De France are therefore quite capable of using the imperial system for their tour, contrary to what Mr Willerton attempted to emphasise in his correspondence to you!"

## Neil Hamilton and BWMA

THE HISTORIES of metrication and “cash for questions” cross paths, for accusations against Neil Hamilton, apparently by Mohamed Fayed and published in the Guardian in 1994, derailed the earliest efforts to stop EC Metrication Directive 80/181. Hamilton was then Corporate Affairs minister, responsible for units of measurement and personally committed to retaining British weights and measures; but the allegation that he had received payments of £2,000 a time from political lobbyist Ian Greer for asking Parliamentary questions forced Hamilton to resign, meaning he was no longer in place to block regulations compelling the metrication of packaged goods in 1995. Hamilton’s efforts to implement a Deregulation Order from the backbenches in 1996 were again compromised by the allegations, which blew up the same week that BWMA wrote to every MP in support of his initiative. The ban on imperial scales came into effect on 1<sup>st</sup> January 2000, and the rest is history.

From the outset, there was something *not quite right* about the “cash for questions” affair. TV coverage consisted of journalists shouting at Hamilton as he went in and out of buildings, which obscured a problem with the allegation itself: why would anyone pay an MP £2,000 to ask the government a question? All one has to do is write a letter; BWMA does it all the time.

Neil Hamilton is an Honorary Member of BWMA and we are duty-bound to have a position on the allegations against him. In February 2012, the BWMA Committee passed the following resolution:

“Members of BWMA’s Committee, having digested evidence relating to the “cash for questions” allegations compiled in the book *Trial by Conspiracy* by Jonathan Boyd Hunt, agreed that Mr Hamilton is innocent of the allegations against him. Accordingly, we agree to confer on Neil Hamilton Honorary Membership of the Association. We are open to the view that Mr Hamilton was the victim not only of a miscarriage of justice, but of a criminal conspiracy, and wish to see a new investigation into the matter”.

There we had intended to let the matter rest. But with Hamilton back in the news, and the press linking him to “cash for questions” in virtually every article, we are obliged to justify why we believe Neil Hamilton is innocent, and why therefore he holds his position of Honorary Member.

Guardian editor Peter Preston said in his witness statement in 1995 (in response to Hamilton’s first intended libel action) that the Guardian’s front page allegation of 1994 arose from a conversation he had with Fayed in mid-1993: according to Preston, Fayed told him that Ian Greer had sought cash from Fayed to pay Hamilton (and another MP, Tim Smith) to ask Parliamentary questions. These are Preston’s words: “*Fayed then told me that ... Greer had approached him offering his services [including arranging for Hamilton] to ask questions in the House of Commons for which he would require cash to pass on to the MPs*”.

But when Preston produced a new statement in 1999 (in response to Hamilton’s second libel action), the phrase “... for which he would require cash to pass on to the MPs” was omitted, and a new phrase was added: “*Fayed went on to talk about Neil Hamilton and Tim Smith together and said that they had been receiving cash from him in order to ask Parliamentary questions*”. Thus, Preston’s 1999 statement says that what Fayed told him in mid-1993 was that Fayed paid Hamilton personally.

Preston says that, after his meeting with Fayed, he briefed journalists John Mullin and David Hencke to interview Hamilton. Mullin’s 1999 statement supports Preston’s of that year: “... even at this early stage the specific allegation which had been made was that Mohamed Al Fayed had paid the two MPs direct and the money had been given in brown paper envelopes”. But this is not what Preston says Fayed told him in his 1995 statement.

In 1997, the Downey Enquiry cleared Hamilton of the original allegation, taking illicit payments from Greer; but declared Hamilton guilty of taking cash from Fayed direct, in brown envelopes. This is why the claim of a Fayed-to-Hamilton brown envelopes allegation existing *from the outset* is so important, to show that it had not been introduced retrospectively. Due to the conflict with Preston’s 1995 statement, we place no weight on the 1999 testimonies of Preston and Mullin, that Fayed made any such claim to Preston in mid-1993.

*Note: copies of Trial by Conspiracy and further information indicating Neil Hamilton’s innocence is available from John Gardner at the Croydon address, or via the email on the back page.*

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### **Decimal Watch: “Nurse who gave wrong dosage to baby found guilty of misconduct”, *The Irish Times*, 2 December 2014**

A nurse who gave the wrong dose of drugs to a baby in intensive care and deliberately hid her error has been found guilty of professional misconduct ... The inquiry heard Ms Chavez put a decimal point in the wrong place when she administered the infusion of drugs which meant that 10 times the recommended amount was given to the child over the six hour period. She later realised her mistake but did not inform any other staff member and altered the record of administering the drugs on the recording system ... Nurse Tracey Wall said Ms Chavez was suspended and a full investigation into the incident was set up which she fully complied with. Ms Wall said structures were put in place to support Ms Chavez as she was anxious and upset about what had happened.

### **Scotts & Co, Wiltshire catalogue & gift company**

*BWMA member Ian McKay writes to Scotts & Co, 3 November 2014: Why have you suddenly started using metric measurements in your Original Gift catalogues and your Scotts of Stow catalogues? Part of the attraction of doing business with you people was that you used the English language in your product descriptions. Foreign units of measurements do nothing for me, I’m afraid. Would you please return to British units, or if not, remove my name from your catalogue mailing list please.*

*Scotts & Co: Thank you for your email. We have moved to metric dimensions due to public demand. I am sorry that you are unhappy with this, but it will not be going back to Imperial dimensions in the future. I will remove your name from our mailing list with sadness as we do not like to hear of our customers being upset, especially a good customer like yourself.*

Diane Mathieson, Customer Services, Scotts & Co., 1 Crompton Road, Groundwell Wiltshire SN25 5AW

## Letter to the Prime Minister, 5 November 2014

Dear Prime Minister

Our Association campaigns for the retention of imperial weights and measures, such as feet and inches, and pounds and ounces.

On BBC TV's Newsnight programme on 29 September 2014, you were asked by the interviewer whether children should be taught kilograms or pounds and ounces. You replied,

*"I think I'd still go for pounds and ounces, yes I do ... when I'm baking a cake, I do it in pounds and ounces"*.

You were also asked about two men kissing in a park; you replied,

*"That's fine... I think men should be able to marry each other, and women should be able to marry each other"*.

However, there is a difference in your government's legal approach to these matters. The government has legalised same-sex marriage; yet, it has refused to legalise pounds and ounces for purposes of trade.

This is despite your assurance in 2002 that:

*"Whether traders choose to sell in imperial or metric units should be a matter between them and their consumers"* (letter, 20 December 2002).

Please explain why two consenting men, or two consenting women, should be allowed to marry, but two consenting adults may not trade in pounds and ounces.

John Gardner  
Director, BWMA

### **Holding letter from the Direct Communications Unit, 10 Downing Street, 27 November 2014**

I am writing on behalf of the Prime Minister to thank you for your letter of 5 November. Your correspondence is currently under consideration.

Yours sincerely [illegible signature]

Correspondence Officer

### **Reply from Lynnette Falk, Director of Regulation, the National Measurement Office (an Executive Agency of the Department for Business, Innovation & Skills), 12 December 2014**

Thank you for your letter dated 5 November addressed to the Prime Minister and concerning gay marriage and units of measurement. This has been passed to the National Measurement Office for a reply.

Both the examples you have given in your letter, relating to gay marriage and units of measurement, show the Government's commitment to personal choice.

When it comes to trade, business and science, it is important that Britain has a single, consistent set of units of measurement. This ensures that everyone is provided with information on goods in a consistent way, allowing them to compare prices and quantities between different sellers or different products. It also ensures that British business and science is not disadvantaged by using a system out of line with the majority of the rest of the world. Since the 1990s the UK has used the metric system as its legal system, with imperial units available to be used alongside as supplementary indications.

The Government supports choice for consumers through its policy on units of measurement by continuing to allow imperial to be used alongside metric. In this way businesses and the public sector can choose to use imperial units, alongside metric, for those people who prefer or are more familiar with them. The Government has given a commitment that imperial units will continue to be supported as supplementary indications for as long as consumers and businesses find them useful. In this way those with a personal preference for imperial units can be accommodated within the existing system. This preserves personal choice whilst ensuring the UK has a single legal system of units of measurement that provides the consistency needed to support efficient markets and international trade.

There is nothing in the law to prevent home bakers from choosing to use imperial or consumers from requesting imperial quantities of goods.

I hope that you find this reassuring.

Lynnette Falk  
Director of Regulation

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