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Metric exit

There are two obstacles to the restoration of imperial weights and measures in the United Kingdom: the European Union's intransigence over EC Directive 80/181; and the political culture of Britain's own ruling class. On 23 June 2016, *half* our battle was won.

Metrication was not an issue in the referendum, but between 1995 and 2002, it was the issue, more than any other, that drew the public's attention to the European Union's effect on British life, and which started the country along the road to the referendum result.

We now have the task of restarting the discussions that BWMA had with the British government in 1995, then conducted under the impression that the government was *running the country*, but which we abandoned in 2000 when it became apparent that the government was merely executing EU instructions.

These are early days; there is, as yet, no indication that the British establishment is ready to change, but we will be pressing the new Prime Minister to promise that (a) the invoking of Article 50 of the Lisbon Treaty will provide for disapplication of relevant Directives (80/181, etc.) and (b) the government will commit itself to the necessary revision of the 1985 Weights and Measures Act before the next election.

www.anAcreofPints.com

We are pleased to draw attention to the above website run by our friend Peter Breen of Ireland, "making the case that the imperial system should not be banished to history". Meanwhile, documentary maker Brace Club has produced an 18-minute film on the sign-improvement work of Active Resistance to Metrication, which is available to view (dated 14 April) at www.facebook.com/ARMforUK

Sir Roger Scruton

We are delighted to see that Honorary Member Roger Scruton has been knighted. To mark the occasion, we reproduce his article from *The Times*, published in December 1999, shortly before the outlawing of pounds and ounces for foods and goods sold loose.

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.

Getting Your Letter Published

This article by Alistair McConnachie concerns letters to newspapers, but its points are equally valid when writing to Members of Parliament, businesses and organisations.

Letter writing to the local and national press is an excellent way of using the existing media system for our own ends. We don't own it, but we can use it. A letter in a national daily will be read by hundreds of thousands of people and a letter in a local paper will be read by tens of thousands of people. If you don't mind other people knowing your opinions, then it's worth having a go.

THE IMPORTANCE OF LETTER WRITING

The mission of letter writing is to communicate, educate and convince. By keeping the issue in front of the public day after day we let the people know that this is something they should have an opinion on, we give them the information which can help them to make sense of their world, and we aim to persuade them of the rightness of our ideas. Ultimately, if the only word the people read is the government or EU word, then we are lost.

Occasionally, I receive a copy of a letter from someone who complains that it was sent to a newspaper but never published. Sometimes, he or she may fancy that there is some "conspiracy" against their opinions being heard. Generally, however, they are wrong. On careful examination, it is often hardly surprising that the letter wasn't used. It can fall down in several places. Usually, it's far too long, makes too many points which are often unclear, is written in a style quite unsuited to the journal it was sent to, and may be too emotional.

However, like all things, the more you do it, the better you get. And if you do get published, then share your letters with others who are writing on the same subject. Don't be afraid to crib. If it works for them, it can work for you.

A well-crafted letter which conforms to the following basic rules will stand a good chance of being published. If you want to see your considered opinions in print, stick to the following:

Keep it Short - Your chances of having a letter published, and read, increase considerably if you keep it fairly short. Of course, there are exceptions, especially with some local newspapers, and in Scotland, *The Herald* usually carries quite lengthy and involved pieces. However, in general, a short letter is more likely to be published, more likely to be read, and consequently will be more effective.

Keep to the Point - Keep the letter to a maximum of two, and ideally, one point. Sometimes, there's a tendency to cram in as many points as you can. However, the most effective letters are those which leave the reader with a clear understanding of one key point that he can remember and repeat. Otherwise, your message will drown in an ocean of words. If you want to make other points, there will be opportunities to do so in future letters.

Keep it Polite - No matter how angry you may be with a previous correspondent, or columnist, do not resort to personal abuse. You won't be published, and if you are, it

won't reflect very well on you. You won't convince anybody by patronising, insulting or mocking them. Always seize the moral high ground on every issue. Never say anything in print that you wouldn't be prepared to say face to face to someone. Don't think you can hide behind newsprint. Remember that writing a letter to a newspaper is a public act and so whatever you say, be prepared to stand behind it.

Keep it Factual - If you make any kind of statement, ensure you can back it up with appropriate references if you are ever asked. If you quote someone then it can help to give the date and source. If you can quote from, and reference, any published works on the subject then that can add to the authority of your opinions. It can help to list the reference after the letter, even if you don't include it in the body of the text. That will show the Letters Editor that you can back up what you say.

Keep it Informative - Tell the readers something they don't know. Use the opportunity to educate. This can be one of the most satisfying aspects of letter writing. There is a lot of stuff out there that ought to be brought out. People will sit up and take note when they read something different, interesting and unexpected. It may even provoke the reaction - enthusiastic or indignant - **from which change emerges**. Spread useful knowledge: That is, knowledge which is easily understood, easily remembered and easily repeated.

ADVICE ON STYLE

Keep it Objective and Avoid Emotionalism - Unless it is appropriate, avoid "I" as much as possible. Also, emotive language, which is good for a speech or a press release, can sometimes look out of place in a published letter. Respect the meaning of words if you want to be taken seriously and don't engage in hyperbole.

Keep it Forthright - Don't be afraid to state something plainly. It is far better to write "It is ..." than to write "Surely, it is ..." Similarly, don't write "In my opinion ..." Just give us your opinion! Also avoid long-winded phrases such as "Your readers may be interested to learn that ..." Just get to the point!

Keep it Relevant - Try to tie your point into a relevant local or national issue. Use examples that people can relate to.

Keep it Concise - Cut the waffle. Don't use 100 words when 10 will do. A good letter is like a carving. It needs to be pared down to its bare essentials.

Keep it Positive - Don't be a doom-monger. No matter how depressed you may be, don't spread negativity. Spread the solution, not the problem.

This article first appeared in the October 2000 issue of *Sovereignty* – which ran for 120 monthly issues between July 1999 and June 2009. You can buy the complete 10-year back issue set - worth £162.50 - for the reduced price of £89 which includes p+p, a 45% discount. Cheques payable please to Alistair McConnachie, at 268 Bath Street, Glasgow, G2 4JR.

Visit Alistair's website (www.aforceforgood.org.uk) or see him on Youtube (search UKaForceforgood)

Metric supporter speaks his mind

BWMA received the following email from one J. Ransome:

I pity the fools who are members of your pointless organisation.

Why are you so pathetic, that you think people actually like imperial units? I don't know how many yards are in a mile and quite frankly, I don't care. But I do know (and anyone with a brain will know) how many metres are in a kilometre. Why? Because it is simple and easy to understand, unlike imperial units which are a hotch-potch of daft measurements that look like they've been created by a three year old.

You go on about how converting to the metric system costs money. Well do you not think that forcing councils to replace metric signs with pointless imperial signs costs the taxpayers an awful lot of money too?

Many of your so called 'metric martyrs' seem quite simple and sub-intelligent and I find it sad that organisations such as yours use them as scapegoats for your tiresome anti-European tirade. Isn't it astonishing that all respectable retail outlets offer goods in metric yet it is only a few rogue market sellers (not the highest skilled job in the world) who don't seem to comprehend why metric is better?

I also notice that most of your members are old. This isn't surprising as younger people, who have had a better education, realise that metric is better and prefer it to imperial. I myself am only 19 years old and I don't understand imperial units one bit - neither does anyone I know my age.

Just accept that your time has gone and a younger generation will eventually get their way and bring the metric system fully into UK life.

You are fighting the inevitable.

BWMA comment: It is instructive to assess J. Ransome's email in the light of Alistair's advice on the page opposite. On the plus side, J. Ransome is to the point, forthright and relatively short; on the downside, he is emotive, not altogether factual, and arguably impolite. BWMA members should not fall into such traps when writing to companies, organisations and newspapers.

Weather reports: BWMA (John Gardner) letter to BBC, 15 December 2015

I was watching BBC News weather on 5 December 2015: at 12.30pm, the presenter referred to "300 millimetres" of rain; at 1pm, he referred to "150 millimetres" of rain. Why was the millimetre used for these descriptions?

The millimetre gives a false impression of accuracy; its use implies rainfall is being measured to within one millimetre, and this is unlikely to have been the case. The amounts of rain referred to are more commonly understood as a foot of rain, and six inches of rain, respectively.

Why not use terms that are in common use? The audience are not meteorologists. We look forward to your explanation.

BBC reply, 7 January 2016

Thank you for contacting us regarding the BBC News on 5 December. I understand you're unhappy that the weather forecast used millimetres rather than inches. There is no

BBC policy enforcing absolute usage of either the metric or the imperial system. We aim to reflect common usage in this country today and to aid understanding for different audiences.

The metric system is becoming increasingly widespread, and has been taught in schools for many years now, but many people, for example, usually refer to their own heights in feet and inches, or their own weight in stone. Programme makers, producers and presenters are allowed to use their own judgement to use what different audiences will find easiest to understand. I hope this helps to clarify our policy in this area, however I appreciate you may disagree.

David Currie, BBC Complaints

Further BWMA letter, 17 January 2016

Thank you for your letter of 7 January. You state, "Programme makers, producers and presenters are allowed to use their own judgment to use what different audiences will find easiest to understand ... I appreciate you may disagree".

We were not expressing disagreement with the notion of programme makers using judgement. Our point is that the programme maker exercised no such judgement in the examples cited. Members of the public do not think or speak in terms of "300 millimetres" of rain or snow; they say "a foot".

It is probable that the programme maker was simply repeating rainfall data as provided by meteorologists, in a format chosen by meteorologists, for meteorologists. No consideration was given to whether the format was suitable for the general viewer.

Having clarified our complaint, can we now look forward to BBC Weather exercising judgement in the manner that you describe?

BBC reply, 3 February 2016

Thank you for contacting us again about metric vs imperial measurements. In our last response we outlined our editorial position on the use of measurements given to the audience. We appreciate your view that in this case you feel they did not use the correct judgement.

We thank you for your feedback on this, as it helps us shape the way we do things. Thank you for your time in contacting us about this, it is most appreciated.

We are sorry to tell you that we have nothing to add to our previous reply. We do not believe your complaint has raised a significant issue of general importance that might justify further investigation.

We will not therefore correspond further in response to additional points, or further comments or questions, made about this issue or our responses to it.

We realise you will be disappointed to hear this but hope this explains why we are not able to take your complaint further. If you remain dissatisfied about our decision you can appeal to the BBC Trust ... etc.

Thank you again for contacting us.

Neil Salt, BBC Complaints

Internal government correspondence from 1994 and 1995, regarding legal advice on EC Directive 89/617

The following three letters were located in the National Archives by Stuart Delvin; they concern legal advice given to the government in October 1994 on the implementation of EC Directive 89/617.

The first letter, by Martin Oldham, requires careful reading; it states that Parliamentary Counsel had objected to generic legislation intended to (i) convert legislation from imperial to metric via conversion factors; and (ii) declare that contracts that refer to imperial are not void, even though metric is required for the "generality of trade".

This second aspect seems slightly ambiguous, but it is clarified by Michael Heseltine in the second letter: there are uses of measurement that are regulated by government (where the government requires a particular unit to be used), and there are general product descriptions where the choice of unit is left to sellers and buyers. Heseltine indicates that, previously, the government's legal advice was that the EC Directive applied only to the former category; now, however, Parliamentary Counsel had changed their view, and said that descriptive measurements should also be in metric.

The final letter, from Peter Lilley, is a breath of fresh air, and needs no elaboration.

Letter from Martin Oldham, civil servant, to Earl Ferrers, minister responsible for Consumer Affairs, 26 October 1994

Metrication

1 Issue - Parliamentary Counsel has raised objections to our plans to complete implementation of the Units of Measurement Directive.

2 Recommendations - to note:

(a) that in the light of Parliamentary Counsel's objections DTI Solicitors are seeking further advice from the Law Officers;

(b) that there are potentially serious political and financial implications risks for business;

(c) the possible need for urgent guidance to business private contracts made after 1 January 1995.

3 To agree:

(a) the advice to be given to other government departments (para 11);

(b) The proposed line to take in the Parliamentary debates if questions are asked about the problem areas (para 12).

4 Timing - the problems may attract attention when the Lords and Commons debate DTI's metrication orders on 1 November [1994]. The advice to other government departments should issue soon to minimise the

need for amendments to legal instruments now being prepared.

5 Background - the 1989 Units of Measurement Directive requires member states to use the metric system, and to cease use of the imperial system, for "economic, public health, public safety and administrative purposes." This obligation applies to: "measuring instruments used, measurements made and indications of quantity expressed in units of measurement."

6 Parliamentary Counsel is objecting to the so-called "generic legislation". The rest of the implementation programme is proceeding according to plan. The proposed generic legislation has two aims:

(i) to avoid the need for a massive programme to change each and every reference to an imperial unit in legislation and legal instruments - it would do this by specifying generally applicable conversion factors;

(ii) to dispel doubt about the enforceability of private contracts which contain references to imperial units - it would do this by saying that such contracts are not void even though, as a result of the legislation we are making, it will be a criminal offence to use imperial units as the primary units of measurement for the generality of trade.

7 As regards (i) Parliamentary Counsel argued that applying a single conversion factor could not be relied upon to achieve a sensible result in all cases. As regards (ii) he doubts whether there are vires to do what we have asked and suggests that it may, in any event, be in breach of the Directive because it gives continuing official recognition to imperial units.

8 DTI Solicitors are seeking advice from the Law Officers as to the extent of the requirements made by the Directive: what legally has to be done, the legal risks involved in not doing it, and the options available for minimising those risks.

9 Assessment - if we are advised that we are legally bound to change all existing legislation and other legal instruments and cannot find another way of achieving the aims of the generic legislation, there are serious implications: -

Political - we should be criticised for kow-towing to Brussels if it appeared that government resources were being wasted on a massive and unproductive legislative exercise and that we were stopping people from using imperial units at all rather than stopping their use only in particular circumstances. There is also a risk that if legislation is not "metricated" it may become unenforceable because it would not conform with EU requirements.

Financial - there would be a risk of fines for infringement and claims for compensation if anyone suffered loss: for example, as a result of legislation not being enforceable. The impact is unquantifiable at this stage but the sums involved would be large.

Business – we would need to issue guidance to business alerting them to the risk of unenforceable contracts. Businesses may need to amend contracts now under negotiation which may be signed after 1 January 1995 and to make changes to standard terms and conditions. No estimate of compliance costs has yet been made but the sums involved would be large.

10 We will need to consider how to deal with all these matters in the light of the Law Officers' advice. However, there are two matters which cannot wait.

11 We need to remind other government departments to make sure that all new legislation and legal instruments issued by them and official bodies for which they are responsible should cease to use imperial units. We should, however, advise them against embarking on a massive program to metricate existing legislation before seeking the Law Officers' advice.

12 The suggested line to take in replying to questions from the public and in Parliament about these matters is as follows:

Do the instruments now before Parliament complete implementation?

The instruments amend UK legislation governing authorised units of measurement [if pressed: we are considering whether anything further is required.]

Will contracts which refer to imperial units be enforceable?

It is for the courts to decide on the enforceability of contracts. However, we believe that the risk of non-enforceability is remote [if pressed: We are considering whether it is possible by legislation to put the matter beyond doubt or, if not, what guidance should be given to business.]

13 Clearance - An earlier draft of this submission has been seen by Solicitors DU and FRM.

Martin Oldham

BWMA note: the final paragraphs of Martin Oldham's letter give an insight into how the government prepares for questions: there is a preliminary answer, and then a second answer, lined up and ready to go, "if pressed".

Five days later, on 1 November 1994, Trade Minister Ian Taylor MP told a standing committee that, "... *imperial units will not disappear. There will only be a change to metric measures where the law presently provides for the use of imperial units*". This assurance ran counter to the revised view of Parliamentary Counsel, that the Directive applied universally.

After 21 minutes deliberation, the standing committee approved the Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994, which made metric compulsory for regulated uses (packaged foods and loose foods and goods), but which left unaffected unregulated uses.

Letter from Michael Heseltine MP, President of the Board of Trade, to Douglas Hurd, Secretary of State for Foreign and Commonwealth Affairs, 30 January 1995

METRICATION IMPLEMENTATION OF UNITS OF MEASUREMENT DIRECTIVES

Recent advice from the Law Officers has obliged my Department to reconsider the basis on which we have implemented the Units of Measurement Directives. I am writing to seek your views and those of colleagues on our revised proposals for implementation.

There are three main proposals which are set out below. The first two proposals are relatively unproblematic. The third proposal is fraught with difficulty and potential embarrassment. It appears that, since the Treaty of Accession in 1972, successive Governments have on the basis of legal advice misinterpreted the significance of the requirements in the Directives to harmonise the system of measurements used in the Community.

In the past it was believed that the Directives did not require us to stop the use of non-metric units in the generality of cases. It was considered that our obligation was to withdraw official recognition from such units (i) by converting any references in legislation to non-metric units into references to metric units and (ii) by making a declaration that non-metric units were no longer authorised for use. This was the approach the then Government used in the first implementing legislation made in 1976 and which all Governments have used up to the present day.

The Law Officers have now advised that we must go further and take appropriate steps to ensure that non-metric units are not used - except in the special cases specifically allowed in the Directives. They should not, for example, be used in contracts. This will be an unpopular measure with many people and it will be hard to rebut criticism that it amounts to excessive interference by Brussels in our affairs. However, the Law Officers have advised that this is what the Directives require and that the Government is at serious legal risk until we have properly implemented our obligations.

My first proposal is therefore to go ahead with the legislation to convert references to non-metric units in existing legislation and official documents. They will be converted into references to equivalent metric units: for example the prohibition on knife blades in excess of 3 inches would become a prohibition on knife blades exceeding 1.62 centimetres. The Law Officers have confirmed that this should be done by a single "generic" measure which Parliamentary Counsel is now drafting. This should go a considerable way towards meeting the concerns expressed by John Redwood and John Gummer about the cost implications for local authorities. Until the conversion is made, legislation and documents are vulnerable to

challenge. The necessary legislation therefore needs to be made and brought into force as soon as possible.

My second proposal is that - except in the special cases mentioned in the Directives - references to measurements in new legislation and in new official documents should be expressed in metric units. Failure to do this could make the legislation and documents void. Accordingly it is important that all public bodies should comply with this requirement forthwith. May I remind colleagues to ensure that this requirement for new legislation and new official documents is made known throughout their departments and to any public bodies for which they are responsible.

My third proposal is that we should legislate to ensure that, after a specified date, non-metric units are not used by the public for purposes within the scope of the Directives other than in the special circumstances specified in the Directives. The legislation made in the autumn prohibits from specified dates the use of non-metric units in transactions where goods are sold by quantity - except in certain special cases and where non-metric units are used as supplementary indicators to accompany metric information. However, the legislation does not apply to transactions in land nor to cases where measurements are used solely to describe products (e.g. the dimensions of beds). The implication of the Law Officers' advice is that such descriptive measurements should be in metric units, though the non-metric equivalent can also be shown as supplementary information - what the Directives require us to stop is the use of non-metric units on their own. (The proposed legislation would also convert into the equivalent metric units references to non-metric units in contracts or documents made before the specified date but continuing to have effect after the specified date.)

The Law Officers have identified three possible options for legislation to create a disincentive to the use of non-metric units in cases not covered by the legislation made in the autumn:-

- (i) to make it a criminal offence to use non-metric units
- (ii) to render void any contract which uses non-metric units
- (iii) to specify that contracts which use non-metric units are enforceable only with the leave of the court.

All of these options raise practical and presentational issues but the Law Officers consider that option (iii) is possibly the most satisfactory. The effect of this option would be that contracts would not be upset unless they were challenged. The courts would then decide how far it is equitable to enforce them and could stop short of depriving the contract of its validity if that seems disproportionate. I support option (iii).

For many years my Department has been saying that the Directives do not require us to stop the use of non-metric units in the generality of cases - for example in description of goods. Statements to this effect have

been made in Parliament and guidance to this effect has also been given to businesses. We therefore now need to put the record straight as soon as possible. I have in mind that this should be done by a statement in Parliament accompanied by appropriate publicity.

As the legislation implementing the Directives should have come into force from 1 January, we must now proceed without delay to put before Parliament the legislation proposed above and to bring it into force as soon as possible. Until this is done we continue to be at risk. I hope that it will be possible to make the necessary legislation by the end of February. We should aim to bring the generic provisions for converting legislation and official documents into force during April and the provisions creating a disincentive to the use of non-metric in contracts into force on 1 October. The legislation made in the autumn 1994 also specified 1 October as the date on which most non-metric units would cease to be authorised. This should minimise transitional costs to business by leaving over 6 months for changes to marketing literature and contractual documentation.

I propose to consult interested parties, especially in the business sector, on the proposal to ensure that compliance costs are kept to the minimum.

I understand that there are powers to make the necessary legislation using either the affirmative resolution procedure or negative resolution procedure. In view of the importance of this matter, I believe Parliament will expect us to use the affirmative procedure to provide an opportunity for them to discuss the issues.

Finally, we need to consider how to deal with the Commission on this matter. I suggest that we should aim to notify the legislation proposed above after it has been made so as to give the Commission the minimum opportunity to object. The legislation made in the autumn should be notified at the same time.

I am copying this letter to the Prime Minister, members of OPDE and EDR, to Sir Robin Butler and to Sir John Kerr.

Yours, Michael

Letter from Peter Lilley MP, Secretary of State, Department of Social Security, to Michael Heseltine, 1 February 1995

1. In your letter of 30 January you have proposed a statement to Parliament, followed by legislation to prevent the use of [non] metric measurements in contracts. I fully understand why you feel compelled to propose this approach. However, if we adopt it most people will think we have gone barmy. We would risk being accused of excessive zeal in interpreting directives in the harshest possible way.

2. With the greatest respect to the Law officers, all they can do is try to guess how the European Court of Justice would interpret the directives, if asked. We know

these directives are open to other interpretations – indeed they have been interpreted differently in good faith for nearly two decades. We know, too, that the then British government in agreeing the directives did not intend to require that non-metric systems should no longer be used. The ECJ has in the past reached conclusions at variance with the predictions of the Law Officers. This is not a criticism of the Law Officers. The ECJ seems to be more subjective and less constrained by rules of construing legislation and precedent than are our own courts.

3. I do not know why the Law Officers' advice has been sought. But if no case is currently being brought against us, I would have thought the sensible thing was to do nothing. Indeed, if infraction proceedings are imminent - why not let them proceed. Then we will establish for sure how the ECJ interpret these directives.

4. It is not at all clear what the Government stand to lose if we eventually find that we were obliged to legislate as you suggest. However, if we are convinced it is necessary to respond to the Law Officers' opinion we could pursue another course. We could go to our partners and openly say "we face this unpalatable consequence which none of us intended when passing the directive. Please let us amend them to restore the Council of Ministers' original intention." The change necessary could not possibly affect adversely any of our partners' trade or other interests. So why should they not agree?

5. This would also make clear the consequence which flows from transferring law making powers from Westminster to Brussels. If Westminster makes a law which is subsequently construed by the courts in an unintended fashion we can revise the law. If we agree to a law made by Brussels believing it to be in our interests and find the courts give it an adverse meaning we can only revise it with their consent. This would be helpful when exposing the Opposition's commitment to transfer to Brussels responsibility for law making on social and employment matters.

6. I am copying this letter to the prime Minister, members of OPD(E) and EDH, to Sir Robin Butler and to Sir John Kerr.

Yours ever, Peter Lilley

BWMA comment

This newly discovered correspondence makes sense, perhaps, of the seemingly random announcement by Baroness Jolly in late 2014 that, "*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*" (see Yardstick 56).

In terms of UK legislation, Baroness Jolly is not

correct; the Weights and Measures Act does not affect product descriptions – but perhaps Baroness Jolly had intended to *present it as though it did*, in order to be seen to conform to the EC Directive, if the government had a lingering belief that the Directive had a wider application.

To recap: in 1971/72, the government assumed that general product descriptions were not affected by the EC Directive. In late 1994, Parliamentary Counsel had a change of mind. The standing committee either ignored or was unaware of Parliamentary Counsel's new position. In any event, Peter Lilley said that such views were only an interpretation, that nobody knew what the ECJ would think, and that it did not matter unless there was a legal challenge.

With this new knowledge, we reproduce an extract from the government's September 1995 guidance to businesses ("*Guidance to business on the use of metric units of measurement and the EC Units of Measurement Directive*"), sub-headed "Unregulated transactions":

The majority of commercial transactions in goods, land and services are not regulated by the Weights and Measures Act 1985. These transactions are therefore not subject to any express sanction under provisions in UK legislation that regulate the use of units of measurement.

Business should, however, recognise that the scope of the EC Units of Measurement Directive is wider than regulated transactions ... The following are among the consequences that could follow for those non-regulated transactions that continue to use imperial units:

(i) businesses which had hitherto used imperial units in transactions with other Member States could find that they are excluded from those markets until such time as they convert to metric units;

(ii) the validity of a non-regulated transaction involving the use of imperial units could be liable to legal challenge by a party that argued that the transaction should not be upheld or enforced.

... Where businesses are unsure as to the application of the Directive and of the implementing legislation to their own activities, they should, in the first instance, seek their own legal advice.

In other words, the government sought to *dissuade* companies from using imperial units for descriptive purposes, while not making it unlawful. The government could thus be seen to meet EC expectations by warning companies against using imperial for unregulated transactions, while not actually introducing new laws to enforce it (for to do so would have been politically explosive).

Staffordshire County Council public notices

Letter from Rosemary Herbert, 3 August 2015, to John Tradewell, Director of Democracy, Law and Transformation, Staffordshire County Council

Over many months now as a reader of the Staffordshire Newsletter Public Notices section I have noticed that SCC Notices bearing your name show measurements/distances between locations in metres with no imperial equivalent alongside and I wondered why this was. Unless I have missed something I have always been under the impression that in this country under our Laws we still measure distances in miles, yards and feet as evidenced on our highways/motorways, and given your title of Director of Democracy, Law and Transformation I am sure you will be aware of this. What is the Council's policy on this matter please?

Reply from John Tradewell, 18 August 2015

The UK uses a mixture of metric and imperial measures. The use of metric measurements is standard practice in relation to certain matters (such as planning applications, footpath diversions, etc.) and, as a result, our public notices for such matters use metric measurement. Where the standard practice (e.g. for road speeds) remains to use imperial measurement, our public notices for such matters will use imperial measures.

Letter from Rosemary Herbert, 21 August 2015

Whilst your reply is most informative in many ways I am still none the wiser as to how two separate measurement systems are operating in parallel in this country, which many would agree is confusing when part of the population still think and work out distances in imperial and the rest now in metric.

As I understand it the imperial measurement system is still protected under English Law; in which case, has there ever been an amending act introduced, any White or Green Paper, Queen's speech or more particularly a mandate from the British people themselves, to change the system, which I personally do not recall happening.

I can only conclude that the Council now favour the metric measurement system as evidenced from your Public Notices which now gears it for the benefit of one section of the Community as opposed to all. As Chief Legal Advisor, I am hoping you can supply me not only with the Council's official policy on this matter but how this country has arrived at this ludicrous situation.

Reply from John Tradewell, 3 September 2015

Thank you for your letter of the 21 August 2015. Your understanding of the position regarding imperial measurement is incorrect. The adoption of metric measures in the UK follows on from the UK's membership of the European Community which requires harmonisation of member states by the adoption of metric measures (subject to certain negotiated exemptions). The key EU Directive for you to have a look at to gain a better understanding of the position is 80/181/EEC. The use of metric measures is therefore a matter of law and not Council policy.

Letter from Rosemary Herbert, 14 September 2015

Many thanks for your letter dated 3 September and your comments that the use of metric measurements are a matter of law and not council policy. I have also noted your comments that the UK "adopted" metric measurements through membership of the European Community.

Nevertheless in my research I came across The Traffic Signs Regulations and General Directions 1994, and if this

has been superseded I am sure you will inform me:

"The Traffic Signs Regulations 1994 (SI 1994 No 1519 Part I) allow signs displaying distances in imperial units only (miles or yards)."

I cannot, however, find the Law which states that Council Public Notices in newspapers should only show metric measurements. Can you help me in this one please?

Reply from John Tradewell, 30 September 2015

Can I suggest that you have a look at The Unit of Measurement Regulations 1995 which were concerned with the implementation of EU Directive 80/181/EEC to which I referred in my previous email. You will see from this that the metrication process in the UK allowed certain exceptions, including the use of imperial measures for road signs, but for most purposes the UK has implemented its obligations as a member of the EU to adopt metric measures. The County Council in using metric measurements in certain public notices is complying with its legal obligations rather than exercising a choice. I hope that this clarifies the position.

Letter from Rosemary Herbert, 19 October 2015

Further to your letter dated 30 September. Having researched the matter more fully under the EU Directive (80/181/EEC) as you suggested, I now understand that the Directive which you identify allows the council to use imperial as supplementary indications alongside metric. Please give an undertaking to use imperial units alongside metric in council Public Notices.

Reply from John Tradewell, 27 October 2015

Further to your letter dated 19 October 2015. I am not prepared to give you the undertaking you are requesting.

Letter from Rosemary Herbert, 14 November 2015

Could you please furnish me with an explanation as to why you are not prepared to give an undertaking to use imperial units alongside metric in council public notices? Given that I have consulted the appropriate legislation as advised by you, which does allow for the use of both imperial and metric units to be used, there appears to be no substantial reason for your refusal to incorporate traditional imperial measurements for the benefit of those who, having been taught and understand more fully the imperial system, appear to be discriminated against by you.

Reply from John Tradewell, 19 November 2015

I have nothing further to add to my previous correspondence. John Tradewell, Director of Strategy, Governance & Change

Letter from Rosemary Herbert, 26 November 2015

Thank you for your in-depth reply to my letter of 14 November – however your reply is at odds with your new job title.

As Director of *Strategy*, you should respect the wishes of those who fund Staffordshire County Council.

As Director of *Governance* you should consider the legal options that are open to you.

As Director of *Change* you should put the above two together and change your public notices to provide both metric and imperial and ... if you are still Director of *Democracy* why are you not practising it?

May I remind you of your statement below, taken from The Staffordshire County Council website:

"I have spent my working career to date in local government and never regretted the choice. We make a huge difference to our local communities, and as a local government lawyer it is great to be part of a profession which helps make things happen for local people"

I look forward to your considered response.

Vivian Linacre remarks: Mr Tradewell's evolving title of Director of Democracy, Law, Transformation, Strategy, Governance and Change is in the same class as what we used to call 'guards' or 'ticket inspectors' on railway trains, but who now introduce themselves in their PA monologues as Deputy Principal Senior Executive On-Board Customer Services Team Leader, or similar.

Since no further response was forthcoming from Mr Tradewell, Rosemary tried other avenues.

Letter from Rosemary Herbert to National Measurement and Regulation Office, 14 December 2015

My local council publishes Diversion and General Distance Notice announcements in our local newspaper only in metres which makes it very difficult for myself and others educated in the imperial system to understand. I have now been led to believe that the government has given a commitment and is supportive of continuing to allow imperial measurements to be used alongside metric as a supplementary indication, purely for the benefit of those who can visualise and are more familiar with the imperial system. Would this be correct and if so would this presumably be within the remit of my local council to undertake the use of imperial alongside metric in future notices?

Reply from the National Measurement and Regulation Office, 15 January 2016

The government recognises that many British people are still more familiar with or prefer to use imperial units in their day to day lives. That is why it is committed to ensuring that imperial units can always be used alongside metric units in dual labelling and it remains committed to keeping the pint for draught beer and cider and returnable milk bottles; the mile for road traffic signage; and the troy ounce for precious metals.

Local Authorities are responsible for ensuring that the units they use are legal and appropriate. The government would always recommend that consideration be given to whether presenting the necessary information in both metric and imperial units would help the intended audience to better understand the measurements in question.

Lynette Falk, Acting Director of Regulation

Letter from Rosemary Herbert to Councillor Philip Atkins (Conservative), Leader of the Council, 21 January 2016

Dear Cllr Atkins

For many months now I have been aware that the above Notices which regularly appear in the Stafford Newsletter by order of Mr John Tradewell, Director of Democracy, Law & Transformation (now Director of Strategy, Governance and Change) give distances in metric only with no imperial equivalent ... No efforts whatsoever were made on Mr Tradewell's part to look again at council policy on this issue, particularly for the benefit of those more accustomed to the imperial measurement system.

On the 14th December I wrote to The National Measurement and Regulation Office in Teddington, Middlesex asking for their advice and clarification and I can do no better than to enclose a copy of their reply, quoting in particular: "*The Government recognises that many British people are still more familiar with or prefer to use imperial units in their day to day lives ... The Government would always recommend that consideration be given to whether presenting the necessary information in both metric and imperial units would help the intended audience to better understand the measurements in question*".

One assumes that Mr Tradewell, in his capacity as Director of Law, would be aware of such Government recommendations on this particular subject, and not automatically have acted in

what can only be described as an autonomous and disingenuous manner to those taxpayers who not only fund his position but justifiably expect a degree of understanding on such a fundamental issue affecting the whole of the population ...

On the face of it, and according to the Government, there is no reason and no law prohibiting an imperial measurement equivalent being shown alongside a metric measurement in Public Notices, unless you can provide me with a very valid reason for not doing so. I would be most grateful for your comments on this matter.

Reply from Councillor Atkins, 12 February 2016

Thank you for your letter dated 21 January 2016. As Mr Tradewell has indicated, the Council is required to publish the notices to which you refer in metric measurement. It would appear from your correspondence that you accept this is the position. However, you would like the Council to go further and to also include the imperial measurements as well.

In my view it would not be helpful for the council to do so. The notices to which you refer are legal notices. They need to be drafted with precision. They should contain no ambiguity or extraneous information. They should be kept as simple and clear as possible. Including two sets of measurements would, to my mind, add complexity to what is meant to be kept simple. I understand that some people would prefer not to use metric measurements, and have an affection for the imperial system, but I do not believe that using metric measurements creates any difficulty for this section of our population as, by now, people have come to terms with metric measurement. I therefore support Mr Tradewell's decision not to take any action in response to your request.

Letter from Rosemary Herbert to Councillor Philip Atkins, 26 February 2016

You state that Public Notices should not contain any ambiguity or extraneous information and be kept as simple and clear as possible presumably for the benefit of all the community, yet fail to achieve this when displaying metric only. To show an imperial equivalent alongside a metric measurement is not ambiguous, extraneous or complex, it is logical when other road signs and diversion notices are shown in imperial.

You make the sweeping assertion that "by now people have come to terms with metric measurement" when clearly many have not. Did the Council actually canvass the County in order to reach this conclusion? Using the term "affection for the imperial system" is condescending and disrespectful to a generation who have grown up with, lived by and can easily envisage distances in inches, feet or yards, such terms are still used regularly by the BBC, in our legal profession and other organisations for the benefit of all not just one section of the community.

The Council has deliberately chosen to ignore Government recommendations that "consideration be given as to whether presenting the information in both metric and imperial units would help the intended audience to better understand the measurements in question". Furthermore in quoting EU Directive 80/181/EEC as the Law of the land the Council would be aware that this does allow the use of imperial measurements as supplementary indications alongside metric. Your colleague Mr Tradewell denied that it was the policy of Staffordshire County Council to promote the metric system, yet the evidence shows to the contrary. It would therefore appear that the Council's Customer Care Standards of delivering excellent customer services and listening to residents views are not worth the paper they are written on.

Final reply from Philip Atkins, 16 March 2016

Thank you for your letter dated 26th February 2016, the contents of which I note.

* * *

“Cash for Questions” revisited – a review

In *Yardstick 56*, we explained why Neil Hamilton was an Honorary Member of BWMA in view of the “cash for questions” allegations against him, then being replayed by the media. Following Mr Hamilton’s election to the Welsh Assembly in May, these accusations have been made with even greater frequency. Neil Hamilton is the only Minister for weights and measures in forty years to support imperial measurements and, as Hon Member, his name appears on the front of every *Yardstick*. Our view is that Mr Hamilton is innocent of the allegations, and we are grateful for the opportunity to review a new documentary by former reporter Jonathan Boyd Hunt, available on Youtube, which provides new evidence and analysis of the “cash for questions” affair.

The key to understanding “cash-for-questions”, Boyd Hunt argues, is in its origins. In 1990, MPs were concerned at the unregulated influence of political lobbyists, hired by corporate interests to lobby Parliament. One such lobbyist was Ian Greer, who paid commissions to people who introduced new corporate clients to his firm. On 3 April 1990, Greer told a Select Committee that several MPs had received commissions from him, and the Select Committee, concerned with lobbyists’ influence, pressed for a Parliamentary debate on the matter.

By 1993, a debate had still not been held until, out of the blue, on 22 June 1993, the Guardian newspaper ran an article lamenting the delay (“No time for lobbying rules debate”). Perhaps prompted by this article, a 45-minute debate was arranged in the House of Commons six days later on 28 June 1993; during it, Labour MP Bob Cryer tore into Ian Greer, suggesting that he was “... *argu[ably] buying influence by obtaining business through Members of Parliament and paying substantial sums of money for it*”.

The next day, Guardian editor Peter Preston ordered an investigation into Greer’s firm, and journalists David Hencke and John Mullin interviewed Greer, and MPs Neil Hamilton and Tim Smith. The transcript for the interview with Greer shows that the journalists put it that “*a brown envelope stuffed with fivers*” was given to MPs for asking Parliamentary questions.

The following year, in October 1994, the Guardian published allegations, ostensibly by one of Greer’s clients, Mohamed Fayed, that Greer had paid Hamilton and Smith cash to ask Parliamentary questions; Hamilton and Greer promptly issued writs for libel. Responding, Preston’s court statement made no reference to the events in June that preceded the Guardian’s mid-1993 investigation; instead, Preston said the investigation was prompted by a conversation between himself and Fayed: “... *Fayed then told me that ... Greer had approached him offering [to] arrange for two MPs, Neil Hamilton and Tim Smith, to ask questions in the House of Commons for which he would require cash to pass on to the MPs ... I decided that The Guardian should spend some time investigating Ian Greer*”.

In the event, the 1997 Downey Enquiry cleared Greer, Hamilton and Smith of the original allegation, that Greer had paid MPs. But Downey went on to declare that Hamilton had taken cash paid by Fayed *personally* (the “brown envelopes”). Guardian staff assured Downey that Fayed had made such cash allegations in mid-1993, and that Fayed had said the alleged cash was passed in brown envelopes; hence any references to brown envelopes in mid-1993 interviews.

But the discovery by Jonathan Boyd Hunt of the Commons debate, and the Guardian’s interest in it, raises the question: did the Guardian’s mid-1993 investigation concern a cash allegation by Fayed, as Preston asserts in his statement; or was it a speculative investigation into *Greer’s lobbying company*, triggered by Bob Cryer’s attack on Greer in the House of Commons? Why did Preston not mention the Commons debate in his statement: did he forget about the events leading up to the Guardian’s investigation; or was he *replacing* the Commons debate with supposed allegations by Fayed, as the cause of the investigation?

The significance is this: if the Guardian’s mid-1993 investigation concerned Bob Cryer’s conjecture about Greer’s commission payments, any reference to “brown envelopes” in interviews, later used to hang Hamilton, *could not have meant actual cash in envelopes handed over by Fayed*. The phrase “brown envelopes” could, however, have been a colloquial term for bribes, floated by the journalists to see how interviewees would react (to the theory that Greer’s commission payments were disguised backhanders); in which case, the brown envelopes, supposedly given to Hamilton by Fayed, is the biggest myth in British politics.

Jonathan Boyd Hunt’s documentary, seven years in the making, is a forensic analysis of these and other aspects of the affair. Mr Boyd Hunt concludes that not only is Neil Hamilton as innocent as he has said all along, but that the supposed political scandal was, in fact, a media scandal. The documentary can be found on Youtube by searching for “cash for questions boyd hunt”. Lasting 12 hours, the documentary is split into over forty chapters to enable stepped viewing – but readers who wish to sample content quickly can view chapter 46, which lasts 25 minutes. We have no expectation that Mr Boyd Hunt’s research will hit the headlines anytime soon, but we are pleased to make it known for those who wish to decide for themselves.

Decimal Watch: “Detrimental Decimals”, *Australian Journal of Pharmacy*, 31 March 2016: “A misread script led to a recent dispensing error where Sifrol 0.375mg was replaced with Sifrol 3.75mg due to a misinterpretation of the decimal point position in the drug dosage. In this example, the dose increased ten-fold and the consumer suffered from extreme drowsiness ... In a separate and serious incident the decimal point was misread as a pharmacist dispensed Serenace 5mg instead of Serenace 0.5mg. The resulting overdose caused the consumer to collapse and an admission to hospital resulted”.

Sneaky Snickers: John Gardner noticed that a shop at Victoria Railway Station forgot to update its shelf label for Snickers; it read 79 pence for a 58 gram bar (the equivalent of 2 ounces); the bars on sale at 79 pence were 48 grams.

Mike Plumbé writes to *The Times*, 14 January 2016: Sir, It seemed odd that “the average cut-off distance” for pupils to travel to school is 2.3km for primary, and 4.8km for secondary, schools (front page, 14 January). Then I realised these are probably “translations” of 1½ and 3 miles.

BWMA email to RockStar Games, 18 June 2015: We understand that the UK version of the computer game “Grand Theft Auto” has switched from miles to kilometres, in contrast to the US version, which is in miles. We would like to inform Rockstar Games that UK drivers do not use kilometres; road signs for distance are in miles, and miles per hour. We ask that Rockstar Games converts the UK version of Grand Theft Auto back into miles, as soon as possible.

Metric downsizing – shrinking Roses

Previous *Yardsticks* have reported the metric reduction of Cadbury's Roses chocolates, from 1lb (454 grams) to 400 grams, followed by a further reduction to 350 grams. Now, we discover that Roses has downsized *again*, to 331 grams.



The carton on the left is from 1995 and weighs 1lb or 454 grams; the carton on the right is from 2016 and weighs 331 grams, or 11.7 ounces. Thus, since metrication, Roses has reduced in quantity by 27% - yet, the box is the same size.

The images opposite are from taken the sides of Roses cartons, collected over the years, and show how the imperial indication has been moved from the primary to the secondary position, then removed altogether, followed by stepped weight reduction.

1 lb INC. WRAPS
439 g e 15.5 oz net

BY APPOINTMENT TO H.M. QUEEN ELIZABETH II
COCOA AND CHOCOLATE MANUFACTURERS
CADBURY LIMITED, BOURNVILLE.
e439g 15.5oz net
454g 1lb inc. wraps

e 441g net
454g inc wraps
BEST BEFORE END:
SEE FRONT OR BACK OF CARTON
STORE IN A COOL DRY PLACE

e 388g net
400g incl wraps
BEST BEFORE END:
SEE FRONT OR BACK OF CARTON
STORE IN A COOL DRY PLACE

e 342g net
350g inc wraps
BEST BEFORE END
SEE FRONT OR BACK
STORE IN A COOL DRY PLACE.

e321g net
331g inc wraps
BEST BEFORE:
SEE FRONT OR BACK OF CARTON
STORE IN A COOL DRY PLACE

Dual metric-imperial height/width signs

Mandatory dual metric-imperial vehicle height, width and length indications for new road signs came into effect on 22 April 2016. Yet, bridge strikes continue; for example, on 4 May, a lorry struck a dual-signed bridge in Tulse Hill; on 6 May, a lorry was wedged under a dual-signed bridge in Northamptonshire (see photo). Network Rail, which supported dual signs, said: "We work closely with highways authorities to make sure our low bridges have good signage ... Despite that, we continue to see high vehicles striking our bridges. I urge hauliers and drivers to please be more careful".



What about the yard? BWMA letter to Robert Goodwill MP, Minister for Transport, 2 May 2016

The DfT's consultation document for the Traffic Signs Regulations & General Directions 2016 provides the following assurance: "The Department has no plans to change the units of measurement on any other signs. Unlike height, width or length, miles and miles per hour are widely recognised and understood as a measure of distance and speed".

We welcome the assurance that miles are to be maintained on British road signs, but we note that the above paragraph does not refer to yards. Please can you confirm that the government has no plans to change the use of the yard for indicating distance on British road signs.

Reply from Peter Colmans, Department for Transport, 2 June 2016

Thank you for your letter of 2 May to Robert Goodwill about the use of yards on signs to denote distance and speed. This has been passed to me for reply. I can confirm that there have been no changes to the use of miles and yards on signs showing distance in the revised TSRGD which came into force on 22 April. The Department has issued a circular which explains, in section 3.10 and table 3.1, the permitted expressions of distance. I enclose a copy of the relevant pages from the circular. Alternatively, the circular can be viewed at: <https://www.gov.uk/government/publications/traffic-signs-regulations-and-general-directions-2016-an-overview>

Stupidity beyond measure Roger Scruton, *The Times*, 9 December 1999

While politicians debate whether to keep one kind of pound, they have silently allowed the disappearance of another. After December 31st, it will be a criminal offence to sell products by the pound and the ounce. The reason for this is that the DTI has not bothered to obtain the ten-year extension of our old imperial measures that was offered by the EC as a preliminary to forbidding them. No more blatant example could be imagined of random law-making in defiance of popular wishes. The law compelling us to use the metric system was never discussed or voted on by our elected representatives; and although opinion polls suggest that nine people out of ten are opposed to the change, their desires count for nothing. The Eurocrats have decreed that the metric system will be used, and another foundation-stone is to be removed from the already tottering edifice of our national culture.

Do weights and measures matter? Those who introduced the metric system - the French Revolutionaries - answered with an emphatic "yes". Weights and measures mediate our day-to-day transactions; hence they are imprinted with our sense of membership. They are symbols of the social order and distillations of our daily habits. The old measures were redolent, the Revolutionaries believed, of a hierarchical, backward-looking society. They were muddled, improvised, and full of compromises. What was needed was a system expressive of the new social order, based on Reason, progress, discipline and the future. Since the decimal system is the basis of arithmetic, and since mathematics is the symbol of Reason and its cold imperatives, the decimal system must be imposed by force, in order to shake people free of their old attachments.

The conflict of currencies therefore expressed a conflict both political and philosophical. The distinction between the imperial and the metric systems corresponds to the distinction between the reasonable and the rational, between solutions achieved through custom and compromise and those imposed by a plan. Muddled though the imperial measures may appear to those obsessed by mathematics, they are the produce of life. In ordinary transactions, measurement proceeds by dividing and multiplying, not by adding. It makes sense to divide a gallon into half, a quart and a pint, or to have 16 ounces to the pound.

The antiquity of these measures - like that of our old coinage, arbitrarily jettisoned in a previous fit of rationalism - is testimony to their common sense. But the most important fact about them is that they are ours. They are commemorated in our national literature and in our proverbs; they have shaped our eating and drinking habits; they are the lingua franca of all our books of recipes, all our manuals of gardening and husbandry and handicraft, and the subject matter of a thousand schoolbooks.

THE idea that we should be committing a crime by using them, and just because some foreign bureaucrat has said so, is such an offence to the sense of law and justice that we are surely under a moral obligation to go on using them nevertheless. If ever there were a case for civil disobedience, this is it.

There is another and deeper reason to resist these mad imperatives. The French Revolutionaries believed that by changing weights and measures, calendars and festivals, street-names and landmarks, they could undermine the old and local attachments of the people, so as to conscript them behind their international purpose. The eventual result was Napoleon, who spread the metric system by force across the Continent. In a small way the same is being done to us. The effect of destroying our weights and measures will be not only to undermine the old local loyalties between shopkeeper and customer. It will be to destroy the small businesses that cannot afford the change. And we should ask who would really want such a result.

The answer, it seems to me, is clear. The supermarkets are international players, who have a vested interest in the metric system, since it is applied in most of the countries from which they import their products. If the measures on which old and local businesses depend are criminalized, the supermarkets will score yet another advantage in their war on behalf of the global government that will do most for their profits. Is that what we want? Surely, it would have been nice of our dictators to ask us, before commanding us to change.

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

And the Honorary Membership of the late John Aspinall, Nirad C Chaudhuri CBE, Jennifer Paterson, CBE, Leo McKern AO, Norris McWhirter CBE, Fred Dibnah MBE, Sir Julian Hodge, KStG, KStJ, Bernard Levin, CBE, Dr Charles H Sisson, CH, DLitt, Fritz Spiegl, F S Trueman, OBE, Sir Rowland Whitehead, Bt, George MacDonald Fraser, OBE, Beryl Cook, OBE, John Michell, David Shepherd, MBE, Keith Waterhouse, CBE, Dick Francis, CBE, Prof. Antony Flew, Trevor Bailey, CBE, Prof. Richard Holmes, CBE, Michael Barry, OBE, Max Bygraves, OBE, Christopher Martin-Jenkins, MBE, Candida Lycett Green

The British Weights and Measures Association is managed by the British Weights and Measures Trust

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