

# The Metric Martyrs – the final push for justice

*Neil Herron has spent more than two decades leading the fight for justice for the **Metric Martyrs**. On the twenty-first anniversary of the first state action against a market trader selling produce in imperial measures, he looks back on how events unfolded, and explains why the time is now right for a royal pardon for those unjustly convicted under the Metrication Regulations.*

The fourth of July 2021 marks the twenty-first anniversary of the day that Steve Thoburn's scales were seized. On this day in 2000, two Trading Standards Officers accompanied by two police officers marched into Steve's busy market stall in the north-east city of Sunderland. He was threatened with arrest if he did not hand over his three sets of imperial scales. This followed an undercover 'consumer protection exercise' earlier that day which confirmed that he was selling bananas by the pound. The test purchase was made by an undercover Sunderland City Council Consumer Protection Officer. Shocked and stunned, Steve and his wife Leigh reflected on the day's events.

The next day I got the phone call. I was a market trader and had recently highlighted in the local press that the enforced metrication regulations were oppressive and did not have public support. 'Neil, they've taken my scales. Can you help?'

I turned up at Steve's shop. An hour later there were reporters, photographers and satellite trucks at the back of the pitch. On 5 July 2000 the Metric Martyrs were born.

Funnily enough, the Government didn't see the irony of the then Prime Minister, Tony Blair, announcing the birth weight

of little Leo as 6lb 12oz, while they were threatening traders with prosecution for using imperial measures.

The initial Sunderland Court Case attracted global media attention and was referred to by District Judge Bruce Morgan as 'the most famous bunch of bananas in legal history.' The Morgan judgment highlighted in the starkest terms the consequences of the UK's membership of European Union. Indeed, District Judge Morgan's words that, *'this country quite voluntarily surrendered the once seemingly immortal concept of sovereignty of Parliament and legislative freedom by membership of the European Union,'* made banner headlines not just in the UK but around the world.

The impact of a greengrocer being convicted of the criminal offence of selling bananas by the pound is believed by many to have sowed the seeds of Brexit. It is poetic justice that on the night of the Brexit vote, Sunderland delivered the first blow, setting in train what would be the biggest political and constitutional decision of a generation. (As an aside, last week saw the announcement of Nissan's Sunderland expansion, over a £billion investment and thousands of new jobs.)

The Thoburn case was consolidated with three other criminal cases. A Hackney market trader, greengrocer Colin Hunt, was convicted of failing to advertise prices in metric. Julian Harman and John Dove, greengrocer and fishmonger respectively, were convicted of pricing by the pound. In Harman's case, one charge that he'd displayed a sign stating 'Brussels Sprouts 39p per lb' brought cries of 'shame' from the packed public gallery.

The consolidated case was taken to the Court of Appeal. The decision of Lord Justice Laws would put 'Thoburn' at the heart of the constitutional debate, Parliamentary sovereignty and subsequent discussions around Brexit. But defeat came again when the judgment was handed down on 18 February 2002. *The Sun* newspaper ran with the headlines *'Surrender – pound of bananas*

*banned as our judges cave in to Europe.'* Appeals to the House of Lords and the European Court of Human Rights were rejected despite the repeated assertions that this was a constitutionally significant case and impacted our relationship with the European Union.

Despite defeat in the courts, we continued to win the hearts and minds of the British public. Every time we were knocked down they willed us to get back up and fight. They knew that this was about more than a system of weights and measures.

Then, tragically, Steve Thoburn died of a massive heart attack on 14 March 2004 aged only 39, shortly after receiving notification from the ECHR of their decision. He left a widow and two small children.

Along with Steve's widow, Leigh, we continued the fight to clear Steven's name. The initial call for a Posthumous Pardon came shortly after the European Commission, in 2007, backed down and abandoned its enforced Metrication agenda. We had saved pounds and ounces, the mile and the pint.

However, the campaign to clear Steve's and the other Metric Martyrs' names continued. We handed over thousands of signatures to local Sunderland MP Chris Mullin to present to Parliament.

Events were overtaken in 2009 by the prosecution of the fifth Metric Martyr, Janet Devers, by Hackney Council. Despite there having been no prosecutions since 2001, the latter decided to embark on the persecution of another Ridley Road market trader. Janet was the sister of one of the original Metric Martyrs, Colin Hunt.

Despite being convicted of some charges at Magistrates Court, Janet elected to be tried by jury at Crown Court on the others. The prospect of being judged by her peers led to Hackney Council abandoning the case, leaving Janet with a partial victory. Janet's case was passionately supported by

the British public, ensuring the Metric Martyrs' Campaign could continue the fight for justice. Janet's name is also on the list of those who should be pardoned.

Tragically, Leigh Thoburn died suddenly in late 2016 aged 43 (shortly after the Brexit result), leaving Georgia and Jay without both parents. Trainee nurse Georgia and I are now leading the relaunched Metric Martyrs' Royal Pardon campaign. We have written to the Prime Minister and other members of the Cabinet, including the Justice Secretary to,

*'respectfully request that the Government and Parliament as a whole, revisit the convictions of the Metric Martyrs, John Dove (Cornish fishmonger), Julian Harman (Cornish greengrocer), Colin Hunt and Janet Devers (both Hackney greengrocers) and the late Steven Thoburn and see that justice, which has hung in the balance for long enough, is seen to finally be done and appropriate Pardons granted.'*

The latest news is that Ministers have told the *Telegraph* they will consider the request 'very carefully'.

Officials at the Business Energy and Industrial Strategy department are also considering how they can repeal some of the legislation under which the Martyrs were convicted. One insider said: 'It is being looked at. It would require primary legislation.'

If the laws which banned the sale of products in imperial measurements are repealed, the Martyrs or their families would have to apply to the Ministry of Justice for a disregard of their convictions.

During the 2019 general election campaign, Boris Johnson pledged to lift the EU's ban on shops selling produce in imperial measurements, saying: 'We will bring back that ancient liberty. I see no reason why people should be prosecuted.' A recent report for Mr Johnson by the Taskforce on Innovation, Growth and Regulatory Reform, whose chairman is

Sir Iain Duncan Smith, a former Tory leader, recommended that the Government should 'amend the Weights and Measures Act 1985 to allow traders to use imperial measurements without the equivalent metric measurement.'

We have victory in sight and would like to thank CIB and their members for their unstinting support over the years while we have maintained the fight. Let justice finally prevail.