

Courts of law and decision making

MISHAL HUSAIN: This is the story of what's been described as the most expensive bunch of bananas in legal history. The case of greengrocer Steve Thoburn began in a Sunderland Magistrates Court and went right up to the European Court of Human Rights. His offence? Selling fruit and vegetables using imperial rather than metric weights.

On the 4th July 2000, trading standards officers turned up at a Sunderland market to confiscate a stall-holder's scales.

STEVE THOBURN (REINACTMENT): ... for 40 pence.

TRADING STANDARDS OFFICER (REINACTMENT): Mr Thoburn, I'm the principal trading standards officer -

MISHAL HUSAIN: Steve Thoburn had previously been warned that if he continued to sell using imperial units, he'd be arrested.

STEVE THOBURN (REINACTMENT): Well I hope you got a [expletive] jigsaw puzzle because I'm going to smash them up in front of you.

MISHAL HUSAIN: Having seized the scales, Sunderland City Council gave notice of their intention to prosecute. They argued that they were just enforcing the law.

So what law was Steve Thoburn breaking? Well what the tabloids decried as a dictat from Brussels was actually an amendment to an existing British law. The 1985 Weights and Measures Act sets standards for the units traders could use. It reflected a long-standing commitment to the metric system.

NEIL KINNOCK: Metric standards have been legal in the United Kingdom since 1865. The decision to apply metrication in the United Kingdom was taken by political consensus in 1965, a century later. So the idea that anything's been rammed down the throat of the British people is not true.

MISHAL HUSAIN: By 1965 the government was committed to going metric to help industry compete in an increasingly metric world. By 1975 when Britain joined the Common Market the process was meant to be complete. But although metrication was a requirement for entry into the Common Market, Britain was allowed to delay not once, but twice over the next twenty years.

JAMES HUMBLE: Every section of the economy recognised and agreed that it was sensible to go forward and have a cut-off programme. There's one political decision left to make and that was never made. Instead successive ministers at the Department of Trade tried to pretend it was all down to those continental Europeans bullying us when nothing could be further from the truth.

MISHAL HUSAIN: In January 2000 a 1994 amendment to the 1985 Weights and Measures Act came into force, obliging traders to stop selling their goods solely in pounds and ounces. The amendment was made in accordance with the 1972 European Directive Britain agreed to adopt when she joined the Common Market. And it was just a few months later when Steve Thoburn's story broke.

ANNA FORD: A greengrocer from Sunderland is appearing before magistrates charged with breaking European law by selling his fruit and veg in pounds and ounces. Steven Thoburn could face a £5,000 fine for refusing to convert to kilograms. The case is the first of its kind and it could help determine whether EU directives have precedence over British law.

STEVE THOBURN: In 1985 I've been told that there was a law passed you could work in metric or imperial, but you pick which either one you want to work. I've chosen to stop with imperial weights,

pounds and ounces. Me customers want to be served in pounds and ounces. All I'm doing is providing a service to me customers.

RICHARD WELLS: This morning the thirty-six-year-old trader made his way to court flanked by supporters. They've raised thousands of pounds to fight the legal battle. Writers and television celebrities have joined the cause fearing that European regulations are trying to put an end to centuries of British tradition.

INTERVIEWEE 1 OUTSIDE COURT: Somebody has to make a stand somewhere along the line. Somebody has got to say enough is enough; we want Westminster to govern us and not the European Union.

MISHAL HUSAIN: For the Sunderland court this was simply a question of British law and the judge found Steve Thoburn guilty. He was faced with a fine of £2,000 and costs of up to £60,000. Undeterred, he and several other traders took their case to the Court of Appeal.

DANIEL SANDFORD: This has always been a colourful campaign and this morning the self-proclaimed 'Metric Martyrs' arrived at the Royal Courts of Justice in London to a specially written refrain.

STEVE THOBURN: I've said from day one I don't think we're going to win. It's going to take something to beat the government, hasn't it?

DANIEL SANDFORD: This morning two judges dismissed their appeal; they rejected arguments that there was a clash between European and British laws.

INTERVIEWEE 2 OUTSIDE COURT: Who's governing the country now? Well I think we've opened the book for everybody in this country to understand now what the European Union and the whole of the European project's all about. This country's been lied to for the past thirty years by its elected representatives.

DANIEL SANDFORD: So another round has been lost and as Lord Justice Law has put it today, our imperial measures much loved by many, seem to face extinction. Daniel Sandford, BBC News at the High Court.

MISHAL HUSAIN: So what started off as an obscure point of British trading law, was seized upon by Euro-sceptics as the focus of a much wider debate. And like it or hate it, in the twenty-first century, the European Union is influencing British law in all sorts of ways. So undemocratic monster, or pinnacle of pan European co-operation? In the next unit we'll be taking a closer look at law making in Europe.