



Neil Herron
Metric Martyrs Defence Fund
12, Frederick Street,
Sunderland
SR1 1NA

31 July 2007

Dear Mr Herron,

Thank you for your letter of 6 July addressed to the Prime Minister, enclosing a copy of the Metric Martyrs newsletter and petition form for a Royal Pardon for those known as the "Metric Martyrs". Your letter has been passed to me for a response.

It may be helpful if I explain broadly the policy and convention relating to the Royal Prerogative of Mercy, and the particular factors which have a bearing on the granting of a Free Pardon.

It is the practice of the Lord Chancellor and Secretary of State to recommend the use of the Royal Prerogative of Mercy to grant a Free Pardon only in cases where:

- (1) it is impractical for the case to be referred to an appellate court; and
- (2) new evidence has arisen, which has not been before the courts, which demonstrates beyond any doubt that no offence was committed or that the defendant did not commit the crime.

The effect of a Free Pardon is that the conviction is disregarded to the extent that, as far as possible, the person is relieved of all penalties and other consequences of the conviction. Only the courts have the power to quash a conviction, and the criteria adopted in considering whether to make a recommendation to Her Majesty to grant a Free Pardon have proper regard to the constitutional position that the courts decide whether a person is guilty of an offence, and not the Government.


I understand that those known as the "Metric Martyrs" were convicted because they were using equipment which operated by reference to imperial units only; or because their prices were marked by reference to imperial units only. Their appeal to the High Court was dismissed and I have no reason to believe that they were not properly convicted. The recent development which seems to have prompted the current campaign for a pardon only affects "supplementary indications", i.e. the use of imperial units on the label or the machine in addition to metric units. The relevant European Directive permits member states to allow supplementary indications until 31 December 2009. It has now been proposed that the Directive will be amended so that member states can allow supplementary indications indefinitely.

This new proposal does not appear to provide grounds on which to grant a Free Pardon to the "Metric Martyrs". It is not evidence that they did not commit their offences. The offences in question remain in force, and even if they did not this would not be grounds for a Free Pardon, as citizens are expected to comply with the law as it is at the time.

This is not therefore a case in which the Lord Chancellor and Secretary of State would feel able to make a recommendation to Her Majesty the Queen.

Any person who believes they have been the victim of a miscarriage of justice can apply to the Criminal Cases Review Commission (CCRC) for a review of their case. The CCRC has the power to review possible miscarriages of justice in England, Wales and Northern Ireland, to gain access to documents and other material which may be relevant to its investigations, and to refer to the appropriate court any case in which there is a real possibility that the conviction will not be upheld. Unless, however, there are exceptional circumstances, the CCRC is not empowered to refer cases until the court appeal system has been exhausted. Their address is: Alpha Tower, Suffolk Street, Queensway, Birmingham, B1 1TT.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Jackson', written over a horizontal line.

Paul Jackson
Head of the Miscarriages of Justice Team