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Al + Boker
 Mr George
 to see it very
 good minute.
 J.E.S.

METRICATION OF SPEED LIMITS AND TRAFFIC SIGNS

- 1 You should be aware of the position reached on this subject. I apologise for the length of this minute in advance. Briefly, we have to consider what programme of action to recommend to Ministers in the light of the Governments' policy on Metrication, of the practicalities of conversion and of our obligations under the EEC Directive on Units of Measurement (71/354).
- 2 As you will recall the previous Administration proposed to metricate speed limits in 1973. The present Government however decided to abandon that date and set no alternative. Minister (T.I.) took the view that the public had enough on its plate by way of change in other sectors for the time being. The White Paper on Metrication (Feb. 1972) therefore says.

"the present system for showing speed limits and other road signs is unlikely to be changed for a long time to come".
- 3 The practical constraints are as follows. Speed limits will have to be converted at one go (in say two weeks). There are some 200,000 signs and it will cost perhaps £2M. Other signs needing conversion are mainly direction signs with mileages, and such signs as width and weight restrictions. Altogether they may amount to another 350,000 and £2M+. (The last category will grow with anti-lorry restrictions and there may be pressure for metric signs as C & U goes metric). All these signs except speed limits can be done gradually provided we can invent a simple distinguishing mark, which will keep down the cost; it is not practical however to display both mileages and kilometres even for a time on the same sign. For a decent job we need a lead-in of at least 4 years for speed limits and 5 years for the others, to provide for technical planning and co-ordination of local authorities. Mr. Duff has already agreed to chair a Working Party. Legal powers exist in S.2(2) of the European Communities Act, to fulfil an EEC obligation to convert speed limits; we can do the other signs under Road Traffic Regulation Act Powers.
- 4 The EEC Directive complicates this situation and some history is necessary to understand the present position :- we were consulted in August 1971 on the draft Directive by D.T.I., who are responsible for units of measurement. The Directive required the use of metric units by 1976. D.T.I., told us that in the forthcoming adaptations they would press for retention of important U.K. measurements till at least 1979. The mile (and hence mph) was on their list. (D.T.I. were aware of some of the problems in converting speed limits from discussions with them under the previous Administration about legislation and at the outset of this Administration about abandoning 1973).

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In the Autumn of 1971 DTI consulted us about the draft White Paper on Metrication. We referred the point to Minister T.I. ^{who} said that we should "hurry as slowly as is humanly possible".

The final version of the White Paper reflected this thought. It also set out D.T.I.'s understanding of the implications of the Directive which had been agreed by the 6 in October 1971 and which D.T.I. sought to adapt for U.K. in the spate of adaptations negotiated in December and January. RST was not, so far as I can trace, brought into the actual adaptation process, no doubt because time was short and many other Departments were concerned.

6 After the White Paper was published I discussed its implications, in relation to those of the Directive, with D.T.I. at some length and a record of this is on this folder. At that stage neither they nor we had any reason to believe that the Directive as adapted did not meet our needs; in fact our discussion was concentrated on the scope for our putting a reasoned case to the Commission to extend the use of miles and mph etc., beyond 1979. We marshalled our material for such a case and finally put it to D.T.I., in November.

7 D.T.I. then warned us however, that they thought there was a risk that the adapted Directive could be interpreted as only allowing us to use miles and mph etc., in conjunction with the basic metric units by displaying both at the same time, ie that the agreement to go on using the Imperial units did not (as we had taken it would) postpone the obligation to use the metric ones.

8 The legal position is difficult to determine, and you will find observations by both Mr. Smithers of Legal Branch and Mr. Salmon of D.T.I.'s Legal Branch on this folder. Mrs. Holmes has also done a useful summary of the legal points. One reason is that its authors in the 6 were plainly not concerning themselves with traffic signs, which posed no problems for them but were thinking of such things as the markings of ~~products~~ ^{peckets} of butter. On balance however Mr. Smithers considers that D.T.I.'s fears are well-founded ie that to strictly comply with the wording of the Directive, we need to change over all our signs by October 1976. Nevertheless there is in my view at least sufficient element of doubt to justify us considering alternative courses of action. To begin with, there must be some doubt as to whether Article 100 of the Treaty of Rome itself clearly embraces the field of traffic signs, as sufficiently relevant to the functions of the Common Market. There is also some doubt as to when the obligation to use metric units applies for the acceding countries, though 1976 (rather than 1978 = five years after accession) certainly looks the more likely. The nature of the obligation in Article 1.1 is itself general and obscure and needing some stretch of the imagination to apply to such a distinct field as traffic signs.

9 In saying this I am not differing from Mr. Smithers in his reading of the Directive, but suggesting that there is enough doubt as to its application to traffic signs to enable us to put up some sort of a defence if we decided to metricate later than 1976, and were challenged by the Commission.

10 We need to consider what we do. There are three basic possibilities:

- a) to adhere to the strict interpretation of October 1976 and try to convert all our signs by then;
- b) to go to the Commission and try to persuade them 1979 is a reasonable interpretation, and if we can't try to get an amending Directive, for 1979 or later;
- c) to rely on the elements of doubt and plan for conversion by October 1979.

11 Course a) is I think out of the question. First on practical grounds we could possibly - at substantial extra cost - convert speed limits by 1976 but not more than a small proportion of the others (unless of course we mounted a crash programme at heavy cost and to the detriment of other things in the traffic and safety field).

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Secondly, on political grounds, it does not accord with the re-assurance to the public given in the White Paper that road signs will be left for several years.

Course b) is a possibility. My belief however is that once we put it to the Commission they will be bound to take a strict view and that will mean a fresh Directive. I do not think the importance of the point justifies asking Ministers to pilot one through - assuming the French etc allowed us to. I.T. Division will no doubt have views here on how it fits into our current pattern of dealings with EEC.

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have secured

Course c) is the one I would at this stage recommend. It does sufficient justice to the undertaking in the White Paper. On the other hand it does also expose us to challenge by the Commission, on the grounds that we are failing to comply with the Directive (or should an adaptation ie) but I think that is a risk we should be prepared to take. Our answer would be to make as much as we can of the legal doubts, to point out that the special problems of traffic signs had clearly not been envisaged in the preparation of the Directive, to stress that we had no intention of not fulfilling our obligations, it was merely a question of being a little behind in this one specialised field and that safety considerations as well as practical ones lead inevitably to 1979 as the shortest practical timescale.

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A decision to adopt course c) would of course require agreement by DOE Ministers and to be agreed I imagine by the Cabinet Office Official Committee. It would I think help if Ministers could agree to our saying publicly from now on that the Summer of 1979 is the target. It would give more reality to our planning with the local authorities and it would enable us to start putting metric distances on directional signs (suitably identified) from say 1975 onwards. This in turn would be a useful demonstration of ^{intent} interest to the Commission. The Commission would no doubt become aware of public plans for 1979 and, if they had any objection it would draw their fire at the start. The point may come up in some form or other before 31 August 1976 in the Commission because the fate of the Imperial Units is to be decided before then under the Directive, though not of course with any specific reference to traffic signs. But if they are raised, I think our having made plans publicly for 1979 in the U.K., coupled with the arguments we could use from para 14 above would leave us in a not impossible position.

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I think it would be unwise however to plan for any date later than 1979, which would be quite clearly beyond any interpretation of the Directive, other than that which would make it ultra vires the Treaty of Rome. Technically we could convert speed limits by 1.1.1978, and probably most of the other signs. However I do not think 1978 is such a good date as 1979 because there is only a weak legal argument to ascribe any significance to 1.1.1978 (five years after our accession), because we could not do all the other signs (a few may even be left after 1979) and because it is rather soon from the point of view of the White Paper's assurance to the public. Moreover 1979 would still leave 1978 as a fall-back concession if the Commission do take offence.

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If this course is decided on we should I think be able to liaise discreetly with the Republic of Ireland so that in the event of challenge, we have their support at least.

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My next move is to discuss the possible courses of action with Mr. Smithers and with D.T.I., on 19 January when I will urge the course c) in para 11 above. I will report the outcome to you. In the meantime I would be glad to know if you are in broad sympathy with my conclusions and if there are any other points you think we should explore at my meeting. I have given this minute a wide currency so that other DOE Divisions and other U.K. Departments should be aware of the problem.

ST
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