

**EXPLANATORY MEMORANDUM TO
THE WEIGHTS AND MEASURES (METRICATION AMENDMENTS)
REGULATIONS 2009**

2009 No. 3045

AND

THE UNITS OF MEASUREMENT REGULATIONS 2009

2009 No. 3046

1. This explanatory memorandum has been prepared by the Department for Business, Innovation and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Purpose of the instruments**

2.1 These instruments remove a deadline of 31 December 2009 that applied to the use of imperial units of measurement where they were used as supplementary indications alongside metric units (e.g. in dual labelling). Removing this deadline will allow imperial units to be used alongside metric units without time limit. The Units of Measurement Regulations also makes minor technical changes to certain units of measurement used in the scientific field.

3. **Matters of special interest to the Joint Committee on Statutory Instruments.**

3.1 None.

4. **Legislative Context**

4.1 These Instrument implement changes made to Directive 89/181/EC on Units of Measurement by Directive 2009/3/EC.

4.2 The major changes made by Directive 2009/3/EC to Directive 89/181/EC are the removal of the deadline for the end of supplementary indications (where imperial units are used alongside metric ones) and the removal of any requirement for the UK to end the use of certain imperial units (the mile, yard and foot for road traffic, the pint for draught beer and cider and bottled milk, the troy ounce for precious metals) that are in use as primary indications. The latter amendment requires no changes to UK law as the UK has not set any deadlines to end the use of these units.

4.3 The Weights and Measures (Metrication Amendment) Regulations 2009 revoke provision for the 31 December 2009 deadline in the regulations there listed and revoke those provisions of the Weights and Measures (Metrication Amendments) Regulations 2001 which inserted that deadline into those regulations. The Instrument

also provides that a surviving reference to the deadline in regulation 12 A¹ of the Weighing Equipment (Beltweighers) Regulations 1983 is to be disregarded. The Units of Measurement Regulations 2009 revoke references to the deadline of 31 December 2009 for the end of supplementary indications in the Weights and Measures Act 1985 and the Units of Measurement Regulations 1986 and also revoke those provisions of the Units of Measurement Regulations 2001 which inserted those references. The instrument also makes minor technical changes to units of measurement to reflect technical measures adopted by the General Conference on Weights and Measures, which are included in the Directive 2009/3/EC.

4.4 An Explanatory Memorandum on "Proposal for a Directive of the European Parliament and of the Council amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement" Council Document Number: 12959/07 was submitted by DIUS on 4th October 2007. The Commons European Scrutiny Committee considered it Politically Important and cleared it (Report No, 37, Session 06/07). The Lords Select Committee on the EU cleared it (Progress of Scrutiny: 30 October 2007, Session 06/07).

5. Territorial Extent and Application

5.1 The Weights and Measures (Metrication Amendments) Regulations 2009 apply to Great Britain.

5.2 The Units of Measurement Regulations 2009 apply to the United Kingdom.

6. European Convention on Human Rights

The Rt Hon Lord Drayson, Minister for Science and Innovation has made the following statement regarding Human Rights:

In my view the provisions of the Units of Measurement Regulations 2009 are compatible with the Convention rights.

As the Weights and Measures (Metrication Amendments) Regulations 2009 are subject to the negative instrument procedure and do not amend primary legislation, no statement is required.

7. Policy background

7.1 Units of measurement are subject to European law in order to ensure consistency of measurement across member states and to ensure that the use of different units does not create a barrier to trade or restrict the free movement of goods and services across the European Community. Directive 80/181/EC, as amended by Directive 89/617/EEC and Directive 1999/103/EC, set a deadline of 31 December 2009 for the use of supplementary indications after which they were no longer

¹ Regulation 12A of the Weighing Equipment (Beltweighers) Regulations 1983 was saved by regulation 1(3) of the Weighing Equipment (Beltweighers) Regulations 2001 in respect of beltweighers passed as fit for use for trade prior to 28 September 2001.

authorised. This deadline had been extended twice before from an original end date of 31 December 1989, to 1999 and then to 2009.

7.2 The UK Government policy is to continue to permit supplementary indications indefinitely as their removal would impose new costs on business and could create an unnecessary burden for international trade. If supplementary indications were no longer authorised, exporters would no longer be able to use the same labelling or marketing materials for metric and non metric markets. This would cause particular difficulty for UK exporters to the USA. In addition, there are many people in the UK who are still more familiar with or prefer to use imperial units and the use of dual labelling remains helpful to them.

7.3 Therefore the UK Government actively sought in negotiations with the European Commission and other Member States, to remove the deadline of 31 December for the authorisation of supplementary indications and to permit their use without time limit. This position is reflected in the Directive 2009/3/EC.

7.4 In addition, under Directive 80/181/EC, as amended, the only imperial units authorised as primary indications were the mile, yard, foot and inch for road traffic signs, distance and speed measurement, the pint for the sale of draught beer and cider and for milk in returnable containers, the troy ounce for trade in precious metals and the acre for land registration. These were authorised (in the UK) by the Directive until a date to be fixed by the UK. The Government actively sought to remove any requirement for the UK to set a date to end the use of all of these units except for the acre for land registration. Land registration is only carried out by the UK Land Registries and they changed to metric over a decade ago. Therefore, the authorisation for the use of the acre for this purpose was no longer required and its removal was agreed. Again, this policy is reflected in Directive 2009/3/EC which now permits the use of the mile, pint and troy ounce for specific purposes indefinitely and ensures that any decision to end their use can be taken by the UK alone, while the acre is removed from the list of authorised units as it is no longer used.

8. Consultation outcome

8.1 The Commission conducted a consultation exercise on changes to the Units of Measurement Directive between December 2006 and March 2007. The then DTI circulated the Commission consultation widely to UK business and consumer groups to encourage them to respond.

8.2 The Commission received over 200 responses to their consultation, with the majority coming from the UK. Broadly, the Commission's consultation found that all business respondents and Member States were in favour of extending the use of supplementary indications but that consumers were split with a small majority (including from the UK) favouring metric only.

8.3 In advance of the consultation exercise DTI met with a number of UK businesses to seek their views. The feedback from UK business was universally in favour of an indefinite extension for supplementary indications.

9. Guidance

9.1 No guidance has been produced by the Department to accompany the legislation as neither the removal of the deadline for the end of supplementary indications nor any of the technical changes will impose any burdens on business or others and will not require business to make any changes to their existing practice.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies. Removing the deadline for the end of supplementary indications preserves the status quo and businesses and others will not need to make any changes as a result. If the deadline is not removed there would be a negative impact on business in terms of the additional costs of providing separate labelling and marketing for metric and non metric markets and a potential negative impact on international trade. There will be no impact on the public sector. Therefore, an Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation will not have any impact upon small business.

12. Monitoring & review

12.1 The operation of weights and measures legislation is subject to regular review via a bi-annual meeting of the National Measurement Office, the Local Authority Coordinators of Regulatory Services (LACORS) and the Trading Standards Institute.

13. Contact

Lynnette Falk at the Department for Business, Innovation and Skills Tel: 0207 215 0109 or email: lynnette.falk@bis.gsi.gov.uk can answer any queries regarding the instrument.

Implementation of Directive 2009/3/EC of the European Parliament and of the Council amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to Units of Measurement

TRANSPOSITION NOTE

Directive 2009/3/EC of the European Parliament and of the Council amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to Units of Measurement (“the Directive”) is implemented in the UK by the Units of Measurement Regulations 2009 and the Weights and Measures (Metrication Amendments) Regulations 2009 (together “the 2009 Regulations”).

The 2009 Regulations do not go beyond what is necessary to implement the Directive, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

Articles	Objectives	Implementation	Responsibility
Article 1(1)	Repeals the obligation of Member States to fix a date for cessation of the use of the pint the mile and the troy ounce as primary indications of quantity	No action required. The UK has not yet set a date for cessation of use of the imperial measures in question and is no longer obliged to do so.	N/A
Article 1(3)	Removes the deadline of 31 December 2009 for cessation of the use of imperial measures as supplementary indications of quantity, so that such use is indefinitely authorised.	Regulation 3 of the of the Units of Measurement Regulations 2009 and Regulation 3 of the Weights and Measures (Metrication Amendments) Regulations 2009 remove references to the 31 December 2009 deadline in UK legislation. Regulation 5 of the Units of Measurement Regulations 2009 and regulation 4 of the Weights and Measures (Metrication	Secretary of State

		<p>Amendments) Regulations 2009 revoke the UK legislation which inserted those references. Regulation 5 of the Weights and Measures (Metrication Amendments) Regulations 2009 modifies the Weighing Equipment (Beltweighers) Regulations 1983 (which refer to the 31 December 2009 deadline) so that, where (by virtue of relevant savings) they continue to apply to beltweighers passed as fit for use for trade prior to 28 September 2001, they must be read as if the reference to the 31 December 2009 deadline was omitted.</p>	
Article 1(5)	Makes updates units of measurement in the light of changes at international level adopted by the General Conference on Weights and Measures.	Regulation 4 of the Units of Measurement Regulations 2009 amends the Units of Measurement Regulations 1986 in order to implement the changes in question.	Secretary of State