

BWMA
BRITISH WEIGHTS AND MEASURES ASSOCIATION

A FAIR MEASURE

**Proposal for the annulling of
Compulsory Metrication
arising from
EC Units of Measurement Directives 80/181 and 89/617**

September 1997

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Foreword

It is twenty years since BWMA produced *A Fair Measure*, which brings together in a single document all aspects of the case against the compulsory use of the metric system.

It was prompted by the promise of the Labour government in 1997 to conduct a complete reappraisal of metrication policy, following the regulations passed by the Conservatives three years before.

Of course, we soon learnt that Labour was no more running the country than the Conservative government before it. Its reappraisal report was merely an account of how the Labour government would proceed with metrication regulations in accordance with EC Directive 80/181.

But now Britain is leaving the European Union, the government will once more be free to decide its own policies, and the arguments laid out in *A Fair Measure* will again become relevant.

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1) Introduction

The last government set out a history of metrication in Britain. In this version of events, the present policy of compulsory metrication is a direct continuation of metrication that began in 1965.¹

Although BWMA regards this view as inaccurate, a historical analysis is not required here, since it is current and forthcoming regulations which are of concern. Nevertheless, it is essential to understand why the present regulations, amending the Units of Measurement Regulations 1986 and the Weights and Measures Act 1985, are so different from previous metrication and why, therefore, they are generating concern and opposition.

The current metric policy differs from the metrication of thirty years ago in two important respects.

First, it is not in response to domestic demand. Its origin lies in the EC's 1979 Units of Measurement Directive 80/181, amended by directive 89/617. Although DTI correspondence in recent times has sought to play down the EC's role in metrication, statements in 1988 explained: "Under the European Community's 1979 Units of Measurement Directive, the Commission is obliged to make proposals to extend the use of metric units".²

Second, the present policy of metrication involves compulsion. This is in contrast to the metrication of the 1960s which was voluntary in nature and which went only so far as private business wanted it (this being one of industry's conditions). Many British industries, including most of the retail industry, did not go metric. Thus, thirty years later, amid the ongoing use of customary units, the government adopted compulsion to ensure a switch to metric units which would not have otherwise taken place.

The previous government put forward several arguments in favour of compulsory metrication: that extensive consultation revealed overwhelming support for it; that business demands it; and that consumer protection is dependent upon it. This paper will demonstrate that:

- the adoption of the EC metric directive was not with adequate consultation
- compulsory metrication meets the needs of neither business nor consumers
- the regulations are destructive without offering compensating benefits
- metrication is unnecessary in the contexts of EU and international trade
- advantages exist in continuing the use of customary units.

This paper concludes that the adoption of EC directive 80/181, and its amendment by 89/617, defies all the principles of Good Regulation as laid down by the last government, and suggests possible means by which the effects of the directive can be annulled.

2) The Failure of the DTI's "Consultation Process"

Numerous shortcomings have been identified in the DTI's consultation process on the EC metrication directives. Although the DTI sent consultation documents to around 500 British industrial, trade and consumer associations in 1988 and 1992, the process displayed three principal flaws:

1) *Consultation concerned implementation, not policy*

On reading, it is clear that the DTI's consultation documents concerned only the *transition* to metric, not whether the metric system should actually be adopted. The DTI's first consultation document in 1988 simply informed consultees: "the terms of the 1979 [EC] Directive mean that further moves to adopt metric units are inevitable".³ With regards to the sale of loose food, the DTI stated shortly before consultees received the first consultation document that pounds and ounces were "almost certain" to be replaced with kilogrammes and grammes.⁴

The consultation process therefore played no role in determining government policy since it began nine years *after* directive 80/181 had already been signed.

2) *Most associations consulted were not affected by Compulsory Metrication*

Associations representing sectors affected by compulsory metrication, primarily the retail and small business communities, comprised only a handful of those receiving consultation documents, despite being the ones most able to give relevant opinions.

The consultation did not reveal "overwhelming support for further metrication"⁵ as the DTI later claimed since most of the 500 associations on the list were unaffected by compulsory metrication and considered themselves unable to comment.⁶

3) *Relevant consultees were ignored*

The Federation of Small Businesses, representing 75,000 firms, responded to the 1992 consultation document by suggesting that:

- there be no compulsion in the use of metric units;
- a dual system would be compatible with customer choice;
- there was a danger of prosecution under the proposals put forward.

Yet, in May 1996, the DTI's Consumer Affairs & Competition Policy Directorate said: "... in 1992 the Federation of Small Businesses responded to a consultation document we issued by supporting metrication".⁷

Clearly, if the purpose of the consultation process was to base policy on "extensive consultation"⁸ of affected groups, then it failed dismally. Compulsory metrication was a *fait accompli*.

3) The Views of British Business

The former government's defence of compulsory metrication - that British business "consistently lobbied for metrication"⁹ - is a contradiction in terms: if British business wanted to go metric, regulations *compelling them to do so* would not be necessary.

Certainly, much of British manufacturing went metric from 1965 following the government's policy of voluntary metrication, but there were many parts of the economy which volunteered not to go metric, including most of the small business and retail sectors, and exporters with North American and South East Asian connections. This is despite their being quite free to do so since a choice has existed between customary and metric units for the "majority of commercial transactions in goods, land and services".¹⁰

Since many sectors of the British economy have shown no desire to go metric under voluntary conditions, it logically follows that metrication can only occur under conditions of legal compulsion. The DTI appears to concede this with the following statement: "a common date for conversion ... ensures that traders do not gain an *unfair competitive advantage by delaying their changeover*".¹¹ In other words, metrication is uncompetitive and cannot be achieved without outlawing imperial units.

UK traders say quite clearly that they want metrication as an option, not a compulsion. London Chamber of Commerce and Industry advocates "choice for businesses in the matter of metrication".¹² Compulsory metrication means tens of thousands of retailers will lose money from the costs of replacing equipment, including 29,000 grocers, 12,000 butchers, 2,000 fishmongers, 11,000 market traders, plus thousands of village shops, newsagents and confectioners.¹³ The price of weighing scales ranges from £680 for basic electronic scales to £2,500 for multi-purpose systems¹⁴ making metrication a costly exercise that will drive some shopkeepers to the wall just as village petrol stations were forced to stop trading in 1995 following the banning of gallons for selling petrol.

The cost of conversion represents one of four concerns expressed by business:

- i) traders risk being criminalised;
- ii) it represents unnecessary regulation;
- iii) conversion is expensive;
- iv) customers continue to be familiar with UK units.

This is what affected businesses say - in their own words¹⁵ (other comments are included in the Appendix):

i) Criminalisation

NATIONAL MARKET TRADERS' FEDERATION: "... finds it abhorrent that non-compliance with the regulations should be classified as a criminal offence punishable by a fine of up to £5,000 or six months in prison; and wholeheartedly

supports [BWMA's] initiative”.

MANCHESTER CHAMBER OF COMMERCE AND INDUSTRY: “... the imposition of criminal penalties was heavy handed and unnecessary. The Committee therefore agreed to support ... a Deregulation Order”.

ii) Unnecessary Regulation

FEDERATION OF SMALL BUSINESSES: “If the much vaunted European expression “subsidiarity” means anything at all then, surely, it means the ability to sell our goods, services and materials to our own people in our own measures ... If we want to sell these abroad to our European neighbours then we can convert the sizes to metric and get on with it. But let us keep the opportunity to choose to sell our beer, milk, butter and cheese, etc. in pints, pounds and ounces to each other if we want to ...”

BASINGSTOKE DISTRICT CHAMBER OF COMMERCE: “... fully supports the proposal to repeal compulsory metrication ... We are very much against the increasing tide of regulation, particularly that which is being imposed upon us by Europe, and which is causing so much difficulty for our small businesses”.

iii) Expense

VILLAGE RETAIL SERVICES ASSOCIATION: “Compulsory metrication of packaged goods and commodities introduced in October 1995 could easily have been resisted by the DTI ... It resulted in considerable extra expense for many small shopkeepers who are struggling against falling profits”.

BRENTFORD CHAMBER OF COMMERCE: “... does not want [retailers] to go to all the trouble and expense of having to convert their weighing equipment”.

iv) Ongoing Customer familiarity with UK Units

AYRSHIRE CHAMBER OF COMMERCE: “... fully supports the proposal to repeal compulsory metrication ... the general public on the whole still think of UK measures when making purchases”.

TRAGO MILLS: “... [we deal] with some 10 million consumers a year. .. the greater number of these people, whether surprisingly young or more mature, speak to us in English and expect us, during transactions, to speak to them in language and units if measure that they understand”.

KITCHEN GEAR: “... a corner shop, whose customers are used to pounds and ounces, will derive absolutely no benefit by selling potatoes by the kilo, and indeed, by applying metrication, will cause unnecessary resentment among some of its patrons”.

Such views contradict the previous government’s claim that “UK business has consistently argued for complete metrication”.¹⁶

4) Compulsory Metrication and the European Union

No conflict exists in Britain using UK units for internal purposes while remaining a member of the European Union. This is entirely consistent with the European principle of subsidiarity and has many precedents in other contexts: Greece, for example, belongs to the EU but uses a different alphabet. Moreover, Britain is not the only EU country to use non-metric units. All EU countries use non-metric units to some extent, and many use “hybrid” units whereby metric units are cut up to reproduce sizes based on the customary model. Authorities turn a blind eye to such units because, although not officially recognised, they are arrived at through convenience, custom and convention.[†]

Only the Republic of Ireland has joined Britain in adopting criminal penalties to enforce metrication yet, even here, metrication is adapted to existing equipment. When pub spirit measures were metricated, the Irish government replaced $\frac{1}{4}$ gill servings with the straight metric equivalent of “35.5ml”. Irish licensed traders were therefore able to keep their existing equipment since it complied with regulations. In Britain, however, the government insisted on 35ml spirit measures forcing the licensed trade to replace their optics.¹⁷

Metrication is an instance of “harmonisation” for the Single Market being taken out of context. It does not *matter* to the Single Market whether an English shop prices cheese by the pound, any more than it *matters* that Spanish shops use the Spanish language to describe goods rather than English, French or German. In the words of the Chairman of the Manchester Retail Committee, “... it is regrettable that those who appreciate the myriad benefits of closer cooperation between European nation states are losing ground in the debate because of such annoying irrelevances”.¹⁸

5) International Trade

There is no conflict in Britain retaining her own customary measurements for domestic use while maintaining compatibility abroad. British industry remains free to adopt metric units where international trade requires it, just as metric countries adopt US inch-based specifications for the manufacture of computers, videos and televisions.

The only obstacle to international trade arises from compulsory metrication itself since, in 2½ years, British producers will no longer be able to use dual markings on goods sold in Britain. This means that producers intending to export to the USA as well as selling domestically will be unable to produce one set of packaging displaying both customary and metric units. Industries as diverse as confectionery, preservatives, perfumery and cosmetics are concerned at the prospect of having to create two versions of the same packaging, because references to measures required for the USA will not be allowed on shop shelves in Britain.

[†] For example, Germany has 500 grammes to 1 pfund, 2 pfunds to 1 kilo, 20 kilos to 1 zentner, and 20 zentners to 1 tonne.

6) Effects on the Public Sector

The EC directive affects not only the private sector but also the public sector due to its requirement that metric units be adopted for “economic, public health, public safety and administrative purposes”. Prior to 1995, customary units were the preferred system in the public sector and attempts to convert to metric have led to problems which were not foreseen, presumably, when the directive was agreed.

Example One: Metrication of Waterway Signs

Although the DTI exempted road signs from metrication, it omitted to exempt waterway signs meaning that, to comply with the letter of the EU directive, canal and river signs stating speed limits in miles per hour must be converted to “KPH” (kilometres per hour).

The Broads Authority has sent a letter of complaint to the DTI pointing out that 700 signs on the Norfolk and Suffolk Broads will have to be replaced at very considerable cost, and 5,000 cruisers on the Broads will need to have their speedometers recalibrated or replaced.¹⁹ The council will also have to spend money replacing river inspectors’ radar speed-detection devices.

The KPH signs are to be converted to no fewer than two decimal places; thus a sign that once specified 4 mph now must state “6.43KPH”. Notwithstanding the fact that this degree of accuracy is quite pointless, the Broads may be damaged by wash caused by holidaymakers being misled into going faster than they should.

Example Two: Metrication of Police Records

Another instance of uncompromising implementation relates to police records. From October 1995, the national *Police Gazette* adopted the metric system for describing the heights of wanted criminals. An offender described previously as 5 feet 10 inches became “1.78 metres”. Needless to say, feet and inches were soon reinstated (in brackets after the metric to remain within the confines of the EC directive) since no-one understood the new measurements.

Basic commonsense should have indicated from the outset that if heights were to be given in unfamiliar terms, then the descriptions would become meaningless. Yet, officials went ahead and metricated *Police Gazette* anyway.

The re-inclusion of feet and inches is temporary since their use is permitted only until December 31st, 1999 when the EU’s “derogation” on supplementary indicators is withdrawn. After this date, *Police Gazette* will revert exclusively to metric units few police officers understand.

7) The View of the Public and the Value of Tradition

Most people in Britain oppose compulsory metrication. A survey of 3,780 customers by west country retailer Trago Mills in August 1997 found that in response to the question “Would you prefer our goods to be displayed as [either UK units, metric or a combination]?” people said:

metric units only	6%
UK units only	38%
combination of metric and UK	56%

When asked whether they agreed with government regulations making the use of UK units a criminal offence, 90% of respondents said no.²⁰ Criminalising feet and inches or pounds and ounces goes beyond mere technical changes to point-of-sale legislation. Customary measures are rooted in Britain’s culture and are part of people’s everyday experience. The removal by force of Britain’s customary weights and measures is comparable to the destruction of traditional architecture in favour of concrete tower blocks, or the scrapping of 60,000 red telephone boxes.

The previous government conceded the value of tradition by saying that, “in matters which are entirely domestic to the UK, we see no reason why we should not continue to use imperial units where they are customary”.²¹ Yet, compulsory metrication affects precisely these areas. Selling vegetables by the pound or confection by the ounce is entirely domestic and just as traditional to Britain as the pub pint.

8) Some Advantages of Customary UK Weights & Measures

There are good, practical reasons as to why people use customary units. Whilst the metric system derives its units from one forty millionth part of the Earth’s circumference, the foot, pint and pound exist because they reflect useful sizes for daily tasks. Whereas the pint is the right measure for a carton of milk, the metric system requires hundreds of millilitres since the millilitre is little more than a drop. The pound, unlike the kilo, is not overly heavy for weighing fruit and vegetables, nor is it hopelessly too light like the gramme; it is simply an appropriate weight.

Customary units are designed to be more easily divided: the 16 ounce pound can be halved continuously down to one ounce; the 12 inch foot can be halved, quartered and divided by three. Ten-based units can be halved only once before producing a fraction, and cannot be divided into thirds without a recurring decimal.

The customary system therefore differs from metric in that it relates to human scale and perception, and applies directly to human use. Whereas ounces and inches are seen as *weights* and *measurements*, metric units are seen more as *numerical* indications. This is why people often feel more comfortable with customary measurements without quite knowing why. People should not be turned into criminals for using them.

9) The Use of Criminal Penalties

Non-compliance with compulsory metrication has been made a criminal offence punishable by fines of up to £5,000 or six months in prison for non-payment. The DTI defends criminal penalties on the grounds that “in the absence of fraud or abuse, trading standards officers regard prosecution as a last resort option and we expect that approach to continue”.²²

This is a non-argument, since the regulations are not designed to prevent “fraud or abuse”; they exist only to enforce the use of metric units. ASDA Stores makes the following comment on the use of criminal penalties:

“... the use of criminal sanctions to force the change to metric units is inappropriate just as they are inappropriate in many other aspects of trading law. The use of criminal law suggests that traders are in some way deliberately acting to the detriment of their customers and this is in fact very rarely the case, and certainly cannot be true of the use of traditional British weights and measures ... there is a strong argument for flexibility to allow traditional units to continue in use where specific national or local conditions demand”.²³

The Allied Carpets Group also opposes the use of criminal penalties and has openly defied metric regulations by continuing to sell carpet by the square yard.

BWMA says: if compulsory metrication regulations are to continue, then let the government and trading standards bring a prosecution so that the regulations can be tested in court.

10) Customer Protection

In the context of commerce, the goal of weights and measures is to provide information on products for the benefit of the buyer. It therefore follows that the chosen units should be understandable to as many consumers as possible. On this requirement alone, compulsory metrication fails since most people are more familiar with customary units. The Trago Mills survey in August 1997 found that an overwhelming majority of customers thought in UK units. In response to the question, “Which units of measurement do you prefer to use?” customers said:

pints	83%	litres	15%
pounds	82%	kilogrammes	16%
yards	72%	metres	25%
inches	75%	centimetres	23%
miles	87%	kilometres	11%

These findings match closely those of a national Gallup poll which asked, “Do you normally think in [imperial or metric]”: 87% of people said pints (10% litres); 87% pounds (10% kilos); 69% yards (26% metres); and 95% said miles (3% kilometres).²⁴

Young and Old alike

Both Gallup and Trago found that most younger respondents (those under the age of 30 with a metric education) preferred customary measures. A further survey by a Middlesex School in 1996 found that even children in the 11-16 age group thought in UK units.²⁵ The school’s research showed that despite being taught metric in school, children were just as likely to use UK units in everyday life: thus, while 70% used metres for estimating the height of a London bus, 89% measured their own height in feet and inches. When asked their weight, 94% of children answered in stones and pounds, and questions relating to distance were answered by 94% in miles. When asked what units they would expect apples to be weighed in, 68% of children said pounds compared to 14% who said kilogrammes.

With regards to elderly people, research by Gallup indicates that almost all people over 65 years of age think in UK units: 92% in pounds (6% kilogrammes); 93% in pints (6% litres); 92% in yards (5% metres). Age Concern has expressed the view that shoppers “will remain confused well after the introduction of metric measures”.²⁶

Given this widespread familiarity with UK units by consumers of all ages, BWMA believes that it is essential for the purposes of customer information and protection that retailers retain the flexibility to use customary units where customers feel more comfortable with them. Products affected by regulations fall mainly into two categories; goods and foods sold per unit, and foods sold pre-packed.

Foods and Goods sold Per Unit

It should be noted that the DTI has not prohibited UK units entirely; they remain legal

for “descriptive” purposes, that is, describing the *dimensions* of products. This is necessary due to the widespread use of UK units in Britain, and the sale of non-metric goods imported from North America and the Pacific Rim. For “trade” purposes, however (prices given *per unit*), the DTI has argued against a dual system, saying that two systems of measurement will confuse consumers. Thus, metric became compulsory for per unit transactions concerning non-foods in October 1995, and will become compulsory for loose foods in January 2000.

The DTI’s concern in this matter is unfounded. As already observed, the fundamental difference between metric and traditional units is that metric is not based on human usage. As a result, metric units tend to be larger and so give the impression of higher prices. For instance, apples priced at 65p per pound become £1.43 per kilogramme. Carpet priced at £8.99 per square yard becomes £10.75 per square metre. The DTI’s view that voluntary metrication will confuse customers assumes that retailers intend to confuse customers into thinking that their prices are higher than their competitors!

As noted elsewhere, the DTI acknowledges that retailers who use UK units have a “competitive advantage” over those who do not. This is why retailers have retained imperial measures for per unit transactions. Even after the 1995 legislation, an attempt by Sainsbury’s to make a complete switch to metric was promptly abandoned. It is nonsensical for the DTI to claim that metrication must be made compulsory to protect consumers when it is the consumers’ own purchasing preferences that have ensured retailer support for UK units in the first place.

Packaged Foods

For packaged foods, producers have been required since 1995 to display metric as the primary description with the option of UK units as “supplementary indicators”. Only metric will be allowed from January 2000. Since many pre-packed foods are supplied in rounded customary quantities (frozen vegetables, confectionery, preservatives, milk, etc.), metric conversion has produced incongruous three digit figures such as “568ml”, “227g” and “284ml”. Producers do not appreciate these unsightly markings and so, over time, re-adjust the quantity of food or drink to a rounded metric number.

This process has been associated with “hidden” price rises caused by the rounding down of weights and volumes without reducing prices. Heinz reduced their food tins from 450 grammes (1 lb) to 420 grammes while retaining the same price.²⁷ Some confectionery suppliers are now reducing packets of sweets from 113 grammes (4 ounces) to 100 grammes without price reductions, and milk producers are gradually replacing 568ml and 1,136ml cartons with 500ml and 1 litre containers.²⁸

Technically, these practices are legal so long as quantities are marked. In practice, customers can be totally unaware that a product is being reduced in quantity. It should be recalled that the *raison d’etre* of weights and measures legislation is to protect the consumer from short measure. Yet, the consequence of metrication can be precisely the reverse effect.

11) Metric Muddle

Metric regulations create ambiguities and contradictions.

i) “Trade” and “Descriptive” inconsistency

Compelling metrication for trade uses conflicts in areas where UK units remain legal for descriptive purposes. Whereas carpet retailers previously labelled goods in customary units, they now use *six* units of measure: metres, centimetres, millimetres, yards, feet and inches. A rug may be described legally as “6 by 8 feet” when sold as a single item, yet must be priced by the metre when sold off a roll. The distinction between using metric for per unit pricing and customary units for dimensions may be clear to regulators, but it is by no means clear to customers who see carpets, quite logically, as one type of commodity, regardless of whether sold off a roll or as single pieces, and therefore requiring one system of units.

ii) Inappropriately sized Metric Units

To solve the above difficulty, some retailers have switched to metric for descriptive purposes alongside trade purposes. This, however, creates a new problem in that the metric unit most widely adopted is the millimetre, a measure so small that products cannot be described without use of huge numbers. A 4ft by 8ft plywood board becomes “1200mm x 2400mm”, and a 9 by 6 inch envelope becomes “225mm x 150mm”. Such large numbers are not consumer-friendly.

iii) Concessions were not applied consistently

Due to its unpopularity, metrication has been avoided in areas which might be considered too sensitive. These concessions were not applied logically and so create anomalies. Hence, draft beer and cider may be sold by the pint but draught shandy and soft drinks may not. Milk may be described in pints when bottled but not when in cartons. During the period until January 2000, food may be labelled in UK units when sold loose but must be in metric if wrapped. Beyond retail, the mile is permitted for signs along roads and railways but not rivers and canals.

iv) Customary Units in Disguise

For displaying prices on a per unit basis, Price Marking Orders allow retailers a limited number of metric units. Yet, retailers defy these rules by adopting *fractions* or *multiples* of metric units to represent the quantities customers are most likely to buy. Examples include: food priced “per half-kilo” in supermarkets; piping priced “per 30cm” in DIY shops; and lino priced “per 0.25sqm” in decorating stores. Such metric fractions and multiples are adopted because they convey price indications in a more relevant way to customers than whole or single metric units. Now that regulations are removing natural units for per unit transactions, retailers are simply reinventing them.

12) The Principles of Good Regulation

The Deregulation Initiative launched in 1992 suggested three principles of “Good Regulation”.²⁹ Compulsory metrication fails these tests:

Think Small First: don’t make rules unless small firms will be able to cope.

Proportionality: don’t make rules unless benefits really justify costs.

Focus on the Goal: don’t make detailed prescriptive regulations when the goal, once specified, can be achieved by business.

i) Think Small First: don’t make rules unless small firms will be able to cope.

Clearly, the implications of metrication for smaller firms were not considered when the EC directives were agreed. Over the past decade, smaller and independent firms have faced intense competition from national chains and out-of-town shopping centres: from 1985 to 1995, the market share of grocers, butchers and fishmongers fell from 45% to 25%, and the share of market traders fell from 18% to just 6%.³⁰ An estimate by the Village Retail Services Association suggests that 3,500 villages throughout Britain are in danger of losing their only shop and post office.

Although all political parties acknowledge the need to preserve small traders and the rural economy, compulsory metrication threatens to impose a set of costs which smaller businesses are less able to afford than national companies. Contrast, for example, the fate of the award winning village shop of Hawksworth, Nottinghamshire, forced out of business in December 1995 following expenditure of £3,000 on metric weighing scales and packaging, with Sainsburys supermarket which was able to spend £1 million on its own in-house training video for staff.³¹ The view of the small business community towards compulsory metrication is summed up by Ayrshire Chamber of Commerce: “Small retailers have enough problems at this time without adding further ones”.³²

ii) Proportionality: don’t make rules unless benefits really justify costs.

Essentially, all metrication does is to change numbers on the sides of packets; it does not produce *material* benefits. Pricing cheese by the kilogramme, for instance, does not improve its taste, or make it more hygienic. No costs arising from metrication can therefore be justified.

iii) Focus on the Goal: don’t make detailed prescriptive regulations when the goal, once specified, can be achieved by business.

The people best placed to determine units of measure are those who use them. Over the past thirty years, many British industries have exercised the option to adopt the metric system where they consider it desirable. Others have chosen to retain UK units. The key advantage of this voluntary process is that businesses are free to change units when necessary, but at the same time avoid all of the waste and inconvenience caused by blanket compulsion. There is no case for making metric compulsory under the Principles of Good Regulation.

13) A Possible Solution

Given that the DTI did not conduct an adequate consultation process, and given that both the public and affected businesses oppose metrication, it is BWMA's view that EC Directive 80/181 and its amendment 89/617 *should never have been adopted*. There is, however, a solution:

Deregulation

It is BWMA's understanding that, since the EC directive applies only to regulated units (that is, units whose use is required by law for certain purposes), the effects of the directive can be annulled by reducing the number of uses for which the law requires certain units.

BWMA believes such change can be achieved by means of a Deregulation Order under the Deregulation and Contracting Out Act 1994, repealing the compulsory elements of the Weights and Measures Act and the 1994 Units of Measurement Regulations.

Such a change will effectively restore the circumstances that existed in Britain prior to the EC directive. British law previously authorised *both* metric and UK units for retail use; following deregulation, it will authorise *neither*. The act of deregulation will mean that both systems can again be used since it will remove the UK's regulation of units which presently activates the directive. Britain can both continue to observe the letter of the directive while ceasing to have any obligations under it.

Renegotiating the Directive

Britain must also renegotiate the EC directive to lift the prohibition on supplementary indications across the European Union from January 2000. This will benefit both the EU and the US since it allows products with the same packaging to be marketed in both Europe and the States. Early indications suggest that the DTI is sympathetic to this idea and that other member states will support the change.

This opportunity can be used to make other amendments to the EC directive such as the recognition of more customary UK units as legal EU measurements. The British government has already obtained subsidiarity for the mile and the pint, and the pound and ounce are still legal at present. This principle should be extended on a permanent basis to other UK units. There is no legitimate reason why other EU states should object since amendments for Britain's benefit will be at no cost to themselves.

Reassessing the directive could also lead to a domestic re-appraisal of Britain's internal weights and measures policies, particularly in the field of education. There is clearly a contradiction in schools teaching kilometres when Britain's road signs are in miles. A new UK weights and measures policy could be based on considerations such as customer and retailer preferences, public familiarity, costs, price comparability, convenience, tradition and overall consistency.

14) APPENDIX

BUSINESS OPPOSITION TO COMPULSORY METRICATION

National Federation of Retail Newsagents: "... totally supports the proposal to repeal compulsory metrication. This legislation can only be considered as draconian in the light of many customers wishing to continue to purchase in imperial measures. For the retailer to be subject to criminal law with fines up to £5,000 for failure to comply is regulation gone mad! The NFRN supports the view that this legislation be repealed and subsidiarity in the UK be obtained for the use of imperial weights and measures".

Aberdeen Chamber of Commerce: "... there are a number of us to whom pounds and inches are still important. The Chamber ... believes that criminal penalties for anyone continuing to offer goods in non-metric units is draconian to say the least".

Allied Carpets Group: "When the DTI proposed moving to metric in October last year, we faced this prospect with horror ... I would be delighted to support the [repeal of compulsory metrication] as I believe that is something the majority of our customers would support".

Forum of Private Business: "In the case of [pre-packed goods], metrication does have merit. It reduces the cost base of manufacturers and allows consumers to effectively compare prices, particularly if such goods are for the bulk of their volume processed through the large scale supermarkets. As regards to [goods sold loose], for example a greengrocer selling fruits and vegetables, we can see little merit in compelling consumers and retailers to change their preferred unit of measure. So long as the unit of measure is properly calibrated, and the customer knows what he is getting, then there can be no real objection in our view. We further believe that the application of criminal law to such offences is excessive and disproportionate. We therefore support the initiative".

Bath Chamber of Commerce: "... the DTI was being excessively zealous in adopting unnecessary legal penalties we support your initiative".

Courts Plc & Courts Furnishers: "... are keen to support you in your proposals to repeal compulsory metrication".

North Derbyshire Chamber of Commerce and Industry: "... the retailers of Chesterfield share your concerns regarding the DTI's adoption of criminal penalties, particularly since they were not required by the European Community directives. They believe the cost of enforcing the penalties would overload an already burdened criminal system and bring no tangible benefit to the fabric of British society".

Brent Chamber of Commerce: "... is pleased to support proposals to repeal compulsory metrication".

Brentford Chamber of Commerce: "... is greatly opposed to retailers being under threat of prosecution for using customary UK weights and measures".

Burnley and District Chamber of Trade: “This matter was put before the Chamber’s October meeting and it was unanimously agreed that I should write to you on behalf of members pledging our support for the all-Party proposal to repeal compulsory metrication ...”

Camden Chamber of Commerce: “... I have been discussing with our members the issues raised in your letter and received almost a unanimous answer in favour of supporting your proposal to repeal compulsory metrication ...”

Carpet Depot: “... are in full agreement with your initiative and we will fully support the proposal being put forward by BWMA”.

Derbyshire Business Chamber: “We are equally concerned that the DTI should adopt a Draconian penalty system against British traders who deal in non-metric units. We would certainly support all deregulation and are particularly concerned about this unnecessary measure”.

Glastonbury and District Chamber of Commerce and Trade: “... supports your initiative ... at one of our regular Mendip Association Chambers of Commerce meetings two nights ago we met with our MEP Graham Watson. We brought this matter to his attention”.

Havering Chamber of Commerce and Industry: “... support your organisation in their initiative to repeal compulsory metrication by means of a parliamentary Deregulation Order”.

British Christmas Tree Growers’ Association: “... would be very glad to support your action to ensure that anyone choosing to sell a Christmas tree in feet is not liable to a spell in prison or a large fine ... This year I have had to advise my members to sell their trees in metric sizes and to do so in the size intervals suggested by the European Christmas Tree Association or to sell them by quality and put them in price pens without saying how tall they are. I know that many of them will still be sold by the foot and I hope that they will not be prosecuted”.

Lisburn Chamber of Commerce: “... strongly oppose the treating of this offence as a criminal activity. We therefore support your initiative to repeal compulsory metrication by means of a parliamentary Deregulation Order. Wishing you every success in your efforts”.

Liverpool Chamber of Commerce and Industry: “supports any measure which ... would remove a legislative burden on business. [The] Deregulation Order proposing the repeal of compulsory metrication therefore has our endorsement”.

Rochdale Chamber of Commerce, Trade and Industry: offers “support to the forthcoming all-Party proposal to repeal compulsory metrication”.

Newham Chamber of Commerce: “All members, and particularly retailers, are most concerned about [compulsory metrication] ... The Chamber is totally opposed to the

DTI's adoption of criminal penalties, especially as these were not required by the EC directives that the DTI is seeking to enforce ... Measures other than metric are used around the world and, while metric measures are often more appropriate, there are circumstances where they are not. We feel that it is wrong to forcibly bring everybody down to the lowest common denominator, i.e. stop the use of measurements other than metric because some people have been unfortunate enough not to have had a balanced education; rather, promote education of our rich and historical culture ...”

North Cornwall Small Business Helpdesk: “We have a saying: *the customer is always right*. However, it now seems that we have all been dreadfully misinformed; the customer is wrong. The customer is wrong when asking for a quarter of cured ham, and wrong when asking for a pound of mature cheddar ... save our businesses the worry of possible prosecution, the expense of converting quantities and upgrading already adequate equipment, and save them the massive burden that compulsory metrication will impose”.

North Staffordshire Chamber of Commerce and Industry: “... supports the Deregulation Order and hopes that your initiative is successful”.

The Original Artshop: “Most retailers accept that it is in their own commercial interests to indicate the equivalent metric weight or measure when marketing their products, but if they desire to retain the customary UK systems either wholly or in part, it should be left to their own judgement to decide if and when they adopt an alternative practice”.

Plymouth Chamber of Commerce and Industry: “... supports the BWMA initiative in opposing compulsory metrication”.

Roofing Construction Services Ltd (West Midlands): “... we wish to support your initiative to repeal compulsory metrication by means of a parliamentary Deregulation Order. We find it objectionable that stringent penalties should be imposed for non-compliance of compulsory metrication. That our DTI should impose these penalties which are not required by the EEC and that 80% of the population think in UK measurements is undemocratic. It could well be we are not members of the EEC by January 1st, 2000 and once again government measures will have wasted vast sums of tax payers' money. Those MPs who supported this measure are not representing their constituencies”.

Shepton Mallet and District Chamber of Commerce: “... supports your initiative ... members oppose compulsory metrification and the DTI's adoption of criminal penalties”.

Teignmouth Chamber of Commerce: “... all traders concerned are very much opposed to the new regulations. We wish you well in your efforts”.

15) SOURCES

- 1 Numerous DTI letters, for example 5/10/95
- 2 DTI letter 16/11/88
- 3 DTI Consultation Paper October 1988
- 4 DTI press notice 88/750 25/10/88
- 5 DTI letter 21/2/96
- 6 As part of the research for this paper, over a hundred consultees were asked to give their response to the 1992 consultation document. The reply from the Geological Society was typical: *“I am afraid that I cannot recall the Society having responded to the DTI on this matter. As the Learned Society and Professional Body for Geology, the theme is really outside the scope of our activities”*.
- 7 DTI letter 15/5/96
- 8 DTI letter 21/2/96
- 9 DTI letter 27/3/96
- 10 DTI guidance note 15/9/95
- 11 DTI letter 23/1/96
- 12 London Chamber of Commerce and Industry letter 6/2/97
- 13 Marketing Pocket Book, NTC Publications, 1996; Annual Abstract of Statistics, Central Statistical Service, 1996
- 14 Avery Catalogue, June 1996
- 15 Comments taken from correspondence with BWMA during 1996 and 1997
- 16 DTI letter 10/6/96
- 17 Federation of the Retail Licensed Trade Northern Ireland letter, 24/9/96
- 18 Letter 24/10/96
- 19 Broads Authority solicitor’s letter 2/1/96
- 20 Conducted 23rd-30th August 1997 among 3,780 customers at stores in Devon and Cornwall.
- 21 DTI press release 88/75025/10/88
- 22 DTI letter 21/2/96
- 23 Asda letter 28/10/96
- 24 Based on a representative sample of 1,082 adults interviewed between August 31st and September 4th 1995 at more than a hundred points across Britain.
- 25 Conducted during March and April 1996 among 116 eleven to sixteen year olds.
- 26 Age Concern press release No 139, 31 August 1995
- 27 *Sunday Times* 24/9/95
- 28 As early as 1995, a survey by Scottish trading standards of shops replacing pints of milk with 500ml cartons found no instance of prices being reduced in line with the 13 reduction in milk.
- 29 *Good Regulatory Principles and Practice in Europe*
- 30 *Mail on Sunday* 1996 (Financial Mail supplement)
- 31 *The Independent* 30/9/95, *The Times* 28/12/95
- 32 Ayrshire Chamber of Commerce letter 1/10/97