

Metrication and the sale of goods

Research Paper 95/78

22 June 1995



Recently there has been some debate in the press about the use of metric units for the sale of goods. This paper reviews current legislation, both domestic and European, and provides a brief history of metrication in the UK.

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A. Introduction

In recent days there have been a number of press articles, some less accurate than others, on the introduction of metrication within the UK¹. For instance, the *Daily Mail* carried the following article on 19 June 1995 under the title "Red Tape Alert: Did your MP vote metric?":

"ALL OVER Britain, shops and supermarkets are preparing their customers for October 1, when it will no longer be legal for them to sell a vast range of goods except in metric measures. Under an EU directive, 89/617, it will no longer be legal to sell bacon, ham, meat, cheese and hundreds of other items except in grams and kilograms. Dresses, shirt-collar sizes and shoes will have to switch to the continental metric system. Even computer buffs, used to talking about '3 1/2 inch floppy discs', will have to buy them as '8.89 centimetre floppy discs'. But most puzzling of all is why our government should think it necessary to make selling any of these things in non-metric measures a criminal offence, punishable by a fine of up to pounds 5,000.

"May we suggest readers write to their MPs asking two simple questions. Do you agree that selling goods in non-metric measures should become a criminal offence? And, if you disagree, why didn't you vote against it last year, when you had the chance? Please let us know how your MP replies."

Although there is a basis of truth to this article, it does contain a number of inaccuracies². Under new regulations, from 1 October 1995, all prepackaged goods, whether sold in variable weights or not, will have to be labelled in metric units. However, this does not necessarily mean that pre-packed food has to be sold in uniform units of, say, 100 grams. Unless legislation specifies otherwise³ it will be possible, for instance, to sell pre-packed food in units of 454 g (ie. 1 lb) instead of in pounds. A shop would be able to sell a 1 lb pack of cheese, but it would have to be labelled as 454g. However, the dual use of imperial measures is not banned, so the cheese could also be labelled as 1 lb: the metric measure would just have to come first or be more prominent.

The above description only applies to pre-packaged goods. Goods sold loose from bulk, eg. loose vegetables which are weighed at the check-out or cheese from a delicatessen counter, will be able to be traded in imperial units until 31 December 1999. After that date, prices will have to be displayed in metric units, such as by the kilo or by the 100 grams, and goods once weighed will have to be labelled in metric units. However, as with prepackaged goods it will still be possible for a pound of cheese to be sold, it will just be labelled in metric units. In other words, a customer would still be able to go up to a delicatessen counter and ask for a pound of cheese; the shop assistant would just weigh out 454g.

¹ "Sunday Comment: The criminals who sell six ounces of cheese" *Sunday Telegraph* 18 June 1995

² The *Daily Mail* carried a more accurate article on 20 June 1995 entitled "Confusion by the kilo: Customers 'will be cheesed off in switch from lb and oz to kg and g, stores warn"

³ For example, bread has for a number of years had to be sold in 400g or 800g units

Further details of the new regulations and their effect in the UK can be found in the following section. This is followed by a brief chronology of the history of metrication in the UK.

B. The new regulations

The new regulations implement EC directive 80/181/EEC⁴ on units of measurement, which was last amended by Directive 89/617/EEC⁵ in November 1989. Under the directives Member States are required to adopt metric units for "measuring instruments used, measurements made and indications of quantity expressed in units of measurement, for economic, public health, public safety or administrative purposes" by certain fixed dates.

1. Provisions of the new regulations

The fixed implementation date in the amending directive for most imperial measurements, as set out in the table below, was 31 December 1994. The UK has implemented the directive by a number of regulations but the principal one is the *Units of Measurement Regulations 1986*⁶ as amended by the *Units of Measurement Regulations 1994*⁷. These regulations have postponed implementation to 1 October 1995. Details of other regulations can be found in Appendix 1.

Units not authorised for use after 1 October 1995 (except in Specialised Fields)	
Type of measurement	Units
Length	inch, foot, yard, mile
Area	square foot, square yard, acre
Volume	fluid ounce, gill, pint, quart, gallon
Mass	ounce, troy ounce, pound
Energy	therm

The above table refers to units that are not authorised after 1 October 1995. However, some units are already no longer allowed in specific fields. For instance, measures of spirits sold in pubs have had to be in metric units since 1 January 1995.

The exemptions where particular imperial units can be used in specific specialised fields are set out in the table overleaf. In particular the use of the pint for beer and cider in pubs and for milk in returnable containers is allowed indefinitely, as is the use of the yard and the mile for road traffic signs, distance and speed measurement.

⁴ OJL 39 15 February 1980 p.40-

⁵ OJL 357 7 December 1989 p.28-

⁶ SI 1986/1082

⁷ SI 1994/2867

Units	Specialised Field
Allowed indefinitely	
inch, foot, yard, mile	Road traffic signs, distance and speed measurement
pint	Dispense of draught beer or cider Milk in returnable containers
acre	Land registration
troy ounce	Transactions in precious metals
Allowed until 1st January 2000	
fathom	Marine navigation
fluid ounce, pint	Beer, cider, water, lemonade and fruit juice in returnable containers
ounce, pound	Goods for sale loose from bulk [eg. cheese, fruit and vegetables]
therm	Gas supply

The directive does not ban the use of imperial units, but states that metric units are the only legally authorised units. In the UK regulations this means, for instance, that although food will have to be sold and priced in metric units, it can still be labelled with imperial units as well. In other words, dual use of units is allowed under the UK regulations. Further details on this can be found below.

2. Parliamentary scrutiny of the new regulations

The new regulations implement EC Directive 89/617/EEC which amended the units of measurement directive (Dir 80/181/EEC). The amending directive was first adopted in draft form by the European Commission in December 1988⁸. It was proposed as a single market measure and consequently it came under the co-decision procedure, subject to qualified majority voting in Council.

⁸ EC Draft 4102/89 *Proposal for Council Directive amending DIR80/181/EEC on the approximation of the laws of Member States relating to units of measurement*

The draft directive was considered by the European Legislation Select Committee in February and April 1989^{9,10}. It was debated in the House on 11 April 1989, and a motion to take note of the document was agreed to on division (107 to 27)¹¹.

Following its progression through the European Parliament and Council, the directive was finally adopted at a General Affairs Council on 27 November 1989. The following Ministers were present at the Council from the UK¹²: Douglas Hurd MP, Linda Chalker MP and Francis Maude MP.

In July 1994, in response to a PQ, the President of the Board of Trade announced that the Government had laid six statutory instruments before parliament implementing "the Units of Measurement Directive in relation to the authorisation of units of measurement and their use for weights and measures and price marking purposes"^{13,14}:

Mr. Lidington: To ask the President of the Board of Trade if he will introduce legislation on phasing out the use of imperial units following the adoption of the 1989 amendment to the units of measurement directive; and if he will make a statement.

Mr. Heseltine: My noble Friend Lord Strathclyde has today laid before Parliament the following instruments which implement the Units of Measurement Directive in relation to the authorisation of units of measurement and their use for weights and measures and price marking purposes:-

the Units of Measurement Regulations 1994;
the Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994;
the Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994;
the Weights and Measures (Packaged Goods and Quantity Marking and Abbreviations of Units) (Amendment) Regulations 1994;
the Weights and Measures (Metrication Amendments) Regulations 1994; and
the Price Marking (Amendment) Order 1994.

⁹ *European Legislation Select Committee twelfth report* HC 15-xii 1988/89 22 February 1989

¹⁰ *European Legislation Select Committee seventeenth report* HC 15-xvii 1988/89 5 April 1989

¹¹ HC Deb 11 April 1989 cc 837-60

¹² Council Press Release 10180/98 of 27 November 1989

¹³ HC Deb 19 July 1994 cc 180-1W

¹⁴ "Pints and miles to continue as Government announces latest metrication changes"
DTI Press Release P/94/444 19 July 1994

The first three SIs have been laid in draft for approval by resolution of each House of Parliament. The last three have been made before laying and are subject to the negative resolution procedure.

The legislation provides that the doorstep pint of milk and the pint of draught beer or cider in the pub will be allowed without time limit as well as the mile for road traffic signs, speedometers and odometers.

For many purposes, the United Kingdom has already switched to the metric system. From 1 October 1995, almost all goods sold by quantity (including food pre-packed in variable weights such as cheese and meat) that are not already traded in metric will have to be so traded. The principal exception is in respect of goods sold loose from bulk by the pound and ounce - primarily foods, such as meat, poultry, cheese, fish and fresh fruit and vegetables - which will not have to switch to metric until 1 January 2000.

Retailers who price food sold loose from bulk or pre-packed in variable weights in metric during the transitional periods will be required to display a price conversion chart or to dual price items. The British Retail Consortium has agreed to adopt a Code under which retailers will supplement this with further charts at any place where consumers select such food which is priced in metric. My Department is discussing with the trade other publicity measures.

The three SIs subject to affirmative resolution of the House were debated in the First Standing Committee on Statutory Instruments on 1 November 1994¹⁵. The Committee resolved that it had considered all three SIs without a formal vote. They were then formally approved by the House, being "noddled through" without a vote, on 2 November 1994¹⁶.

3. Dual use of units

The UK regulations do not ban the use of imperial measurements as "supplementary indications". However, the directive itself differs from the UK regulations in this respect in that article 3 of directive 80/181/EEC¹⁷ does not authorise the use of "supplementary indications" after 31 December 1999. Supplementary indications are defined as "one or more indications of quantity expressed in units of measurement not contained in Chapter 1 of the

¹⁵ First Standing Committee on Statutory Instruments, &c. *Minutes of proceedings: Draft Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994; Draft Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994; Draft Weights and Measures Units of Measurement Regulations 1994* 1 November 1994

¹⁶ HC Deb 2 November 1994 c.1617

¹⁷ As amended by article 1.2 of directive 89/617/EEC

Annex [ie. imperial units] accompanying an indication of quantity expressed in a unit contained in that chapter [ie. metric units]". The DTI decided not to include this ban on the dual use of imperial units as supplementary indications after 31 December 1999 into the UK regulations as it is hopes this part of the directive will be amended¹⁸. The DTI believes that a future ban on imperial units could affect the export of products to countries such as the USA where imperial measurements are still widely used. This ban would affect all countries in the EU equally in the area of exports, and so the DTI hopes that its call for the repeal of the 31 December 1999 date will be supported by other EU states.

Where supplementary indications are used, the directive requires that the metric units should "predominate" and that any imperial units (the supplementary indications) should "be expressed in characters no larger than" the metric units.

4. Sanctions for contravention of the regulations

A recent article in the *Sunday Telegraph* commented that "the real point about all this is the way our Government has chosen to make the use of non-metric measures a criminal offence, punishable by a fine of up to pounds 5,000 or even imprisonment"¹⁹. In fact this is not the case as the new regulations do not ban the [dual] use of non-metric measurements, rather they require the use of metric measurements. Under section 25(1) of the *Weights and Measures Act 1985* a person is guilty of an offence if they sell non pre-packed goods in quantities which are not expressed in the required manner. The maximum fine for such an offence is £5,000, there being no provision for imprisonment in the Act. Imprisonment would only become a possibility if any fine were not paid, as a means of enforcing payment.

The Act is policed by the trading standards officers of local authorities. For offences such as these, it is normal practice for such officers to encourage compliance with regulations before prosecution is considered. The DTI is unaware of any prosecutions under earlier regulations for such offences²⁰.

¹⁸ Source: DTI, 22 June 1995

¹⁹ "Sunday Comment: The criminals who sell six ounces of cheese" *Sunday Telegraph* 18 June 1995

²⁰ Source: DTI, 22 June 1995

C. History of metrication

A brief chronology of the main events affecting the introduction of metric units in the UK is set out below.

- May 1965** Government announce support for implementing a gradual change to metric system following requests from industry (HC Deb 24 May 1965 c.32W)²¹. A time span of ten years was envisaged for a sector by sector change in industry "until the metric system can become in time the primary system of weights and measures for the country as a whole".
- July 1968** Report of the Standing Joint Committee on Metrication published by the Ministry of Technology: *Change to the metric system in the United Kingdom*²² Statement to the House: HC Deb 26 July 1968 c.1167
- March 1969** Metrication Board established to facilitate the transition to the metric system
- September 1969** Education system starts moving towards metric units following the publication of DES Administrative Memorandum in August 1967 and conferences held in March and September 1968.
- October 1971** First EEC *Units of Measurement directive* adopted (Dir 71/354/EEC²³) proposing the exclusive use of metric units within the Community from 1 January 1978. UK not then a member of EEC so not immediately affected.
- February 1972** Department of Trade and Industry publishes white paper on *Metrication*²⁴ It states that "arrangements negotiated with Community will ensure units used in our legislation are retained until 31 December 1979. Where there are special reasons they may be retained for even longer". It confirms that the Metrication Board will continue to ensure that progress to metrication "takes place in a well-ordered and properly-regulated manner". The paper does not propose an "M-Day for metrication" but proposes the introduction of legislation to allow the use of metric units (alongside imperial units)²⁵.

²¹ For further details see: Library Background Paper No. 4 on *Metrication* (May 1969)

²² Deposited paper 4101, 31 July 1968

²³ OJL 243 29 October 1971 p.29

²⁴ Cmnd. 4880

²⁵ The use of many metric units was enabled by the *Weights and Measures &c. Act 1976*

January 1973 UK accedes to EEC. Decisions on imperial units and existing directive to be reached by 31 August 1976.

September 1976 Directive 76/770/EEC²⁶ amending Dir 71/354/EEC adopted.

Use of following units cease to be authorised from 31 December 1977²⁷:

Length:	furlong, nautical mile
Volume:	cubic yard, bushel
Mass:	dram
Others:	knot

Use of following units cease to be authorised from 31 December 1979²⁸:

Length:	yard
Area:	square inch, square yard, square mile
Volume:	cubic inch, cubic foot
Mass:	hundredweight, ton
Others:	therm, horsepower, Fahrenheit

Other imperial units to be reviewed by 31 December 1979

November 1979 Government announces that Metrication Board is to be abolished from April 1980 (HC Deb 14 November 1979 cc 642-3W). The reason given was that "metrication has now been extensively adopted in manufacturing industry and also in retail trade, where most prepackaged goods sold in prescribed quantities are now sold in metric sizes, so there is now very limited scope for the Board's activities, which can easily be fulfilled by" the Department for Trade and the Department of Industry.

December 1979 New Units of Measurement directive adopted (Dir 80/181/EEC²⁹). It differed from the previous directive in allowing the yard, square yard and therm to be used after 31 December 1979^{8,30}. It also stipulated that:

Certain scientific units cease to be authorised from 31 December 1985.

²⁶ OJL 262 27 September 1976 p.204

²⁷ Implemented by *Units of Measurement Regulations 1978* SI 1978/484

²⁸ Implemented by *Units of Measurement Regulations 1980* SI 1980/1070

²⁹ OJL 39 15 February 1980 p.40

³⁰ Implemented by *Units of Measurement Regulations 1986* (SI 1986/1082) which also consolidated earlier Regulations.

Following units authorised until date to be fixed by 31 December 1989:

Length:	inch, foot, fathom, mile, yard
Area:	square foot, acre, square yard
Volume:	fluid ounce, gill, pint, quart, gallon
Mass:	ounce, troy ounce, pound
Energy:	therm

November
1989

Directive 89/617/EEC³¹ adopted amending Dir 80/181/EEC.

Use of following units to be non-authorised from 31 December 1994³²:
(Except in Specialised Fields, as described in section B.1 above)

Length:	inch, foot, mile, yard
Area:	square foot, acre, square yard
Volume:	fluid ounce, gill, pint, quart, gallon
Mass:	ounce, troy ounce, pound
Energy:	therm

³¹ OJL 357 7 December 1989 p.28

³² Implemented by *Units of Measurement Regulations 1994* SI 1994/2867

Appendix: Recent metrication regulations

Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994

SI 1994/2868

Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
Made 6 November 1994. Coming into force on 7 November 1994.

Units of Measurement Regulations 1994

SI 1994/2867

Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
Made 6 November 1994. Coming into force immediately after coming into force of *Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994*.

Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994

SI 1994/2866

Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
Made 6 November 1994. Coming into force on 7 November 1994.

Weights and Measures (Intoxicating Liquor) (Amendment) Order 1994

SI 1994/1883

Affirmative instrument, formally approved by Parliament (HC Deb 7 July 1994 c.553)
Coming into force 14 July 1994

Price Marking (Amendment) Order 1994

SI 1994/1853

Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.

Weights and Measures (Packaged Goods and Quantity Marking and Abbreviations of Units) (Amendment) Regulations 1994

SI 1994/1852

Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.

Weights and Measures (Metrication Amendments) Regulations 1994

SI 1994/1851

Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.

Food Safety (Amendment) (Metrication) Regulations 1992

SI 1992/2597

Coming into force 16 November 1992.

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Gas (Metrication) Regulations 1992

SI 1992/450

Coming into force 1 April 1992.

Weights and Measures (Various Foods) (Amendment) Order 1990

SI 1990/1550

Affirmative instrument, approved by Parliament

Coming into force 27 July 1990.

Appendix: Recent metrication regulations

- Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994*
 SI 1994/2868
 Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
 Made 6 November 1994. Coming into force on 7 November 1994.
- Units of Measurement Regulations 1994*
 SI 1994/2867
 Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
 Made 6 November 1994. Coming into force immediately after coming into force of *Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994*.
- Weights and Measures Act 1985 (Metrication) (Amendment) Order 1994*
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 Affirmative instrument, formally approved by Parliament (HC Deb 2 November 1994 c.1617)
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- Price Marking (Amendment) Order 1994*
 SI 1994/1853
 Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.
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 SI 1994/1852
 Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.
- Weights and Measures (Metrication Amendments) Regulations 1994*
 SI 1994/1851
 Coming into force immediately after the coming into force of the *Units of Measurement Regulations 1994*.
- Food Safety (Amendment) (Metrication) Regulations 1992*
 SI 1992/2597
 Coming into force 16 November 1992.