

Guidance Note for Business on the use of Metric Units of Measurement and the EC Units of Measurement Directive.

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It is over thirty years since the Government first expressed its support for the adoption of the metric system as the primary system of weights and measures for the United Kingdom. Since then the United Kingdom has proceeded to adopt the metric system in stages for an ever-increasing range of uses.

In November 1994, Parliament approved legislation that requires nearly all products regulated by the Weights and Measures Act 1985 that are still traded in imperial units to convert to the use of metric units as the primary indication of quantity. Most of the products affected are due to complete their conversion by 1 October 1995.

The purpose of this guidance note is to bring to the attention of business not only those areas of activity covered by the EC Units of Measurement Directive 1989 and regulated by UK weights and measures and prices legislation, but also those that are not regulated by UK legislation.

Regulated Transactions

Many common consumer goods that are priced and sold by reference to units of measurement (weight, capacity measure, volume, area or length) are regulated by the Weights and Measures Act 1985 and its subordinate legislation. Regulated goods include most groceries (foods and non-foods), and many DIY goods and related products.

The majority of regulated products are sold in fixed weight pre-packs. Since 1980 they have been required to display a metric statement of quantity, with the option of displaying a supplementary indication of quantity in imperial units. Common groceries that have long been sold in metric units include tea, instant coffee, bread, breakfast cereals, fruit juice, canned and frozen foods, most pre-packed fruit and vegetables, soap, washing powder, washing-up liquid, and other household detergents and cleaning agents.

In many instances retailers and manufacturers have ceased to use imperial units as supplementary indications, confident that the public is now accustomed to buying their products in metric units.

Following extensive consultation Parliament approved legislation in November 1994 which provides that nearly all regulated goods that are still sold in imperial units are required to be weighed, measured and priced in metric units from 1 October 1995. The principal exceptions are:

- Goods sold loose by the pounds and ounce (such as unpacked fresh fruit and vegetables), which may continue to be weighed and priced in imperial units until 31 December 1999, after which date they are required to be sold in metric units;
- Draught beer and cider, and milk sold in returnable containers, which may continue to be sold by the pint indefinitely.

In addition, the Units of Measurement Regulations 1995 (SI 1995/1804) provide for the conversion to metric of all references to imperial units in existing legislation, and in "...any contract, agreement, licence, authority, undertaking, statement, deed, instrument or document..." (regulation 2) made before 1 October 1995 and having effect on and after that date. DTI will be happy to help in explaining the application of this instrument to particular circumstances, though businesses should seek the assistance, in the first instance, of their own legal advisers with any questions of interpretation.

To assist small traders in the final stage of metrication, DTI established a working group with representatives to the retail trade and local authority trading standards departments. The group has prepared information and advice in leaflets, which have been distributed to small traders via the trade press, and through trade associations and local trading standards departments.

Traders may continue to use imperial units as supplementary indications and to display conversion charts if they consider that would be of value to their customers. Traders will also be free to serve (though in metric units) customers who ask for goods in imperial units.

Supplementary Indications

At each stage in the metrication process DTI has ensured that traders have had the option of continuing to use imperial units as supplementary indications of quantity alongside the primary metric indication, until such time as the trade feels confident that UK consumers have become accustomed to buying products in metric quantities. Thus, many products that have long been metricated - such as breakfast cereals - no longer bear an imperial supplementary indication.

Under existing directives, the right to display non-metric units alongside metric units is specifically protected during the transition period up until 31 December 1999. However, the Government

intends that UK traders should be free to continue to display imperial units as supplementary information for as long as the public and trade find that useful.

The Government will shortly issue a consultation paper on the case for continued use of supplementary indications after that date.

Non-regulated transactions

The majority of commercial transactions in goods, land and services are not regulated by the Weights and Measures Act 1985. These transactions are therefore not subject to any express sanction under provisions in UK legislation that regulate the use of units of measurement.

Business should, however, recognise that the scope of the EC Units of Measurement Directive is wider than regulated transactions. It provides for the use of metric units as the primary system of measurement from 1 January 1995 for "measuring instruments used, measurements made and indications of quantity expressed in units of measurement, for economic, public health, public safety or administrative purposes" (Article 2), unless one of the derogations (set out in appendix 1) which permit the longer use of imperial units applies.

The following are among the consequences that could follow for those non-regulated transactions that continue to use imperial units:

- Businesses which had hitherto used imperial units in transactions with other Member States could find that they are excluded from those markets until such time as they convert to metric units;
 - The validity of a non-regulated transaction involving the use of imperial units could be liable to legal challenge by a party that argued that the transaction should not be upheld or enforced.
- It is DTI's understanding that many sectors have converted wholly to metric units (eg construction and engineering), while other sectors have begun to introduce metric units alongside imperial units (eg textiles and clothing).

Where businesses are unsure as to the application of the Directive and of the implementing legislation to their own activities, they should, in the first instance, seek their own legal advice. This guidance is of general application only. Businesses may need further help from their professional advisers, which DTI would be happy to supplement.

Appendix 1

Imperial units of measurement available for primary use after 1 October 1995

Some imperial units remain available as the primary system of measurement for certain specific uses, either without time limit or no later than 31 December 1999. The units and their uses are as follows:

a. Imperial units of measurement to be used without time limit

- i. pint for sales of draught beer or cider and for milk sold in returnable containers;
- ii. mile, yard, foot and inch for road traffic signs and for related distance and speed measurements;
- iii. foot in aircraft heights and any other units used in the field of air and sea transport and rail traffic, which have been laid down in international conventions etc (see Article 2 of Directive 80/181);
- iv. nautical mile and knot for sea and air traffic;
- v. troy ounce for transactions in precious metals;
- vi. acre for land registration

b. Imperial units of measurement which may be used no later than 31 December 1999

- i. pound and ounce for goods sold loose from bulk (eg fruit and vegetables not sold in pre-packs);
- ii. therm for gas supply;
- iii. fathom for marine navigation;
- iv. fluid ounce and pint for sales of beer, cider, water, lemonade and fruit juices in returnable containers.