



Metrication

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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.

Originally, it was intended that the use of all imperial measures would be phased out, but the UK negotiated exemptions for certain measures; these included: 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.

Under the exemptions, supplementary indications (the non-metric measures), could also be shown on weighed and packaged goods provided certain criteria are met. They must not be more prominent than the metric unit and instruments for weighing and measuring must not be calibrated in imperial measures.

The original intention was that the supplementary indications should be phased out by December 2009, but there was considerable opposition to this; concerns were expressed about trade, particularly with the United States, and in certain commodity sectors where manufacturers rely on imperial measures (for example, cycle components and tyres).

On 11 September 2007, it was announced that the European Commission no longer intended to enforce the December 2009 deadline. In March 2009 a new EU Directive came into force to reflect this intention and to allow the exemptions and supplementary indications to continue indefinitely (with the exception of acres). Subsequent UK regulations followed.

“Metric martyr” headlines have often appeared in the press surrounding cases where traders have continued to use market weighing machines calibrated only in imperial measures for the sale of loose fruit and vegetables, which is illegal. The National Measurement Office is currently updating its prosecution guidance for trading standards officers in respect of ensuring a “proportionate” approach.

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1 Units of measurement: legal background

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.¹

EC Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement and on the repeal of *Directive 71/354/EEC*,² required Member States 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. The original deadline was extended in 1989 until 1999 and again in 2001 until 31 December 2009.

The UK *Weights and Measures (Metrication Amendments) Regulations* (SI 2001/85) implementing the directive were due to come into force on 8 February 2001. These regulations stipulated the date of 31st December 2009 as the final date for the use of "supplementary indications" (where imperial units are used alongside metric ones) and provide for the use of supplementary indications until that date in other Regulations.

Originally, it was intended that the use of all imperial measures would be phased out, but the UK negotiated exemptions for certain measures; these included: 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.

Under the exemptions the non-metric measures can be shown on weighed and packaged goods provided certain criteria are met. They must not be more prominent than the metric unit and instruments for weighing and measuring must not be calibrated in imperial measures.

The intention was originally that supplementary indications should be phased out by December 2009, but there was considerable opposition to this; concerns were expressed about trade, particularly with the United States, and in certain commodity sectors where manufacturers rely on imperial measures (for example, cycle components and tyres).

¹ *Weights and Measures (Metrication Amendment) Regulations 2009*, [Explanatory Note](#), para 7.1

² As amended by Directive 89/617/EEC and Directive 1999/103/EC), [OJL 39 15 February 1980](#) p40

2 Use of imperial measurements

In May 2007, the Government said, in response to an EU consultation,³ that it had proposed that the current permission to use supplementary indications should be extended without a further time limit:

Mr. Brady: To ask the Secretary of State for Trade and Industry what recent discussions he has had with the European Commission on the permissibility of supplementary indications relating to weights and measures.

Malcolm Wicks: The Government have consistently supported the continued availability of supplementary indications. In March this year, in responding to the European Commission's consultation on possible updating of the Units of Measurement Directive, the Government proposed that the current permission should now be extended without a further time limit.⁴

The Government's consultation response called for an indefinite extension to the use of supplementary indications until such time as the United States changes to the metric system, at which point a further review would be appropriate.⁵ A letter from the DTI circulated to stakeholders, encouraging them to respond, was also published.⁶

On 11 September 2007, it was announced that the European Commission no longer intended to enforce the December 2009 deadline. Industry Commissioner Gunter Verheugen said:

I organised a huge consultation, and the result was that industry told us there was no problem with the existing system. I want to bring to an end a bitter battle that has lasted for decades and which in my view is pointless.⁷

On 18 November 2008, the European Council agreed the text of the amended *Directive on Units of Measurement* (Directive 80/181/EC) to remove the 2009 deadline and on 16 December 2008, the European Parliament agreed the proposal. Directive 2009/3/EC of 11 March 2009⁸ officially put this agreement into law:

Council Directive 80/181/EEC requires the United Kingdom and Ireland to fix a date for ending the exemptions, where they are still being applied, in respect of the units of measurement known as 'pint' for milk in returnable bottles and beer and cider on draught, 'mile' for road signs and speed indications, and 'troy ounce' for transactions in precious metals. However, experience has shown that, given the local character of those exemptions and the limited number of products concerned, maintaining the exemptions would not result in a non-tariff barrier to trade and, as a consequence, there is no longer a need to put an end to those exemptions.

(...) in order to avoid creating obstacles for Community undertakings exporting to certain third countries that require products to be marked in other units than those laid down in Chapter I, it is appropriate to maintain the authorisation to use supplementary indications.⁹

³ [Commission Staff Working Document on units of measurement](#) (Directive 80/181/EEC) of December 2006

⁴ HC Deb 14 May 2007 c486W

⁵ [United Kingdom's response to the Commission consultation on Units of Measurement](#), March 2007

⁶ [DTI letter to stakeholders 10 January 2007](#)

⁷ 'EU gives up on 'metric Britain'', *BBC News Online*, 11 September 2007

⁸ [Directive 2009/3/EC](#) of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement

⁹ *Ibid*, para 1 and 3

This means that the United Kingdom and Ireland is allowed indefinitely to:

- sell beer, cider and milk in pints and measure road distances and speeds in miles
- sell precious metals in troy ounces
- use the mile for road signs and speed indications
- use dual labelling for all other goods

The *Weights and Measures (Metrication Amendment) Regulations 2009* (SI 2009 No 3045) came into force on 1 January 2010 to revoke the previous provision in UK regulations for the 31 December 2009 deadline and to revoke those provisions of the *Weights and Measures (Metrication Amendments) Regulations 2001* which had inserted that deadline into those regulations.¹⁰

The acre however, is no longer an authorised unit. It was recognised by the then Government that it had fallen into disuse in both countries anyway.¹¹ Ireland has already adopted the kilometre for roads.

John Gardner, the director of the anti-metrication British Weights and Measures Association,¹² was dissatisfied with the concession to supplementary indications and wanted more support for imperial measurements:

I've seen the European Commission statement and what they're saying is it will be allowed to use imperial measurements as additional information. From our point of view the situation hasn't changed and the campaign goes on. If a trader tries to conduct his business in just imperial measurements, that will be illegal.¹³

Robin Paice, chairman of the UK Metric Association also criticised the move. He said the ruling would:

...delay but not stop the inevitable move toward all-metric shopping. Many of the big supermarkets have already stopped giving obsolete imperial prices, and we expect this trend to continue. There is no question of going backwards.¹⁴

3 Metric martyrs

The 'metric martyr' cases centred on their continued use of market weighing machines calibrated only in imperial measures for the sale of loose fruit and vegetables, which is illegal.¹⁵

After a number of high profile cases in the press, in October 2008 the then Secretary of State for Innovation, Universities and Skills said that new guidelines would be issued within months, advising councils that prosecutions should be brought only if the charge is in the

¹⁰ *Weights and Measures (Metrication Amendment) Regulations 2009*, [Explanatory Note](#), para 4.3

¹¹ *Weights and Measures (Metrication Amendment) Regulations 2009*, [Explanatory Note](#), para 7.4

¹² See the association's website at: <http://www.bwmaonline.com/>. This site and the UK Metric Association's site (<http://www.metric.org.uk/>) give plenty of arguments against and in favour of metrication

¹³ 'EC ends battle to force Britain to go metric', *Independent*, 12 September 2007

¹⁴ 'EC ends battle to force Britain to go metric', *ibid.*

¹⁵ For more information about individual cases see for example the [Metric Martyrs website](#) [on 18 May 2010]

public interest, in the consumers' interest and is "proportionate". A spokesperson for the department said:

While individual enforcement decisions are rightly a matter for Trading Standards, we are keen to encourage action that is proportionate, consistent and in the public and consumer's interest, which is why the National Weights and Measures Laboratory [now the National Measurement Office], which is responsible for overseeing the legislation in this area, is updating guidance with local authority bodies for trading standards officers. In addition, we are reviewing the current legislative framework with a view to making it easier for everyone to understand, business to comply with and trading standards officers to enforce.¹⁶

The National Measurement Office, an executive agency of the Department for Business, Innovation and Skills, states that it is still in discussions about updating guidance for trading standards officers:

While individual enforcement decisions are rightly a matter for Trading Standards, we are keen to encourage action that is proportionate, consistent and in the public and consumer's interest. Accordingly we are in discussion with LACORS¹ (the Local Authorities Coordinators of Regulatory Services) with a view to updating their guidance for trading standards officers. Any new guidance will be subject to legal scrutiny before it is issued.

In addition, we are reviewing the current legislative framework with a view to making it easier for everyone to understand, business to comply with and trading standards officers to enforce.

NMO's advice is that the law remains unchanged in so far as the circumstances in which metric units must be used. Traders are free to use imperial units if that is what their customers want, provided the imperial units are accompanied by the equivalent metric units. Consistency of units allows consumers to make value-for-money comparisons with similar goods on offer.

¹ LACORS is the local government central body responsible for overseeing local authority regulatory and related services in the UK. One of their functions is to provide local authorities with guidance on enforcement issues to aid consistent application of the law across the country.¹⁷

¹⁶ "Metric martyrs' given reprieve", *BBC News Online*, 18 October 2008

¹⁷ National Measurement Office website, [Metrication](#) [on 18 May 2010]