**EXPLANATORY MEMORANDUM TO**

# The Units of Measurement Regulations (Northern Ireland) 2010

## SR 2010 No. 365

## AND

# The Weights and Measures (Metrication Amendments) Regulations (Northern Ireland) 2010

## SR 2010 No. 366

## 1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Enterprise, Trade and Investment ("the Department") to accompany the Statutory Rules detailed above which are laid before the Northern Ireland Assembly.

1.2. The first Rule is made under section 2(2) of the European Communities Act 1972 whilst the second Rule is made under Articles 9(1) to (4), 10(6) and 13(1) of the Weights and Measures (Northern Ireland) Order 1981. Both Rules are subject to the negative resolution procedure in the Assembly.

1.3. The Rules are due to come into operation on 6 December 2010.

## 2. Purpose

2.1. These Rules 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

## 3. Background

3.1. Units of measurement (a reserved matter) 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 authorised. This deadline had been extended twice before from an original end date of 31 December 1989, to 1999 and then to 2009.

3.2. 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.

3.3. Therefore the UK Government actively sought in negotiations with the European Commission and other Member States, to remove the deadline of 31 December 2009 for the authorisation of supplementary indications and to permit their use without time limit. This position is reflected in the Directive 2009/3/EC with subsequent implementation by way of the making of **The Units of Measurement Regulations 2009** (S.I. 2009/3046) and the related **Weights and Measures (Metrication Amendments) Regulations 2009** (S.I. 2009/3045) both of which came into force on 1 January 2010.

3.4. The other major change made by Directive 2009/3/EC to Directive 80/181/EC was 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. As no deadline to end the use of those units is set in NI law, this change does not require legislative action on the part of the Department.

## 4. Consultation

4.1. The Department considers it was not necessary to consult in Northern Ireland as the Commission had already 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.

4.2. 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.

4.3. 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.

## 5. Equality Impact

5.1. The provisions of these Rules have been considered by the Department against the criteria set out in the Department's Equality Scheme and do not have any adverse implications for Section 75 groups. An Equality Impact Assessment for these Rules is not therefore required.

## 6. Regulatory Impact

6.1. An Impact Assessment to accompany these Rules has not been prepared as there are no new burdens being imposed on the private or voluntary sector.

## 7. Financial Implications

7.1. None.

## 8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Department that these Rules are compatible with section 24 of the Northern Ireland Act 1998.

## 9. EU Implications

9.1. The Rules, in conjunction with regulation 3(2) of the Units of Measurement Regulations 2009, will implement for Northern Ireland that part of Directive 2009/3/EC which removes the 31 December 2009 deadline for the use of imperial units of measurement where they are used as supplementary indications alongside metric units. See Transposition Note at the end of this Memorandum. The Rules do not exceed the minimum necessary to comply with the Directive.

## 10. Parity or Replicatory Measure

10.1. These Rules make provision for Northern Ireland corresponding to regulation 3(1) of the Units of Measurement Regulations 2009. The Units of Measurement Regulations 2009, other than regulation 3(1), already extend to Northern Ireland.

## 11. Additional Information

11.1. Not applicable.

**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

The Units of Measurement Regulations, S.I. 2009/3046, the Units of Measurement Regulations (Northern Ireland) 2010 and the Weights and Measures (Metrication Amendments) Regulations (Northern Ireland) 2010 implement for Northern Ireland Directive 2009/3/EC of the European Parliament and 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").

The Regulations do what is necessary to implement the Directive in Northern Ireland, including making consequential changes to domestic legislation to ensure its coherence in the area to which they apply.

| Article | Objective | Implementation | Responsibility |
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| 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 Units of Measurement Regulations (Northern Ireland) 2010 and Regulation 3 of the Weights and Measures (Metrication Amendments) Regulations (Northern Ireland) 2010 remove references to the 31 December 2009 deadline in Northern Ireland | Department of Enterprise, Trade and Investment |

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| | | legislation. Regulation 4 of the Units of Measurement Regulations (Northern Ireland) 2010 and regulation 4 of the Weights and Measures (Metrication Amendments) Regulations (Northern Ireland) 2010 revoke the Northern Ireland legislation which inserted those references. Regulation 5 of the Weights and Measures (Metrication Amendments) Regulations (Northern Ireland) 2010 modifies the Weighing Equipment (Beltweighers) Regulations (Northern Ireland) 1985 (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 1 June 2006, they must be read as if the reference to the 31 December 2009 deadline was omitted. | |

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| 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 |