

Weights and Measures Reform

Discussion paper 1

Summary

We, at the National Weights and Measures Laboratory (NWML), are currently considering what scope there is to reform the UK¹ weights and measures legislation. We are posing some fundamental and challenging questions, not with any specific proposals in mind, but to develop a thorough understanding of what the legislation needs to deliver, in terms of consumer protection and a fair trading environment for business. We would welcome your views, and would be grateful if you would consider the questions at the end of the paper.

Background

There are long-standing criticisms that years of piecemeal changes have resulted in incoherent and complicated weights and measures legislation, difficult for businesses and consumers to understand and costly to comply with. In addition, the pace of technological change may have outstripped developments in the legislation. In the light of this and developments in Europe, NWML is fundamentally reviewing weights and measures legislation to see if benefits could be derived from reform.

Scope of the Act

The current act states that the Secretary of State shall carry out a number of duties, including maintaining standards, type approval of measuring instruments and appointment of weights and measures inspectors. The Act also provides a legal framework for packaged goods and the transaction of goods, including short weight. There are also two parts of the Act that cover local authorities' responsibilities and general enforcement activity.

¹ Responsibility for W&M legislation in NI rests with DETI. NWML is only responsible for GB except where it is EU legislation in which case we have responsibility for all of the UK.

Influence of Europe

The packaged goods regulations (Part V) have already been simplified and there are plans in the pipeline to simplify the transactions section (Part IV).

Two further EU directives have also amended the national legislation, giving manufacturers much more choice about how they get their products to market. The Non-Automatic Weighing Instruments (NAWI) Directive and the Measuring Instruments Directive (MID) have removed the statutory monopoly of the Secretary of State, i.e. NWML, to carry out type approval. The same service is now provided by Notified Bodies (NB) operating in a competitive environment. MID has also extended the choice of type approval to include design approval, linked to approval of the manufacturer's quality system. Similar benefits in relation to the competitive market and design approval are not available for measuring equipment subject to the national Weights and Measures legislation, such as spirit measuring instruments, beer meters and in-motion road weighing instruments.

Reasons for Reform

Despite changes already made, there is widespread perception that the current Act is old fashioned, restrictive and complex. We want to establish what more could be done to simplify the legislation.

The Government drive for better regulation and reducing burdens on business means the time is right for a challenging discussion about the future direction of this area of legislation.

Discussion questions:

- What is the purpose of the weights and measures Act? What are we trying to achieve by legislating in this area?
- Why does Government need to intervene? What would be the impact of no legislation?
- Is it necessary to control both instruments and transactions?
- Is the current legislation fit for purpose? If not, what particular areas need to be reconsidered?
- How best can we ensure choice and protection for consumers? What is the balance between choice and restriction e.g. prescribed quantities?
- Is the balance of responsibility between the state and business right? i.e. how much should the State control directly or how much responsibility and accountability should be passed to the buyers and sellers themselves?
- Is there scope to open up weights and measures activities to the private sector?
- Is there scope to simplify the traceability of standards, and if so, what would be the benefits?
- Are you aware of areas of the legislation that are no longer relevant due to technological change? What would be an appropriate, alternative response?
- Are there instances where technology has moved on so much that the weights and measures legislation is either no longer required or is standing in the way of innovation?
- Do you believe the scope of the weights and measures legislation needs to be *extended* in any way to reflect the modern trading environment?