



UK Metric Association

Campaigning for a **single** *rational* system of measurement

34 Wroxham Gardens
London
N11 2BA
Tel: 020 8374 6997
e-mail: secretary@metric.org.uk

27 October 2014

Lord Smith of Kelvin
The Smith Commission
7th floor
144 Morrison Street
Edinburgh
EH3 8EX

Dear Lord Smith

Further powers for the Scottish Parliament: Weights and Measures

I am writing on behalf of the UK Metric Association (UKMA) to give the Association's views on what further powers should be devolved to the Scottish Parliament. I also attach an appendix that attempts to respond to the questions posed in the Commission's Guidelines. This submission was agreed by email by the Association's Committee on 20 October 2014.

UKMA is an independent, non-party political, single issue organisation which advocates the full adoption of the international metric system ("Système International" - SI) for all official, trade, legal, contractual and other purposes in the United Kingdom as soon as practicable. UKMA is financed entirely by membership subscriptions and personal donations.

Summary

UKMA considers that Weights and Measures and related matters (such as road traffic signs), provided that they comply with European Directive 80/181/EEC (as amended), do not need to be dealt with at the UK level and should therefore be devolved to the Scottish Parliament.

Current position

UKMA understands the current legal position to be as follows.

Units of measurement are within the competence of the European Union and are governed by Directive 80/181/EEC (as amended). This Directive mandates the use of metric (SI) units of measurement for most purposes but contains a derogation that

www.ukma.org.uk

Patron: The Rt Hon the Lord Howe of Aberavon, Kt, CH, QC

applies to those member states that used imperial units as at 21 April 1973 - i.e. the Republic of Ireland and the United Kingdom - including of course Scotland. Article 1(b) of the Directive permits (but does not require) those member states to continue to use the following non-SI units for the stated purposes:

| | |
|------------------------|---|
| mile, yard, foot, inch | Road traffic signs, distance and speed measurement |
| pint | Dispense of draught beer and cider; milk in returnable containers |
| troy ounce | Transactions in precious metals |

Unlike the Republic of Ireland, which no longer authorises imperial units on road traffic signs, the UK still insists on using primarily imperial units for all the above purposes in all parts of the UK.

Proposal

UKMA proposes that the devolved administrations should be permitted to decide their own policy on measurement units generally and hence on road traffic signs and on specified quantities for draught beer and cider. In order to achieve this in Scotland it is proposed that the following powers (currently reserved to the United Kingdom) should be devolved to the Scottish Parliament (references are to Part II of Schedule 5 of the Scotland Act 1998):

Weights and Measures (Section C9)
 Price Marking (Section C7 (f))
 Specified Quantities for Intoxicating Liquor (assumed to be covered by Section C7 (a))

Traffic Signs Regulations and General Directions (TSRGD)
 (within Section E1 (c))
 Road Vehicles (Construction and Use) Regulations (within Section E1 (d))

Comments and justification

With regard to specified quantities for intoxicating liquor, while questioning whether it is necessary for quantities to be specified at all (rather than deregulated), we think there is no reason why different nations of the UK should not adopt their own rules. Indeed, until 1994 Scottish measures of whisky (one fifth of a gill) were normally larger than those served in England (one sixth of a gill). Since 1994 the options of a 25 mL or 35 mL measure are available.

With regard to road traffic signs, we note that the Traffic Signs Regulations and General Directions (SI 2002/3113) apply only to Great Britain, and the power to make these Regulations is devolved to the Northern Ireland Assembly. Following this precedent, the same powers should be devolved to the Scottish Parliament. Moreover, as a result of the adoption of metric units on road traffic signs by the Republic of Ireland, we have a situation where different units are used on opposite sides of the land border with Northern Ireland. There has been no report that this situation has resulted in any problems of safety or enforcement. We therefore believe

that, if the Scottish Parliament were to change to metric units on road traffic signs, the change could be managed safely.

However, since the UK-wide Road Vehicles (Construction and Use Regulations) (SI 1986/1078) do not require speedometers to display easily legible indications of speed in kilometres per hour (km/h), it would be appropriate also to devolve to the Scottish Parliament the power to amend these Regulations - for example, by specifying a minimum font size.

Conclusion

The Commission will no doubt be aware that until the Treaty of Union in 1707, Scottish units of measurement differed from those in use in England¹. We believe that restoring those powers to the Scottish Parliament would accord with Scottish assertion of distinctive nationhood while not undermining the essential unity of the United Kingdom.

Yours sincerely

Derek Pollard
Secretary UKMA

¹ Article XVII of the Treaty

Appendix: The Smith Commission Guidelines

Below we have tried to indicate how our submission responds to the Commission's guidelines in so far as they are relevant.

- What are the **principles underpinning** your proposals?

The fundamental principle is that of subsidiarity - that is, that powers should be exercised at the lowest level possible, and matters should only be reserved to the United Kingdom if that is essential in order to maintain the unity of the UK. Following from this, we feel that Scotland should be free to adopt **in full** the system of weights and measures that is used exclusively in every other member state of the European Union - even if the UK Government continues to cling to obsolete and inconvenient units.

- What is your assessment of the **current situation**?

Weights and measures (including units of measurement and price marking) and road traffic signs are subject to EU Directive 80/181/EEC but are currently dealt with at either the UK or the GB level, with no facility for Scotland to adopt a different approach. The UK approach (of permitting two incompatible measurement systems to co-exist) is unique in the world and has resulted in an incoherent measurement muddle. The UK has no plans to resolve this issue. Devolving the relevant powers to the Scottish Parliament (while still compliant with the EU Directive) would enable Scotland to progress at its own speed unhindered by the rest of the UK.

- What would be the potential **advantages** to Scotland and the UK as a whole (and/or its constituent nations) of devolving the power in question to the Scottish Parliament?

The primary advantage is that Scotland would be able to standardise on a single system of weights and measures (SI - the metric system) without all the disadvantages of trying to cope with two incompatible systems as in the rest of the UK. This would particularly benefit schoolchildren, who would not need to learn two systems, but would also serve to reduce or eliminate the incomprehension, misunderstandings, conversion errors and additional costs that result from the UK's "two systems" approach to weights and measures. Standardisation on a single system could also have financial benefits for Scotland.

With regard to height and width restrictions on road signs, devolution would also enable Scotland to adopt a common sense approach to the gradual replacement of imperial-only signs. This would be in contrast to the UK's Department of Transport, which, in the face of the evidence of a disproportionate number of costly bridge strikes by foreign heavy goods vehicles, has refused to phase out these obsolete signs.

- What would be the potential **disadvantages** to Scotland and the UK as a whole (and/or its constituent nations) of devolving the power in question to the Scottish Parliament?

If the Scottish Parliament were to exercise this power independently of the rest of the UK, it would result in different rules in the separate jurisdictions. For example, speed limits and distances on road signs could be in metres, kilometres and kilometres per hour in Scotland but in yards, miles and miles per hour across the border in England. We do not think this is a significant problem. This situation already occurs on the borders between the Republic of Ireland and Northern Ireland, and between the USA and Canada and Mexico. This has not led to problems of enforcement or road safety, and we therefore do not think this is a disadvantage.

- To what extent do the **advantages outweigh the disadvantages** (or vice versa)?

We do not think there are significant disadvantages, whereas the advantages are clear.

- What are the *interdependencies* between your proposal and other key issues?

Units of measurement are fundamental to fair trade, consumer protection, scientific research, public health and safety, manufacturing, imports/exports, and children's education. The main interdependency of devolving weights and measures to the Scottish Parliament would be the potential effect on road traffic signs and speed limits and on the dispensing of draught beer and cider (if it were decided to adopt metric units for these purposes).

- Are there any **practical or legal barriers or difficulties** to implementing the proposal? How might these be **overcome**?

Units of measurement are within the competence of the European Union (Directive 80/181/EEC as amended). The responsibility for compliance rests with the member state, which is of course the UK. However, there is no legal barrier to a member state adopting or permitting different units of measurement in different parts of its territory - provided that the devolved administration complies with the Directive.

We believe that our proposal could be implemented by amending Schedule 5 of the Scotland Act 1998 to devolve all Weights and Measures powers (including the Units of Measurement Regulations and the Price Marking Order) and certain Highways powers (including *inter alia* the Traffic Signs Regulations and General Directions and the Road Vehicles (Construction and Use) Regulations) to the Scottish Parliament. So far as we have been able to identify them, the relevant sections of Schedule 5 of the Scotland Act 1998 are cited in our letter.

- What would be the **financial advantages or costs** involved in **implementing** the proposal, and who would bear or benefit from these?

Our proposal would have nil cost to the UK. Any costs to Scotland would depend on whether the Scottish Parliament decided to exercise its powers and at what rate. Based on the actual costs incurred in the Irish Republic in 2005, our estimate of the one-off cost of converting road signs to show metric distances and speeds in Scotland is in the region of £8 - 10 millions, but this could be mitigated by spreading some of the work over several years. In the context of Scotland's overall annual Transport budget (ca £2 billions in 2014/15), this is not a significant amount.