



WEIGHLOG

The Newsletter of the UK Weighing Federation

March 2010



Editorial

New Weighlog

Welcome to the first issue of a resurrected Weighlog as a regular newsletter from the UKWF. For quite some time now we have relied on electronic communication in the form of website articles and email updates in place of a routine publication. However, we have realised that the format of a newsletter does provide more of a tangible communication for the benefit of members and we plan to return to such an issue three or four times a year. Please give us any feedback on this and let us know if there is anything else that you would like included.

Economy

We have included some basic statistics on the economy, shown later in this issue. Whilst the official statistics indicate that, technically, we have come out of recession, it is not much comfort to those of us battling to do business on a day-to-day basis. We also have political pressures that favour general de-regulation which is a threat to our industry and the upcoming general election is unlikely to change that.

Market surveillance

Both CECIP (the European weighing federation) and the UK National Measurement Office (NMO) have been

conducting market surveillance exercises. These are very important for our industry. Neither have produced project reports as yet but when they have done we will let you know and we will be looking at what can be done to follow up on those projects.

Regulations

The regulations that came into force in April 2009 removed the need for prescribed quantities of pre-packages and there were plans to remove similar restrictions for unwrapped bread. The plans that originally aimed to implement new regulations in April 2010 have now changed. These are discussed in the technical update later in this issue so if they affect you then please take note.

Local Better Regulation Office

You may well not have heard of the Local Better Regulation Office or LBRO, but the organisation has been established since 2007. They have statutory powers and have been charged with ensuring effective delivery of local authority regulatory services. As such, they will have an impact on local enforcement including weights and measures issues that will affect our industry. We met with them recently to present our industry point of view and we are continuing discussions with them. A representative from LBRO will be presenting at the forthcoming regional meeting in April.

Lobbying

We are in the process of meeting several organisations to lobby for our industry including the East of England Trading Standards Authorities (EETSA), the Central England Trading Standards Authorities (CEnTSA), the Local Better Regulation Office (LBRO), LACORS and TSI to promote the Federation and our interests. We will continue to arrange similar meetings and if any members have good contacts that would facilitate this process then please let us know.

Medical project follow-up

To follow up on the LACORS medical project we have put together our own notes for guidance. We will be discussing these with LACORS and the Trading Standards Institute next month with a view to rolling these out through trading standards organisations and the department of health.

Weighbridge project

The National Measurement Office (NMO) has recently reported on the section 70 reports from local authorities. One of their conclusions was the need to focus on weighbridges and LACORS will be undertaking a project in this area. When more details are available we will let you know but please note that this may affect you or your customers if you are involved in weighbridges.

Training

Last year we increased the number of training courses that were run. Although we do not have any specific dates for this year arranged as yet, please let us know if you are interested in any particular training sessions and we will try and arrange some dates.

Industry survey

The annual industry survey is underway for this year. This is an important exercise for us as and all information will remain confidential to the secretariat – only aggregated data will be published. Please ensure that the return for your company is completed.

Regional meetings

Our next regional meeting will be on the 22nd April and will be held in York. This was a very popular location last time a meeting was held there. As mentioned above, we will have a representative from LBRO and we will also have a presentation from Richard Maybury of Priority Attitudes who have delivered training for one of our larger member companies – they have said that it has made a massive difference to the way that they work. The timing will be later in the day to allow us to arrange an evening dinner. Please look out for the notice of the meeting for more details and we hope that you will make the effort to attend.

Sporting events

Last year, the cricket match between the UKWF and NMO/NWML was revived after missing a couple of years. Although we made a good start we didn't manage to win the match but we have high hopes for this year. The date has been set for the 14th July. If you do have any budding cricket stars in your midst then please put their names forward.

There has also been talk of resurrecting the golf competition that has not been held for some time so if you are interested then please let us know.

Technical Updates

Specified Quantities

On 11th April 2009 a new European Directive 2007/45/EC came into effect in the UK. This Directive removed the need for packers to make up pre-packages of a whole variety of products in fixed nominal quantities. For example, prior to this Directive coming into force, packers of Cereal breakfast foods could only pre-pack them in quantities of 125g, 250g, 375g, 500g, 1kg, 1.5kg or a multiple of 1kg. Similar restrictions applied to a whole host of other products such as biscuits, chocolate products, coffee, jams, flour, honey, potatoes, tea and many others. The quantities differed for each product type but the principle remained.

After extensive consultation the European Commission concluded that there was no longer a beneficial consumer effect by retaining these specified quantities so the new Directive was adopted and came into effect in April across the EU.

How widely packers will choose to use the freedom to change quantities remains to be seen but experience shows that wherever possible packers will tend to reduce sizes rather than increase prices so it's likely that we will soon see a whole variety of pack sizes being available. Packers will be required to mark the packages with the nominal quantity that they pack but it will be interesting to see whether they reduce the physical size of the pack and whether consumers realise that the packaged weights have changed.

Further details of the new Regulations - Weights and Measures (Specified Quantities) (Pre-packed Products) Regulations 2009 - can

be found on the NMO website, www.nmo.bis.gov.uk under the heading of Legislation and Guidance. The NMO Guidance notes to the new legislation can also be downloaded from there.

Unwrapped Bread Regulations

Members will be aware that the National Measurement Office advised some time ago that the regulations concerning the sale of unwrapped bread were about to change. The plan was that bakers could choose to make bread in sizes other than the "standard" sizes of 400g or a multiple of 400g provided that the customer was made aware of the "non-standard" quantity at the time of sale.

The following note has just been published on the NMO web-site!

"The National Measurement Office recently published draft guidance to The Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2010. The expectation at the time was that the regulations would come into force on 6 April 2010. However, due to the need to prioritise Government business, and the pressure of Parliamentary time, Ministers have decided to defer the introduction of new legislation in this area until the next common commencement date, which is 1 October 2010. We understand this may come as a disappointment to some of you and regret any inconvenience caused."

Members who are talking to Bakers about the provision of new equipment to deal with the new regulations should be advising their customers accordingly. It is of course worth remembering that there is a General Election

due before October, and there is no guarantee that the incoming Government, whatever its political persuasion, will continue with these proposed regulations.

NMO/LACORS Weighbridge Project

Members may recall the National Medical Weighing Project that LACORS ran from April 2008 through to April 2009. It involved Trading Standards Officers visiting their local hospitals to check on the type of weighing equipment in use for weighing patients and the accuracy of that equipment. Visits were first carried out in the period April to June 2008 and the collated results were reported in an interim report in August 2008. As a result of that activity LACORS made a number of recommendations to hospital trusts including instigating a programme of testing equipment, using only metric indication instruments, basic training for staff in the use of weighing instruments and equipment to be Class III or higher.

Follow up visits were then made in January to April 2009, and the final report was issued in the middle of 2009. Unfortunately not all those who participated in the first round took part in the second but the results seemed to show some improvement in the type and accuracy of the equipment used.

As a result of the perceived success of the project, LACORS recommended that Trading Standards departments should consider checking scales in all medical settings (GP surgeries, Health visitors, School Nurses, Military Hospitals) when deciding their future work programmes. There is little evidence yet that Trading Standards Departments have heeded that recommendation.

Nevertheless the Project was seen as a success and it is now to be followed up with a Weighbridge Project. Why weighbridges?

In 2007/8 Trading Standards Officers inspected some 51% of the weighbridges in use in controlled applications in the UK. 8.75% of these were found to be inaccurate or otherwise incorrect to such a level that they needed some form of rectification. A further 4.43% were so inaccurate that it was necessary for the TSO to "reject" the instrument and require it to be repaired and re-verified.

In 2008/9 the number of weighbridges inspected rose to 64% of those liable to inspection. Of these 9.23% required attention and a further 5.87% were rejected.

These figures for further action / rejection are the highest of any category of weighing or measuring equipment and as a result they form the target area for the next project.

The project will focus on weighbridges used for landfill and at waste transfer stations. Again the project will run over two years and results will be collated and published. We have yet to see how closely NMO and LACORS want us to be involved in the project but Members should be aware that these two areas of use for weighbridges will be subject to closer scrutiny than usual over the period of the project. Landfill and Waste Transfer have been selected as the target area because of the high rate of Landfill Tax paid by or to Local Authorities when dealing with waste disposal.

We will be talking to LACORS and TSI about the part the UKWF and its members can play in the project when we meet with them at the CLIF (Combined LACORS, Industry and Federation) meeting on March 18th. (Incidentally we will also be seeking their help in persuading the department of Health to follow up on the Medical weighing Project by issuing clear concise guidance to hospital trusts and other healthcare professionals.)

Dual Labelling in Metric and Imperial Units

Is it finally over? On 1st January this year the legislation allowing the continued use of imperial units **alongside** metric units on the labelling of pre-packages or in marketing materials came into effect. Members may remember that some years ago (who can remember when?) as part of the fiasco that was metrication, the UK managed to secure yet another derogation from the Units of measurement Directive to allow retailers, pre-packers et al to use “supplementary indications” to inform consumers of the imperial equivalent to the metric quantity in which they were (supposed) to be buying their goods. This derogation was scheduled to expire on 31 December 2009.

On 11 March 2009 Directive 2009/3/EC was adopted, removing the timetable for the expiry of the derogation and allowing the UK to continue with the use of supplementary indications. At the same time the continued use of the pint for sales of beer and cider on draught and milk – but only in returnable bottles was also authorised. The mile was preserved for road signs and speed indications and the troy ounce for transactions in precious metals.

So that’s it! Years of indecision, confusion and chaos are over. The matter has been decided and we all know exactly where we stand. Until they change their minds again of course.

NMO Annual Report on Weights and Measures Activity

Each year every Weights and Measures Authority is required to submit a report to the Secretary of State on the work it has done in enforcing the Weights and measures Act 1985 and its subordinate legislation. The report is supposed to include the following information:

- Number of businesses liable to inspection
- Number of businesses visited
- Number of businesses compliant
- Number of pieces of (weighing or measuring) equipment in the authority area
- Number of individual items of equipment inspected
- Number found incorrect for which a 28 day notice was issued
- Number found incorrect and which was “rejected”
- Number of items of equipment related to court cases

NMO who collect the information on behalf of the Secretary of State have just issued the collated report for the financial year 2008/09. The report does not make good reading, at least as far as our industry is concerned.

The first thing to note is that despite it being a statutory duty for Trading Standards Authorities to submit this report only 78% of them actually did so. Strangely enough that was identical to the figure for 2007/08. Now can you imagine what TSOs would say to us if only 78% of the industry complied with the statutory obligations we have to meet! And imagine if we did that every year. Yet there seems to have been no action taken against those authorities who failed in this very simple statutory duty. And then the NMO says “The NMO is grateful to those authorities who took the time to respond”. It seems they are easily pleased!

And it gets better – or worse - depending on your point of view. Only 78% of the 78% who responded bothered to supply all the required information.

As far as weighing equipment is concerned the figures make very poor reading:

In 2008/09 some 64% of those weighbridges and scales over 5000kg liable to inspection were actually tested. (2007/08 it was 50%)

For NAWI less than 5000kg but greater than 30kg the figure was 35% (2007/08 20%)

For NAWI less than 30kg the figure was only 22% (18% in 2007/08)

For automatic weighing instruments the inspection rate was 13% compared with 58% in 2007/08.

Failure rates (scales either subject to a 28 day notice or rejection) varied from 15% for weighbridges to 1% for automatic weighing instruments.

As a result of these collated figures, (and other surveys) NMO and LACORS have decided to initiate the Weighbridge Project – detailed in another article - which will be run over the next two years. But we have to ask just how much reliance can be placed on the figures presented in the report. For example the NMO “calculate” on the basis of the returns that they received that there are slightly more than 10,000 weighbridges in the country. Whether this includes scales of over 5000kg as it does in every other part of the report is not clear, but if it does then the figure has to be taken with a very large pinch of salt!

As far as premises liable to inspection are concerned 51% of packaging plants were visited, 34.5 % of importers of packaged goods were inspected, 36% of businesses selling bulk products by weight or volume were inspected and – wait for it – 18% of retail outlets were inspected. 18% seems a little the on the low side doesn't it? We are after all talking about consumer protection

and by far the vast majority of consumer spending is carried out in retail outlets. The report does go on to say that the non-compliance rate in retail outlets was very low at 2% (if that were factored up for the whole country that would mean a total of 6375 non-compliant businesses!) It seems obvious to say but if the inspections are not being carried out then the non-compliances are not going to be detected.

So there we have it – the Annual Report on Weights and Measures activity in 2008/09. If you want to read the full report you can do so on the NMO web-site www.nmo.bis.gov.uk. If this had been my school report it would have had a note from the headmaster saying “must do better”; is anyone saying that to the Trading Standards Departments do you think?

Batteries and Accumulators Regulations

Do you make batteries or import equipment containing batteries into the UK? If you do you are regarded under these Regulations as a "Producer" and you have obligations to register with either with the appropriate environment agency or an "approved" scheme, depending upon whether you "produce" so called portable batteries, industrial batteries or automotive batteries. The deadlines for registration were mid-October but if you missed them and do need to register you should do so as soon as possible.

If you are not a Producer, but maybe you supply batteries as a consumable item to your customers you are still impacted by the legislation. You may well fall under the definition of "Distributor" and end up with an obligation to take back, free of charge, waste batteries from your customers.

There is more information on the UKWF web-site in a brief overview article, and in copies of

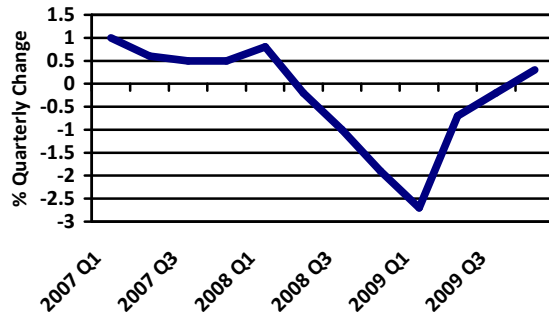
the presentation on this topic given at the October AGM. However for the full picture you should obtain the Government Guidance

Notes which can be downloaded from links given in the overview article.

Economic Update

(Source: <http://www.statistics.gov.uk>)

GDP

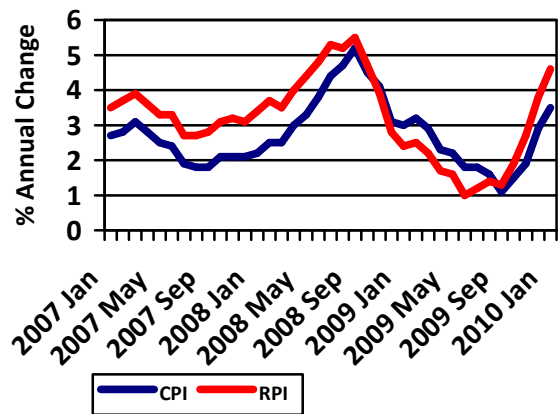


(GDPQ: ESA95 % change on previous quarter: Gross value added at basic prices)

Gross domestic product increased by 0.3 per cent in the fourth quarter of 2009. This has been revised from a rise of 0.1 per cent in the preliminary estimate of GDP, owing to upward revisions to services and production. GDP is 3.3 per cent lower than the fourth quarter of 2008.

Output of the production industries rose by 0.4 per cent compared with a fall of 1.0 per cent in the previous quarter, with manufacturing output growing by 0.8 per cent compared with a fall of 0.3 per cent in the previous quarter.

Inflation



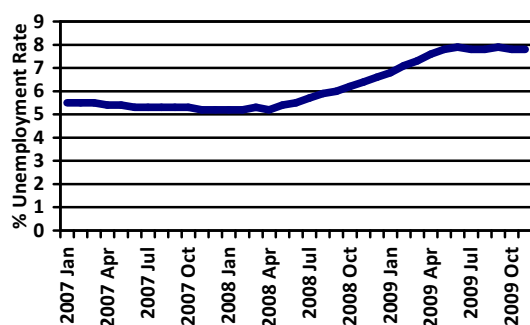
(D7G7: CPI Annual rate all items & CDKQ: RPI Annual rate exc. Mortgage interest)

CPI annual inflation increases again. The CPI annual inflation rate increased again in January. The increase of 0.6 per cent to 3.5 per cent in January from 2.9 per cent in December is the second largest ever increase in the annual rate between two months. This follows a record increase of 1.0 per cent in the annual inflation rate between November and December. The increase in the VAT rate in January 2010 had a significant impact on the change in the CPI annual inflation rate as it led to larger than normal price rises (or prices fell by less than usual) this year for a December to January period.

The RPIX - all items RPI excluding mortgage interest payments – was 4.6 per cent in January, up from 3.8 per cent in December.

As an internationally comparable measure of inflation, the CPI shows that the UK inflation rate in December was above the provisional figure for the European Union. The UK rate was 2.9 per cent whereas the EU's as a whole was 1.4 per cent.

Unemployment

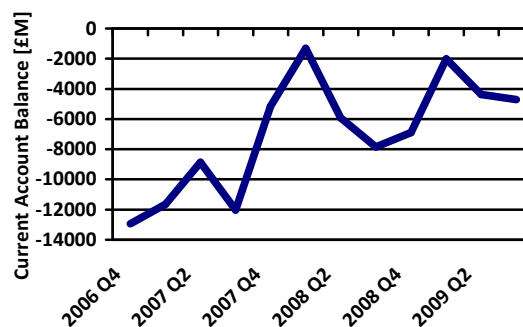


(MGSX: Unemployment rate: UK: All: Aged 16 and over)

The unemployment rate for October to December 2009 was 7.8 per cent, unchanged on the quarter. The number of unemployed people fell by 3,000 over the quarter to reach 2.46 million. The number of people unemployed for more than 12 months increased by 37,000 over the quarter to reach 663,000, the highest figure since the three months to September 1997.

The number of people claiming Jobseeker's Allowance (the claimant count) increased by 23,500 between December 2009 and January 2010 to reach 1.64 million, the highest figure since April 1997. This monthly increase in the claimant count was preceded by two consecutive monthly falls.

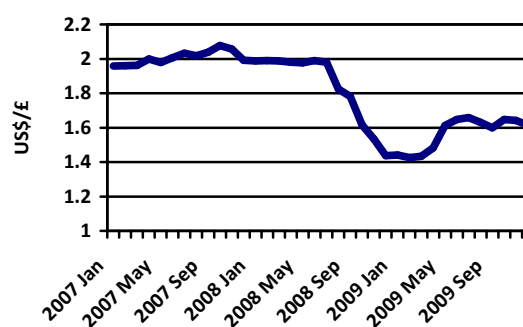
Balance of Payments



(HBOP: Current Account Balance)

The current account recorded a deficit of £4.7 billion in the third quarter of 2009, up from a deficit of £4.4 billion in the previous quarter. The third quarter deficit is equivalent to -1.3 percent of GDP, which remained unchanged from the previous period.

Exchange Rate



(LUSS: Middle closing spot rate US\$/£)

Training

There are currently no specific internal training dates scheduled. If you are interested in any training courses then please contact the secretariat. Courses that have been run recently include:

- ATEX
- Self-verification
- Calibration code of practice

Forthcoming meetings

Please note the following dates for your diary:

Regional meeting, York	22nd April 2010
AGM & regional meeting, venue TBA	14th October 2010

Board meetings, as above plus:

1st July 2010
9th December 2010

External meetings

CLIF meeting	18 th March 2010
CECIP general assembly	14 th May 2010
JCC meeting	14 th July 2010

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