businesscompanion
trading standards law explained

Weighing and measuring fish

In the guide

Weights and measures requirements
- Exemptions
- Shellfish
- Prepacked goods and the average quantity system
- Weighing

Price marking requirements
Food labelling
- Differences between food law and metrology law

Trading Standards
In this update
Key legislation

In this guide, the words 'must' or 'must not' are used where there is a legal requirement to do (or not do) something. The word 'should' is used where there is established legal guidance or best practice that is likely to help you avoid breaking the law.

This guidance is for England, Scotland and Wales

There are a number of legal requirements that you need to be aware of when selling fish by weight (whether at the request of customers or prepacked ready for sale), which include weighing equipment construction and quantity price marking. Examples of these requirements include using a 'Government stamped' scale (as they are known), pricing and selling in metric quantities and marking prepacked goods with the weight of the product.

Customers must be informed of the weight before paying for and receiving their goods. In general, all foods, whether sold prepacked or non-prepacked, must be priced in a manner that can be seen by customers without them having to ask.

Note:

- Net weight means the weight of the goods alone without the bag, wrapper or container
- Gross weight means the weight of the goods plus the weight of any bag, wrapper or container
- Tare weight means the weight of any bag, wrapper or container (referred to as 'Permitted weight of

container' in the table below)

Weights and measures requirements

Weights and measures legislation applies to the sale of fish that is fresh, chilled, frozen, salted, cooked or processed. It also covers products that are made substantially of fish, but does not apply to fish paste.

In general, fish and fish products must be sold by the kilogram.

Prepacked items must be marked with the net weight of the product in metric units. This is not required on packs of fish pies, puddings or flans where the pack is marked with the number of items or where the number of items can be seen without opening the pack.

Very small packs containing less than 5 g of product do not require the net weight to be marked on them.

A packer must conform to the Weights and Measures (Packaged Goods) Regulations 2006 if the packs are E-marked, or if the packer chooses to do that (see below).

The sale of whole fish or fillets must be by reference to net weight.

Non-prepacked items (food sold loose or packaged at the request of the consumer), including products cut or selected from a larger bulk as requested by the customer, must be sold either by net weight or by gross weight. Products can be sold by gross weight if the weight of the bag, wrapper or container in which the product is served is not greater than that allowed for in the table below.

Weights for fish sold gross in a container

Gross weight	Permitted weight of container
Up to 500 g	5 g
More than 500 g	A weight at the rate of 10 g per kg of the gross weight

Exemptions

These requirements do not apply to:

- Fish pies, puddings or flans
- Sales of less than 5 g of product
- Jellied, pickled or fried fish
- Fish sold otherwise than from a market, shop, stall or vehicle (directly from a boat, for example)

Shellfish

There are no specific legal requirements regarding the sale of shellfish in-shell, which can therefore be sold by weight, volume or by the traditional shellfish-stall tub, pot, saucer, etc. Any weight or volume used to indicate the quantity of shellfish by must be a metric quantity (grams, kilograms or litres), and 'Government stamped' weighing and measuring equipment must be used to determine the quantity sold (see below). When allowed, if shellfish is sold without reference to a quantity, the price for each tub, pot or saucer must be clearly indicated to customers.

Your local Trading Standards Service will be able to give you more detailed advice regarding which products the above exemptions apply to.

Prepacked goods and the average quantity system

If your business also prepares prepacked products in set quantities - for example, 500 g packs of frozen fish - you may wish to take advantage of packing them using the average quantity system, which makes allowances for small variations in package weights.

The net weight must be marked on packs that are made up with a set number of fillets or whole fish. If you E-mark any pack, those packs must conform to the average quantity system.

If you also make pre-prepared foods, such as ready meals, that require heating or cooking and are sold direct from your premises, then these must be marked with a net weight declaration. The net weight declaration is the total net weight of any individual components, excluding any packaging materials (tare weight) and can also be packed using the average-quantity system.

For more information on this system, please see 'Packaged goods: average quantity'. You may also wish to seek specific advice from your local Trading Standards Service.

Weighing

Scales that are used must be accurate and of an approved construction for retail sale use. They must also have certain required markings and stamps on them. See 'Weighing equipment for legal use' for more information.

The customer must be informed of the weight of the product and the price before paying for it. This can be done by:

- Weighing the product in front of the customer so that they have a clear view of the weight indication on the scales
- Marking the weight on the bag, wrapper or container
- Marking the weight on a separate ticket or till receipt

In cases where the customer requests fish that has been boned, trimmed, cleaned, etc, the customer must be advised whether the weight to be charged for will be before or after the product is prepared for them.

Price marking requirements

In general, all foods must have their price displayed and include VAT where applicable.

The price must be displayed on or near the product, be unambiguous and easily read by customers without them having to ask for assistance.

For most non-prepacked items or for products where the customer requests a particular quantity, the unit price per kilogram must be indicated on or near the goods, or on a price list. An exemption from this is cooked or ready-to-eat fish, which must be priced per 100 g. You may also display a price per pound, but this must not be more prominent than the metric kilogram price. For more expensive products you may

also assist customers with an additional price per 100 g where this might give a more meaningful indication of the price the customer will have to pay.

For fish counters in shops with a sales area of more than 280 m^2, the unit price of prepacked products must also be displayed on or near the goods - for example, on a shelf edge ticket or a price list.

However, there are exceptions; the main ones are as follows:

- Products near their expiry date and sold at a reduced price
- Products that are not required to be sold by weight - for example, fish pies, puddings and flans
- An assortment of different items sold as a single pack - for example, 'Cod and chips'
- Any product where the unit price is identical to the selling price

The unit price must be in metric, generally the price per kilogram. The unit price per pound may also be given in addition to the metric marking, but must be given less prominence.

For more information on pricing generally, see 'Providing price information'.

Food labelling

There are a number of food labelling requirements that you will also need to comply with when selling these products. For more information, see Business Companion's 'Food and drink' section.

Differences between food law and metrology law

In food law, alongside prepacked and non-prepacked, there is a third type of process, which is referred to as 'prepacked for direct sale' (PPDS). It does not have a strict legal definition, but it means food that is placed into packaging (prepacked) before being offered for sale and sold / offered for sale or supply from the premises on which it was packed, or from a mobile stall or vehicle being operated by the business. PPDS was introduced to food law to require businesses to add more detail to PPDS food labelling, particularly related to allergens.

Something that is PPDS in food law is likely to be prepacked in metrology law.

Trading Standards

For more information on the work of Trading Standards Services and the possible consequences of not abiding by the law, please see 'Trading Standards: powers, enforcement and penalties'.

In this update

Information added to help business understand how food law and metrology law relate to each other.

Last reviewed / updated: November 2025

Key legislation

- Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984
- Price Marking Order 2004
- Weights and Measures (Packaged Goods) Regulations 2006

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links go to the legislation.gov.uk website. The site usually updates the legislation to include any amendments made to it. However, this is not always the case. Information on all changes made to legislation can be found by following the above links and clicking on the 'More Resources' tab.

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