



**PRODUCT SAFETY STANDARDS (CHILDREN'S NIGHTWEAR
AND LIMITED DAYWEAR HAVING REDUCED FIRE HAZARD)
REGULATIONS 1999**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 11th day of October 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 29 of the Fair Trading Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

1. Title and commencement
 2. Interpretation
 3. Australian/New Zealand Standard 1249:1999 declared to be product safety standard for children's nightwear and limited daywear
 4. Revocation and saving
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SCHEDULE

Variations to Australian/New Zealand Standard 1249:1999 and ISO 6941:1984

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 1999.

(2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“Act” means the Fair Trading Act 1986:

“Children’s nightwear and limited daywear”—

(a) Means garments that are suitable for nightwear, and are any of the sizes 00 to 14 as specified in clause 0.2 of AS/NZS 1249:1999 and in the AS1182-1997 size coding scheme for infants and children’s clothing (underwear and outerwear); and

(b) Includes pyjamas, pyjama-style overgarments, nightdresses, nightshirts, dressing gowns, bathrobes and infant-sleepbags, and garments such as all-in-ones and boxer shorts which may be suitable for daywear or nightwear; but

(c) Does not include T-shirts or any articles of headwear, leggings either with or without a foot, footwear, or handwear.

3. Australian/New Zealand Standard 1249:1999 declared to be product safety standard for children’s nightwear and limited daywear—(1) Australian/New Zealand Standard 1249:1999—Children’s Nightwear and Limited Daywear Having Reduced Fire Hazard (with the variations set out in Part I of the Schedule) is a product safety standard for the goods to which these regulations apply for the purposes of section 29 of the Fair Trading Act 1986.

(2) These regulations apply to children’s nightwear and limited daywear.

4. Revocation and saving—(1) The Children’s Night Clothes (Product Safety Standard) Regulations 1990 (S.R. 1990/43) are revoked on the close of the period of 2 years beginning on the day after the date on which these regulations are notified in the *Gazette*.

(2) Until the Children’s Night Clothes (Product Safety Standard) Regulations 1990 are revoked,—

(a) Goods to which these regulations apply must comply with either the Children’s Night Clothes (Product Safety Standard) Regulations 1990 or these regulations:

(b) Compliance with either set of regulations is compliance with the other set of regulations.

SCHEDULE

Reg. 3

VARIATIONS TO AUSTRALIAN/NEW ZEALAND STANDARD 1249:1999 AND ISO
6941:1984

Part 1

VARIATIONS TO AUSTRALIAN/NEW ZEALAND STANDARD 1249:1999—
CHILDREN'S NIGHTWEAR AND LIMITED DAYWEAR HAVING REDUCED FIRE
HAZARD

| Provision | Variations |
|----------------|---|
| Clause 0.1 | By omitting the words "It also covers the requirements for the labelling of paper patterns for these garments." |
| Clause 1.2 (a) | <p>By inserting, after the first paragraph, the following paragraphs:</p> <p>"Where there is insufficient fabric for 3 lengthwise and 3 widthwise test specimens, as cited in clause 8.7 of <i>International Standard ISO 6941:1984/Amendment 1:1992 (E), Textile fabric—Burning behaviour—Measurement of flame spread properties of vertically oriented specimens</i>, of 15 October 1992 (with the variations set out in Part 2 of the Schedule of the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 1999), the flame spread time must be determined on 3 lengthwise test specimens only.</p> <p>"Where the textile material or garments are constructed with 1 fabric overlaying another (for example, quilted fabrics), specimens must be cut and tested as a combination, that is to say as if the overlay were applied to the under fabric."</p> <p>By omitting from the third paragraph the words "four or more of six specimens", and substituting the expression "3 or more specimens".</p> <p>By omitting from the note to this clause the words "another set of three specimens are", and substituting the words "another specimen is".</p> |
| Clause 1.3 | <p>By inserting, after the first sentence, the following sentence:</p> <p>"The outer fabric of a composite or applied area must be considered the fabric face and must be tested so that the flame impinges on that surface."</p> |
| Clause 5 | By omitting subclause 5.6. |

SCHEDULE—*continued*

Part 2

VARIATIONS TO INTERNATIONAL STANDARD ISO 6941:1984/AMENDMENT
NO. 1: 1992 (E), AS REFERRED TO IN AUSTRALIAN/NEW ZEALAND STANDARD
1249:1999

| Provision | Variations |
|------------|---|
| Clause 8.8 | By omitting the words “test another set of three specimens for that direction or face”, and substituting the words “test another specimen for that direction or face”. |
| Clause 10 | By omitting subclause 10 (k) (4), and substituting the following subclause: “10 (k) (4). If only 4 specimens are tested (refer amended clause 8.8), determine the mean from all the results that burn to the respective marker threads. Report the number of specimens that failed to burn to the marker.” |

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the 28th day after the date of their notification in the *Gazette*, prescribe new product safety standards for children's nightwear and limited daywear having reduced fire hazard.

The regulations declare Australian/New Zealand Standard 1249:1999—Children's Nightwear and Limited Daywear Having Reduced Fire Hazard to be a product safety standard under section 29 of the Fair Trading Act 1986.

It is an offence under section 40 of the Fair Trading Act 1986 to supply, or offer to supply, or advertise to supply goods in respect of which a product safety standard has been prescribed unless the goods comply with that standard.

Section 32 of the Fair Trading Act 1986 empowers the Ministry of Consumer Affairs, in the case of goods that do not comply with a product safety standard, to require the supplier to recall the goods, or disclose to the public information relating to them, or repair or replace the goods, or refund the price of them.

In addition, the Act authorises the granting of injunctions, and specifies other remedies that may be obtained, against persons who contravene Part III of the Act.

The Children's Night Clothes (Product Safety Standard) Regulations 1990 are revoked 2 years after these regulations are notified in the *Gazette*. Until the 1990 regulations are revoked, the nightwear or daywear concerned must comply with those regulations or the new regulations.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 14 October 1999.

These regulations are administered in the Ministry of Commerce.