



**THE PRODUCT SAFETY STANDARDS  
(CHILDREN'S TOYS) REGULATIONS 1992**

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CATHERINE A. TIZARD, Governor-General

**ORDER IN COUNCIL**

At Wellington this 4th day of May 1992

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 30 of the Fair Trading Act 1986, Her Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, and on the recommendation of the Minister of Consumer Affairs, hereby makes the following regulations.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Product Safety Standards (Children's Toys) Regulations 1992.

(2) These regulations shall come into force on the 1st day of July 1992.

**2. Interpretation**—For the purpose of these regulations, “toy” means any object manufactured, designed, labelled, or marketed as a plaything for use in learning or play by a child; and includes—

(a) Rattles, dummies, and teethers:

(b) Squeeze toys:

(c) Toys for attaching to a crib, stroller, playpen, or baby carriage:

(d) Pull and push toys:

(e) Pounding toys:

- (f) Blocks and stacking toys:
- (g) Toys for use in baths, paddling pools, and sand:
- (h) Rocking, spring, and stick horses, and similar articles:
- (i) Musical chime toys:
- (j) Jacks in the box:
- (k) Stuffed, plush, and flocked animals, and similar articles:
- (l) Games and puzzles:
- (m) Dolls:
- (n) Toy cars, trucks, and other vehicles.

**3. Application**—(1) These regulations apply to toys manufactured, designed, labelled, or marketed for use by children exactly 3 years of age or under whether or not the toys are manufactured, designed, labelled, or marketed for use by children over that age.

(2) These regulations do not apply to—

- (a) The toys described in the Schedule to these regulations; or
- (b) Secondhand toys supplied, or offered for supply, or advertised for supply otherwise than in trade.

**4. Product safety standard for children's toys**—NEW ZEALAND STANDARD—THE PREVENTION OF INGESTION AND INHALATION HAZARDS IN TOYS INTENDED FOR USE BY CHILDREN UNDER THREE YEARS OF AGE (NZS 5822:1992) promulgated by the Standards Council is hereby declared to be a product safety standard in respect of toys to which these regulations apply for the purposes of section 29 of the Fair Trading Act 1986.

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SCHEDULE

Reg. 3

TOYS TO WHICH REGULATIONS DO NOT APPLY

Balloons, marbles, and gramophone records.

Books and other articles made of paper.

Writing materials including crayons, chalk, pencils, and pens.

Finger paints, water colour paints, and other paints.

Modelling materials including clay, plasticine, and play dough.

Flotation aid toys for use as a means of providing buoyancy in water.

Bicycles having a wheel base of not less than 640 mm.

Toys that are made solely from porous fabric material such as cheesecloth.

Playground equipment for parks, schools, and domestic use including swings, seesaws, slides, agility apparatus, and climbing, swinging, rotating and rocking apparatus, cubby houses, sand pits, apparatus for use in sand, sliding poles, and ladders.

Goods supplied in a wholly or partially unassembled state for assembly by an adult after supply where those goods, when assembled in accordance with instructions supplied in writing with the goods, comply with the requirements of the product safety standard referred to in regulation 4 of these regulations.

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 1 July 1992, declare NEW ZEALAND STANDARD—THE PREVENTION OF INGESTION AND INHALATION HAZARDS IN TOYS INTENDED FOR USE BY CHILDREN UNDER THREE YEARS OF AGE (NZS 5822:1992) to be a product safety standard for toys manufactured, designed, labelled, or marketed for use by children aged 3 years and under for the purposes of section 29 of the Fair Trading Act 1986.

The standard specifies requirements that must be met for the prevention of ingestion and inhalation hazards in toys intended for use by children in this age group. Certain classes of toys are excluded from the application of the standard as are secondhand toys.

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 standard is complied with.

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

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

Date of notification in *Gazette*: 7 May 1992.

These regulations are administered in the Ministry of Consumer Affairs.