



**THE CHILDREN'S NIGHT CLOTHES (PRODUCT SAFETY
STANDARD) REGULATIONS 1990**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of March 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 29 and 30 of the Fair Trading Act 1986, His 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Children's Night Clothes (Product Safety Standard) Regulations 1990.

(2) These regulations shall come into force on the 1st day of January 1991.

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

“Children's night clothes” means garments that are suitable for night wear for children aged 6 months to 14 years inclusive; and includes pyjamas, pyjama-styled over garments, sleep suits, night dresses, dressing gowns, bathrobes, infants' sleeping bags, night shirts, and babies' stretch and grows:

"Low fire danger fabric" means fabric that complies with the requirements of the New Zealand Standard for Low Fire Danger Fabrics for Domestic Apparel (NZS 8704:1989).

3. Parts of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989) declared to be product safety standards for children's night clothes—(1) Part 1 (except subparagraphs (b) and (d) of paragraph 101.1), Part 2 and Part 4 (except paragraphs 401.3 and 402) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989) are hereby declared to be a product safety standard for children's night clothes made wholly from low fire danger fabric for the purposes of section 29 of the Fair Trading Act 1986.

(2) Part 1 (except subparagraphs (a) and (d) of paragraph 101.1), Part 3 and Part 4 (except paragraph 401.2) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989) are hereby declared to be a product safety standard for children's night clothes not made wholly from low fire danger fabric for the purposes of section 29 of the Fair Trading Act 1986.

4. Revocation—The Fair Trading Act (Children's Night Clothes Product Safety Standards) Regulations 1987* are hereby revoked.

C. J. HILL,
for Clerk of the Executive Council.

*S.R. 1987/125

EXPLANATORY NOTE

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

These regulations prescribe new product safety standards for children's night clothes. The regulations come into force on 1 January 1991 and replace the Fair Trading Act (Children's Night Clothes Product Safety Standards) Regulations 1987. The regulations declare—

- (a) Part 1 (except subparagraphs (b) and (d) of paragraph 101.1), Part 2, and Part 4 (except paragraphs 401.3 and 402) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989) to be a product safety standard for children's night clothes made wholly from low fire danger fabric (as that term is defined);
- (b) Part 1 (except subparagraphs (a) and (d) of paragraph 101.1), Part 3, and Part 4 (except paragraph 401.2) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989) to be a product safety standard for children's night clothes not made wholly from low fire danger fabric (as that term is defined).

The effect of the regulations is that children's night clothes made wholly from low fire danger fabric that complies with the New Zealand Standard for Low Fire Danger Fabrics for Domestic Apparel (NZS 8704:1989) will be required to meet the requirements of Part 2 (which relates to trims) and Part 4 (which relates to labelling) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989). Children's night clothes not made wholly from low fire danger fabric will be required to comply with Part 3 (which relates to design and fabric flammability) and Part 4 (which relates to labelling) of New Zealand Standard for Children's Night Clothes Having Low Fire Danger (NZS 8705:1989).

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 Minister 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, that Act authorises the granting of injunctions, and specifies 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*: 8 March 1990.

These regulations are administered in the Ministry of Consumer Affairs.