

**Reprint
as at 1 April 2009**



**Product Safety Standards
(Children's Nightwear and
Limited Daywear Having Reduced
Fire Hazard) Regulations 2005**

(SR 2005/235)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 8th day of August 2005

Present:

Her Excellency the Governor-General in Council

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005: revoked, on 1 April 2009, by regulation 6 of the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (SR 2008/199).

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Ministry of Consumer Affairs.

Pursuant to section 29 of the Fair Trading Act 1986, Her Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, and on the recommendation of the Minister of Consumer Affairs, makes the following regulations.

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Regulations

- 1 Title**

These regulations are the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005.
- 2 Commencement**

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.
- 3 Interpretation**

In these regulations, unless the context otherwise requires,—

Act means the Fair Trading Act 1986

all-in-ones means garments specified as "all-in-ones" in clause 0.5.3 of AS/NZS 1249:2003

AS 1182-1997 means the Australian Standard entitled AS 1182-1997 Size coding scheme for infants' and children's clothing—Underwear and outerwear

AS/NZS 1249:2003 means the Australian/New Zealand Standard entitled AS/NZS 1249:2003 Children's nightwear and limited daywear having reduced fire hazard

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 1249:2003 and in AS 1182-1997; and
- (b) includes pyjamas, pyjama-style overgarments, night-dresses, nightshirts, dressing gowns, bathrobes, and infant-sleepbags; and garments such as all-in-ones and boxer shorts that 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

ISO 6941:1984 means the International Organization for Standardization Standard entitled ISO 6941:1984, as amended by Amendment 1:1992(E).

4 Application

These regulations apply to children's nightwear and limited daywear.

5 Product safety standard for children's nightwear and limited daywear

- (1) AS/NZS 1249:2003 (with the variations set out in Part 1 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) For the purposes of these regulations, references to ISO 6941 in AS/NZS 1249:2003 (as varied by these regulations) must be treated as references to ISO 6941:1984 (with the variations set out in Part 2 of the Schedule).

6 Revocation

The Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 1999 (SR 1999/363) are revoked on the close of the period

of 1 year beginning on the day after the date on which these regulations are notified in the *Gazette*.

7 Transitional provisions

Until the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 1999 are revoked,—

- (a) a person must comply with either the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 1999 or these regulations; and
- (b) compliance with either set of regulations is compliance with the other set of regulations.

Schedule

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**Variations to AS/NZS 1249:2003 and ISO
6941:1984**

Part 1

Variations to AS/NZS 1249:2003

Provision	Variations
Clause 0.1	Omit the words "It also covers requirements for the labelling of paper patterns for these garments."
Clause 1.2(a)	<p>Insert, after the first paragraph, the following paragraphs:</p> <p>"Where there is insufficient fabric for 3 lengthwise and 3 widthwise test specimens, as specified in ISO 6941:1984, the flame spread time must be determined on 3 lengthwise test specimens only.</p> <p>"Where the textile material or garments are constructed with one fabric overlaying another (for example, quilted fabrics), specimens must be cut and tested as a combination, as if the overlay were appliquéd to the under fabric."</p>

Part 1—*continued*

Provision	Variations
	Omit from the third paragraph the words “four or more of six specimens” in both places where they appear and substitute in each case the words “3 or more specimens”.
	Omit from the note to this clause the words “another set of three specimens are” and substitute the words “another specimen is”.
Clause 1.3	Insert, after the first sentence, the following sentence: “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.”
Clause 5	Omit clause 5.6.

Part 2

Variations to ISO 6941:1984 for the
purposes of references to ISO 6941 in
AS/NZS 1249:2003

Provision	Variations
Clause 8.8	Omit the words “test another set of three specimens for that direction or face” and substitute the words “test another specimen for that direction or face”.
Clause 10	Omit subclause 10(k)(4) and substitute 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.”

**Product Safety Standards (Children's
Nightwear and Limited Daywear Having
Reduced Fire Hazard) Regulations 2005**

Reprinted as at
1 April 2009

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 August 2005.

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Notes

1 *General*

This is a reprint of the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 1 April 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/legislation/reprints.shtml> or Part 8 of the *Tables of Acts and Ordinances and Statutory Regulations, and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (SR 2008/199): regulation 6
