

Reprint
as at 1 October 2018



**Product Safety Standards (Cigarette Lighters)
Regulations 1998**
(SR 1998/451)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 14th day of December 1998

Present:

His Excellency the Governor-General 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, and on the recommendation of the Minister of Consumer Affairs, makes the following regulations.

Contents

	Page
1 Title	2
2 Interpretation	2
3 Application	3
4 Parts of International Standard for Lighters—Safety Specification (ISO 9994:1995E) declared product safety standard for cigarette lighters	3
5 Labelling	3

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

6	Child resistance	3
7	Certification	3
8	Compliance with specifications	4
	Schedule	4

**Clauses of International Standard for Lighters—Safety
Specification (ISO 9994:1995E) and variations**

Regulations

1 Title

These regulations may be cited as the Product Safety Standards (Cigarette Lighters) Regulations 1998.

2 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

the Act means the Fair Trading Act 1986

American Standard means the Consumer Product Safety Standard for Cigarette Lighters (16 CFR 1210)—

- (a) set out in Part 1210, Title 16 of the Code of Federal Regulations; and
- (b) published in the Federal Register of the United States of America, Vol 58, No 131, on 12 July 1993

child means an individual who is under 5 years of age

cigarette lighter means a flame-producing device that is designed to light cigarettes, cigars, and pipes; and is either—

- (a) disposable; or
- (b) designed to be refilled with fuel and has a customs value of less than \$3.50

customs value, in relation to a cigarette lighter, means the Customs value determined in accordance with Schedule 4 of the Customs and Excise Act 2018

disposable, in relation to a cigarette lighter, means a cigarette lighter which is designed—

- (a) to be discarded when its supply of fuel is exhausted; or
- (b) to incorporate a separate container of fuel designed to be discarded when empty.

- (2) Unless the context otherwise requires, terms and expressions that are not defined in these regulations but that are defined in the Act have the same meaning as in the Act.

Regulation 2(1) **customs value**: amended, on 1 October 2018, by section 443(4) of the Customs and Excise Act 2018 (2018 No 4).

3 Application

- (1) These regulations apply to—
 - (a) the wholesale supply of cigarette lighters on and after 15 February 1999; and
 - (b) the supply of cigarette lighters on and after 15 May 1999.
- (2) These regulations do not, however, apply to cigarette lighters—
 - (a) carried in the baggage or effects of a person arriving in New Zealand where the number of cigarette lighters carried is 4 or less; or
 - (b) that are component parts in the manufacture of cigarette lighters for which a certificate of compliance has been issued under regulation 7(1).

4 Parts of International Standard for Lighters—Safety Specification (ISO 9994:1995E) declared product safety standard for cigarette lighters

The clauses of the International Safety Standard for Lighters—Safety Specification (ISO 9994:1995E) set out in the Schedule together with the variations specified in that schedule are a product safety standard for cigarette lighters for the purposes of section 29 of the Act.

5 Labelling

A cigarette lighter must be labelled in accordance with section 1210.12(c) of the American Standard.

6 Child resistance

- (1) A cigarette lighter must be of a kind that has been—
 - (a) tested in the manner set out in section 1210.4 of the American Standard; and
 - (b) shown to be resistant to successful operation by at least 85% of the child test panel when tested.
- (2) The mechanism designed or intended to make the cigarette lighter resistant to successful operation by a child must—
 - (a) reset itself automatically after each operation of the ignition mechanism; and
 - (b) not impair safe operation of the cigarette lighter when used in a normal manner; and
 - (c) be effective for the functional life of the cigarette lighter; and
 - (d) not be easily overridden or deactivated.

7 Certification

- (1) A certificate of compliance, within the meaning of the American Standard, must have been issued for the cigarette lighter in accordance with that standard.

- (2) The certificate of compliance must be produced—
- (a) by the importer of the cigarette lighter to an officer of the New Zealand Customs Service on the entry of the cigarette lighter into New Zealand; and
 - (b) by the importer or supplier of the cigarette lighter within 10 days after being requested by a Customs officer or officer of the Commission.

8 Compliance with specifications

A cigarette lighter for which a certificate of compliance has been issued must meet the specifications required under section 1210.15 of the American Standard for that lighter.

Schedule

Clauses of International Standard for Lighters—Safety Specification (ISO 9994:1995E) and variations

r 4

Clause	Variation
2	By omitting subclauses 2.1, 2.2, and 2.3.
3	By omitting Note 4 from subclause 3.2. By omitting from subclause 3.2.2.1 the expression “100 mm”, and substituting the expression “125 mm”. By omitting Note 5 from subclause 3.2.2.3. By omitting subclauses 3.3.1, 3.3.2, 3.3.3, 3.3.4, 3.3.5, and 3.6.
4	By omitting all of subclauses 4.2, 4.3, 4.5, 4.8, and 4.9.
5	By omitting from subclause 5.2.2(c) the expression “5 mm”, and substituting the expression “10 mm”. By omitting all of subclauses 5.5, 5.6, 5.7, 5.11, and 5.12.

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 December 1998.

Reprints notes

1 *General*

This is a reprint of the Product Safety Standards (Cigarette Lighters) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Customs and Excise Act 2018 (2018 No 4): section 443(4)