Product Safety Standards (Household Cots) Regulations 2005

(SR 2005/212)

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 18th day of July 2005

Present:
Her Excellency the Governor-General in Council

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.

Contents

Regulations

1   Title

These regulations are the Product Safety Standards (Household Cots) 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,—

antique cot means a cot that is more than 100 years old

collectible cot means a cot less than 100 years old that is supplied as a collectors' item and is not intended for use as a sleeping facility for an infant or a child

cot means a free-standing product with raised sides and ends that is designed as an enclosed sleeping facility for an infant or a child.

4   Application

(1)   These regulations apply to cots designed or intended for use
as a sleeping facility for an infant or a child in the home.

(2)   However, these regulations do not apply to the following:

(a)   folding cots:

(b)   carry cots:

(c)   cradles:

(d)   bassinets:

(e)   antique cots or collectible cots that are labelled with
a warning notice that can easily be read and that is
displayed in a conspicuous position, either on the cot
or on any packaging, bearing the words "WARNING:
THIS COT MAY NOT BE SUITABLE FOR USE AS
A SLEEPING FACILITY FOR INFANTS OR CHIL-
DREN".

**5   Australian/New Zealand Standard 2172:2003 Cots for
household use—Safety requirements declared to be
product safety standard**

Australian/New Zealand Standard 2172:2003 Cots for house-
hold use—Safety requirements (with the variations set out in
the Schedule of these regulations) is a product safety standard
for cots to which this regulation applies for the purposes of
section 29 of the Fair Trading Act 1986.

6   Revocation

The Product Safety Standards (Household Cots) Regulations
2000 (SR 2000/162) 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 (Household Cots) Regula-
tions 2000 are revoked,—

(a)   a person must comply with either the Product Safety
Standards (Household Cots) Regulations 2000 or these
regulations; and

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

Schedule

r 5

Variations to Australian/New Zealand Standard 2172:2003 Cots for household use—Safety requirements

Part 1

Variations to Australian/New Zealand Standard 2172:2003

Cots for household use—Safety requirements for cots except second-hand cots

Provision	Variations
1	Omit this clause
2	Omit this clause
4	Omit this clause
7	Omit this clause
8	Omit this clause

Part 2

Variations to Australian/New Zealand Standard 2172:2003

Cots for household use—Safety requirements for second-hand cots

Provision	Variations
1	Omit this clause
2	Omit this clause
4	Omit this clause
7	Omit this clause
8	Omit this clause
9	Omit subclauses 9.3 to 9.8
10	Omit this clause

Part 2—*continued*

Provision	**Variations**
11	Omit this clause
12	Omit this clause

Diane Morcom,
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 a product safety
standard for cots. The regulations apply to cots designed or intended
for use as a sleeping facility for an infant or a child in the home.
They do not apply to folding cots, carry cots, cradles, or bassinets, or
to antique cots or collectible cots that bear a warning that they may
be unsuitable as a sleeping facility.

These regulations declare certain parts of the Australian/New
Zealand Standard 2172:2003 Cots for household use—Safety re-
quirements set out in the *Schedule* to be a product safety standard
under section 29 of the Fair Trading Act 1986. *Part 2* of the Sched-
ule sets out the parts that apply to secondhand cots, while *Part 1* sets
out the parts that apply to all cots that are not secondhand. These
regulations also—

• provide for a transitional period of 1 year during which people
can comply with either these regulations or with the Product
Safety Standards (Household Cots) Regulations 2000 (which
incorporate the version previous to the Australian/New
Zealand Standard 2172:2003):

- revoke the Product Safety Standards (Household Cots) Regulations 2000 1 year after these regulations are notified in the *Gazette*.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 July 2005.

Contents

Notes

1 General

This is a reprint of the Product Safety Standards (Household
Cots) Regulations 2005. The reprint incorporates all the
amendments to the regulations as at 22 July 2005, 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 enact-
ment, 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 prin-
cipal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the prep-
aration 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 le-
gislation 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 au-
thority 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)*