

**Reprint  
as at 12 August 2005**



**Product Safety Standards  
(Children's Toys) Regulations  
2005**

(SR 2005/236)

Silvia Cartwright, Governor-General

**Order in Council**

At Wellington this 8th day of August 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.

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**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.**

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## Regulations

- 1 Title**

These regulations are the Product Safety Standards (Children's Toys) 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,—  
**AS/NZS ISO 8124.1:2002** means the Australian/New Zealand Standard entitled AS/NZS ISO 8124.1:2002 Safety of toys—Part 1: Safety aspects related to mechanical and physical properties  
**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, toy dummies, and toy 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.

#### **4 Application**

- (1) These regulations apply to toys manufactured, designed, labelled, or marketed for use by children up to and including 36 months of age whether or not the toys are manufactured, designed, labelled, or marketed for use by children over that age.
- (2) However, these regulations do not apply to—
  - (a) the toys described in Schedule 1; or
  - (b) secondhand toys supplied, or offered for supply, or advertised for supply, otherwise than in trade.

#### **5 Product safety standard for children's toys**

The subclauses of AS/NZS ISO 8124.1:2002 specified in the second column of Schedule 2 (with the variations set out in the third column of Schedule 2) are a product safety standard for toys to which these regulations apply for the purposes of section 29 of the Fair Trading Act 1986.

#### **6 Revocation**

The Product Safety Standards (Children's Toys) Regulations 1992 (SR 1992/91) 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 Toys) Regulations 1992 are revoked,—

- (a) a person must comply with either the Product Safety Standards (Children's Toys) Regulations 1992 or these regulations; and
  - (b) compliance with either set of regulations is compliance with the other set of regulations.
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## **Schedule 1**

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### **Toys to which regulations do not apply**

Balloons.

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

Books and other articles made of paper.

Cassette tapes, compact discs, digital versatile discs, and gramophone records.

Dummies and pacifiers (other than toy dummies and toy pacifiers).

Finger paints, watercolour paints, other paints, paint brushes, and other painting implements.

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

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 5.

Marbles.

Modelling materials including clay, plasticine, and playdough.

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.

Toys that are made solely from porous fabric material such as cheese-cloth.

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

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**Schedule 2**

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**Variations to AS/NZS ISO 8124.1:2002**

<b>Clause</b>	<b>Subclause</b>	<b>Variations</b>
<b>4</b>	4.1	Adopt without variation.
	4.2	Omit from the first paragraph the words “5.1 to 5.23” and substitute the words “5.1 to 5.6, 5.20, and 5.23”.  Omit from the first paragraph the words “toys intended for children under 96 months,” and insert, before the words “shall be tested” in the first paragraph, in the second place where they occur, the word “toys”.
	4.4.1	Omit from the first paragraph the words “intended for children up to and including 36 months”.  Omit the third paragraph (from the words “The following” to the last bullet point item “elastic and string”).
	4.5.1	Omit from the first bullet point item the words “intended for children under 18 months”.
	4.5.2	Omit from subparagraph (a) the words “intended for children up to and including 36 months”. Omit subparagraph (b).
	4.5.3	Omit the words “intended for children up to and including 36 months”.
	4.5.4	Omit the words “intended for children up to and including 36 months”.
	4.5.5	Omit the words “intended for children up to and including 36 months”.
	4.25	Omit subparagraph (d).
	<b>5</b>	5.1
5.2		Omit from the heading the expression “4.3.2, 4.4, 4.18.2” and substitute the expression “4.4.1”.

<b>Clause</b>	<b>Subclause</b>	<b>Variations</b>
	5.3 to 5.6	Adopt without variation.
	5.20	Adopt without variation.
	5.23	Adopt without variation.
	5.24.1	Omit the second paragraph.
	5.24.2	Omit from the second row of the first column of table 4 the expression "96" and substitute the expression "36".
	5.24.3	Adopt without variation.
	5.24.5	Adopt without variation.
	5.24.6.1	Adopt without variation.
	5.24.6.2	Omit from the first paragraph the word "beanbags" and substitute the words "beanbag-type toys (such as toys that contain plastic pellets, beads, polystyrene balls, or similar material)".
	5.24.6.3	Adopt without variation.
	5.24.7	Omit from the second paragraph the words "according to the age group for which the toy is intended". Omit the second row in table 5.
<b>Annex A</b>		
<b>Clause</b>	<b>Subclause</b>	
<b>A.2</b>	A.2.3	Omit from the first paragraph the words "intended for children under 36 months". Omit the second paragraph.

Diane Morcom,  
Clerk of the Executive Council.

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### **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 new product safety standard for children's toys.

The regulations declare certain parts of the Australian/New Zealand Standard AS/NZS ISO 8124.1:2002 Safety of toys—Part 1: Safety aspects related to mechanical and physical properties (**AS/NZS ISO 8124.1:2002**) to be a product safety standard under section 29 of the Fair Trading Act 1986, subject to the variations set out in *Schedule 2*. The regulations apply to toys for use by children up to and including 36 months of age (whether or not also for use by children over that age) and adopt the parts of AS/NZS ISO 8124.1:2002 that relate to choking hazards for toys for children up to that age. They do not apply to the toys listed in *Schedule 1* or to secondhand toys supplied, offered, or advertised for supply otherwise than in trade. Annex E of AS/NZS ISO 8124.1:2002 includes information on the rationale for those parts of AS/NZS ISO 8124.1:2002 that are adopted by these regulations. These regulations also—

- provide for a transitional period of 1 year during which people can comply with either these regulations or the Product Safety Standards (Children's Toys) Regulations 1992 (which incorporate the previous New Zealand Standard NZS 5822:1992):
- revoke the Product Safety Standards (Children's Toys) Regulations 1992 a year after these regulations are notified in the *Gazette*.

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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 Toys) Regulations 2005. The reprint incorporates all the amendments to the regulations as at 12 August 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 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)*

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