

Reprint
as at 18 April 2017



**Product Safety Standards (Children’s Nightwear and
Limited Daywear Having Reduced Fire Hazard)
Regulations 2008**
(SR 2008/199)

Product Safety Standards (Children’s Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008: revoked, on the close of 17 April 2017, by regulation 7 of the Product Safety Standards (Children’s Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2016 (LI 2016/58).

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 30th day of June 2008

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 29 of the Fair Trading Act 1986, Her Excellency the Administrator of the Government, 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 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.

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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 2008.

2 Commencement

These regulations come into force on 1 August 2008.

3 Interpretation

In these regulations, unless the context otherwise requires,—

2005 regulations means the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2005 (SR 2005/235)

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 as amended by Amendment A: 2008 (New Zealand only)

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, nightdresses, 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.

4 Application

- (1) Subject to the inclusions and exclusions set out in subclauses (2) and (3) respectively, these regulations apply to children's nightwear and limited daywear.
- (2) The following are included in the children's nightwear and limited daywear to which these regulations apply:
 - (a) knitted all-in-ones in sizes 00 to 2 if the close-fitting portion of the garment occupies 80% or more of the total surface area of the garment:
 - (b) recognised, exclusively styled nightwear garments:
 - (c) woven all-in-ones in sizes 00 to 2 and all-in-ones above size 2 if they are of a style that identifies them as nightwear:
 - (d) boxer shorts of a loose style commonly used as nightwear:
 - (e) infant sleepbags with sleeves or arm openings.
- (3) The following are excluded from the children's nightwear and limited daywear to which these regulations apply:
 - (a) predominantly knitted all-in-ones in sizes 00 to 2 made from fabric with a mass equal to or greater than 280 g/m² and clearly daywear:
 - (b) predominantly knitted all-in-ones with a fabric mass less than 280 g/m² in sizes 00 to 2 if—
 - (i) the surface area of the close fitting portion of the garment is less than 80% of the total surface area of the garment; and
 - (ii) the garment is clearly not nightwear:
 - (c) woven all-in-ones in sizes 00 to 2 and all-in-ones above size 2 that are not of a style that identifies them as nightwear:
 - (d) boxer shorts in form fitting styles, commonly worn as underwear:
 - (e) sheets and blankets that incorporate a partial garment:
 - (f) infant sleepbags without sleeves or arm openings.
- (4) References in this clause to sizes are references to sizes as specified in AS 1182–1997.

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

AS/NZS 1249:2003 (with the variations set out in 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.

6 Revocation

The 2005 regulations are revoked on the close of 31 March 2009.

7 Transitional provisions

Until the 2005 regulations are revoked,—

- (a) a person must comply with either the 2005 regulations or these regulations; and
- (b) compliance with either set of regulations is compliance with the other set of regulations.

8 Additional transitional variations to product safety standard

[Expired]

Regulation 8: expired, on 1 July 2009, by regulation 8(3).

Schedule 1

Variations to AS/NZS 1249:2003

Variations to AS/NZS 1249:2003

Provision

Variations

Clause 0.1

Omit “It also covers requirements for the labelling of paper patterns for these garments.”

Clause 1.2(a)

Insert the following paragraphs after the first paragraph:

“Where there is insufficient fabric for 3 lengthwise and 3 widthwise test specimens, as specified in ISO 6941:2003, the flame spread time must be determined on 3 lengthwise test specimens only.

“Where the textile material or garments are constructed with 1 fabric overlaying another (for example, quilted fabrics), specimens must be cut and tested as a combination, as if the overlay were applied to the under fabric.”

Omit from the third paragraph “four or more of six specimens” in each place where it appears and substitute in each case “3 or more specimens”.

Omit the note to this clause and substitute the following note:

“Note: If in any 1 set of 3 specimens, 1 result exceeds the lowest result by 50% for no apparent reason, or, if 1 or 2 specimens fail to reach 1 of the marker threads, another specimen is required to be tested for that direction or face.”

Clause 1.3

Insert the following sentence after the first 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 5.6

Omit.

Schedule 2
Additional transitional variations to AS/NZS 1249:2003

r 8

Schedule 2: expired, on 1 July 2009, by regulation 8(3).

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 3 July 2008.

Reprints notes

1 *General*

This is a reprint of the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 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*

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2016 (LI 2016/58): regulation 7

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (SR 2008/199): regulation 8(3)