



Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2016

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 14th day of March 2016

Present:

The Right Hon John Key presiding in Council

These regulations are made under section 29 of the Fair Trading Act 1986—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce and Consumer Affairs made in accordance with section 29(3) of that Act.

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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 2016.

2 Commencement

These regulations come into force on 18 April 2016.

3 Interpretation

In these regulations, unless the context otherwise requires,—

all-in-ones has the meaning specified in clause 0.5.3 of AS/NZS 1249:2014

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

AS/NZS 1249:2014 means Australian/New Zealand Standard AS/NZS 1249:2014 Children's nightwear and limited daywear having reduced fire hazard

children's nightwear and limited daywear—

- (a) means nightwear and limited daywear garments in sizes 00–14, based on the size number scheme set out in AS 1182—1997; and
- (b) includes—
 - (i) pyjamas (whether sold as top and bottom together or as nightwear separates):
 - (ii) sizes 3–14 knitted nightwear all-in-ones:
 - (iii) sizes 00–14 woven nightwear all-in-ones:
 - (iv) predominantly knitted all-in-one garments in sizes 00–2 made from fabrics that have a pile or nap, or include fabrics with a pile or nap:
 - (v) nightdresses and nighties:
 - (vi) nightshirts:
 - (vii) dressing gowns:
 - (viii) bathrobes:
 - (ix) boxer shorts of a loose style commonly used as nightwear:
 - (x) infant sleepbags with sleeves or arm openings:
 - (xi) blankets and towels that incorporate a sleeve or arm opening; but
- (c) excludes—
 - (i) knitted all-in-ones up to and including size 2 that are not made from fabrics with a pile or nap and do not include fabrics with a pile or nap:

- (ii) woven all-in-ones for daywear:
- (iii) knitted trunks or boxer shorts in form fitting styles commonly worn as underwear:
- (iv) tee-shirts, singlets, track tops and similar where they are not sold as nightwear and are not a component of a nightwear set:
- (v) track pants, leggings (with or without feet), shorts and similar where they are not sold as nightwear and are not a component of a nightwear set:
- (vi) towels and blankets that do not incorporate a sleeve or arm opening:
- (vii) headwear, footwear and handwear:
- (viii) infant sleepbags without sleeves or arm openings:
- (ix) sleeping bags in all sizes, as typically used for camping:
- (x) baby wraps and swaddles:
- (xi) detachable capes, hoods, wings, tutus and similar costume accessories

fabric has the meaning specified in clause 0.5.8 of AS/NZS 1249:2014

nap has the meaning specified in clause 0.5.13 of AS/NZS 1249:2014

pile has the meaning specified in clause 0.5.15 of AS/NZS 1249:2014

predominantly has the meaning specified in clause 0.5.16 of AS/NZS 1249:2014.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Application

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

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

AS/NZS 1249:2014 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.

7 Revocation

The Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (SR 2008/199) are revoked on the close of 17 April 2017.

Schedule 1

Transitional, savings, and related provisions

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Part 1

Provision relating to these regulations as made

1 Transitional provision

Until the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 are revoked,—

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

Michael Webster,
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 18 April 2016, replace the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008 (the **2008 regulations**). The 2008 regulations declared the Australian/New Zealand Standard AS/NZS 1249:2003 (Children's nightwear and limited daywear having reduced fire hazard), with some variations, to be a product safety standard. That standard has now been updated and replaced with AS/NZS 1249:2014, and these regulations declare that new standard to be a product safety standard.

The effect of declaring AS/NZS 1249:2014 to be a product safety standard is that a person must not supply, or offer to supply, or advertise to supply the relevant goods unless that person complies with the new product safety standard.

As a transitional measure, during the period beginning on 18 April 2016 (when these regulations come into force) and ending on the close of 17 April 2017 (when the 2008 regulations are revoked), a person may comply with either set of regulations.

Regulatory impact statement

The Ministry of Business, Innovation, and Employment produced a regulatory impact statement to help inform the decisions taken by the Government relating to the contents of this instrument.

**Product Safety Standards (Children's Nightwear and
Limited Daywear Having Reduced Fire Hazard)
Regulations 2016**

2016/58

Explanatory note

A copy of this regulatory impact statement can be found at <http://www.mbie.govt.nz/publications-research/publications/health-and-safety/ris-childrens-nightwear-2015.pdf>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 17 March 2016.

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