1964 No. 1153

CONSUMER PROTECTION

The Children's Nightdresses Regulations 1964

Made - - - -	23*rd July* 1964
Laid before Parliament	29*th July* 1964
Coming into Operation	1*st October* 1964

In pursuance of sections 1 and 2 of, and paragraphs 3 and 7 of the Schedule to, the Consumer Protection Act 1961(a), and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

Materials to be used

1.—(1) A children's nightdress shall not be made of, or trimmed below the waist or elbow with, any fabric of a kind not capable of satisfying the performance requirements specified in the British Standard Specification "Performance Requirements of Fabrics described as of Low Flammability B.S. 3121: 1959" published on 23rd March 1959.

For the purposes of this paragraph, the reference in clause 3 of the said specification to "B.S. 2963" shall be construed as a reference to the British Standard Specification "Tests for the Flammability of Fabrics B.S. 2963: 1958", as amended by Amendment No. 1 published on 27th November 1959.

(2) Where fabric with which a children's nightdress is made or trimmed contains fibres made of a synthetic substance which will melt with the application of heat—

(*a*) any fabric stitched to that fabric below the waist or elbow of the nightdress shall be of the same kind, or of a kind consisting wholly of fibres which will melt with the application of heat; and

(*b*) any thread with which that fabric is stitched shall be of a kind which will melt with the application of heat.

(3) Nothing in this Regulation shall prohibit the use of elastic or elastic thread for shirring.

Labelling

2.—(1) Where a children's nightdress is made of a fabric which has been treated with chemicals to make it safer from fire, that nightdress shall bear a warning against washing it with soap or soap powder and against boiling or bleaching it.

(2) The warnings required by this Regulation shall be set out in legible and durable characters upon a durable label stitched to the nightdress:

Provided that until 1st April 1965 it shall be a sufficient compliance with this paragraph if the warnings are set out as aforesaid upon a removable ticket attached to the nightdress.

(a) 9 & 10 Eliz. 2. c. 40.

Goods already manufactured

3. As respects the requirements of these Regulations, subsections (1) and (2) of section 2 of the Act (which prohibits sales and possession for sale of goods and component parts not complying with regulations) shall apply in relation to goods and component parts manufactured before the coming into operation of these Regulations notwithstanding anything in subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

Local authorities

4.—(1) The Schedule to the Act shall have effect in relation to goods to which these Regulations apply.

(2) Any test of goods to which these Regulations apply, being a test such as is referred to in paragraph 2 of the Schedule to the Act (which empowers a local authority to purchase goods for the purpose of a test) shall be carried out, at the expense of the local authority, by such person or body as may be authorised by the Secretary of State under this Regulation to carry out such tests.

(3) In relation to goods to which these Regulations apply "local authority" in the Schedule to the Act and paragraph (2) of this Regulation shall mean the council of a county borough, the council of a London borough or the Common Council of the City of London; as respects any non-county borough or urban district which has according to the last published census for the time being a population of 60,000 or upwards, the council of the borough or urban district; and as respects any other area the council of the county; and, in Scotland, the council of any county or any town.

(4) The reference in paragraph (3) of this Regulation to a London borough shall, until 1st April 1965, be construed as a reference to a metropolitan borough.

Interpretation

5.—(1) In these Regulations—

"the Act" means the Consumer Protection Act 1961; and

"children's nightdress" means a nightdress which—

(*a*) has a finished garment chest measurement not exceeding 38 inches, and

(*b*) is of a length which, measured from the highest point of the shoulder to the bottom of the garment, does not exceed 46 inches,

not being a nightdress—

(i) which is so made or designed that it is unsuitable for wear by persons under the age of 13, or

(ii) which is designed as an infant's gown suitable for wear by newly-born babies.

In this definition "finished garment chest measurement" means twice the measurement of the garment across the chest when the garment is laid out as flat as possible without distorting its natural two-dimensional shape.

(2) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 52 & 53 Vict. c. 63.

Citation and commencement

6. These Regulations may be cited as the Children's Nightdresses Regulations 1964 and shall come into operation on 1st October 1964.

Henry Brooke,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.

23rd July 1964.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

By the Consumer Protection Act 1961 the Secretary of State is empowered to make regulations imposing requirements, in respect of any prescribed class of goods, to prevent or reduce risk of death or personal injury.

These Regulations impose such requirements in relation to children's nightdresses (as defined in Regulation 5(1)) and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale a children's nightdress not complying with the Regulations.

Regulation 1 relates to the materials used in the garments and, among other things, requires any fabric used to be of a kind capable of satisfying the requirement of the British Standard for fabrics " described as of low flammability ".

Regulation 2 relates to the labelling of nightdresses made of fabrics which have been treated with chemicals to make them safer from fire.

Under Regulation 3 the prohibition on sale of goods not complying with the Regulations will apply to goods manufactured before the coming into operation of the Regulations.

Regulation 4 makes provision as regards enforcement, in particular as to the local authorities responsible.