1967 No. 839

CONSUMER PROTECTION

The Nightdresses (Safety) Regulations 1967

Made - - - -	*29th May* 1967
Laid before Parliament	*6th June* 1967
Coming into Operation	*1st September* 1967

In pursuance of sections 1 and 2 of the Consumer Protection Act 1961(**a**) and of the Schedule to that Act as amended by the London Government Act 1963(**b**), and after consulting with such persons and bodies of persons as appear to me to be requisite, I hereby make the following Regulations:—

1. A child's nightdress shall comply with the requirements specified in the Schedule to these Regulations.

2. A nightdress (not being a child's nightdress or an infant's gown) shall either comply with the requirements specified in the Schedule to these Regulations or have stitched to and clearly displayed inside it a durable label bearing the following words set out in legible and durable characters:—

"WARNING—KEEP AWAY FROM FIRE":

Provided that until 1st March 1968 it shall be a sufficient compliance with this Regulation if those words are set out as aforesaid on a removable ticket attached to the nightdress.

3.—(1) Where a nightdress (not being an infant's gown) 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 on a durable label stitched to and clearly displayed inside the nightdress.

4. Until 1st December 1967 nothing in the foregoing provisions of these Regulations shall apply to—

(*a*) any garment suitable to be worn by a newly-born baby; or

(*b*) any nightdress which is of a length which, measured from the highest point of the shoulder to the bottom of the garment, does not exceed 45 inches, and is not a child's nightdress.

5. 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).

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

(a) 1961 c. 40. (b) 1963 c. 33.

(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 ; as respects any other area in England and Wales, the council of the county ; and, in Scotland, the council of any county or any town.

7.—(1) In these Regulations—

" the Act " means the Consumer Protection Act 1961 as amended by the London Government Act 1963 ;

" child's nightdress " means a nightdress which—

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

(*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 ;

(*c*) is not so made or designed as to be unsuitable to be worn by a person under the age of 13 years ; and

(*d*) is not an infant's gown ;

" finished garment chest measurement " means twice the measurement of the garment across the chest (or, in the case of an infant's gown, across the narrowest part of the garment being not less than 3 inches, nor more than 5½ inches, below the highest point of the shoulder of the garment) when the garment is laid out as flat as possible without distorting its natural two-dimensional shape ;

" infant's gown " means a garment suitable to be worn by a newly-born baby and having a finished garment chest measurement not exceeding 21 inches ;

" nightdress " does not include a man's nightshirt.

(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.

8. The Children's Nightdresses Regulations 1964(**b**) are hereby revoked.

9. These Regulations may be cited as the Nightdresses (Safety) Regulations 1967 and shall come into operation on 1st September 1967.

Roy Jenkins,
One of Her Majesty's Principal Secretaries of State.

Home Office,
Whitehall.
29th May 1967.

(a) 1889 c. 63.

(b) S.I. 1964/1153 (1964 II, p. 2646).

SCHEDULE Regulations 1 and 2

REQUIREMENTS FOR THE PURPOSES OF REGULATIONS 1 AND 2

1. The 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 a fabric with which the 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 below the waist or elbow of the nightdress shall be of a kind which will melt with the application of heat.

3. Nothing in this Schedule shall prohibit the use of elastic or elastic thread for shirring.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

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 nightdresses, and accordingly under the Act, subject to certain exceptions, no person may sell or have in his possession for sale a nightdress not complying with the Regulations.

Regulation 1 relates to the materials used in children's nightdresses (as defined in Regulation 7) and, among other things, requires any fabric used to be of a kind capable of satisfying the requirements of the British Standard for fabrics "described as of low flammability". The relevant publications, specified in the Schedule, may be obtained from the British Standards Institution.

Regulation 2 requires adults' nightdresses to bear a warning label unless they comply with the requirements imposed in relation to children's nightdresses.

Regulation 3 requires a label in the case of nightdresses made of fabrics which have been treated with chemicals to make them safer from fire.

Regulation 4 exempts certain garments from the Regulations until 1st December 1967.

Regulation 5 provides that goods shall be subject to the Regulations notwithstanding that they were manufactured before the coming into operation of the Regulations.

Regulation 6 makes provision as regards enforcement.

Regulation 8 revokes the Children's Nightdresses Regulations 1964.

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STATUTORY INSTRUMENTS

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