STATUTORY INSTRUMENTS

# 1978 No. 1728

## CONSUMER PROTECTION

## The Nightwear (Safety) Order 1978

| | |
|---|---|
| *Made* - - - | 30*th November* 1978 |
| *Laid before Parliament* | 30*th November* 1978 |
| *Coming into Operation* | 1*st December* 1978 |

The Secretary of State, in exercise of his powers under section 3(1)(*a*) and (2) of, and paragraph 5 of Schedule 1 to, the Consumer Safety Act 1978(**a**), hereby makes the following Order:—

**1.**—(1) This Order may be cited as the Nightwear (Safety) Order 1978.

(2) This Order shall come into force on 1st December 1978 and shall cease to have effect at the expiration of a period of twelve months beginning with the date on which this Order comes into force.

**2.** The Secretary of State is of the opinion that the risk of danger connected with the goods to which this Order relates is such that this Order must be made without delay.

**3.**—(1) In this Order—

"child's dressing-gown" means a dressing-gown—

(*a*) which has a finished garment chest measurement not exceeding 97 centimetres; and

(*b*) which has an under arm sleeve measurement which does not exceed 43 centimetres;

"child's nightdress" means a nightdress which—

(*a*) has a finished garment chest measurement not exceeding 97 centimetres;

(*b*) is of a length which, measured from the highest point of the shoulder to the bottom of the garment, does not exceed 117 centimetres; and

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

"child's nightwear" means a child's nightdress, child's pyjamas and a child's dressing-gown;

"child's pyjamas" means pyjamas—

(*a*) the jacket of which has a finished garment chest measurement not exceeding 97 centimetres; and

(**a**) 1978 c. 38.

(*b*) the trousers of which have an inside leg measurement which does not exceed 76 centimetres;

"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 and, where appropriate, buttoned or otherwise fastened as it is designed to be in normal wear.

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

**4.** No person shall supply, offer to supply, agree to supply, expose for supply or possess for supply, any child's nightwear which has been—

(*a*) treated with Tris (2, 3-dibromopropyl) phosphate;

(*b*) made from fabric treated with the said substance; or

(*c*) made from fabric containing fibre containing the said substance.

*John Fraser,*

Minister of State,
Department of Prices and Consumer Protection.

30th November 1978.

## EXPLANATORY NOTE

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

This Order prohibits the supply of child's nightwear (that is, child's dressing-gowns, nightdresses and pyjamas) which has been treated with or contains Tris (2, 3-dibromopropyl) phosphate, commonly known as Tris.

(**a**) 1889 c. 63.

SI 1978/1728
ISBN 0-11-084728-8

