1978 No. 329

CONSUMER PROTECTION

Perambulators and Pushchairs (Safety) Regulations (Northern Ireland) 1978

Made . . . . . 31*st October* 1978

Coming into operation in accordance with Regulation 1(2)

To be laid before Parliament under paragraph 3(3) *of Schedule* 1 *to the Northern Ireland Act* 1974

The Department of Commerce, after consultation with such persons and bodies of persons as appear to it to be requisite, in exercise of the powers conferred by section 1 of the Consumer Protection Act (Northern Ireland) 1965(a) and now vested in it(b) and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Perambulators and Pushchairs (Safety) Regulations (Northern Ireland) 1978.

(2) These Regulations shall come into operation

(*a*) on 1st January 1979 in the case of goods sold by the manufacturer or importer into Northern Ireland, or in his possession for the purpose of sale, and

(*b*) on 1st July 1979 in any other case.

Interpretation

2.—(1) In these Regulations—

"the Act" means the Consumer Protection Act (Northern Ireland) 1965;

"carry-cot" has the same meaning as it has in the Stands for Carry-Cots (Safety) Regulations (Northern Ireland) 1967(c);

"perambulator" means a wheeled vehicle designed for the transport in a seated or recumbent position of one or two babies or infants who are placed inside a body of boat- or box-like shape, but does not include carry-cots or transporters therefor;

"pushchair" means a wheeled vehicle designed for the transport in a seated or semi-recumbent position of one or two infants or young children distinguished from a perambulator by the absence of a body of boat- or box-like shape, but does not include pushchairs designed for use by invalid children;

"BS 4139" means the British Standard Specification for Safety Requirements for Perambulators (Baby Carriages) BS 4139: 1967 published on 22nd March 1967 as amended by Amendment Slips Nos. 1, 2, 3, 4 and 5 published respectively on 4th December 1970, 14th February 1972, 3rd September 1974, 30th June 1976 and 31st March 1978;

(a) 1965 c. 14 (N.I.)
(b) By S.R. & O. (N.I.) 1973 No. 504 Art. 5(*c*) (II, p. 2992)
(c) S.R. & O. (N.I.) 1967 No. 178 (p. 667)

"BS 4792" means the British Standard Specification for Safety Requirements for Pushchairs BS 4792: 1972 published on 16th May 1972 as amended by Amendment Slips Nos. 1, 2, 3 and 4 published respectively on 23rd August 1974, 14th February 1975, 30th June 1976 and 31st March 1978.

(2) For the purposes of these Regulations, where any British Standard or clause thereof mentioned in these Regulations specifies relevant requirements by reference to another British Standard Specification that reference is to be construed as a reference to that other Specification as it has effect at the date on which these Regulations are made.

Requirements for perambulators

3.—(1) A perambulator shall have a parking device which shall comply with the requirements of clause 3.3 of B.S. 4139 when tested in accordance with Appendix D thereof.

(2) A perambulator shall comply with the requirements for stability contained in clause 3.4 of BS 4139 when tested in accordance with Appendix E thereof.

(3) A perambulator shall have harness anchorage points which comply with the requirements of clause 3.6 of BS 4139 when tested in accordance with Appendix A thereof.

(4) A perambulator having a folding chassis shall have a main locking device and an additional safety device. The actions of the main locking device and the additional safety device shall be such that, if either is operated independently when the perambulator contains a test dummy constructed to the specifications set out in Appendix F to BS 4139, the degree of folding of the perambulator which occurs does not cause or permit movement of the handle to such an extent that its uppermost part passes over the seat of the perambulator.

Requirements for pushchairs

4.—(1) A pushchair shall have a parking device which shall comply with the requirements of clause 5 of BS 4792 when tested in accordance with Appendix A thereof.

(2) A pushchair shall comply with the requirements for stability contained in clause 8 of BS 4792 when tested in accordance with Appendix B thereof.

(3) A pushchair shall have harness attachment points which comply with the requirements of clause 7 of BS 4792 when tested in accordance with Appendix C thereof.

(4) A folding pushchair shall have a main locking device and an additional safety device as specified in clause 6 of BS 4792 which comply with the requirements of that clause and of Appendix G of that Specification.

Goods already manufactured

5. Section 2(1) and (2) of the Act (which prohibit sale 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 imposition of those requirements notwithstanding anything in section 2(4) (which exempts such goods and parts unless Regulations otherwise provide).

Letting under hire purchase agreement or on hire

6. Section 2(1) to (3) of the Act (except subsection (3)(*d*) and (*e*)) (which relate to sale and possession for sale of goods and component parts not complying with Regulations) shall, except as provided by section 2(6), apply in relation to goods to which these Regulations apply as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to letting under a hire-purchase agreement.

Testing and enforcement

7.—(1) The Schedule to the Act (which relates to inspection, testing and enforcement by district councils) shall have effect in relation to goods to which these Regulations apply.

(2) Any test of goods, being a test such as is referred to in paragraph 2 of the Schedule to the Act (which empowers a district council to purchase goods for the purpose of a test) shall be carried out at the expense of the district council by any such person or body as may be authorised by the Department of Commerce to carry out such a test.

Sealed with the Official Seal of the Department of Commerce for Northern Ireland on 31st October 1978.

(L.S.) *W. T. McCrory*
Assistant Secretary

EXPLANATORY NOTE

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

These Regulations impose requirements relating to the safety of perambulators (Regulation 3) and pushchairs (Regulation 4). The requirements in both cases relate to brakes, stability, harness attachment points, and for folding perambulators and pushchairs, locking devices.

The Regulations come into operation on 1st January 1979 in relation to goods sold by a manufacturer or an importer and in other cases (e.g. retail sales) on 1st July 1979.

The British Standard Specifications BS 4139 and BS 4792 and the Amendment Slips referred to in the Regulations may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.

1978 No. 330

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.