

1968. No. 261

[C]

**CONSUMER PROTECTION****Nightdresses**

REGULATIONS\*, DATED 10TH OCTOBER 1968, MADE BY THE MINISTRY OF HOME AFFAIRS UNDER SECTION 1 OF THE CONSUMER PROTECTION ACT (NORTHERN IRELAND) 1965.

The Ministry of Home Affairs in pursuance of Sections 1 and 2 of, and paragraphs 3 and 7 of the Schedule to, the Consumer Protection Act (Northern Ireland) 1965(a), and after consulting with such other persons and bodies of persons as appears to it requisite, hereby makes the following Regulations:—

*Citation and Commencement*

1. These Regulations may be cited as the Nightdresses (Safety) Regulations (Northern Ireland) 1968 and shall come into operation on 1st March 1969.

*Revocations*

2. The Children's Nightdresses Regulations (Northern Ireland) 1965(b) are hereby revoked.

*Interpretation*

3. In these Regulations—

“the Act” means the Consumer Protection Act (Northern Ireland) 1965;

“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;

“the Ministry” means the Ministry of Home Affairs for Northern Ireland.

*Materials to be used*

4.—(1) A 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

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(a) 1965. c. 14 (N.I.).

(b) S.R. & O. (N.I.) 1965, No. 288.

\*These Regulations were affirmed by the House of Commons on 12th November 1968, and by the Senate on 21st November 1968.

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 Regulation 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 Regulation shall prohibit the use of elastic or elastic thread for shirring.

(4) A child's nightdress shall comply with the requirements specified in this Regulation.

#### *Labelling*

5.—(1) A nightdress (not being a child's nightdress or an infant's gown) shall either comply with the requirements specified in Regulation 4 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 31st August 1969 it shall be of sufficient compliance with this Regulation if those words are set out as aforesaid on a removable ticket attached to the nightdress.

(2) 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.

(3) 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.

6. Until 31st May 1969 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.

#### *Goods already manufactured*

7. As respects the requirements of these Regulations, Sections 2(1) and 2(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 Section 2(4) (which exempts such goods and parts unless regulations otherwise provide).

#### *Local Authorities*

8.—(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 Ministry 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 health authority for the area of each county and county borough.

Sealed with the Official Seal of the Ministry of Home Affairs for Northern Ireland this 10th day of October 1968, in the presence of

(L.S.)

W. G. Robinson,  
Assistant Secretary

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### EXPLANATORY NOTE

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

By the Consumer Protection Act (Northern Ireland) 1965 the Ministry of Home Affairs 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 4 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 5 relates to the labelling of nightdresses.

Regulation 6 exempts certain garments from the Regulations until 31st May 1969.

Under Regulation 7 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 8 makes provision as regards enforcement, in particular as to the local authorities responsible.