

STATUTORY INSTRUMENTS

1978 No. 1372

CONSUMER PROTECTION

The Perambulators and Pushchairs (Safety) Regulations 1978

Made - - - - - 30th August 1978
Laid before Parliament - - - 22nd September 1978
Coming into Operation in accordance with Regulation 1(2)

The Secretary of State, after consulting in accordance with subsection (5) of section 1 of the Consumer Protection Act 1961(a) with such persons and bodies of persons as appear to him requisite, in exercise of his powers under that section and section 2(4) of, and paragraph 3 of the Schedule to, that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

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

(2) These Regulations shall come into operation on 1st January 1979 in relation to goods and component parts sold, or in the possession of any person for the purpose of being sold, by the manufacturer or importer into Great Britain of those goods and, subject to that, shall come into operation on 1st July 1979.

(3) In these Regulations—

“the Act” means the Consumer Protection Act 1961;

“carry-cot” has the same meaning as it has in the Stands for Carry-cots (Safety) Regulations 1966(b);

“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 No. 1 published

(a) 1961 c. 40

(b) S.I. 1966/1610.

on 4 December 1970, No. 2 published on 14 February 1972, No. 3 published on 3 September 1974, No. 4 published on 30 June 1976 and No. 5 published on 31 March 1978;

“BS 4792” means the British Standard Specification for Safety Requirements for Pushchairs BS 4792:1972 published on 16 May 1972 as amended by Amendment Slips No. 1 published on 23 August 1974, No. 2 published on 14 February 1975, No. 3 published on 30 June 1976 and No. 4 published on 31 March 1978.

(4) 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.

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

2.—(1) A perambulator shall have a parking device which shall comply with the requirements of clause 3.3 of BS 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.

3.—(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.

4. As respects the requirements of these Regulations, subsections (1) and (2) of section 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 subsection (4) of that section (which exempts such goods and parts unless regulations otherwise provide).

5. Section 2(1), (2) and (3) (other than paragraphs (d) and (e) of subsection (3)) of the Act (which relate to sale and possession for sale of goods and component parts not complying with regulations) shall, except as provided by the proviso to 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.

6. 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 (purchase of goods by a local authority for 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 a test.

7. The Schedule to the Act (which relates to enforcement by local authorities) shall have effect in relation to goods to which these Regulations apply.

John Fraser,

Minister of State,

30th August 1978.

Department of Prices and Consumer Protection.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations impose requirements relating to the safety of perambulators (Regulation 2) and pushchairs (Regulation 3). 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.

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