

1978 No. 836

CONSUMER PROTECTION

The Babies' Dummies (Safety) Regulations 1978*Made - - - - - 8th June 1978**Laid before Parliament 16th June 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 Babies' Dummies (Safety) Regulations 1978.

(2) These Regulations shall come into operation as follows:—

- (a) all Regulations except Regulations 4(3) in relation to goods 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, on 1st October 1978 and, subject to that, on 1st January 1979; and
- (b) Regulation 4(3), on 1st January 1980.

(3) In these Regulations—

“the Act” means the Consumer Protection Act 1961;

“baby's dummy” means a substitute nipple for a baby to suck or bite on not being designed to facilitate a baby's obtaining fluid;

“British Standard 5239” means the British Standard Specification for babies' dummies BS 5239 : 1975, published on 28th November 1975, as amended by Amendment Slip No. 1 published on 14th January 1977.

(4) Any reference in these Regulations to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

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

2.—(1) Subject to paragraph (2) below, a baby's dummy shall be made entirely of—

- (a) rubber; or
- (b) plastics; or
- (c) a combination of components made entirely of rubber and components made entirely of plastics.

(a) 1961 c. 40.

(b) 1889 c. 63.

(2) Solid particles intended to produce a rattle effect shall be made of any material which is radio opaque.

(3) The materials, design and construction of a baby's dummy shall comply with the requirements contained in clauses 4 and 5 of British Standard 5239.

(4) In this Regulation "rubber" includes rubber compounds.

3. A baby's dummy shall satisfy the requirements of the compression, impact, bite and tensile tests contained in clause 6 of British Standard 5239 when tested in accordance with clause 7 thereof.

4.—(1) A baby's dummy shall be in a clean condition in a closed container.

(2) A notice shall be enclosed in the container, or the container shall itself be marked, with clear and legible instructions for the safe use of babies' dummies, which shall include instructions as to the following matters, namely that a dummy—

(a) should be washed thoroughly before first and any subsequent use and sterilized either in a baby-bottle sterilizing solution or by boiling for five minutes;

(b) should be kept in a dry, covered container;

(c) should not be taken apart;

(d) should be inspected regularly and thrown away when worn or damaged

(3) The instructions specified in paragraph (2) above shall be distinguished by the word "Caution" or the word "Warning" or some other expression indicating that the instructions are given for the purpose of safety.

5. 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 babies' dummies 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).

6. Any test of the requirements mentioned in Regulation 3, 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,
Department of Prices and Consumer Protection.

8th June 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations impose requirements relating to the safety of babies' dummies. The requirements are concerned with the materials and construction of dummies (Regulation 2), their resistance to damage (Regulation 3), and their packaging and the instructions to be given with them for their safe use (Regulation 4). The British Standard Specification BS 5239 : 1975 and the Amendment Slip No. 1 referred to in the Regulations may be obtained from the British Standards Institution, 101 Pentonville Road, London N1 9ND.

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