

1985 No. 2043

CONSUMER PROTECTION

The Nightwear (Safety) Regulations 1985*Laid before Parliament in draft*

Made - - - - - 20th December 1985
Coming into Operation 1st March 1987

Whereas the Secretary of State has, in accordance with section 1(4) of the Consumer Safety Act 1978 **(a)**, consulted such organisations as appear to him to be representative of interests substantially affected by these Regulations and such other persons as he considers appropriate:

And whereas the Secretary of State has in accordance with section 1(5) of the Consumer Protection Act 1961 **(b)** consulted with such persons and bodies of persons as appear to him requisite:

And whereas a draft of these Regulations has been approved by a resolution of each House of Parliament pursuant to section 7(7) of the said Act of 1978:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 1 and 11(a) of, and paragraph 14 of Schedule 2 to, the said Act of 1978 and by sections 1 and 2 of the said Act of 1961, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Nightwear (Safety) Regulations 1985 and shall come into operation on 1st March 1987.

Revocation

2. The Nightdresses (Safety) Regulations 1967 **(c)** and the Nightdresses (Safety) Regulations (Northern Ireland) 1968 **(d)** are hereby revoked.

Interpretation

3.—(1) In these Regulations—

“adults’ nightwear” means any nightwear which is not children’s nightwear;

“baby’s garment” means any garment which has a chest measurement not exceeding 53 centimetres and which would normally be worn only by a child under the age of 3 months;

“BS 5651” means the British Standard Specification for cleansing and wetting procedures for use in the assessment of the effect of cleansing and

(a) 1978 c.38.
(c) S.I. 1967/839.

(b) 1961 c.40.
(d) S.R. & O. (N.I.) 1968/261.

wetting on the flammability of textile fabrics and fabric assemblies BS 5651:1978 published by the British Standards Institution on 29th December 1978 **(a)**;

“BS 5722” means the British Standard Specification for flammability performance of fabrics and fabric assemblies used in sleepwear and dressing gowns BS 5722:1984 published by the British Standards Institution and which came into effect on 31st August 1984 **(b)**;

“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;

“children’s nightwear” means any nightwear—

- (a) which is designed for wear by and would normally be worn by a person under the age of 13 years; and
- (b) which, in the case of any item of nightwear mentioned in Schedule 1, has no measurement in excess of the relevant measurement set out in that Schedule;

“fabric assembly” means a series of fabrics (including threads and trimmings) combined at the garment manufacturing stage;

“flammability performance requirements” means the flammability performance requirements specified in clauses 3.1.1 and 3.2.1 of BS 5722;

“length” in relation to any nightwear means the full length of the garment, when measured at the back;

“nightwear” means nightdresses, pyjamas, dressing gowns, bath robes and other garments of a like nature and use and includes babies’ garments.

(2) References in these Regulations to Schedules are references to Schedules to these Regulations.

(3) For the purposes of these Regulations references in BS 5722 to “BS 5438” shall be construed as references to the British Standard Methods of test for flammability of vertically oriented textile fabrics and fabric assemblies subjected to a small igniting flame BS 5438:1976 published by the British Standards Institution on 30th November 1976, as amended on 30th April 1981 **(c)**.

Requirements relating to children’s nightwear

4.—(1) Children’s nightwear, with the exception of pyjamas, babies’ garments and cotton terry towelling bath robes, shall not be made of any fabric of a kind which after having been washed in accordance with Regulation 11 is not capable of complying with the flammability performance requirements.

(2) Pyjamas, babies’ garments and cotton terry towelling bath robes (being children’s nightwear) shall be labelled in accordance with the requirements of Schedule 2.

Compliance with flammability performance requirements

5.—(1) Subject to paragraphs (2) and (3), nightwear shall be regarded as not being made of fabric of a kind which is capable of complying with the flammability performance requirements unless all fabric and fabric assemblies of which the nightwear is composed comply with those requirements.

(a) ISBN 0 580 10449 4.

(b) ISBN 0 580 14012 1.

(c) ISBN 0 580 09299 2.

(2) Where a fabric out of which nightwear is made or with which nightwear is trimmed consists wholly of fibres of a synthetic substance of a kind which on the application of heat will melt without decomposing, that fabric shall be taken as complying with the flammability performance requirements, provided that—

- (a) any fabric stitched to that fabric consists wholly of fibres made of a synthetic substance of a kind which on the application of heat will melt without decomposing; and
- (b) any thread used for the purpose of stitching is of a kind which on the application of heat will melt without decomposing.

(3) Nothing in these Regulations shall prevent the use of elastic or elastic thread for shirring.

Labelling of adults' nightwear

6. Adults' nightwear shall be labelled in accordance with the requirements of Schedule 2.

Labelling of nightwear treated with a flame retardant chemical

7. Nightwear which includes any fabric which has been treated with chemicals to make it safer from fire shall be labelled in accordance with the requirements of Schedule 3.

Prohibition of supply

8.—(1) Subject to paragraphs (2) and (3), no person shall supply, offer to supply, agree to supply, expose for supply or possess for supply any children's or adults' nightwear in respect of which any of the requirements of these Regulations are not satisfied.

(2) Paragraph (1) does not apply in any case where the person supplying the nightwear, offering or agreeing to supply the nightwear or exposing or possessing the nightwear for supply reasonably believes that it will not be worn in the United Kingdom.

(3) Paragraph (1) does not apply to second-hand nightwear.

Advertisements

9. Where any person publishes or causes to be published on his behalf any printed advertisement which—

- (a) contains a description of pyjamas, babies' garments, cotton terry towelling bath robes (being children's nightwear) or adults' nightwear which is sufficient to enable such nightwear to be ordered by reference only to that description; and
- (b) indicates that he is willing (with or without restrictions) to accept offers made other than by persons who attend for that purpose at his place of business and to send such nightwear to an address nominated by the person making the offer,

he shall not supply, offer to supply, agree to supply, expose for supply or possess for supply any nightwear so described in any such advertisement unless the requirements of Schedule 4 in relation to that advertisement are satisfied.

Test of goods by enforcement authority

10. Any test of goods seized or purchased by or on behalf of an enforcement authority pursuant to Schedule 2 to the Consumer Safety Act 1978 (which relates to the enforcement of safety regulations) shall in all cases be carried out in the manner specified in BS 5722 and BS 5651 by the authority or, at the expense of the authority, by such person as may be determined by the Secretary of State.

Washing of nightwear prior to testing

11. Before being tested for compliance with the flammability performance requirements—

- (a) any fabric treated with chemicals to make it safer from fire shall be washed using the procedure specified in clause 6.5.2 of BS 5651;
- (b) any fabric not so treated shall be washed using the same procedure, except that the requirements of clause 6.5.2.7 of BS 5651 shall not be observed.

Michael Howard,
Parliamentary Under-Secretary of State,
Department of Trade and Industry.

20th December 1985.

SCHEDULE 1

Regulation 3(1)

MAXIMUM MEASUREMENTS (IN CENTIMETRES) FOR CHILDREN'S NIGHTWEAR

NIGHTDRESSES

Chest measurement	91
Length	122

DRESSING GOWNS, BATH ROBES AND OTHER SIMILAR GARMENTS

Chest measurement	97
Sleeve measurement	69

SCHEDULE 2

Regulations 4(2) and 6

LABELLING OF PYJAMAS, BABIES' GARMENTS, COTTON TERRY TOWELLING BATH ROBES (BEING CHILDREN'S NIGHTWEAR) AND ADULT'S NIGHTWEAR

1. Pyjamas, babies' garments, and cotton terry towelling bath robes (being children's nightwear) and adults' nightwear which are not made of fabric of a kind which after having been washed in accordance with Regulation 11 is capable of complying with the flammability performance requirements shall bear a label on which the following wording shall appear in red letters:—

“KEEP AWAY FROM FIRE”

2. Pyjamas, babies' garments, and cotton terry towelling bath robes (being children's nightwear) and adults' nightwear other than that described in paragraph 1 shall bear a label on which shall appear—

- (a) in black letters, "LOW FLAMMABILITY TO BS 5722"; or
- (b) the wording prescribed by paragraph 1; or
- (c) the wording prescribed by both paragraph 1 and sub-paragraph (a).

3. All wording required by this Schedule shall appear on—

- (a) a label securely attached to the inside of the neck of the garment; or
- (b) a label securely attached to the garment immediately adjacent to any other label attached to the garment and giving details of the size of the garment; or
- (c) any label securely attached to the garment and giving details of the size of the garment, in which case the wording required by this Schedule shall appear immediately under the details of the size of the garment.

4. All wording required by this Schedule shall be in medium letters of 10 point in upper case and shall be set out in legible and durable form on a background of a sufficiently different colour to enable the letters readily to be seen. Any label on which such wording appears shall itself be durable.

Regulation 7

SCHEDULE 3

LABELLING OF NIGHTWEAR MADE OF A FABRIC TREATED WITH FLAME RETARDANT CHEMICALS

1. Any nightwear which includes a fabric treated in the manner described in Regulation 7 shall bear a label on which the following wording shall appear in black letters:—

"DO NOT WASH AT MORE THAN 50°C. CHECK SUITABILITY OF WASHING AGENT"

2. The wording required by this Schedule shall appear on:—

- (a) a label securely attached to the inside of the neck of the garment; or
- (b) a label securely attached to the garment immediately adjacent to any other label attached to the garment and giving details of the size of the garment; or
- (c) any label securely attached to the garment and giving details of the size of the garment; or
- (d) any label securely attached to the garment and bearing any wording required by Schedule 2, in which case the wording required by this Schedule shall appear after the wording required by Schedule 2.

3. The wording required by this Schedule shall be in medium letters of 6 point in upper case and shall be set out in legible and durable form on a background of a sufficiently different colour to enable the letters readily to be seen. Any label on which such wording appears shall itself be durable.

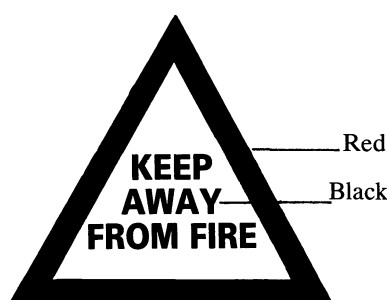
SCHEDULE 4

Regulation 9

REQUIREMENTS RELATING TO ADVERTISEMENTS

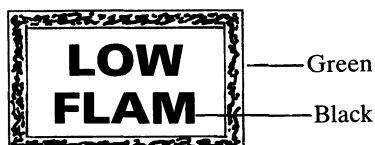
1. Subject to paragraph 2, any advertisement referred to in Regulation 9 shall indicate by means of the symbols shown below whether or not the pyjamas, babies' garments, cotton terry towelling bath robes (being children's nightwear) or adults' nightwear being advertised is made of fabric of a kind which after having been washed in accordance with Regulation 11 is capable of complying with the flammability performance requirements—

- (a) in the case of pyjamas, babies' garments, cotton terry towelling bath robes (being children's nightwear) and adults' nightwear not made of fabric of a kind which when washed in accordance with Regulation 11 is capable of complying with the flammability performance requirements:



The equilateral triangle shown above shall have red sides of not less than 10 millimetres in length, and the phrase "KEEP AWAY FROM FIRE" shall be in black 2 point letters.

- (b) in the case of pyjamas, babies' garments, cotton terry towelling bath robes (being children's nightwear) and adults' nightwear made of fabric of a kind which after having been washed in accordance with Regulation 11 is capable of complying with the flammability performance requirements:



The rectangle shown above shall have green sides and shall be not less than 8 millimetres long and 6 millimetres wide. The phrase "LOW FLAM" shall be in black 4 point letters.

2.—(1) Any advertisement for pyjamas, babies' garments, cotton terry towelling bath robes (being children's nightwear) or adults' nightwear made of fabric of a kind which after having been washed in accordance with Regulation 11 is capable of complying with the flammability performance requirements may display the symbol shown in paragraph 1 (a) in addition to or in substitution for the symbol shown in paragraph 1(b).

(2) The appropriate wording, as prescribed by Schedule 2, may be used instead of the symbols prescribed by paragraph 1 and permitted by subparagraph (1), but a combination of such wording and such symbols shall not be used.

3. The advertisement shall enable any person reading it to ascertain the meaning of any symbol shown in paragraph 1 and used in the advertisement by a means of an explanation, appearing in the advertisement itself, or, in the case of an advertisement contained in a catalogue, elsewhere in the catalogue, of the meaning of the symbol.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Nightdresses (Safety) Regulations 1967 and the Nightdresses (Safety) Regulations (Northern Ireland) 1968 (Regulation 2).

They prohibit the supply of children's nightwear, other than pyjamas, babies' garments, and cotton terry towelling bath robes, made of fabric of a kind not capable after having been washed in accordance with Regulation 11 of complying with the flammability performance requirements specified by British Standard Specification 5722:1984 (Regulations 4 and 9).

Pyjamas, babies' garments, terry towelling bath robes and adults' nightwear are required to be labelled to show whether or not the fabric from which they are made is capable of complying with those flammability performance requirements (Regulations 4(2) and 6 and Schedule 2).

Nightwear made of a fabric treated with flame retardant chemicals is required to be labelled with washing instructions (Regulation 7 and Schedule 3).

"Nightwear", "children's nightwear" and "adults' nightwear" are defined in Regulation 3(1).

Provision is also made with regard to the testing of nightwear by enforcement authorities (Regulation 10) and the inclusion of information regarding the flammability of nightwear in certain advertisements (Regulation 9 and Schedule 4).

Provision is also made for the washing of fabric before it is tested for compliance with the flammability performance requirements (Regulation 11).

The Regulations prohibit the supply of nightwear which does not comply with the requirements of the Regulations, except where the person supplying it reasonably believes that it will not be worn in the United Kingdom or where the nightwear is second-hand (Regulation 8).

These Regulations come into operation on 1st March 1987.

In this Note "supply" includes offering or agreeing to supply and exposing or possessing for supply.

The British Standards referred to in the Regulations may be obtained from any of the sales outlets operated by the British Standards Institution or by post from the Institution at Linford Wood, Milton Keynes MK14 6LE.

SI 1985/2043
ISBN 0-11-058043-5



780110 580432