

Fair Trading Act

Product safety standards – Pedal bicycles



This product safety standard helps prevent injuries to cyclists from using unsafe bicycles. It also helps to ensure cyclists are given the right information and safety warnings so they can use their bicycles correctly and reduce the risk of accidents.

The product safety standards regulations set the official safety standard for pedal bicycles.

The Product Safety Standards (Pedal Bicycle) Regulations 2000 (**Regulations**) set safety standard AS/NZS 1927:1998 *Pedal bicycles – Safety requirements* with amendments as the official product safety standard that suppliers of most new bicycles must comply with.

We use the term “product safety standard” in this fact sheet to refer to the official product safety standard AS/NZS 1927:1998 (as amended) that is identified by the Regulations.

Failure to comply with the product safety standard is a breach of the Fair Trading Act and is illegal.

If you comply with the product safety standard, you will meet your legal obligations.

Standards NZ revise standards periodically. However, your legal obligations do not change until the Regulations are amended to refer to the revised standard. This may not happen at the same time. When the Regulations are amended, we will update our fact sheet. Even if the Regulations do not require you to comply with the most recent standard, we encourage you to look at the revised standard and adopt any additional or higher product safety protections, even if they are not required by law.



What types of bicycles are covered by the product safety standard?

A bicycle is defined in the Product Safety Standards as a two-wheel pedal vehicle propelled by human effort only and not by an engine.

Most types of **new** bicycles (with a wheelbase of 640mm or greater) must comply with the product safety standard. A bicycle’s wheelbase is measured by the horizontal distance between the centre of the front and back axles. Most children’s pedal bicycles have a wheelbase of this size. Partially assembled and sub-assemblies of bicycles must also comply.

What types of bicycles are excluded?

The product safety standard does not apply to bicycles:

- with a wheelbase shorter than 640mm
- that are electric
- that are second-hand
- designed or made to order for an individual (ie, custom-made)
- designed and intended to be used for competitions. However, these bicycles must have a single crank-to-wheel ratio and no free-wheeling feature between the pedal and rear wheel
- that are recumbent, being bicycles where the rider is placed in a laid-back reclining position.

While suppliers of second-hand bicycles do not have to comply with the product safety standard, if you intend to give away or sell a second-hand bicycle, we recommend that you have it checked by a qualified bicycle mechanic first.

Who must comply with the product safety standard?

Any person who supplies, offers to supply or advertises the supply of bicycles covered by the product safety standard (**bicycles**) must comply. This includes:

- manufacturers, importers and distributors who supply bicycles to retailers
- retailers who sell bicycles instore or online to customers.

Offering bicycles for lease or as a competition prize is also considered an “offer to supply”.

What are the safety requirements?

The product safety standard sets out the design and performance requirements a bicycle must meet and the tests to be carried out to determine whether a bicycle meets those requirements. In addition, every bicycle must have warning labels.

The product safety standard contains more details and requirements, some of which are very technical in nature. You should read the product safety standard to make sure you understand all the requirements.

Bicycles must meet requirements relating to:

Design

- sharp edges
- wheels
- projections
- control cables
- ground and toe clearance
- fasteners used to attach or secure components
- protective guards
- the drive chain
- pedals
- the steering system
- the seat pillar
- brakes
- reflectors and lighting equipment.

Performance requirements

Bicycles must meet performance requirements relating to:

- assembly instructions
- roadworthiness
- seat clamp strengths
- steering stability
- braking.

What are the marking and warning labelling requirements?

There are a number of marking and warning labelling requirements set out in the product safety standard. All labels must be clear and legible. The following are some of the key labelling requirements.

Manufacturer or supplier information

Bicycles must be permanently marked with the name and address of the manufacturer, importer or other supplier in New Zealand or Australia, with the identification number of the bicycle stamped or engraved on the bicycle frame.

Component or partially assembled bicycles

Bicycles that are supplied in component form or partially assembled must carry this label:

WARNING: In the interests of safety it is recommended that you have this bicycle assembled by a skilled bicycle mechanic.

Stunt and off-road look-alike bicycles

Bicycles that look like they could be used for off-road riding or for stunts, but are not suitable for those uses (for example, it looks like a BMX but isn't one), must carry this label:

WARNING: This bicycle is not designed for off-road use or for stunting.

Do I need to provide an owner's manual when I sell a new bicycle?

Yes, an owner's manual must be attached to each bicycle you sell. The manual must contain instructions for assembly, use, maintenance and repair.

For a partially assembled bicycle, the owner's manual must be placed in the consumer package and in addition to information about use, maintenance and repair it must include simple, clear and adequate instructions for assembling the bicycle.



Who is responsible for making sure the bicycles I supply are safe?

Although the manufacturer may carry out the required tests and place warning labels on the bicycles, distributors and retailers are also responsible for making sure the bicycles being offered for sale are safe.

You should not assume that a bicycle complies with the product safety standard simply because a supplier has offered to supply it to you. If you have any concern about the safety of the bicycle you have for sale, do not sell it. Confirm first with your supplier that the bicycle complies with the product safety standard. The best way to prove this is for your supplier to provide you with a copy of independent test results. You can also arrange your own testing.

Before selling bicycles, all suppliers should take reasonable steps to check them. It is important to make a final assembly inspection of each bicycle you sell to make sure it meets the product safety standard.

Can I represent my bicycle complies with a different standard to the product safety standard?

It is perfectly legal to import, for example, a European bicycle and represent that it complies with a European Standard (as long as it does comply and you can substantiate that). However the bicycle must also comply with the product safety standard. You cannot opt out of the product safety standard even if your bicycle complies with a different standard.

What can happen if I supply a bicycle that does not comply with the product safety standard?

It is an offence under section 30 of the Fair Trading Act to supply, offer to supply or advertise for supply a bicycle that does not comply with the product safety standard. The Commerce Commission, who enforces the Fair Trading Act, may take a prosecution against you in court.

There can be serious consequences for businesses that a court finds to have broken the law. Companies can be fined up to **\$600,000** for each breach and an individual up to **\$200,000**. Where a company is a repeat offender, directors and those involved in the management of the company can be banned from involvement in the management of any company for a period of up to 10 years.

In addition to any action taken by the Commerce Commission, you may have to conduct a recall of any bicycles you have supplied which do not carry the correct labelling or have not been properly tested. Information on carrying out a product recall is available from Trading Standards at the Ministry of Business, Innovation and Employment. www.consumeraffairs.govt.nz

Where can I get more information about the product safety standard?

The standard AS/NZS 1927:1998 *Pedal bicycles – Safety requirements* is available to buy from Standards New Zealand by calling 0800 782 632 or via its website: www.standards.co.nz (enter keyword 1927).

You can access the Regulations and the Fair Trading Act online at the government's legislation website www.legislation.govt.nz. The information on this website is free.

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